

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM COLLETON COUNTY
Court of General Sessions

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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. VI**

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1 It's going to take up a certain amount to begin with
2 because it's an operating system, but it stays within that
3 contained file, and that's where the information is. And
4 it's also set up by tables, too. So, you would have to go
5 and look at the different tables to be able to interpret
6 the information.

7 Q Okay. Now, those type of databases, I think you just
8 said, are typically self contained.

9 A Yes, sir.

10 Q And they don't just keep writing to cover the entire
11 phone memory, do they?

12 A No, sir. If you had a SQLite database like KnowledgeC
13 for example, it's not -- if you just continuously took your
14 phone and went and changed the orientation of it, or you
15 went and started doing things like plugging it into an
16 outlet to charge up, or unplugging it, doing different
17 things like that, it's not going to eat up all of your
18 memory in the phone. Your memory is going to be mainly
19 eaten up usually by photos, videos, apps that you download,
20 things like that.

21 Q And is there a shelf life of this type of database
22 information on a phone? Does it override itself over a
23 period of time?

24 A Yes, sir, it does.

25 Q Okay, and just generally speaking, how often is that

1 type of database stored on a phone? How long is this for,
2 would you say?

3 A It depends. It depends on how much you use in that
4 database. Some databases will do -- it may override
5 information if you're using a lot within two days. If it's
6 a location like encrypted cache database, it may hold it
7 for 45 days. It's just going to depend how much. Because
8 it's self contained, it needs that room. So, it's always
9 the newest and the oldest app on that database and goes
10 through constantly doing that. So, it depends -- it really
11 depends on how much you're using that database whether you
12 may see something that's 45 days old in there, or you may
13 see something that's two days old or two weeks old.

14 Q All right. You mentioned KnowledgeC database. Is
15 that a type of SQLite database?

16 A Yes, sir, it is.

17 Q All right, and what are the -- some of the things you
18 would expect to find in KnowledgeC database?

19 A Many times in a KnowledgeC database, you'll see
20 different things where you may see orientation changes.
21 You may see if somebody pushes a button on their phone,
22 like a power button, or it used to be home buttons in the
23 older model of iPhones. You could see different things
24 like that. You could also see things that -- also talk
25 with the power log database where it'll show you the

1 percent of battery life you have left. If you plug it in,
2 you start charging it. It will go through and look at all
3 of those kind of different things to see, or just a few of
4 the things to look at.

5 Q Okay. All right. You mentioned location storage, and
6 that's a type of KnowledgeC database, correct?

7 A Yes, sir.

8 Q So, it's not unlimited storage for location points on
9 a phone, correct?

10 A Well, let me correct that. Actually KnowledgeC, you
11 have separate databases that do location.

12 Q Okay.

13 A You have the cache database, you have the cache
14 encrypted database just to name a few that will say
15 location information.

16 Q And so phones, depending on how the user has their
17 settings, will store location data, correct?

18 A Yes, sir. A user can make a selection on their phones
19 whether they want to always give out their location only
20 when using a Apple iPhone or never. It's a setting that a
21 user gets to choose if they want or it sets by default.

22 Q Sorry, and what are the different types of location
23 data that a phone can store?

24 A A phone can store many things. It can store cell
25 towers that it's seen, depending on the database it comes

1 out of. If it's the encrypted cache database, a lot of
2 times it will tell you what networks it's seen but will not
3 tell you the exact date and time that it has seen those
4 networks, but it will tell you at some point in its life
5 it's seen this network at this location. You have the
6 cache database. Many times it will go through, and that
7 will be pulling GPS information. You'll have also
8 databases that will pull cell phone tower information if
9 it's available.

10 Q And just, again, generally speaking, would GPS
11 location information be more accurate than something like
12 cell phone tower location information?

13 A Yes, sir, it would be.

14 Q Okay. Again, speaking generally, Lieutenant Dove,
15 when you do a phone extraction, are you altering the data
16 that you're pulling off the phone in any significant way?

17 A No, sir, we're not.

18 Q Okay, and how do you tell that? How can you know that
19 for sure?

20 A For example, if we use a phone and you use GrayKey to
21 do the extraction on it, it will produce a report, and in
22 the report it will tell us if it was successfully pulling
23 it. It also will give us an MD5 hash value at the end,
24 which is the mathematical algorithm that goes through and
25 computes a very long number with letters and numbers. We

1 can then take the extraction and run our own hash against
2 it for an MD5 and compare it with another tool to make sure
3 those two numbers match, and that means that no data has
4 been altered.

5 Q Okay, and have you performed these MD5 comparisons for
6 the three phones we're going to talk about today?

7 A Yes, sir.

8 Q Okay, and you're confident in telling this jury that
9 nothing you did significantly -- to any of the data that
10 you're going to tell them about today?

11 A Correct.

12 Q All right. Let me ask you real quick. What is a
13 Faraday bag?

14 A A Faraday bag is a bag that's used to put items in.
15 It can receive cell phone, Bluetooth connections, WiFi
16 connections, GPS things, it helps to block those items from
17 being received on the device.

18 Q Okay, and are there other ways to block a cell phone
19 receiving those types of signals?

20 A Yes, sir.

21 Q And what are some of those ways?

22 A You can also place the phone in airplane mode. In
23 airplane mode, when you set your phone to that, you will
24 not be able to receive any WiFi connectivity or a cell
25 phone connectivity in cell towers. You can also remove the

1 SIM. It's another way of ensuring that you're not
2 receiving those things. The difference in airplane mode
3 versus a Faraday bag is the phone will up still being able
4 to receive GPS coordinates.

5 Q Okay. All right, and what danger are we concerned
6 about when we talked about putting a phone in a Faraday bag
7 or in airplane mode?

8 A That somebody can wipe the phone remotely.

9 Q And specifically when you say somebody, who?

10 A Anybody that would have -- take an iPhone, for
11 instance. If somebody knows a user's I-Cloud name and
12 password, they could get on -- say the iPhone is lost or
13 stolen -- and it will wipe that phone.

14 Q Okay. So, somebody has to have the Apple credentials
15 if it's an iPhone. It would have to be that person who
16 could wipe that phone like that, correct?

17 A Yes, sir, that's correct.

18 Q Let me ask you this. Is there a way for someone to
19 remotely alter the phone in any way short than just a full
20 wipe?

21 A You could do it by connecting a phone and doing an
22 I-Cloud backup -- for instance, with a iPhone -- and then
23 you would have to go through and remove whatever you wanted
24 to, and then you would restore that phone to the previous
25 I-Cloud backup you did. And then that way the phone would

1 only go back to that previous state, and that's what it
2 would show you.

3 Q Okay, but is there a way to remotely -- other than the
4 process you just talked about, is there a way to remotely
5 access a phone and, say, alter a call log for instance?

6 A No, sir, not that I'm aware of.

7 Q All right. Or any other piece of singular data on a
8 phone, is there a way to alter it remotely?

9 A No, sir, not that I'm aware of.

10 Q Okay, and in terms of policy for SLED, is it SLED's
11 policy to collect phones and put them in a Faraday bag?

12 A No, sir.

13 Q All right. Is there a SLED policy that governs how to
14 collect cell phones from a crime scene or other where -- or
15 from elsewhere?

16 A The manual for evidence collection through the
17 forensic lab discusses taking a phone and placing it into
18 airplane mode if available and removing the SIM card.

19 Q All right. Let's talk about time real quick. How
20 does a cell phone time -- how is it set? Let me ask you
21 that. The time you see on a cell phone, how is it set?

22 A Cell phone time is set through the provider. Most of
23 the times the phone will come default. They will auto set
24 to whatever timezone you're in, along with your provider,
25 whether it be T-Mobile, Verizon, it sets through their

1 servers. That way they know how to bill people and they
2 can also check it for usage time, too.

3 Q Okay, and is a cell phone kind like my oven where if I
4 set the time and a year later it's, like, 10 minutes off?

5 A No, sir, not usually, unless you went and removed the
6 auto times on it. But then you would see traces of that
7 when you look at it that somebody has changed the time
8 zone, it will go back to the original time zone. Whereas
9 if you drove from South Carolina to Alabama, for instance,
10 right after you cross that state line, within a minute your
11 phone is going to update to that current time zone, which
12 is an hour behind us automatically.

13 Q All right, and so when we compare two phones and we
14 compared events on two different phones that occurred, you
15 know, using the same or similar times, are those time
16 references the same?

17 A Yes.

18 Q All right, and how are those time references synced?

19 A They're synced through the server. Each phone is
20 going to sync through the server individually, and then
21 when you look at them you can see what time zone they were
22 set in, along with the reports, along with looking to see.
23 And then you can always confirm, if you needed to, maybe
24 like call details records or something else if you want to
25 go another step in validating the call logs versus what

1 it's seeing from the cell phone provider.

2 Q Okay. I'm going show you what's in evidence as
3 State's Exhibit 204.

4 THE COURT: Let's stand for a moment.

5 (Break in proceedings.)

6 THE COURT: You may proceed.

7 MR. CONRAD: Please the court?

8 Q All right. I'm going to show you what's been -- this
9 is in evidence as State's Exhibit 204, and I'm going to ask
10 you if you recognize that, sir.

11 A Yes, sir, I do.

12 Q All right, and what is that item?

13 A This is an iPhone that we received in case 70210204 --
14 it was Item 1 -- that, when after being processed, belonged
15 to Maggie Murdaugh.

16 Q Okay, and you received that phone. Do you recall when
17 you received that phone?

18 A I would have to check my notes and the actual date.
19 It was in June. I believe it was June of 2021. I received
20 the phone from our evidence intake at SLED.

21 Q Okay, and what did you do when you first received the
22 phone and you went to examine it?

23 A When I received the phone, I returned to our unit
24 where our evidence vault is held. I logged the item into
25 evidence. One of the processes we have when we log items

1 in is we take photos of the item as it comes in. If it's
2 got a cracked screen to it, we'll photograph that; if it
3 doesn't have it, we'll photograph that. Once the item then
4 is photographed, we'll go through, we'll process the phone
5 as far as for evidence where we'll go in, we'll look at the
6 phone, we'll pull the SIM card out, if it hadn't been
7 pulled out. We'll check the IMEI number. We'll log it
8 into our system. We'll place stickers on the phone and on
9 the bag itself. Once that's done, then we'll take it to
10 our evidence vault and sign it into a shelf in our evidence
11 vault.

12 Q Okay. I'm going to show you what's been marked as
13 State's Exhibit 277. Do you recognize that, sir?

14 A Yes, sir. This is a photo I took when I examined this
15 item.

16 Q All right, and that item being?

17 A Item 1, the iPhone belonging to Maggie Murdaugh.

18 MR. CONRAD: And at this time, the State would move to
19 introduce Exhibit 277 to evidence.

20 MR. BARBER: No objection.

21 THE COURT: It's admitted.

22 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 277 WAS
23 RECEIVED INTO EVIDENCE.)

24 Q I'm going to show this. What is this a picture of?
25 What do we see on this picture?

1 A This is a picture of her settings on her iPhone. I
2 opened the settings. I went in and pulled up. It shows
3 the name of Maggie Murdaugh has been entered as a name for
4 the phone. It also shows that the phone has been placed in
5 airplane mode, that the WiFi connection is off, Bluetooth
6 connection is on, cell connection is placed in airplane
7 mode.

8 Q Okay. So, this is a picture you took, correct?

9 A Yes, sir, it is.

10 Q All right, and did you alter any of these settings
11 yourself when you accessed this phone?

12 A No, sir, I did not.

13 Q And we see the phone is in airplane mode, correct?

14 A Yes, sir.

15 Q And is that the condition you received the phone?

16 A Yes, sir, it is.

17 Q And was it -- do you recall if it was powered off when
18 you received it?

19 A It was powered on when I received it.

20 Q But it was in airplane mode, correct?

21 A Yes, sir.

22 Q I'm going to show you State's Exhibit 276. Do you
23 recognize that, sir?

24 A Yes, sir, I do.

25 Q Is that a picture you took?

1 A Yes, sir, it is. It's one I took during our
2 examination of the phone.

3 Q And that's, again, Maggie's phone?

4 A Yes, sir, it is.

5 Q All right.

6 MR. CONRAD: And at this time, the State would move to
7 introduce State's Exhibit 276 into evidence.

8 MR. BARBER: No objection.

9 THE COURT: Admitted without objection.

10 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 276 WAS
11 RECEIVED INTO EVIDENCE.)

12 Q All right, and real briefly, what is that a picture
13 of?

14 A This is a picture of one of the screens on the phone
15 that shows the different apps on there. It also shows on
16 there that there has been notifications received in those
17 apps such as CVS Pharmacy. It shows little number one
18 there that it has been received, a notification to that
19 app.

20 Q All right, and when you see a notification like that,
21 what does that mean to you? What does that tell you?

22 A That they have been -- one, that they had their
23 notifications turned on. Because if you go through and set
24 your apps phone not to notify you, then you won't receive
25 them or see them. That a notification has been turned on

1 for that CVS app, for instance, and that she has received a
2 notification on there.

3 Q All right. I'm going to show you what's been marked
4 as State's Exhibit Number 275. And do you recognize that,
5 sir?

6 A Yes, sir, I do.

7 Q What is that?

8 A This is the location service from Maggie Murdaugh's
9 phone. During my examination I pulled this up, and it
10 shows where there are apps and different things. If, one,
11 location service was turned on, but then two, if it was
12 always running, if it was only while the app was being
13 used, or was set to never.

14 MR. CONRAD: And at this time, the State would move to
15 introduce Exhibit 275 into evidence.

16 MR. BARBER: No objection.

17 THE COURT: It's admitted without objection.

18 (LOCATION SERVICE FOR PHONE MARKED AS STATE'S EXHIBIT
19 NUMBER 275 WAS RECEIVED INTO EVIDENCE.)

20 Q Okay, can you read that, Lieutenant Dove, on the
21 screen?

22 A Yes, sir, I can.

23 Q All right, and at the top, what is that? What do we
24 see there?

25 A At the top of it on the left-hand side you see the

1 time of 12:30 with a little triangle next to it for
2 location services. Then on the right-hand side, you see
3 the little airplane to indicate the phone is in airplane
4 mode. Then you the see the battery, and it's hard to tell
5 on the screen, but I believe it's yellow. It looks like on
6 there that's it's a low battery. Then it's the location
7 services; it shows that location services are turned on.
8 Then it goes on through several different apps, not all of
9 them, but then shows, like, AccuWeather, is set to never
10 record locations. You've got Amazon, Alexa. That's always
11 the app store only while using the app -- the Apple Store
12 while using the app. Apple Watch Faces while using. Apple
13 Watch Workout while using. And PCBS toolkit while using.

14 Q Okay. So, these are user settings that presumably the
15 owner of the phone would have set, correct?

16 A Yes, sir. The majority of the time when you add a new
17 app to your phone, it asks you do you want to allow
18 location services, do you want to allow it all the time,
19 only while using the app, or never. You can also go into
20 your own settings and change those location services.

21 Q Okay, and for most of these apps we see on here, it
22 seems to say that location services only to be used while
23 using. What does while using mean?

24 A It indicates when you pull the app up and the app is
25 in use, that that's when it's recording the location that

1 you're at, whether it's running in the background or you
2 pull it up and then close it completely out.

3 Q Okay. So, if no one is actively using a particular
4 app, the phone is not going to record location data,
5 correct?

6 A Correct. For that app, yes, sir.

7 Q For those settings where it says while using, correct?

8 A Yes, sir.

9 Q I'm going to approach and show you Exhibit 278. Do
10 you recognize that, sir?

11 A Yes, sir, I do.

12 Q And what is that?

13 A This is a picture of Maggie Murdaugh's phone I took
14 while I was doing the examination of it, and it shows the
15 recent call log.

16 Q Okay.

17 MR. CONRAD: At this time, I would move to introduce
18 State's Exhibit 278.

19 MR. BARBER: No objection.

20 THE COURT: It's admitted.

21 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 278 WAS
22 RECEIVED INTO EVIDENCE.)

23 Q And this is the recent call log from Maggie Murdaugh's
24 phone, correct?

25 A Yes, sir, correct.

1 Q All right, and we see some entries that are red and
2 some that are black. What does that mean?

3 A The red entries on there indicate missed calls, calls
4 that have been received by the phone but were not answered.

5 Q And we see the word Alex followed by a numeral five.
6 What does that mean?

7 A That would indicate the phone has recorded that there
8 were five missed calls from the person identified as Alex
9 in that contact list.

10 Q Okay, and in addition we see a missed call from
11 Buster, correct?

12 A Yes, sir, correct.

13 Q And two missed calls from John Marvin. Is that
14 correct?

15 A Yes, sir, that's correct.

16 Q And can we see the times or dates on this screen right
17 now?

18 A It shows the date on there as far as the day of the
19 week; it does not show the calendar date or the times.

20 Q Okay, and finally I'm going show you Exhibit 279. Do
21 you recognize this?

22 A Yes, sir, I do.

23 Q What is that?

24 A This is a photo of Maggie's Murdaugh's phone. When I
25 was doing the examination, one of the other things I did

1 was open the messages to look at it and take a photo of
2 that.

3 Q Okay, and that's a picture you took, correct?

4 A Yes, sir, I took that photo.

5 MR. CONRAD: And at this time, the State would move to
6 introduce Exhibit -- State's Exhibit 279 into evidence.

7 MR. BARBER: No objection.

8 THE COURT: It's admitted.

9 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 279 WAS
10 RECEIVED INTO EVIDENCE.)

11 Q All right, and this is the -- those recent messages
12 from Maggie, correct?

13 A Yes, sir, it is.

14 Q All right, and what types of messages would show up in
15 this inbox?

16 A In this inbox you would receive SMS messages, a
17 regular text message, and also MMS messages, which ones may
18 also have a photo attached to them would show up.

19 Q Okay. All right, and I see to the left of most of
20 these a dot. What does that dot indicate?

21 A That dot indicates messages that have not been read or
22 opened.

23 Q Okay. So, after you took those processing pictures of
24 Maggie's phone, what did you do?

25 A I continued to process the phone. I took the GrayKey

1 extraction I did with the phone. I ran through Cellebrite
2 Physical Analyzer, went through it and looked for
3 information relevant that may help the investigators, also
4 to see what kind of things were going on the day of June 7,
5 2021. And then from thereafter, I finished that one.
6 That's when I ran the extraction through AXIOM to try to
7 see if I could validate what I was seeing here.

8 Q Okay, and you mentioned it, but this was a full
9 physical extraction on Maggie's phone?

10 A It was a full file system extraction.

11 Q A full file system. Okay, and you processed it in
12 Cellebrite?

13 A Yes, sir.

14 Q And does Cellebrite produce a full file system report?

15 A Yes, sir, it will.

16 Q Okay. What -- explain to the jury what that is and
17 what it does.

18 A A full file system report from Cellebrite is going to
19 have everything that it can decode and then put in a
20 readable format for you. It's going to give you things
21 like your health database stuff, like to show you your
22 steps that you're taking, calls that you've made or missed
23 or received, your emails, your text messages. It's going
24 to tell you if you connected to a Bluetooth device. It's
25 going to tell you if you went and were in a certain area.

1 You have geolocation information such as GPS information.
2 It's also going to tell you if you have mobile payments in
3 there, where you can look and see what cards you have
4 mobile payments just to name a few. It will pull thousands
5 of pages of information if you ran a full one and pulled
6 it. It will also give you the configurations of apps. It
7 will also give you the databases, too, in that report.

8 Q Okay, and you just mentioned it, but a full Cellebrite
9 report is rather large, correct?

10 A Yes, sir, depending on the size of the phone and how
11 much information is on the phone. I have seen them run
12 over 148 gigs in size for one report.

13 Q What is a gig?

14 A A gig is a measurement that is used for data. Most
15 phones nowadays when you get them are going to go 64 gigs
16 as your smaller end, and they go up near 128 or 256 or even
17 a terabyte now. It's how much data it will hold.

18 Q And phones, let's say just new models that -- the
19 phones that Apple is selling, what's a common size that's
20 sold by Apple today?

21 A Most of the time people will acquire 126 or 128 gig
22 size. Then the next size up is the 256.

23 Q This full size Cellebrite report that you produced for
24 Maggie's phone, do you recall how large it is?

25 A No, sir, not the full file system I don't.

1 Q All right, but it's large, correct?

2 A Yes, sir. It's -- if I remember correctly, it's
3 probably about 68 gigs in total size.

4 Q And if you wanted to print everything in that report,
5 could you approximate how many pages it would take?

6 A No, sir. I would venture to guess, looking at the
7 timeline, for instance, in a report like that, you're
8 talking about nine thousands pages just for the timeline
9 section of that report.

10 Q Okay. All right. I'm going to show you a box, and I
11 think the marker's on the inside, so you might need to open
12 it up, but it's State's Exhibit 280, and you can open it
13 up. All right, and what is the contents of that box, sir?

14 A The contents of this box is a portable Solid State
15 external hard drive.

16 Q Okay, and is that something you've had access to
17 before?

18 A Yes, sir.

19 Q And what did you do with that external hard drive?

20 A On this external hard drive, I provided a copy of the
21 file system report from Cellebrite. I placed it on this
22 hard drive.

23 Q For whose phone?

24 A This is for Maggie Murdaugh's phone.

25 Q All right, and you estimated it was in the

1 neighborhood of about 60 gigabytes. Is that correct?

2 A Yes, sir.

3 Q Plus or minus?

4 A Yes, sir, probably plus that.

5 Q And that represents the full file system that you
6 pulled off of the Maggie's phone. Is that correct?

7 A Yes, sir, in a report format.

8 Q All right, and the phone is in evidence sitting right
9 there in front of you. Is there any significant difference
10 in the data that's contained on that phone and contained on
11 that hard drive other than the ability to access it?

12 A That's the only difference.

13 Q Okay. All right.

14 MR. CONRAD: Your Honor, at this time the State would
15 move to introduce State's Exhibit 280 into evidence.

16 MR. BARBER: No objection.

17 THE COURT: It's admitted.

18 (HARD DRIVE MARKED AS STATE'S EXHIBIT NUMBER 280 WAS
19 RECEIVED INTO EVIDENCE.)

20 Q Lieutenant Dove, we just talked about if we printed
21 all of that, it would be thousands of pages, correct?

22 A Yes, sir.

23 Q So, for today you've printed shorter reports that we
24 can look at and discuss for Maggie's phone. Is that
25 correct?

1 A Yes, sir, I did.

2 Q But those reports are pulled from that full Cellebrite
3 report on that hard drive. Is that correct?

4 A Yes, sir.

5 Q I'm going to show you something that's marked as
6 Exhibit 281. Take a look at that, sir. Do you recognize
7 that?

8 A Yes, sir, I do.

9 Q What is that?

10 A This is a report, a Cellebrite report from Maggie
11 Murdaugh's phone that was pulled just for call logs with a
12 filter established for just June 5th of 2021 to June 7th of
13 2021 as parameters for this phone.

14 Q And so those are call logs that were stored on
15 Maggie's phone. Is that correct?

16 A Yes, sir, they were.

17 Q And explain to the jury real quick -- they heard from
18 a Verizon representative this morning -- what's the
19 difference between call logs stored on that phone and call
20 logs that might be stored by a company like Verizon?

21 A When call logs are stored on the phone, one of the
22 things on this report -- for instance, it will have network
23 unknown. It's not pulling network information. So, it
24 doesn't matter whether you're using T-Mobile or Verizon for
25 your phone. It's still going to pull the call logs. Even

1 if you were to go and switch carriers from Verizon to
2 T-Mobile, it would still pull the calls logs from the
3 database. One of the other things it will do is it will
4 record times that the phone is receiving the call, along
5 with the amount of time that you spend on the call. It
6 will show if it was answered or missed on there.

7 Q Okay.

8 THE COURT: We're going to take a break at this time.
9 Ladies and gentlemen, if you will go to the jury room,
10 we'll take a fifteen minute break.

11 (A break was taken.)

12 THE COURT: You may now bring the jury, please.

13 (The jury returned to the courtroom.)

14 THE BAILIFF: The jury is present, sir.

15 THE COURT: Thank you.

16 You may proceed.

17 MR. CONRAD: Thank you, Your Honor. May it please the
18 Court, Your Honor?

19 BY MR. CONRAD:

20 Q Lieutenant Dove, I think we were discussing State's
21 Exhibit 281 before the break. Is that correct?

22 A Yes, sir, that's correct.

23 Q And what was that again?

24 A This is a Cellebrite report for Maggie Murdaugh's
25 iPhone extraction, and it has just the call logs for the

1 date range of 6/5/2021 to 6/7/2021.

2 Q Okay, and I believe you said it contains information,
3 the date and time that the call was made, correct?

4 A Yes, sir, it does.

5 Q Whether it was outgoing or ingoing call, correct?

6 A Yes, sir.

7 Q And whether a call was answered or not. Is that
8 correct?

9 A Yes, sir.

10 Q All right.

11 MR. CONRAD: And at this time, State would move to
12 introduce State's Exhibit 281 into evidence.

13 MR. BARBER: No objection.

14 THE COURT: It's admitted.

15 (CELLEBRITE REPORT MARKED AS STATE'S EXHIBIT NUMBER
16 281 WAS RECEIVED INTO EVIDENCE.)

17 Q All right, Lieutenant Dove, this report is twenty
18 pages long, correct?

19 A Yes, sir.

20 Q And we're not going to go through line by line every
21 call, but I'm going to focus on --

22 MR. CONRAD: Can I have the ELMO, please?

23 Q Let's take a look at Maggie's call log from the night
24 of June 7th. Can you read that from your screen up there,
25 sir?

1 A Yes, sir. I can read down to item 8 on that.

2 Q Okay, and actually we're going to go back a little
3 more. Okay. All right, and let's look at line 14 on this
4 report. Do you see that, sir?

5 A Yes, sir, I can.

6 Q And, first of all, when I say line 14, what am I
7 referring to on there?

8 A On the left-hand side of the picture there is a
9 column, and when you build a report it adds the numbers
10 just to make it easier to keep track of in that report. If
11 you added this report with another piece of item, whether
12 it's text messaging or voice mails, it would change the
13 numbers.

14 Q Okay, and on line 14, what is that data entry? What
15 does that represent?

16 A It represents a call that was outgoing on this phone.

17 Q All right, and we see a number. Don't read the
18 number, but we see a number and a name below it in the
19 second column there. Is that correct?

20 A Yes, sir, that's correct.

21 Q And what's that name?

22 A Barbara.

23 Q Okay, and did you say that this is on outgoing call or
24 ingoing call?

25 A It shows the direction as an outgoing call.

1 Q Okay. Now, I look at line 13 and I see another entry
2 that says Barbara. What is that?

3 A That is the same call. It's entered in two different
4 databases, and it pulls from both databases because it's
5 both call logs.

6 Q All right, and so there's two databases for call logs
7 on this -- on Maggie's phone. Is that what you're saying?

8 A Yes, sir.

9 Q And just briefly, what does that mean, there's two
10 different logs?

11 A There's multiple -- there's several different SQLite
12 databases in a phone, and it's going to contain the
13 information in different places. One may be recent calls.
14 One may be calls that are considered past the recent step
15 that's set in the database so that it's going to be in the
16 call logs, but it's not going to be in the recent.
17 Sometimes you'll see them in both databases, recent and the
18 call logs.

19 Q All right. Okay. All right, and so that -- what time
20 was that call that you see on the entry there, line 13 and
21 line 14?

22 A At line 13, it's on 6/7/2021 at 7:50, 19 seconds p.m.
23 minus 4 UTC.

24 Q Okay. So, that's 7:50 p.m. Eastern time, correct?

25 A Yes, sir, it is.

1 Q And in the next column we see a number and it says
2 2:46. What does that mean?

3 A That is the duration of the call.

4 Q Okay. So, at 7:50 p.m. Maggie placed a call to
5 Barbara, is that correct, that lasted 2 minutes and 46
6 seconds?

7 A Yes, sir, that's correct.

8 Q And we see a slight time difference between line 13
9 and line 14, it's about four seconds, and that's just
10 simply the different way the different logs record the
11 data?

12 A Yes, sir. It's because they're going into different
13 databases, so there is a lag in that.

14 Q But your testimony today is what is the exact time
15 that call was placed to Barbara?

16 A That call was placed to Barbara at 6/7/2021 at 7:50
17 and 19 p.m.

18 Q Okay. All right. In your review of Maggie's call
19 logs, was this the last answered -- or excuse me, the last
20 phone call that was either dialed or answered by someone on
21 Maggie's phone?

22 A I would have to check the logs again --

23 Q Sure.

24 A -- but I believe so.

25 Q I'll let you have it back.

1 A Yes, sir, that's correct. That's the last answered
2 call, or one that was shown in the direction of outgoing.

3 Q All right. No more outgoing calls that night,
4 correct?

5 A No, sir, correct.

6 Q And no more answered calls the night of June the 7th.
7 Is that correct?

8 A Correct.

9 Q Okay. We're going to look at lines 9 and 10, and let
10 me know if you can see that on your -- I've got it
11 reversed, my bad. Okay. Let's look at lines -- and I
12 can't quite see line -- you can see line 10, correct?

13 A Yes, sir, I can.

14 Q And there's a staple there, but above that it should
15 be line 9, correct?

16 A Yes, sir.

17 Q All right, and then we also see lines 11 and 12,
18 correct?

19 A Yes, sir, we do.

20 Q All right, and what do lines 11 and 12 show?

21 A They show that the phone from Maggie Murdaugh received
22 a phone call from 1-803-942-1227. On line 11 it has the
23 name Alex associated with it. It shows the direction as
24 incoming.

25 Q Okay, and was that call answered?

1 A No, sir.

2 Q Okay, and again we see two line entries for the same
3 call. Is that correct?

4 A Yes, sir.

5 Q However, there is a difference. One line is -- line
6 11 says Alex and line 12 says PA. Is that correct?

7 A Yes, sir.

8 Q But they're the same number, though, correct?

9 A Yes, sir, they are.

10 Q And, again, briefly explain why we see a Alex and a PA
11 between those two lines?

12 A Because there are two separate databases that these
13 are entered into. And when you set up your contact list,
14 you can go through and if you wanted to set a name for
15 either a spouse, a child, or a good friend, you can set it
16 how you want it to be, and that's going to show up from the
17 contact side of it.

18 Q Okay, but it's the same call, correct?

19 A Yes, sir. It's the same call, same phone number that
20 it was received from.

21 Q Okay. Let's look at line 10 and 9 directly above
22 that, and again, the 9 is slightly obscured, but what do we
23 see there? What activity does those two lines represent?

24 A Those two lines show calls from 1-803-942-1227. Line
25 10 has it as PA, direction shows an incoming call, and it

1 shows it as a missed call.

2 Q And again, it's Alex and PA, but it's the same number
3 ending in 1227, correct?

4 A Yes, sir, correct.

5 Q And you've had an opportunity to examine a phone
6 associated with 1227, correct?

7 A Yes, sir, I have.

8 Q And whose phone is that?

9 A That was Alex Murdaugh's.

10 Q And, again, that time is what?

11 (Break in proceedings.)

12 Q All right, and the two times we see in line 10 and 9,
13 can you read those times and those two blocks? And are
14 they the same?

15 A Yes, sir, they are the same. It is 6/7/2021 at
16 9:06:14 p.m., UTC minus four.

17 Q Okay, and that's local time 9:06, correct?

18 A Yes, sir, that's local time.

19 Q And 14 seconds, correct?

20 A Yes, sir.

21 Q All right, and let's read the times for line 11/12.
22 That's the first call from Alex. What are the times for
23 the call that's associated with lines 11 and 12?

24 A They're the same time. It is 6/7/2021 at
25 9:04:23 p.m., UTC minus four.

1 Q All right. We're going to talk about a few more lines
2 here. Let's talk about lines 7 and 8 on this report, and
3 what does this information show?

4 A It shows a phone call of 1-803-942-1227. On line 7 it
5 has the name of Alex, direction shows incoming, and it
6 shows it was a missed call received on 6/7/2021 at
7 9:06:51 p.m., UTC minus four.

8 Q All right, and again, those are two lines associated
9 with the same call, correct?

10 A Yes, sir.

11 Q All right, and so just reviewing, within the space
12 about 2 minutes you see three separate calls from Alex's
13 phone incoming to Murdaugh -- excuse me, Maggie's phone.
14 Is that correct?

15 A Yes, sir, that's correct.

16 Q All right, and after that 9:06:51 call on line 7 and
17 8, what's the next call you see on this log?

18 A Moving up the call log, the next call I see is from
19 1-803-942-1227 on line 5. It has the name of Alex. The
20 time received on that call is at 9:45:32 p.m., UTC minus
21 four.

22 Q And that's lines 5 and 6, correct?

23 A Yes, sir.

24 Q On the same call, correct?

25 A Yes, sir.

1 Q And then finally let's talk about lines 3 and 4. What
2 information do you see there?

3 A On lines 3 and 4, they're the same call from
4 1-803-942-1227. On line 4 it shows it as PA, direction is
5 an incoming call, and it was received at 10:03:58 p.m., UTC
6 minus four, as a missed call.

7 Q All right, and to clarify, these last five calls from
8 Alex's -- Alex, were any of them answered?

9 A No, sir.

10 Q And previously we looked at --

11 (Break in proceedings.)

12 Q When you took pictures of Maggie's phone, you took a
13 picture of her call log, correct?

14 A Yes, sir, I did.

15 Q All right, and I'm showing you -- again I'm going to
16 put it up on the screen as being admitted Exhibit 278, and
17 we saw that numeral five next to Alex's name, correct?

18 A Yes, sir, that's correct.

19 Q And that represents five missed calls.

20 A Yes, sir, that's correct.

21 Q And I don't know if you were doing math while we went
22 through that. We can look at it again if you would like,
23 Lieutenant Dove, but did you count the calls from Alex that
24 were missed in a row as we went through that call log?

25 A Yes, sir. I came up with five.

1 Q Okay, and since I have that picture up there, when you
2 accessed Maggie's phone to take these pictures and to go
3 through some of these screens, did you change any settings?

4 A No, sir. The extraction had already been done at the
5 point I took these photos.

6 Q Okay. So, the extraction actually was done before
7 these pictures?

8 A Yes, sir.

9 Q All right, but even after, did you change any settings
10 or open up any calls to make any difference on the phone?

11 A No, sir, I did not.

12 Q Okay. Just looking at Maggie's call log on the phone
13 itself again -- this is still 278 -- we see -- we talked
14 about calls with Barbara that were at 7:50 p.m. on the call
15 log, correct?

16 A Yes, sir.

17 Q And looking at this screen we see a call before that,
18 before Barbara. Is that correct?

19 A Yes, sir.

20 Q And who is that name on that call?

21 A Mary Anne.

22 Q Okay, and was that a completed call.

23 A Yes, sir. It shows as a completed call, not a missed
24 call.

25 Q Okay, and can you look at the screen, and maybe you

1 can't -- can you tell from this screen itself whether it
2 was an incoming or outgoing call?

3 A No, sir. I cannot tell for sure from the screen.

4 Q If we looked at it on the call log we just talked
5 about on Exhibit 281, you would be able to tell that
6 information, though, correct?

7 A Yes, sir.

8 Q Okay. All right. Okay. So, let's move on. Let's
9 talk about Maggie's text message report. I'm going to show
10 you something that's marked as Exhibit 282. Do you
11 recognize that, sir?

12 A Yes, sir, I do.

13 Q What is that?

14 A This is a Cellebrite report that I produced from
15 Maggie Murdaugh's phone that has text messages with a
16 filter that, that was set from June 7, 2021, to June 7,
17 2021, for just the daytime, one day's worth of text
18 messaging.

19 Q And what kind of information does that report have on
20 it?

21 A General information it has, on the beginning of the
22 report it's going to have information about the device as
23 far as the apple ID and what the name is that's associated
24 with the phone and the type of phone, just general data as
25 far as the device information. On the other pages you'll

1 see text messaging that's on the phone, who they were from,
2 the text message, the dates, and also show the status, if
3 it was read or an unread message.

4 Q And when you look to see if it was read or unread, if
5 a message had been read, would the phone record that time
6 and date the message was read?

7 A Yes, sir, it does.

8 MR. CONRAD: At this point, the State is going to move
9 to introduce State's Exhibit 282.

10 MR. BARBER: No objection.

11 THE COURT: It's admitted.

12 MR. CONRAD: Thank you, Your Honor.

13 (TEXT MESSAGE REPORT MARKED AS STATE'S EXHIBIT NUMBER
14 282 WAS RECEIVED INTO EVIDENCE.)

15 Q All right. Now, let's talk a lit bit about how the
16 text messages were organized in this report. Is it
17 strictly chronological through?

18 A No, sir, not always. Sometimes they can get a little
19 out of order, depending on when -- the text messaging and
20 the filters you set on the report.

21 Q Okay, and how did you set this up on the report? And
22 I'll give it back to you to look at.

23 A On this report it pulled -- it appears to have pulled
24 chronologically, but it's also pulling instant messages
25 versus chat messages, and they are coming from different

1 databases.

2 Q Okay. So, if it came from a different database it's
3 separate, but if there are -- but all the SMSs should be in
4 chronological order, correct?

5 A Yes, sir.

6 Q All right. So, let's look at a few texts here. Okay,
7 this is page 31 of this report. Can you read that at the
8 bottom there? Is that readable?

9 A Just part of the bottom is readable.

10 Q Sorry, I was looking at the wrong one. Okay, and what
11 is this?

12 A This is -- appears to be a group text message that was
13 received on this phone from one individual to several other
14 individuals.

15 Q All right. Let's not read numbers, but some of
16 these -- most of these have names to them, so who sent this
17 message?

18 A It appears it has it down as John Marvin.

19 Q And who else is in this text group?

20 A Maggie Murdaugh is -- appears in this, but it has her
21 user account name which is a Yahoo email address. It has
22 Alex, Christy, Lynn, Allen, Liz, and it has one phone
23 number that doesn't have a name associated with it.

24 Q Okay. All right, and what time did this text message
25 arrive on Maggie's phone?

1 A It appears that the text message was received 6/7/2021
2 at 8:31 0 seconds p.m., UTC minus four.

3 MR. CONRAD: Your Honor, I think without defense
4 objection the State is going to move to seal this per the
5 evidence protocol.

6 MR. HARPOOTLIAN: Your Honor, I understand that is to
7 protect the phone numbers and email addresses of the other
8 folks on there. We have no objection.

9 THE COURT: Is that correct?

10 MR. HARPOOTLIAN: No objection to sealing the phone
11 numbers, Your Honor.

12 THE COURT: Okay.

13 Q Okay. Now, real quick, again, what time did that text
14 arrive on Maggie's phone?

15 A It shows in the bottom of it 6/7/2021 at 8:31 p.m. UTC
16 minus four.

17 Q Okay. All right, and was that text message read?

18 A Yes. It shows it as read.

19 Q Okay, and what time was it read?

20 A It shows it as read on 6/7/2021 at 8:31:16 p.m., UTC
21 minus four.

22 Q So, about 16 seconds later, correct?

23 A Yes, sir.

24 Q Can you read this text message, please?

25 A Yes, sir. It says:

1 I plan to go over to visit Dad tomorrow

2 afternoon. Is anyone else planning to go?

3 Q All right, and that's from John Marvin, correct?

4 A Yes, sir.

5 Q And we're not going to go back and look at the
6 previous texts in this thread, but what is the general,
7 just, topic that they're discussing just for context for
8 the jury?

9 A It appears that they are talking about going to visit
10 Dad tomorrow and trying to find out if anybody else plans
11 to go over with him and at any time.

12 Q All right, and this is a response to a series of texts
13 about Randolph, Alex's dad, and his health, correct?

14 A Yes, sir.

15 Q And I'm going over to page 32, and we see another
16 text. And this is that same text group, correct?

17 A Yes, sir, it is.

18 Q And this is another text that arrived on Maggie's
19 phone, correct?

20 A Yes, sir, it did.

21 Q Who sent that text?

22 A It looks like Lynn G.

23 Q All right, and what does it say?

24 A It says: I'm in court all week. With an emoji.

25 Q Okay. Was this text read?

1 A Yes, sir. It shows it as read at 8:49:27 p.m., UTC
2 minus four, on 6/7/2021.

3 Q Okay, and I'm going to hand this report back to you
4 and have you help me find -- I believe Maggie receives a
5 text later and it might be from Rogan. Could you find that
6 text in there for me, please?

7 A Yes, sir. Yes, sir, I found -- I've located it.

8 Q And what time did that text arrive on the phone?

9 A That text arrived on 6/7/2021 at 9:34:14 p.m., UTC
10 minus four.

11 Q All right. Let me see. All right, and that text is
12 from who?

13 A That text, it says it's from Rogan.

14 Q And that's at least what the apps -- or, excuse me,
15 the contact list says.

16 A Yes, sir. That's the name that was entered in the
17 contact list associated with that phone number.

18 Q And that arrived on Maggie's phone when?

19 A On 6/7 of 2021 at 9:34:14 p.m., UTC minus four.

20 Q And was that text ever read?

21 A No, sir. It appears as a status of unread.

22 Q Okay. Now, let's be clear about something, Lieutenant
23 Dove. Now, when we say a text is read or a call is
24 answered, can you know for certain from your forensic
25 analysis of who the actual person was who answered a call

1 or made a call or read a text?

2 A No, sir. I cannot tell you who did it. I can tell
3 you the phone has the information, the phone recorded
4 certain information, but I can't tell you who is actually
5 touching the screen or pushing the buttons on it.

6 Q Okay. All right, but in order to place a call or to
7 place a text or to read a text, what condition has to be
8 satisfied --

9 (Break in proceedings.)

10 Q All right, we'll continue for now. Where was I? What
11 condition has to be satisfied in order for someone to make
12 a call on a phone?

13 A Unless you're making an emergency call, like a 911
14 call, you would need to know the pass code to be able to
15 unlock the phone to get to the contact list, or either to
16 the number pad to dial the number.

17 Q All right. So, you need to know, A, the pass code,
18 correct?

19 A Yes, sir.

20 Q To unlock the phone, correct?

21 A Yes, sir.

22 Q Are there other ways to lock the phones or unlock
23 these phones?

24 A There is also to with iPhones, which this one was.
25 There's the biometric way of doing it. If you set a face

1 unlock, where instead of having to enter your pass code
2 every time, you can look at it and the camera will activate
3 and then it will unlock via face.

4 Q All right. I'm going to show you -- I believe there's
5 some texts from Alex that Maggie received that night. Can
6 you find those in that report, sir?

7 A Yes, sir. Yes, sir, I found the text thread.

8 Q Okay. All right. Let me -- all right. Let's look at
9 page 16, and can you read that, sir?

10 A Are you referring to the bottom text on that one?

11 Q Yes.

12 A Yes, sir, I can.

13 Q Okay. All right, and who is that text from?

14 A It's from Alex.

15 Q All right, and who -- it was sent to Maggie's phone,
16 correct?

17 A Yes, sir, it was.

18 Q All right, and what time did that arrive on Maggie's
19 phone?

20 A It shows 6/7 of 2021 at 9:08:58 p.m., UTC minus four.

21 Q Okay, and was that text ever read?

22 A No, sir. It shows the status as unread.

23 Q And I can hand you back the report if you need to
24 refer to it again, but we previously discussed a text at
25 8:49 and 27 that -- from Lynn G, I believe, that was read,

1 correct?

2 A Yes, sir.

3 Q Is there any text that arrived on Maggie's phone after
4 that time that were read?

5 A No, sir, there was not.

6 Q Okay. I'm going to hand you what's been marked as
7 State's Exhibit 282, and I'm going to ask you if you
8 recognize that, sir.

9 A Yes, sir, I do.

10 Q And what is that?

11 A This is a Cellebrite report that I produced from
12 Maggie Murdaugh's phone. It has on there device events
13 from her phone with a date range filter placed on it for
14 the day of 6/7/2021.

15 Q Okay. All right, and what kind of information is
16 contained in that report?

17 A In this report it's going to be different information
18 in there. As far as activity, it will have location
19 information in there. It will also have whether the phone
20 was unlocked, if it was locked, if there's orientation
21 changes. It will also pull if it was plugged in whether to
22 a car or to the wall to charge.

23 Q And these are -- this is all -- most of this is
24 information that's stored in those databases we discussed
25 previously, correct?

1 A Yes, sir. Most of this information is on the
2 KnowledgeC database.

3 Q Okay.

4 MR. CONRAD: Beg the Court's indulgence.

5 Q And how many pages is this report?

6 A I can't remember offhand. I think it could -- I can't
7 remember if that's the 87 page report that I produced for
8 that one.

9 Q Okay. Okay. I'm going to direct your attention, if
10 you can read that, to line 4336. Do you see that at the
11 bottom, sir?

12 A Yes, sir, I do.

13 Q And what information is contained on line 4336?

14 A It has -- the first column has the number, then it has
15 device events. The next column that's populated has a date
16 of 6/7/2021, 8:17:15 p.m., UTC minus four start time. Then
17 the column two columns over, it has unplugged, and this
18 information was obtained from the KnowledgeC database.

19 Q What does unplugged mean?

20 A It would indicate that the phone was unplugged whether
21 from a vehicle or from a wall or a computer that that was
22 charging.

23 Q All right, and I'm going to show you again State's
24 283. And you previously explained that is a report you
25 prepared off of Maggie's Cellebrite phone, correct?

1 A Yes, sir.

2 Q And there's a time on there for it, correct?

3 A Yes, sir, the device events.

4 MR. CONRAD: And at this time, the State would move to
5 introduce 283 into evidence.

6 MR. BARBER: No objection.

7 THE COURT: It's admitted.

8 (CELLEBRITE TIMELINE REPORT MARKED AS STATE'S EXHIBIT
9 NUMBER 283 WAS RECEIVED INTO EVIDENCE.)

10 Q Okay, I'm going to direct your attention to line 4354.
11 Can you see line 4534 (sic).

12 A Yes, sir, I can see 4354.

13 Q And what's the date and time associated with that log?

14 A 4354, the date associated is 6/7/2021 at 8:30:23 p.m.,
15 UTC minus four.

16 Q And what is that data entry?

17 A That entry shows Poshmark Buy and Sell Fashions.

18 Q Would that be a website?

19 A Yes, sir.

20 Q And what does that indicate to you was occurring on
21 this phone at that point?

22 A That it was possibly running in the background.

23 Q Okay. Would this be a website that had been
24 previously accessed on this phone?

25 A Yes, sir.

1 Q Okay. I'm going to show you a series of entries
2 starting at 4404 here. I want to see if you can read that
3 up there. Can you read 4404?

4 A Yes, sir.

5 Q All right, and above that is 4403, correct?

6 A Yes, sir.

7 Q And what is that line entry that we see at 4403?

8 A It is -- it shows that the display was on, and that
9 was obtained from the KnowledgeC database.

10 Q Okay, and then in that -- this is all on June 7 of
11 2021, correct?

12 A Yes, sir, and the time on that one is at 8:49:20 p.m,
13 UTC minus four, it shows as a start time.

14 Q Well, let's talk about that for a minute. Display on,
15 what does that mean?

16 A It's when your screen lights up. It's the easiest way
17 I can describe it. And there can be a variety of reasons
18 why it would light up.

19 Q All right. Well, let's talk about some reasons. Why
20 don't you list some, please?

21 A If you receive a notification, whether it's a call, a
22 text message, if you have it set to receive notifications
23 from an app, like the CVS app that was previously on there,
24 you receive those notifications. Your screen, if it's --
25 your phone is sitting down not being used, it'll light up

1 to let you know that you received a notification. It can
2 also receive -- it can light up if you have too much
3 vibration sometimes. If you're, you know, walking around
4 tossing your phone up and down, sometimes it can light up.
5 There's various reasons why -- what could cause it to light
6 up.

7 Q Could bumping the phone light up the screen?

8 A Yes, sir, it can.

9 Q Could picking a phone up light up the screen?

10 A Yes, sir.

11 Q So, of those reasons you gave, some of them sound like
12 there could be human cause, correct?

13 A Yes, sir.

14 Q And some of them sound like could be processes that
15 are on the phone itself and requires no external human
16 interaction, correct?

17 A Correct.

18 Q All right. So, bumping a phone, that's a human
19 interaction if someone physically bumps a phone, correct?

20 A Yes, sir.

21 Q But if a notification comes in and the screen lights
22 up, is that something necessarily that the user caused?

23 A Yes, sir.

24 Q So, it could just happen on its own.

25 A Yes, sir.

1 Q Okay. So, let's look at line 4404, the line below
2 that, and I think we've got the date established, but what
3 time is that line at -- excuse me, on line 4404?

4 A It shows a time of 8:49:26 p.m., UTC minus four, as a
5 start time.

6 Q Okay, and what kind of data entry is that?

7 A It appears to be a SMS, or a text message that the
8 phone was processing.

9 Q Okay, and then below that on line 4405 we see a device
10 event, correct?

11 A Yes, sir.

12 Q And at the same time, correct?

13 A Yes, sir.

14 Q And what does it say?

15 A It says that -- that was the 44 -- I mean, the
16 8:49:26 p.m. is an end time, and it shows device locked.

17 Q Okay. Well, let's look at 4406 below it. What kind
18 of event is that?

19 A That shows an event of the device unlocked.

20 Q Okay. So, the phone is unlocked at 8:49:26, correct?

21 A Yes, sir.

22 Q Okay, and then line below that, 4407, we see the
23 display is back on, correct?

24 A Yes, sir, it shows display on.

25 Q All right. Well, what did we just previously talk

1 about that happened at 8:49:27?

2 A That's when a text message was received.

3 Q Was it received or read at that point?

4 A I would have to go back and look in the report. I
5 believe it was read.

6 Q Okay. It was read?

7 A Yes, sir.

8 Q Okay, and so when you see this sequence of events on
9 this timeline log, what would you associate that with,
10 knowing the fact that there was a text message read at that
11 time?

12 A That a text message was received on the phone, that
13 the phone was unlocked to read the text message.

14 Q Okay, and I think I might find that report, again
15 which is just to refresh your memory, 279 -- 282, my
16 apologies. Just to refresh your memory, why don't you go
17 back and look at that event at 8:49:27. I believe it was
18 the text thread from the family members.

19 A Yes, sir, I found it.

20 Q And what time did that text message arrive on the
21 phone?

22 A It arrived at 8:31:47 p.m.

23 Q All right, and what time is it read?

24 A It's read at 8:49:27 p.m.

25 Q Okay, and so -- just so we don't get things confused

1 or mixed up, that text message had been on the phone for
2 quite -- for a few minutes anyway by that point, correct?

3 A Yes, sir.

4 Q All right, but it wasn't read until 8:49:27, correct?

5 A Correct.

6 Q All right. Let's keep going here for a minute. All
7 right, let's look at line 4409. Do you see that line on
8 your screen, sir?

9 A Yes, sir.

10 Q Okay, and what is this line? What does this
11 represent?

12 A This is a line that indicates the start of an
13 orientation change of the phone.

14 Q Okay, and what is an orientation change?

15 A An orientation change would be if you take your
16 phone -- it's considered portrait if you're holding it
17 straight up. If you turn it to the side, it's considered
18 landscape, and that would be changing the orientation of it
19 from straight up to sideways.

20 Q So, what can cause an orientation change?

21 A It would have to be somebody moving the phone. As far
22 as if I'm holding my phone up to talk to somebody or to
23 look at something on the screen and then I would hold it
24 down by my side, it's going to cause it to change
25 orientation. Or if I rotated my hand to watch a video,

1 it's going to cause an orientation change.

2 Q So, could picking up a phone to read a text message
3 cause an orientation change?

4 A Yes, sir, depending on where you're holding it to
5 start with.

6 Q And can you think of any process on a phone that will
7 cause an orientation change to a log other than a human
8 holding the phone?

9 A No, sir, not that I've seen.

10 Q Well, one possibility let me ask you about is say a
11 phone is dropped. Could that cause an orientation change?

12 A It would have to tumble end over end, like down steps
13 for instance, and it would have to be on to be able to
14 record that orientation change.

15 Q Okay. All right. Let's go down to line 4412. Do you
16 see that, sir?

17 A Yes, sir, I do.

18 Q And what does that line show?

19 A That line shows that -- the start time of the device
20 being locked.

21 Q Okay, and what time is that?

22 A It's at 8:49:31 p.m., UTC minus four.

23 Q All right, and I can hand this phone to you, or excuse
24 me, this report back to you, and we'll come back to this --
25 that line again in a minute, but I'm going to have you look

1 through this report. So, the phone was locked at 8:49:31,
2 correct?

3 A Yes, sir.

4 Q Can you look in that report and determine if at any
5 point later that night the phone was unlocked?

6 A I do see on here where it does show the lock stage
7 ended on 6/8/2021 at 1:10:35 p.m., UTC minus four.

8 Q All right, and that's the next day, correct?

9 A Yes, sir. That's the next afternoon at 1:10 p.m.

10 Q Okay. So, that phone was locked between 8:49:31 and
11 1:10 p.m. the next day, correct?

12 A Yes, sir.

13 Q Okay. All right, and I'm going to go right back and
14 look at line 4414 -- excuse me, 4413. We just discussed
15 4412, which was the phone being locked at 8:49:31, correct?

16 A Yes, sir.

17 Q Do you see any entries -- what time is the next entry
18 on this report?

19 A Could you repeat which number you're looking at?

20 Q On line 4412, we see the phone is locked at 8:49:31,
21 which is what you just testified to, correct?

22 A Yes, sir.

23 Q What time is the next event on this log?

24 A The next event on the log shows display off at 8:53:08
25 p.m.

1 Q Is there anything that occurred on this report between
2 those two times on this phone?

3 A Not on the device activities report, the device event
4 report.

5 Q Okay, and at 8:53:08, what do we see?

6 A We see that it's the end time for the display off.

7 Q Okay, and that's line 4413?

8 A Yes, sir.

9 Q And then we see at 4414 what happened?

10 A It's an orientation change.

11 Q Then at 4415 what happens?

12 A The display comes on.

13 Q Okay. You just said it was an orientation change,
14 correct?

15 A Yes, sir.

16 Q And what does that from your expert opinion tell you
17 is going on with this phone?

18 A It's an end time for an orientation change from
19 landscape. In my opinion, the phone is going from being
20 landscaped, being held like this in a position like this to
21 going into a portrait position, which is up.

22 Q And you previously testified that there's only a very
23 small number of things that can cause an orientation
24 change, correct?

25 A Correct.

1 Q And it's most likely that that's a human caused event,
2 correct?

3 A Correct.

4 Q However, you can't testify to today as to who held
5 that phone at that time, correct?

6 A Correct.

7 Q And let's keep going here for a little bit. We're at
8 8:53:12 -- or excuse me, 8:53:24, and that's line 4417.
9 What do you see again?

10 A It shows an end time for orientation change from
11 portrait.

12 Q Okay, and then we see at lines 4418 and 4419, we see
13 the display come on and off, correct?

14 A Yes, sir. It shows the end time and display on, and
15 then it shows the start time and the display off.

16 Q All right. We'll go to the bottom of that page.
17 We'll look at lines 4428 and 4427. What do you see there,
18 sir?

19 A On 4428 it shows the start time at 8:54:40 p.m. of the
20 orientation change to landscape. At 4429 it shows the end
21 time, which is at 8:54:44 p.m., orientation change from
22 landscape.

23 Q And my apologies, I meant to direct you to lines 4426
24 and 4427. What do you see in those lines?

25 A On those lines it shows at 8:54:34 p.m. It shows a

1 start time of the camera and the phone.

2 Q And how long is that camera on for that you can tell?

3 A It appears to be on for 59 seconds or -- yes, 59
4 seconds. I'm sorry, one second.

5 Q One second?

6 A I'm sorry. Doing math sometimes gets me.

7 Q It's okay. All right. So, that camera is on for one
8 second. In your opinion, what does that tell you is
9 happening on this phone?

10 A It appears the phone is being moved, and the camera is
11 activating in the background to see if it would recognize
12 somebody's face that would unlock it.

13 Q So, the phone is attempting to face unlock, correct?

14 A Yes, sir, that's what it appears.

15 Q But you just testified that after a 8:49:31, the phone
16 never unlocked, correct?

17 A Correct.

18 Q So with this camera entry, does the phone successfully
19 unlock?

20 A No, sir.

21 Q Now, can you tell us what this camera was looking at?
22 Do you have any data that would suggest specifically what
23 the camera was looking at?

24 A No, sir, I don't know what the camera was being
25 pointed at.

1 Q So, you can -- it could be looking at the ground?

2 A Yes, sir.

3 Q The sky?

4 A Yes, sir.

5 Q Somebody's face other than Maggie Murdaugh?

6 A Yes, sir.

7 Q But if that camera had seen Maggie Murdaugh's face,
8 what would you expect to happen?

9 A I would expect for it to unlock.

10 Q Okay. Let's keep going. All right, let's look at
11 line 4434, and this is at time 8:55:32. What do you see
12 there, sir?

13 A It shows the end time for orientation portrait, which
14 means it was ending in that orientation.

15 Q Okay. So, again at that time would it be your opinion
16 that phone was held in somebody's hand?

17 A Yes, sir.

18 Q Okay, and let's look real quick at the bottom of that
19 page, and that's line 4441. And what is that information
20 there?

21 A In 4441, it comes from the activity sensor data, and
22 that is at 9:00 even p.m., and it shows steps. It also
23 shows distance traveled.

24 Q Okay, and let's talk about the steps for a minute.

25 You've produced another report that specifically focused on

1 steps that you've pulled from this phone, correct?

2 A Yes, sir, correct.

3 Q And that shows more granular data of when steps
4 occurred than this report shows, correct?

5 A Correct.

6 Q And so just because we see 9:00 on this report, does
7 that mean that steps occurred exactly at 9:00 on this
8 phone?

9 A No, sir. It's the two after the 9:00 on that, which
10 means it would be a range as far as -- an example would be
11 like nine to ten for the total steps.

12 Q And you prepared another report that would show
13 specific steps during a specific time range, correct?

14 A Yes, sir.

15 Q Okay. Let's keep going. All right, let's look at
16 line 4447. What do you see there?

17 A 4447 shows from the call log database an incoming call
18 at 9:04:23 p.m.

19 Q Okay, and was that -- who was that call from?

20 A It's from phone number 1-803-942-1227 PA.

21 Q All right, and that's the call that we discussed in
22 Maggie's specific call log, correct?

23 A Yes, sir, it is.

24 Q And that's at 9:04:23 correct?

25 A Yes, sir.

1 Q Was that call answered?

2 A No, sir. It showed no time that that call was
3 answered.

4 Q All right, let's look at the bottom of that page, line
5 4454, at 9:06:12. What do we see there?

6 A At 9:06:12 shows the start time and an orientation
7 change to portrait.

8 Q Okay, and again, in your opinion, what does that tell
9 you about whether this phone is in someone's hand?

10 A In my opinion it would be in somebody's hand, and it
11 was changing it from landscape up to portrait, lifting it.

12 Q And that's at 9:06 and 12 seconds, correct?

13 A Yes, sir.

14 Q Let's go to line 4456. Can you read that, sir?

15 A Yes, sir, I can.

16 Q Okay, and line 4457. What is line 4456 and 57
17 associated with?

18 A They're associated with a phone call that was incoming
19 to Maggie's phone.

20 Q Okay, and what is the time on that call?

21 A It's at 9:06:14 p.m.

22 Q Two seconds after that orientation change, correct?

23 A Yes, sir.

24 Q And that call came after the orientation change,
25 correct?

1 A Yes, sir.

2 Q And again, you can't tell us whose phone -- your
3 digital forensics can't tell us whose hand that phone was
4 in at that point.

5 A Correct.

6 Q All you can tell us was the phone was locked at that
7 point, correct?

8 A Yes, sir.

9 Q I'm going to hand this back to you and I want you to
10 review this report, and I want you to tell us if that is
11 the final orientation change at 9:06:12 or not. See if you
12 see any further orientation changes after that point.

13 A I do see the end time for the orientation of portrait
14 that are recorded.

15 Q Okay, and what time was that?

16 A It was at 9:06:20 p.m.

17 Q Okay, and when you say end time, what do you mean?

18 A It's just the time that it recorded that it stopped
19 recording in portrait mode.

20 Q Don't let me interrupt. Please finish.

21 A I'm sorry. I was going to say I don't see any
22 orientation change to landscape after this report.

23 Q Okay. So, at 9:06:12 the orientation change starts,
24 correct?

25 A Yes, sir.

1 Q At 9:06:14 there's an incoming call from Alex,
2 correct?

3 A Yes, sir.

4 Q And after that point, you do not see anymore
5 orientation changes, correct?

6 A Correct.

7 Q All right. Let me direct your attention -- excuse me,
8 you talk about the 9:06:20 orientation end time, correct?

9 A Yes, sir.

10 Q And then we see at line 4461 another incoming call,
11 correct?

12 A Yes, sir. That was at 9:06:51 p.m., and that was from
13 1-803-942-1227 PA.

14 Q And that's Alex's phone, correct?

15 A Yes, sir.

16 Q And that's the third phone call within about 2 minutes
17 from Alex, correct?

18 A Yes, sir.

19 Q All right, and I see an entry at line 4464 at 9:07.
20 Do you see that, sir?

21 A Yes, sir, I do.

22 Q All right, and that's a display on and off, correct?

23 A Yes, sir.

24 Q And we've already discussed there could be a number of
25 reasons for that display coming on and off, correct?

1 A Yes, sir.

2 Q And the data you see on the phone is not going to be
3 able to tell you exactly why that screen came on, will it?

4 A Correct.

5 Q All right. Line 4466, what is this?

6 A 4466 shows a text message received incoming at 9:06 --
7 or sorry, 9:08:58 p.m. from the phone number
8 1-803-942-1227, Alex to Maggie Murdaugh.

9 Q And what does that text say?

10 A It says: Going to check on M, be right back.

11 Q All right. Let me put you on the spot here. That
12 call occurred at 9-0 -- the last call from Alex occurred at
13 9:06:51, correct?

14 A Yes, sir.

15 Q And the text came from Alex at 9:08:58, correct?

16 A Yes.

17 Q And this was a text that was never read, I believe you
18 testified to, in the previous report, correct?

19 A Yes, sir, correct.

20 Q All right. I'm going to put you on the spot here.

21 Can you calculate the time between 9:06:51 and 9:08:58,
22 please? Take your time. If you need a pen --

23 A It appears to be 2 minutes and 7 seconds.

24 Q There's 2 minutes and 7 seconds between that call from
25 Alex to that text from Alex, correct?

1 A Yes, sir, correct.

2 Q Thank you. Okay. Let's look at lines 4465 and above
3 it and -- excuse me 4468, and above that is obscured
4 because it's stapled, but 4467. Do you see those two
5 entries?

6 A Yes, sir.

7 Q And we see that's -- excuse me, mobile SMS at 9:08:58.
8 Is that a data entry that's associated with that incoming
9 text from Alex we just talked about?

10 A Yes, sir, it is.

11 Q And what time is that again?

12 A It's 9:08:58 p.m.

13 Q Okay. What's the next entry on that log?

14 A The next entry on the log is at 9:31:44 p.m. It shows
15 an end time of display off.

16 Q Okay, and I'm not going to ask you to do the precise
17 math this time, but roughly how many minutes is that
18 between 9:08:58 and 9:31:44?

19 A Approximately 22 minutes.

20 Q For 22 minutes nothing happens on that phone, correct?

21 A Correct.

22 Q There's no orientation changes, the phone is not
23 unlocked, there's no incoming calls, nothing outgoing,
24 correct?

25 A Correct.

1 Q The phone just sits there for approximately 22
2 minutes.

3 A Correct.

4 Q What do we see start happening at 9:31:44?

5 A We see that the display comes on as the start time of
6 that.

7 Q All right, and we've talked about this already. We
8 will go forward a little bit. We see the displays come on
9 and off a few times in that short span of time at about
10 9:31 p.m., correct?

11 A Yes, sir.

12 Q But it's just a display coming on. Do you see
13 anything associated with that display coming on?

14 A No, sir, not until approximately the 9:34:14 p.m.

15 Q We'll get to that in a second, but at least for this
16 display coming on there seems to be no cause for that,
17 correct?

18 A Correct.

19 Q And you previously testified that the screen coming on
20 doesn't tell you a whole lot, does it?

21 A No, sir.

22 Q It could be that the phone is being bumped or moved in
23 some way, correct?

24 A Yes, sir.

25 Q It could be that the phone was just sitting there and

1 there is some sort of automatic process that causes that
2 phone to light up, correct?

3 A Correct.

4 Q All right, let's talk about -- and you started talking
5 about it, where we see an instant message on line 447 --
6 excuse me, 4477, correct?

7 A Yes, sir.

8 Q And that's at what time?

9 A That's at 9:34:14 p.m.

10 Q And which contact is that from?

11 A It shows the contact of Rogan.

12 Q All right, and what does that text message say?

13 A It says: Tell Paul to call me.

14 Q All right, and you previously testified about this in
15 her text message log. Was that text message ever read?

16 A No, sir.

17 Q All right, and we're going to skip down a little bit,
18 and now I'm on line 4498 -- yeah, 98. And we see there it
19 looks like an incoming call, correct?

20 A Yes, sir.

21 Q And who is that from?

22 A It is from PA with the phone number of 1-803-942-1227.

23 Q Okay, and was that called answered?

24 A No, sir.

25 Q And line 4503, what time is that entry?

1 A That entry is at 9:47:23 p.m.

2 Q All right, and what is that?

3 A It's a text message that was received on that from
4 Alex, it says: Call me, babe.

5 Q Okay, and was that text ever read? I know that's
6 referencing the previous report.

7 A No, sir, that text was not read.

8 Q I'm going to hand this report back to you, and I want
9 to have you look at the next, if you pages. What I -- I
10 want you to tell this jury whether you see anything in your
11 expert opinion that would indicate that anybody actively
12 used that phone after that last text call.

13 A Not on 6/7 of 2021.

14 Q Okay. Okay. I'm going to hand you what's been marked
15 as State's Exhibit 284. Take a look at that and tell us
16 what it is, please.

17 A This is an AXIOM report by Magnet Forensics that I
18 prepared for Maggie's phone with health data information
19 and steps.

20 Q Okay. So, that includes steps from Maggie's phone,
21 correct?

22 A Yes, sir.

23 MR. CONRAD: At this time, the State would move to
24 enter it into evidence.

25 MR. BARBER: No objection, Your Honor.

1 THE COURT: It's admitted.

2 (AXIOM REPORT MARKED AS STATE'S EXHIBIT NUMBER 284 WAS
3 RECEIVED INTO EVIDENCE.)

4 Q All right. I think I'm going to direct you to record
5 22, if I'm looking at the right thing. Record 23, excuse
6 me. All right, record 23. What information does this
7 record tell us?

8 A This record tells us that 38 steps were recorded by
9 this phone on 6/7/2021 at -- 8:17:41 p.m. was the start
10 time, and the end time was 6/7/2021 at 8:18:29 p.m.

11 Q All right, and how many steps were taken at that time?

12 A 38 steps.

13 Q And this was the -- this is a report that shows the
14 precise time when the steps -- at least the phone reported
15 when the steps started and when they stopped, correct?

16 A Correct.

17 Q All right, let's talk about that for a minute. Steps
18 on a phone. How does a phone report steps? How does it
19 decide that there are steps taking place?

20 A It's several different ways it can record. It's
21 depending on how the phone is carried as to how many steps
22 it records. If you carry a phone in your hand and you
23 walk, it's going to record more steps. If you carry it on
24 your waist on a phone case, it's not going to record as
25 many steps because it's not detecting the motion. It's not

1 100 percent accurate as far as the steps. There are ways
2 that if you're trying to meet your fitness goal, for
3 instance, you can try to trick a phone or Smart Watch into
4 believing you did more activities and more steps than you
5 actually did.

6 Q Okay. So -- but in a more fundamental level, what is
7 the phone using to determine whether the steps are taking
8 place?

9 A It's a process running inside the phone and it's
10 recording the motion.

11 Q What does it use to record the motion?

12 A As far as --

13 Q Would it be accelerometers?

14 A It would -- a lot of times it would be. Some of the
15 newer ones are recording actually more than that as far as
16 recording strides and things like that, the newer versions.

17 Q All right, and in your opinion, you know, the steps
18 that a phone records, is it always 100 percent accurate?

19 A No.

20 Q And so this says 38 steps. Does that necessarily mean
21 that whoever was holding this phone actually moved exactly
22 38 steps?

23 A No, sir.

24 Q But what does it tell you in a more general sense?

25 A In a more general sense it tells me that this phone,

1 somebody was holding this phone and took steps and recorded
2 steps.

3 Q All right, and let me reference back to the previous
4 report. I believe you testified that at 8:17 Maggie's
5 phone was unplugged, correct?

6 A Yes, sir, it was.

7 Q All right, and then at 8:17 we start to see steps
8 again, correct?

9 A Yes, sir.

10 Q All right, let's look at record 25. All right, and
11 what does this show, record 25?

12 A This shows that 43 steps were recorded by the phone.
13 At 8:30:40 p.m. was the beginning, and it ended at
14 8:33:28 p.m.

15 Q Okay. All right, and let me point out something real
16 quick. The entry above that, which is record -- I don't
17 think there's a record number associated with it, but it
18 says 8:10 -- yeah, I see an entry at 8:10:31 just above
19 that record 25. What is that entry at 8:10:31? Do you see
20 that?

21 A At 8:10:31 it looks like it's part of a previous
22 record from the previous page. It shows the duration of --
23 in minutes of 4.58.

24 Q Okay, and so some of these are a little bit out of
25 chronological order, correct?

1 A Yes, sir.

2 Q But the times that are recorded at each record is
3 accurate, correct?

4 A Yes, sir.

5 Q Even if some of these entries seemed to have gotten
6 out of order, correct?

7 A Yes, sir.

8 Q Can you explain why that happened when you made this
9 report?

10 A I set it to produce in chronological order.
11 Sometimes, though, when the report goes through it will not
12 do that. It's just an issue we've had with that report
13 where it will move it out of chronological order, but the
14 information is still there and still accurate.

15 Q Let's look at record 26. What do you see in record
16 26?

17 A In record 26 I see that 59 steps were recorded by the
18 phone at 8:53:15 p.m., begin, and end at 8:55:32 p.m.

19 Q Okay, and, again, how many steps was that?

20 A It was 59 steps.

21 Q And I think you previously testified when we were
22 looking at the timeline it looked like someone was
23 manipulating with that phone, correct?

24 A Correct.

25 Q You saw some orientation changes, correct?

1 A Yes, sir, correct.

2 Q All right. We saw the camera come on at approximately
3 that time, correct?

4 A Correct.

5 Q But the phone is locked, correct?

6 A Correct.

7 Q I want to give this back to you, the report, and have
8 you look at it real quick. And you've also, I know, have
9 studied this phone data in more detail than just in that
10 report. Are you aware after that 8:53 entry of that phone
11 ever recording any more steps?

12 A No, sir. The next set of steps it shows it recorded
13 was on 6/8/2021 at 3:12:22 p.m.

14 Q Okay. The next day?

15 A The next day, yes, sir.

16 Q And let's circle back to that real quick. I know you
17 were not present for the collection of Maggie's phone. Is
18 that correct?

19 A Correct.

20 Q But generally the circumstances, as you understand
21 them, are what and how it was collected?

22 A The phone was collected from the side of the road. It
23 was given to crime scene, who brought it back and logged it
24 into our forensic lab, at which point I went over, logged
25 it out of the forensic lab, and then took it over to our

1 office to log it in.

2 Q And it was -- but it was not collected until the next
3 afternoon, correct? Or found until the next afternoon,
4 excuse me.

5 A Correct. My understanding is that it was found on
6 6/8/2021.

7 Q All right.

8 THE COURT: Are we at a good stopping point?

9 MR. CONRAD: I think we're at a good stopping point.

10 THE COURT: All right, ladies and gentlemen, we will
11 adjourn for the evening and start back at 9:30 tomorrow
12 morning. Please do not discuss the case.

13 (The jury left the courtroom.)

14 THE COURT: Anything before we adjourn?

15 MR. WATERS: Nothing from the State, Your Honor.

16 MR. HARPOOTLIAN: Nothing from the defense.

17 THE COURT: All right. We'll resume at 9:30.

18 (Whereupon, the case was at ease.)

19 *WEDNESDAY, FEBRUARY 1, 2023*

20 (Court resumed at 9:37 a.m.)

21 THE COURT: Good morning. Anything before we bring
22 the jury in?

23 MR. CONRAD: Nothing from the State, Your Honor.

24 MR. HARPOOTLIAN: Nothing from the defense.

25 THE COURT: Bring the jury.

1 (The jury returned to the courtroom.)

2 THE BAILIFF: The jury is present, sir.

3 THE COURT: Thank you. Good morning.

4 (Jurors respond good morning.)

5 THE COURT: Day number eight. State's case.

6 You may continue.

7 MR. CONRAD: Thank you, Your Honor.

8 Lieutenant Dove.

9 The witness, DAVID BRITTON DOVE, remained under oath
10 and continued testifying as follows:

11 THE COURT: You're still under oath, sir.

12 THE WITNESS: Yes, sir.

13 CONTINUED DIRECT EXAMINATION

14 BY MR. CONRAD:

15 Q Good morning, Lieutenant Dove.

16 A Good morning.

17 Q All right, we were talking about Maggie's phone at the
18 end of the evening last night, correct?

19 A Yes, sir, we were.

20 Q All right. Before we move on, I want to cover just a
21 couple more quick things and then we'll move on. I'm going
22 to show you State's Exhibit 283 again, and this was the
23 detailed timeline for Maggie's phone, correct?

24 A Yes, sir.

25 Q And I'm going to flip to, let's see -- my apologies.

1 Okay. Line 4529. Take a look at 4529, please, and I'll
2 put it up on the screen.

3 A Yes, sir.

4 Q All right.

5 MR. CONRAD: And we'll need the ELMO, please.

6 Q Can you read 4529 on the screen?

7 A It's at the very bottom.

8 Q Okay. Can you read that, sir?

9 A Yes, sir, I can.

10 Q All right, and this is a log entry, correct?

11 A Yes, sir. This appears to be a log entry from the
12 data usage SQLite database.

13 Q Okay, and in the far right column there, what does
14 that say?

15 A In the far right column as I look at it, it says
16 com.Apple.datausage.findmyIPhone, and then it's got WiFi in
17 0, Wi-Fi out 0.

18 Q And what time did that data entry occur on Maggie's
19 phone?

20 A That data usage entry occurred at 10:05:13 p.m.

21 Q And what does that tell you in your opinion?

22 A That in the background, Find My iPhone was using data
23 on the phone.

24 Q Okay. Does this information or any information you've
25 looked at in your investigation tell you exactly why the

1 data was used at that time?

2 A No, sir. It could have just been a background app
3 that was running that had been open from previously in the
4 day.

5 Q Could it have been that Find My iPhone was being
6 triggered from elsewhere?

7 A It could have been.

8 Q Okay, but you can't tell for certain in your opinion.

9 A No, sir. I cannot tell if it was running in the
10 background or if somebody was accessing it.

11 Q Okay. Thank you. All right, and again referencing
12 Maggie's phone, one thing that we've not talked about yet
13 is any location data or any location points from that
14 night, have we?

15 A No, sir.

16 Q All right, and, in fact, in your analysis of her
17 phone, at least for the night in question, did you discover
18 any precise GPS location points?

19 A From which -- there are several different databases
20 that location information would be from. From the cache
21 database, I didn't find anything for that night. It looks
22 like previously from the examination that she used a map to
23 go to an appointment or to a location, and that information
24 was obtained.

25 Q Okay, and that was from the afternoon, correct?

1 A Yes, sir. That was from earlier in the day.

2 Q All right, but at least in terms of precise GPS
3 location for that night, your investigation didn't find any
4 on her phone, correct?

5 A No, sir.

6 Q And I'm going to show you -- again, I'll put it up on
7 the screen. This is in evidence, State's 275. All right,
8 and this is -- we've talked about this yesterday, but this
9 is Maggie's location services, correct?

10 A Yes, sir, correct.

11 Q And what did we talk about for the majority of apps we
12 see on this screen? How are the location settings set?

13 A For the ones pictured on the screen there's -- the
14 majority of them are set to while using.

15 Q And so in your opinion, knowing that and knowing what
16 you've investigated in her database, why don't we see a lot
17 of location data on her phone for the night in question?

18 A It could have been from those apps not being accessed,
19 whether running in the background from previous in the day,
20 or not being cleared out, or not started at a particular
21 time in that day.

22 Q So, Maggie's phone was not continuously recording
23 location information, correct?

24 A Not from the apps and the cache database it wasn't.

25 Q All right, but you don't have anything in that cache

1 database, correct?

2 A Not from that day, no, sir.

3 Q Because while she's out at Moselle, would she have
4 been using her map to navigate?

5 A No, sir.

6 Q Okay. All right. So, her phone was fairly well
7 locked down when it came to location, correct?

8 A Yes, sir.

9 Q Okay. All right. We'll move on. I'm going to show
10 you what's been marked for -- this has been marked as
11 State's 285 and ask you to take a look at this, please.
12 And what's that item, sir?

13 A This item is an Apple iPhone. It was submitted to me
14 with a SIM card and a black case on it.

15 Q All right. When was it submitted to you?

16 A In September of 2021.

17 Q All right, and have you had an opportunity to examine
18 that phone?

19 A Yes, sir, I have.

20 Q All right, and in your examination, were you able to
21 determine who owns that phone?

22 A Yes, sir. According to the account information I
23 obtained from that phone, it belongs to Alex Murdaugh.

24 Q All right.

25 MR. CONRAD: Your Honor, at this time State would move

1 Exhibit 285 into evidence.

2 MR. BARBER: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (IPHONE MARKED AS STATE'S EXHIBIT NUMBER 285 WAS
5 RECEIVED INTO EVIDENCE.)

6 Q All right, I'm going to showing you State's -- what
7 has been previously marked as State's Exhibit 286, and you
8 might need to open up the box to take a look at it.

9 (Break in proceedings.)

10 Q Did you take a look at it? I'm sorry.

11 A Yes, sir, I did.

12 Q And what is inside that box?

13 A Inside that box is a portable solid state external
14 drive that I received and placed a copy of the Cellebrite
15 extraction from Alex Murdaugh's phone.

16 Q Okay, and so in your examination of Alex's phone, you
17 did an extraction, correct?

18 A Yes, sir. I did a full file system extraction.

19 Q Using what software?

20 A I used GrayKey to collect the extraction, then I
21 processed it and decoded through Cellebrite Physical
22 Analyzer, and also AXIOM by Magnet Forensics.

23 Q And you then placed a full copy of the Cellebrite
24 report on that hard drive, correct?

25 A Minus several things. Due to the fact that Mr.

1 Murdaugh is an attorney, there was a privilege review done,
2 so we were -- I was only able to put on there things that
3 were not removed by our attorney for retaining purposes.

4 Q And SLED had an attorney who did a privilege review,
5 correct?

6 A Yes, sir, they did.

7 Q And several things were removed, and several
8 communications were removed, correct?

9 A Yes, sir. It's my understanding they were removed for
10 attorney/client privilege.

11 Q All right, and obviously because you aren't part of
12 the privilege review, you don't know exactly what was
13 removed.

14 A Correct.

15 Q However, when it comes to Alex's call log, did you
16 consult with the SLED attorney to determine whether any
17 items were removed from Alex's call log?

18 A Correct. None of the calls were removed. It mainly
19 consisted of text messaging, emails, things of that nature
20 that would actually be the communication, not calls.

21 Q Okay.

22 MR. CONRAD: And at this time, the State would move to
23 enter Exhibit 286 into evidence.

24 MR. BARBER: No objection, Your Honor.

25 THE COURT: It's admitted without objection.

1 (EXTERNAL HARD DRIVE MARKED AS STATE'S EXHIBIT NUMBER
2 286 WAS RECEIVED INTO EVIDENCE.)

3 Q All right, and I'm going to show you Exhibit 287.
4 Take a look at that, sir. Do you recognize that?

5 A Yes, sir, I do. This is a copy of the Cellebrite
6 extraction from Alex Murdaugh's phone that just contained
7 call logs the day the filter was placed on this report for
8 May 1, 2021, to June 30, 2021.

9 Q All right. Okay. All right.

10 MR. CONRAD: At this time, the State would move to
11 enter Exhibit 287 into evidence.

12 MR. BARBER: No objection.

13 THE COURT: It's admitted without objection.

14 (CELLEBRITE EXTRACTION MARKED AS STATE'S EXHIBIT
15 NUMBER 287 WAS RECEIVED INTO EVIDENCE.)

16 Q All right, let's take a look at Alex's call logs.

17 MR. CONRAD: And, Your Honor, I don't know if the
18 defense has any objection, but the State would move to
19 place this under seal to protect the phone numbers that
20 might appear.

21 MR. BARBER: No objection, Your Honor.

22 MR. CONRAD: Okay, and if we could remove the screen
23 for the audience, please.

24 THE COURT: Let me see the exhibit.

25 MR. CONRAD: Yes, sir.

1 THE COURT: For the privacy of the phone numbers on
2 there, it's under seal.

3 Q Okay, and I'm going to show you this exhibit. Let's
4 take a look at line 39. Can you see that?

5 A No, sir, I cannot.

6 Q All right. There we go; that should do it. All
7 right, can you see line 39?

8 A Yes, sir, I can.

9 Q Okay, and what is that?

10 A It appears to be a call that was received on 5/30/2021
11 at 5:25:25 p.m. and answered. It looks like a FaceTime
12 call.

13 Q Okay, and that was on May 30th, correct?

14 A Yes, sir.

15 Q All right, let's look at line 38 and 37. What are
16 those?

17 A Line 38 and 37 are both calls. They show outgoing as
18 far as the number that phone dialed to another number on
19 June 4, 2021. The first one on line 38 is at 3:41:34 p.m.
20 It shows not answered. It was a FaceTime call, and on line
21 37 the time on that call, the same individual, was
22 4:35:56 p.m. It shows not answered as a FaceTime call.

23 Q Okay. Let's look at line 36. What is that?

24 A Line 36 is a telephone call that was placed by this
25 phone. It was outgoing in the direction it was placed on

1 June 7, 2021, at 10:25:49 p.m. It shows not answered. It
2 shows a FaceTime call.

3 Q Wait a minute. So, we have a call from June 4th,
4 correct?

5 A Yes, sir.

6 Q And then another call at 10:25. It's June 7th, the
7 night of murders, correct?

8 A Yes, sir.

9 Q But you testified yesterday on Maggie's phone you saw
10 several incoming calls beginning at about 9:02, correct?

11 A Yes, sir, I did.

12 Q And are those calls in this call log on Alex's phone?

13 A No, sir, they are not.

14 Q All right, let's talk about data that's restored -- or
15 retained on phones, and we talked a little bit about SQLite
16 databases yesterday, correct?

17 A Yes, sir.

18 Q And the SQLite databases, for the most part, tend to
19 keep information for only certain periods of time, correct?

20 A Yes, sir.

21 Q Now, is a call log, a phone call log that type of
22 database?

23 A It's a different style of database. It's not
24 recording information as quickly as, say, orientation
25 changes or GPS location stuff because you don't place calls

1 constantly every day every 2 minutes or more. If you did,
2 then you would see it get overwritten and taking out of the
3 older stuff as new stuff comes in, but people don't make
4 calls that much, so for that reason it lasts longer in
5 there.

6 Q Okay. So, the call log lasts longer than other types
7 of information on a phone, correct?

8 A Yes, sir. Typically it does just because that's not
9 used as often.

10 Q And as a call log builds up, it might eventually --
11 old calls might eventually drop off, correct?

12 A Yes, sir, older calls will drop off.

13 Q But that would be a pretty -- with the phone's
14 available memory, that would be a pretty long list before
15 they started to drop off, correct?

16 A Yes, sir.

17 Q All right, and here we see just simply a gap. We see
18 calls from May of 2021, and then there's a couple of calls
19 on June 4th of 2021, and then nothing until 10:21 p.m., the
20 night of the murders, correct?

21 A Yes, sir, correct.

22 Q Is that -- can the database simply overriding itself
23 explain that gap?

24 A A gap like that would indicate that it was actually
25 removed from there.

1 Q Okay. So, as if a call log were to fill up and start
2 overriding itself, it would override the oldest items
3 first, you just said, correct?

4 A Yes, sir. It's a standard thing with databases like
5 that. Usually the first in is going to be the first out.

6 Q Okay, and here we see older calls from May, correct?

7 A Yes, sir.

8 Q And then calls -- a couple of calls on June 4th, and
9 then at 10:25 p.m. we start to see calls again, correct?

10 A Yes, sir.

11 Q And that gap when you say removed a second ago, how
12 can those calls be removed to create such a gap?

13 A For a call to be removed, you can go in and very
14 easily go to your call log, if you chose to, and you can
15 swipe it if you move it to the left, that number, it will
16 pop up red on the right-hand side and say delete, and if
17 you choose to delete that call you could do that. The same
18 way you could with text messaging, voice mails, other
19 things that you have access to, user access to.

20 Q Is there any way other than that which you just
21 described that you're aware of that could -- any process
22 that could explain that gap in call records on Alex's
23 phone?

24 A No, sir.

25 Q So, those calls were deleted, correct?

1 A It would appear that way from based off of looking at
2 the reports and the examination of the phone.

3 Q And one last question about that. In the far right
4 column where we -- of these calls we see source of
5 FaceTime. What does that mean?

6 A It was a FaceTime call using the iPhone versus dialing
7 the number.

8 Q And when you pulled this report, if there were normal
9 phone calls, would they've simply been left out? Is that
10 possible?

11 A It -- I pulled it for all call logs, so it should have
12 pulled any regular calls also along with the FaceTime.

13 Q Okay, and you got Alex's phone when again?

14 A I got it in September of 2021.

15 Q Okay. So, that was a full three months after --
16 approximately there, approximately a full three months
17 after the murders, correct?

18 A Yes, sir.

19 Q Okay. So, can you testify today of when you think
20 those calls were removed with any information?

21 A No, sir, I cannot.

22 Q Okay. So, at some point between when those calls were
23 placed on the night of June 7th and when you got the phone
24 in September, those calls disappeared off that phone,
25 correct?

1 A Those calls were not on the phone anymore. How it
2 happened, I don't know.

3 Q Okay. Did you do anything in your investigation, in
4 your extraction or analysis, to potentially remove those
5 calls?

6 A No, sir, I did not.

7 Q I'm going to show you State's Exhibit 288.

8 A Okay.

9 Q All right. Do you recognize that, sir?

10 A Yes, sir. This is a copy of a Cellebrite extraction
11 report that was done for messages from Alex Murdaugh's
12 phone.

13 Q And you prepared that report?

14 A Yes, sir.

15 Q And that report is from the data contained on that
16 hard drive from the full Cellebrite report?

17 A Yes, sir.

18 MR. CONRAD: At this time, the State would move to
19 enter Exhibit 288 into evidence under seal to protect the
20 phone numbers displayed on it.

21 THE COURT: What says the defense?

22 MR. BARBER: No objection, Your Honor.

23 THE COURT: Are you able to submit a redacted copy
24 deleting phone numbers at a later time for the record?

25 MR. CONRAD: We could probably make that happen, Your

1 Honor. It will probably take some manual work but we could
2 do that.

3 THE COURT: All right. You may proceed.

4 (CELLEBRITE EXTRACTION REPORT MARKED AS STATE'S
5 EXHIBIT NUMBER 288 WAS RECEIVED INTO EVIDENCE.)

6 Q All right. I'm going to have you flip in this report,
7 Lieutenant Dove. Previously when we looked at Maggie's
8 phone, you testified about a group text that occurred at
9 approximately 8:31 p.m. that night of the night of
10 June 7th?

11 A Yes, sir.

12 Q I'm going to have you flip to those texts. Alex was a
13 part of that group text message, correct?

14 A Yes, sir, correct.

15 Q And specifically we're looking for the texts that
16 occurred at 8:31 p.m. that night.

17 A I see it.

18 Q Okay. You see it?

19 A Yes, sir.

20 Q Okay, and I'm going to show on this, the text that
21 arrived on Alex's phone at 8:31 p.m. Can you see that on
22 your screen, sir?

23 A Yes, sir, I can.

24 Q All right, and this is the same text that we saw on
25 Maggie's phone, correct?

1 A Yes, sir.

2 Q All right, and that arrived at what time?

3 A That -- it shows it arrived on June 7, 2021, at
4 8:31 p.m.

5 Q Okay, and we're not going to go through the same --
6 read the list of individuals, but these are the same
7 individuals that were in the group text we saw on Maggie's
8 phone, correct?

9 A Yes, sir, correct.

10 Q And quickly read this text again. What does it say?

11 A I plan to go over to visit Dad tomorrow
12 afternoon. Is anyone else planning to go?

13 Q All right, and what time -- date and time was that
14 text read on Alex's phone?

15 A It shows read June 8, 2021, at 1:44:49 p.m.

16 Q So, that's the next day?

17 A Yes, sir.

18 Q All right, and we're going to go to the next text in
19 this thread. Can you read that?

20 A Yes, sir, I can.

21 Q All right. Okay. This should be the correct one.
22 Can you make that out?

23 A Yes, sir. I can make out what the text says.

24 Q All right, and what time did this text arrive on
25 Alex's phone?

1 A The text arrived June 7, 2021, at 8:31:47 p.m.

2 Q All right, and what does this text say again?

3 A It says: I'm in court all week, with an emoji.

4 Q And that's the text from Lynn G?

5 A Yes, sir.

6 Q And when was that text read?

7 A It was read on June 8, 2021, at 1:44:49 p.m.

8 Q Okay. So, I'm going to go a little bit earlier in the
9 day on those texts. What time -- the text that you see on
10 the screen, what time did it arrive on Alex's phone?

11 A It arrived June 7, 2021, at 4:48:23 p.m.

12 Q And just read the text for us again, or read the text
13 for us, please.

14 A It says: Room 632, nurse says we can alternate visits
15 with only one person in at a time.

16 Q And who sent that text?

17 A It looks like John Marvin Murdaugh.

18 Q All right, and what time was that text read?

19 A It shows read June 7, 2021, at 5:10:32 p.m.

20 Q All right. So, that's within about 20 minutes. Is
21 that roughly correct?

22 A Yes.

23 Q And let's look at the next text in this same group.
24 What time did this text arrive on Alex's phone?

25 A It arrived June 7, 2021, at 4:48:48 p.m.

1 Q And what time was that text read?

2 A It shows read June 7, 2021, at 5:10:32 p.m.

3 Q So, again, roughly about 20 minutes after it arrived
4 on the phone, correct?

5 A Yes, sir.

6 Q And I'm going to have you find this. Yesterday you
7 testified on Maggie's phone about a text that was from Alex
8 at approximately 9:08:58, and I believe the text said
9 something to the nature of I'm going to see M or something
10 like that. Can you find that text in this report, please?

11 A Yes, sir, I did.

12 (Break in proceedings.)

13 A I've located the message.

14 Q All right. Okay, and we see that text, and this was
15 an outgoing text, correct, from Alex's phone?

16 A Yes, sir. It shows the status as being sent.

17 Q All right, and what time was it sent?

18 A It was sent on June 7, 2021, at 9:08:58 p.m.

19 Q And read the text again.

20 A It says: Going to check on M, be right back.

21 Q And we'll go to the text just after that in this
22 thread, and this was another sent text, correct?

23 A Yes, sir. The status is showing as a sent text.

24 Q All right, and what time was this text sent?

25 A It was sent on June 7, 2021, at 9:47:23 p.m.

1 Q And what does the text say?

2 A The text says: Call me, babe.

3 Q And I'm going to ask you to find a text that Alex
4 sent, I believe the contact is called Rogan, at
5 approximately 10:24 p.m. Can you find that for us, please?

6 A Yes, sir.

7 (Break in proceedings.)

8 A Okay. I've located it.

9 Q Okay. What time was this text sent?

10 A This text shows it was sent on June 7, 2021, at
11 10:24:43 p.m.

12 Q And this was sent to Rogan, correct?

13 A Yes, sir, correct.

14 Q And what does the text say?

15 A It says: Call me.

16 Q I'm going to show you what's been marked as State's
17 Exhibit 289. I want to ask if you recognize this.

18 A Yes, sir. This is a Cellebrite report that I prepared
19 with timeline events for Alex Murdaugh's phone. The date
20 filter was sent for this June 7, 2021.

21 Q All right.

22 MR. CONRAD: At this time, the State would move to
23 enter Exhibit 289 into evidence.

24 MR. BARBER: No objection.

25 THE COURT: It's admitted.

1 (CELLEBRITE REPORT MARKED AS STATE'S EXHIBIT NUMBER
2 289 WAS RECEIVED INTO EVIDENCE.)

3 MR. CONRAD: And the State would ask that Exhibit 289
4 be under seal because there's some phone numbers displayed
5 for privacy.

6 MR. BARBER: No objection.

7 THE COURT: Okay.

8 Q And I'm going to show you what's been marked as
9 State's Exhibit 290. Do you recognize that document, sir?

10 A Yes, sir, I do.

11 Q And what is that document?

12 A This is a copy of the Magnet Forensic AXIOM report
13 that I prepared for Alex Murdaugh's phone to show health
14 database steps and movement.

15 Q Okay.

16 MR. CONRAD: At this time, the State would move to
17 enter Exhibit 290, 2-9-0, into evidence. It does not need
18 to be under seal.

19 MR. BARBER: No objection.

20 THE COURT: It's admitted.

21 (AXIOM REPORT MARKED AS STATE'S EXHIBIT NUMBER 290 WAS
22 RECEIVED INTO EVIDENCE.)

23 Q We're going start looking at the steps first so this
24 screen can show this. This is Exhibit 290, and it is not
25 under seal. Let's take a look at record 16 and record 17.

1 Can you see those? I'll adjust it a little bit. Can you
2 see those on your screen, sir?

3 A Yes, sir, I can.

4 Q And record 16, what does that indicate?

5 A Record 16 indicates that the phone recorded 49 steps
6 on June 7, 2021, beginning time 6:02:51 p.m., ending time
7 6:07:33 p.m. the same day.

8 Q All right, and record 17, what does that show?

9 A Record 17 indicates that the phone recorded 173 steps
10 on June 7, 2021, beginning at 6:14:42 p.m. and ending at
11 6:23:46 p.m.

12 Q And you testified yesterday about steps, correct?

13 A Yes, sir.

14 Q And do you recall in terms of our ability to rely on
15 those steps what you testified to?

16 A Yes, sir.

17 Q And in your opinion, what is the reliability -- what
18 do these steps tell us? Excuse me.

19 A It tells that the phone recorded the steps. It's not
20 100 percent accurate as to that's how many steps were
21 taken. It also will not tell where the start was, the stop
22 was as far as distances, anything like that, but it's not
23 100 percent accurate. It just says the phone recorded
24 steps; it was in movement recording steps.

25 Q Okay, and generally for a phone to record steps, what

1 does that tell you? How does a phone -- I mean, what kinds
2 of motion can cause a phone to record steps?

3 A Possibly somebody was holding it in their hand,
4 somebody had it in their pocket but they were moving, they
5 were actually in motion. They were either walking, could
6 be running. It would record the steps, but that somebody
7 has got the phone in movement versus putting it in a cup
8 holder in your car and driving around. It's not going to
9 record steps that way.

10 Q Okay. So, in your opinion, if someone puts the phone
11 in a car seat or in a cup holder and they drive, will the
12 phone record steps?

13 A No, it will not.

14 Q All right, let's look at record 18 and 19 and adjust
15 it a little bit here. There you go. You can make out
16 record 18 at the top, correct?

17 A Yes, sir, I can.

18 Q All right, and what does that show?

19 A It shows that the phone recorded 57 steps taken on
20 June 7, 2021, at 6:42:12 p.m. beginning time, ending time
21 6:43:55 p.m.

22 Q Okay. Record 19, what does that show?

23 A Record 19 shows that the phone recorded 283 steps
24 beginning at June 7, 2021, at 6:52:27 p.m. and ending at
25 7:02:05 p.m.

1 Q Let's look at record 20. What does that show?

2 A It shows the phone recorded 165 steps. Start time is
3 June 7, 2021, at 7:03:55 p.m., with an ending time of
4 7:11:29 p.m.

5 Q Okay. Let's go to record 21. What does that say?

6 A It shows that the phone recorded 200 steps. Start
7 time is June 7th of 2021 at 7:15:35 p.m., ending time of
8 7:21:52 p.m.

9 Q All right. Record 22, what does that say?

10 A Record 22 shows that the phone recorded 47 steps.
11 Start time is June 7, 2021, at 7:28:35 p.m., ending time
12 7:37:11 p.m.

13 Q All right. Record 23?

14 A Record 23 shows the phone recorded 270 steps. Start
15 time is June 7, 2021, at 7:55:32 p.m. Ending time is
16 8:05:07 p.m.

17 Q Okay. Record 24, and it's cut off to the next page,
18 but read what you can, and then I'll flip it.

19 A The beginning of this record shows that the phone
20 recorded 29 steps, with a start time of June 7, 2021, at
21 7:41:23 p.m.

22 Q All right, let's finish record 24 there. When did
23 those steps end?

24 A Those steps ended for that record on June 7th of 2021
25 at 7:48:41 p.m.

1 Q All right. So this report, like the report we looked
2 at yesterday for Maggie, it's chronologically a little bit
3 out of order, correct?

4 A Yes, sir, correct.

5 Q But the times that you're stating, those are correct.

6 A Yes, sir, those are accurate.

7 Q And just because the steps here that were recorded at
8 7:48 -- according to your analysis, that's when those steps
9 occurred, correct?

10 A Yes, sir.

11 Q And the fact that it's listed in your report after
12 steps that had occurred later doesn't mean those steps
13 occurred later. Is that correct?

14 A Correct.

15 Q All right. All right. Let's look at record 25. What
16 does that say?

17 A Record 25 shows that the phone recorded 74 steps.
18 Start time was June 7th of 2021 at 8:05:35 p.m., ending
19 time of 8:09:52 p.m.

20 Q Okay. Record 26, what does that say?

21 A Record 26 shows the phone recorded 283 steps, with a
22 start time of June 7, 2021, 9:02:18 p.m., ending time
23 9:06:47 p.m.

24 Q Okay. So -- and I'll hand this report back to you,
25 but we see an hour gap, approximately an hour gap between

1 those steps that ended at 8:09 and when the steps start to
2 occur again at 9:02, correct?

3 A Correct.

4 Q And I'll hand you your report so you can flip through
5 it because some of the things got out of order -- just to
6 verify -- but do you see any steps that occur on that phone
7 between those two times, between 8:09 and 9:02?

8 A No, sir, I do not.

9 Q Okay, and whose phone are we talking about again?

10 A This phone was Alex Murdaugh's phone.

11 Q All right. So, in your opinion, was this phone being
12 moved around with or walked around with during that gap in
13 time according to the record or the analysis you've done?

14 A No, sir, not in my opinion based off my analysis.

15 Q And I've previously entered State's Exhibit 289, which
16 was the timeline for Alex's phone, correct?

17 A Yes, sir, correct.

18 Q And let's talk about this timeline a little bit. So,
19 what kind of information is found in this timeline on
20 Alex's phone?

21 A On this phone, it captured things like incoming text
22 messages to show a log entry for it. It shows there was a
23 log entry for images, steps. It's a little bit different
24 the way Cellebrite does steps versus AXIOM, so it's a
25 little bit different look to it. It also has text messages

1 on here as they came in, and a few more log entries to show
2 that text messages and that phone calls were being made and
3 recorded in the log.

4 Q Do you see any orientation changes like we talked
5 about on Maggie's phone in that report? And would it
6 include it if there were?

7 A Usually you don't see it in a timeline report like
8 this. You would find it in the device events report. We
9 would pull it separate.

10 Q Have you -- in your analysis, you've looked at the
11 device events report, correct?

12 A Yes, sir, I have.

13 Q All right, and during that same timeframe, do you see
14 any orientation, movement, or anything to suggest the phone
15 is being handled, or does that data exist? I should ask
16 that.

17 A Which timeframe exactly?

18 Q The device events, did you find data from the night of
19 the murder on Alex's phone?

20 A Earlier in the evening I did, but there was a gap in
21 time where I did not see it.

22 Q Okay. We talked about some of these databases kind of
23 going away after a certain period of time, correct?

24 A Yes, sir.

25 Q And you don't know the exact time for every single

1 database, correct?

2 A Correct.

3 Q But generally speaking most of these databases, the
4 SQLite databases, how quickly do they turn over?

5 A They can go from two days to two weeks to 45 days. It
6 just depends.

7 Q And so when you performed your analysis on this phone,
8 it was in September of 2021, correct?

9 A Yes, sir.

10 Q And so some of that information that's contained in
11 those SQLite databases, would you expect to find it -- some
12 of that data in September that had been originally recorded
13 in June of 2021?

14 A No, sir, and if it showed anything, it wouldn't be
15 accurate information. It would be remnants of it.

16 Q Okay, because a lot of those databases overturn in a
17 far shorter period of time between June and September,
18 correct?

19 A Yes, sir, correct.

20 Q Okay, and so to sum up, Alex's phone could be --
21 because you didn't analyze it until September, it just
22 simply doesn't contain as detailed data that you found on
23 Maggie's phone, for example?

24 A Correct, for that timeframe of June.

25 Q Okay, and I'm going to show you -- this is Exhibit 289

1 and this is under seal.

2 (Break in proceedings.)

3 Q All right, and we see lines 157 and 158 in this
4 report, correct?

5 A Yes, sir, I do.

6 Q And what is line 157 associated with?

7 A Line 157 is associated with a text message.

8 Q All right, and that's a text message we just talked
9 about in Alex's text message report, correct?

10 A Yes, sir. It shows as an incoming text message.

11 Q All right, and I believe you just testified that that
12 text wasn't read until the next day, correct?

13 A Yes, sir.

14 Q And there was a second text at -- and this is line
15 159, and there was a second text that you've already
16 testified about. And what time is this text?

17 A It shows that it was June 7, 2021, at 8:31:47 p.m.

18 Q And again, according to the text message report, when
19 was this text read?

20 A The next day, on June 8, 2021.

21 Q All right. You just testified about the steps, and we
22 can get the report back to you if you need to be refreshed.
23 What time did Alex's phone start moving after that gap
24 between 8:05 and 9:02?

25 A It started moving at 9:02. There was a gap before,

1 but it was started at 9:02 recording steps again.

2 Q And those texts were not read at that time, correct?

3 A Correct.

4 Q We looked at a couple of earlier texts in that thread,
5 correct?

6 A Yes, sir, correct.

7 Q And those texts had been read within 20 minutes,
8 correct?

9 A Yes, sir, approximately.

10 Q And in your analysis investigation, did you review
11 other texts that might or might not be in that report
12 that's in evidence to review Alex's habit of when he read
13 texts?

14 A Yes, sir, I reviewed other texts.

15 Q All right. From the day of the murder?

16 A From that day, and previous days, and the days after.

17 Q And just in your general review, and I'm sure there's
18 outliers, but what is Alex's general habit when he reads
19 texts?

20 A Usually it could vary from -- anywhere from reading it
21 within 5 minutes to 30 minutes, maybe 40 minutes, just
22 depending. But it was generally within an hour's time, it
23 appeared, that the texts were read.

24 Q Okay, and like I said, there's probably outliers,
25 correct?

1 A Yes, sir.

2 Q All right, but this particular thread we've been
3 talking about with the group family thread, what was the
4 topic they were talking about?

5 A It was about his father being in the hospital.

6 Q Okay, and those texts weren't read until the next day,
7 correct?

8 A Correct.

9 Q All right. I'm going to show you what's been marked
10 for ID purposes as item 274. Give me a second to find it.

11 (Break in proceedings.)

12 Q All right, and do you recognize that item, sir?

13 A Yes, sir, I do.

14 Q Okay, and what is that item?

15 A This is an Apple iPhone that we received once the
16 analysis was done. It has the account of Paul Murdaugh.

17 Q Okay, and when did you originally get that item,
18 receive that item?

19 A I would have to refer to my notes for the actual day
20 it was submitted.

21 Q Do you have them with you?

22 A Yes, sir.

23 Q All right. Can you look at that, please?

24 A Yes, sir.

25 Q All right.

1 A It was August 13, 2021.

2 Q Okay, and to the best of your recollection, where had
3 the phone been previous to you?

4 A Previous to us it was located in Charleston County in
5 their evidence area.

6 Q And that was Paul McManigal, correct?

7 A Yes, sir. It has his sticker on there that it was in
8 his possession.

9 Q And to your knowledge, did he -- was he able to access
10 Paul's phone?

11 A Not that I'm aware of. I believe he might have gotten
12 just a little surface information from it, but to my
13 knowledge he was not able to access it due to the pass
14 code.

15 Q The phone was locked, correct?

16 A Yes, sir.

17 Q And when you got it in August of '21, excuse me, was
18 phone still locked?

19 A Yes, sir, it was.

20 Q And in August of 2021, did you have any tools
21 available at SLED that would help you unlock at that phone?

22 A At that time, no, sir. It would not support that
23 model and the IOS that was running on the system.

24 Q And these companies that develop software to access
25 these phones, they're continuing -- that software is

1 continuously updated, correct?

2 A Yes, sir.

3 Q And that software isn't free, correct?

4 A Correct.

5 Q And it's sort of like a game, isn't it? Apple --
6 these companies discover an exploit on these phones that
7 allow them to access it, correct?

8 A Yes, sir.

9 Q And then Apple produces a software update that fixes
10 that exploit, correct?

11 A Correct.

12 Q And so it's kind of a continuous cycle of being able
13 to access these phones and not, correct?

14 A Yes, sir, correct.

15 Q But in August of 2021, you did not have the ability to
16 access Paul's phone, correct?

17 A No, sir, I did not.

18 Q All right. So, let's fast forward to March of 2022.
19 Did it come to your attention that a fellow law enforcement
20 agency had recently acquired a tool that potentially
21 accessed Paul's phone?

22 A Yes, sir. I spoke with Jon VanHouten of the United
23 States Secret Service, and they believed they had the
24 capabilities with the tools they had to obtain the pass
25 code to this phone.

1 Q And did you take that phone to Mr. VanHouten?

2 A Yes, sir, I did.

3 Q All right, and approximately when was that again?

4 A It was in March of 2022.

5 Q Okay. All right, and to your knowledge, was Mr.
6 VanHouten successful in accessing Paul's phone?

7 A Yes, sir. I received a phone call from Mr. VanHouten
8 stating that he was able to do an extraction on the phone,
9 and that we were preparing it to put on an external hard
10 drive for me to bring back and do my analysis.

11 Q All right, and received what type of file extraction
12 from Mr. VanHouten?

13 A It was a Cellebrite file extraction.

14 Q Do you recall if it was a full file extraction, or a
15 physical file extraction, or logical?

16 A It was a full file system extraction.

17 Q And when you got that full file system extraction from
18 Mr. VanHouten, what did you do with it?

19 A I processed it with Cellebrite Physical Analyzer and
20 also verified the information with AXIOM by Magnet
21 Forensics.

22 Q Okay. All right, sir.

23 MR. CONRAD: Your Honor, at this time the State would
24 move to enter Exhibit 274 into evidence.

25 MR. BARBER: Renew the previous objection.

1 THE COURT: It's admitted.

2 (IPHONE MARKED AS STATE'S EXHIBIT NUMBER 274 WAS
3 RECEIVED INTO EVIDENCE.)

4 Q Okay. I'm going to show you what is premarked as
5 Exhibit 292 and -- State's 292. You probably need to open
6 the box. Do you recognize that, sir?

7 A Yes, sir, I do.

8 Q And what is that?

9 A This is an external hard drive. It's a portable solid
10 state drive that was provided to me to place the phone
11 reports on from Paul Murdaugh's phone.

12 Q All right, and that's -- is that -- what does it
13 contain?

14 A It contains a Cellebrite report for Paul Murdaugh's
15 phone.

16 Q And that's a full Cellebrite report?

17 A Yes, sir.

18 MR. CONRAD: At this time, the State would move to
19 enter Exhibit 292 into evidence.

20 MR. BARBER: Renew the previous objection, Your Honor.

21 THE COURT: You're entering the entire download?

22 MR. CONRAD: Correct, the full Cellebrite report.

23 THE COURT: And your objection is to the chain, not to
24 the --

25 MR. BARBER: Correct, Your Honor.

1 THE COURT: -- what is contained on it. It's
2 admitted.

3 MR. CONRAD: Thank you, Your Honor.

4 (EXTERNAL HARD DRIVE WITH CELLEBRITE REPORT MARKED
5 AS STATE'S EXHIBIT NUMBER 292 WAS RECEIVED INTO EVIDENCE.)

6 Q All right. I'm going to hand you what is Exhibit 293.
7 Take a look at it and let us know if you recognize it.

8 A Yes, sir, I do.

9 Q And what is that?

10 A It appears to be my Cellebrite report that I prepared
11 for call logs from Paul Murdaugh's phone with a date filter
12 set for June 5th of 2021 to June 7th of 2021.

13 Q Okay.

14 MR. CONRAD: At this time, the State would move to
15 enter Exhibit 293 into evidence.

16 MR. BARBER: Same objection.

17 MR. CONRAD: And this would need to be under seal,
18 Your Honor, due to phone numbers and private information.

19 MR. BARBER: No objection to sealing it.

20 THE COURT: Subject to the redaction.

21 (CELLEBRITE REPORT MARKED AS STATE'S EXHIBIT NUMBER
22 293 WAS RECEIVED INTO EVIDENCE.)

23 MR. CONRAD: We're going to publish it so this would
24 be under seal.

25 Q I'm going to direct you to phone calls that occurred

1 on the night of June 7th, and let's look at lines 5 and 6.

2 What do you see there?

3 A Lines 5 and 6 show a phone call that was received

4 June 7, 2021, at 8:32:10 p.m. It was rejected.

5 Q All right. That call was not answered, correct?

6 A Correct. It shows it is incoming and rejected.

7 Q And we see a name. What does that mean?

8 A Robert Boyle.

9 Q And that's line 5, correct?

10 A Yes, sir.

11 Q And what is line 6, the name?

12 A It says Lucille Boyle.

13 Q And we encountered this with Maggie's phone.

14 That's -- we have two different contacts because it's
15 pulling from two different databases, correct?

16 A Correct.

17 Q And those names -- that number may be labeled as a
18 different name in two different databases, correct?

19 A Correct.

20 Q All right. Let's look above that. So, lines 3 and 4,
21 and what do those lines indicate?

22 A Those lines show that the phone had an outgoing call
23 that was placed June 7, 2021, at 8:40:20 p.m., and it was
24 answered.

25 Q Okay, and who is the contact name on that outgoing

1 call?

2 A Rogan Gibson.

3 Q And this is Paul's phone, correct?

4 A Yes, sir, it was Paul's phone.

5 Q This was data that was stored on Paul's phone that you
6 recovered during your investigation, correct?

7 A Yes, sir, correct.

8 Q And that's an outgoing call to Rogan Gibson.

9 A Yes, sir.

10 Q And how long did that call last?

11 A It recorded that call as 4 minutes and 14 seconds.

12 Q Okay, and we see actually between line 3 and 4 a
13 slight difference in that time. I believe line 4 says 4
14 minutes and 18 seconds. But your testimony, in looking at
15 this data, the correct length of the call is what?

16 A It's 4 minutes and 14 seconds.

17 Q All right. Let's look above that to lines 1 and 2.
18 What do we see there?

19 A Lines 1 and 2 show an outgoing call on June 7, 2021,
20 at 8:44:34 p.m.

21 Q Okay, and what is that -- who was that call to?

22 A That call shows to Rogan Gibson.

23 Q All right, and we see a source. What is that source
24 for this call?

25 A It is a FaceTime call.

1 Q All right, and how long did that call last?

2 A Approximately 11 seconds.

3 Q Okay, and that was answered, correct?

4 A Yes, sir, it shows as answered.

5 Q All right, and so if that call started at 8:44:34 and
6 it lasted 11 seconds, when did that call end?

7 A It would have ended at 8:44:45.

8 Q All right, and I see this is record number one,
9 correct?

10 A Yes, sir.

11 Q All right. So, this is the most recent call on Paul's
12 phone, correct?

13 A Yes, sir.

14 Q Were there ever any other outgoing calls made from
15 Paul's phone?

16 A No, sir, not that I found.

17 Q Were there ever any other calls that were answered,
18 incoming calls that were answered on Paul's phone?

19 A No, sir.

20 Q I'm going to show you what's been marked as State's
21 Exhibit 294, 2-9-4.

22 A Yes, sir.

23 Q What is that?

24 A This is a Cellebrite report that I pulled for text
25 messages from Paul Murdaugh's phone.

1 Q All right.

2 MR. CONRAD: At this time, the State would move to
3 enter Exhibit Number 294 into evidence.

4 MR. BARBER: No objection.

5 THE COURT: It's admitted.

6 (CELLEBRITE REPORT MARKED AS STATE'S EXHIBIT NUMBER
7 294 WAS RECEIVED INTO EVIDENCE.)

8 MR. CONRAD: And the State would ask it will be under
9 seal. It will display phone numbers and to protect
10 privacy, the State would ask that it be placed under seal.

11 MR. BARBER: No objection.

12 THE COURT: A redacted copy can be submitted along
13 with the original at a later time.

14 MR. CONRAD: All right. Okay, and this is under seal.
15 I'm going to publish it.

16 Q All right, I'm going to direct your attention to --
17 actually we'll go back just a little. All right, let's
18 look at line 8 on this report. Or, excuse me, that's line
19 3, line 3. What does this entry say?

20 A It's a text message that was received on this phone
21 June 7, 2021, at 8:48:39 p.m. It shows it as an incoming
22 text message.

23 Q All right, and who is it from, the contact?

24 A It is from Meagan Kimbrell.

25 Q All right, and what does the text message says?

1 A It says: Don't like watching sad movies.

2 Q Okay, and this was an incoming message to Paul's
3 phone, correct?

4 A Yes, sir, correct.

5 Q Does it indicate that this message was read?

6 A Yes, sir. It shows read June 7, 2021, at 8:48:59 p.m.

7 Q Okay, and actually let's look at line 4, which was
8 just below line 3, excuse me. All right. You see line 4?

9 A Yes, sir, I can.

10 Q Okay, and what does this line -- this entry indicate?

11 A It indicates it's another text message that was
12 received from the same sender, Meagan Kimbrell.

13 Q What does the text message say?

14 A It says: No, I need something happy.

15 Q And what is the time on this text?

16 A It shows the text as being received June 7, 2021, at
17 8:48:29 p.m.

18 Q And what time -- what -- was this text message read by
19 Paul's phone?

20 A Yes, sir. It shows it's being read June 7, 2021, at
21 8:48:59 p.m.

22 Q And so lines 3 and 4 -- put them both there -- they
23 were read at the same time, correct?

24 A Yes, sir.

25 Q And what time was that again?

1 A It was 8:48:59 p.m.

2 Q On the night of June 7th, correct?

3 A Yes, sir, correct.

4 Q All right, let's take a look at line 2. What does
5 this record indicate, sir?

6 A This indicates the text message was received to this
7 phone on June 7, 2021, at 8:49:35 p.m.

8 Q Okay. So, this is approximately how many seconds
9 after those texts from Meagan Kimbrell were read?

10 A It.

11 Q I can flip back if you need me need to.

12 A Yes, sir, if you could, please.

13 Q What time were the texts from Meagan Kimbrell read?

14 A At 8:48:59 p.m.

15 Q All right, and that text from Rogan arrived at what
16 time?

17 A It arrived at 8:49:35 p.m.

18 Q I'm going to put you on the spot again. Can you give
19 us a rough -- or how many seconds between those two texts
20 arriving on Paul's phone?

21 A I would have to write that down if I tried to do the
22 second.

23 Q Do you have a pen or something you could write with?

24 A Yes, sir.

25 Q All right. So, the first time for Meagan was 8 -- the

1 texts from Meagan were read at 8:48:59, and Rogan's text
2 arrives at 8:49:35.

3 A Approximately 36 seconds.

4 Q Okay. Was this text from Rogan ever read on Paul's
5 phone?

6 A No, sir. It shows the status as unread.

7 Q Ever.

8 A Ever.

9 Q So, when you got this phone download from VanHouten,
10 that indicated that this text from Rogan was never read,
11 correct?

12 A Correct.

13 Q 8:49:35.

14 A Correct.

15 Q 36 seconds earlier there were two texts from Meagan
16 Kimbrell that were read, correct?

17 A Correct.

18 Q And we see one final text above that in line 1. What
19 does line 1 indicate, sir?

20 A Line 1 shows that it was an incoming text message from
21 Rogan Gibson on 6/7/2021 at 9:58:35 p.m.

22 Q And what does that text say?

23 A Yo. Y-o.

24 Q Was that text ever read?

25 A No, sir, the status is unread.

1 Q All right, and I'm going to dig back into your memory
2 from yesterday, from Maggie's phone. Do you recall a text
3 on Maggie's phone that was read at 8:49:27?

4 A Yes, sir.

5 Q And I believe that was a text from Lynn G in the group
6 text thread, correct?

7 A Correct.

8 Q All right. Why don't you write that number down,
9 8:49:27. All right, and that was a text from Lynn G to the
10 group thread about Randolph's health that was read at
11 8:49:27, correct?

12 A Correct.

13 Q All right, and then we have here line 2, a text from
14 Rogan that was at 8:49:35, correct?

15 A Correct.

16 Q How much time separates those two texts?

17 A Approximately 8 seconds.

18 Q And that text from Rogan was never read, correct?

19 A Correct.

20 Q All right. In your investigation, you look at the
21 status of the phone of when certain things occurred,
22 correct?

23 A Yes, sir, correct.

24 Q Things like battery status, correct?

25 A Correct.

1 Q And at the time of these texts, what was Rogan's
2 battery status? Do you recall?

3 A Rogan's battery status or Paul's?

4 Q Or excuse me, Paul's. I'm sorry, Paul's.

5 A Paul's battery state at that point was approximately
6 two percent.

7 Q Okay. So, that's a low battery state, correct?

8 A Yes, sir.

9 Q And what was it when those texts from Meagan arrived
10 on his phone?

11 A It would have been between two and three percent.

12 Q Okay, and in your opinion, is there any way -- reason
13 that low battery state would have permitted Paul to read
14 the text from Meagan but not from Rogan 36 seconds later?

15 A No, sir.

16 Q And if he had read that text at 8:49:35, in your
17 opinion would the phone have logged that and recorded that
18 event?

19 A Yes, sir. It should have recorded it as a read
20 status.

21 Q And that battery would not have prevented that phone
22 from recording that text being read, correct?

23 A Correct.

24 Q And in your investigation -- we know you just
25 testified Paul's phone was at two percent at approximately

1 8:49, correct?

2 A Correct.

3 Q Did your investigation reveal in that phone log when
4 that battery finally died on Paul's phone?

5 A Yes, sir, at approximately 10:34 p.m. on June 7th.

6 Q Which is, roughly speaking, about how long after those
7 texts arrived on Paul's phone?

8 A Approximately 39 minutes for the last one.

9 Q Okay. All right, and I'm not even sure this needs to
10 be an expert opinion, but if a phone that is at two percent
11 is used heavily, how long approximately would you expect
12 that phone to last before it dies?

13 A If it's being heavily used, text messaging and looking
14 at videos, things of that nature that are going to put more
15 strain on the battery, I would expect it to go to the point
16 of being dead. I would imagine in just kind of a ballpark,
17 because I haven't done testing on this, but I would say 10
18 to 15 minutes max.

19 Q So, a matter of minutes, correct?

20 A Yes, sir.

21 Q All right, but that phone sits there for what did you
22 say, almost 39 minutes?

23 A Yes, sir.

24 Q Actually, I'm sorry, let's -- let's do that math
25 again. If Paul's battery state at 8:49 is two percent and

1 it dies at 10:34, again, how many minutes is that
2 approximately?

3 A 36. I'm sorry, I miss subtracted.

4 Q And I think we're both suffering from some math phobia
5 here, Lieutenant Dove. We're going to do that one more
6 time, and we can write this down if we need to, you know.
7 Us lawyers, we don't do math, so 8:49 the battery is at two
8 percent, correct?

9 A Yes, sir.

10 Q And the phone dies at what time?

11 A From the last text message or from --

12 Q What time does Paul's -- just write down the time.
13 What time does Paul's die?

14 A At 10:34 p.m.

15 Q All right, and how much time is between approximately?

16 A From the last text messaging received from Rogan --

17 Q From 8:49 until 10:34.

18 A I'm sorry, I was going off the last time a message was
19 received to the phone.

20 Q That's probably my fault.

21 A About an hour and 35 minutes.

22 Q Okay. All right. Okay, and I'm going to show you
23 what's been marked as Exhibit 295.

24 A Okay.

25 Q Do you recognize that, sir?

1 A Yes, sir. This is a copy of the Cellebrite report I
2 prepared for a timeline of Paul Murdaugh's phone.

3 Q And I notice this is quite a bit thicker than some of
4 the other reports that we've been through, correct?

5 A Yes, sir, correct.

6 Q Why would that be?

7 A That one also contains location information that was
8 obtained from the cache SQLite database.

9 Q So, there's a lot more data points on Alex's phone,
10 correct?

11 A There's a lot more on Paul's phone on that timeline.

12 Q Or, excuse me, on Paul's phone. Excuse me.

13 MR. CONRAD: At this time, the State would move to
14 enter Exhibit 295 into evidence.

15 MR. BARBER: Renew the previous objection.

16 THE COURT: It's admitted.

17 (TIMELINE REPORT MARKED AS STATE'S EXHIBIT NUMBER 295
18 WAS RECEIVED INTO EVIDENCE.)

19 Q And just -- what timeframe, again, does that report
20 span?

21 A The timeframe of this report, I began it at 6:00 p.m.
22 on June 7, 2021, and it ran through midnight on June 7,
23 2021.

24 Q And just roughly speaking, if you were to print even
25 two or three days' worth of this information on Paul's

1 phone, how many pages would you roughly expect that report
2 to be?

3 A Several thousands of pages.

4 Q All right, and so this is just a couple of hours,
5 correct?

6 A Yes, sir.

7 Q All right.

8 MR. CONRAD: And, Your Honor, there are some phone
9 numbers contained on this report so the State would move
10 that it be sealed for privacy reasons.

11 MR. BARBER: No objection.

12 THE COURT: Okay.

13 Q And I'm just going to pull some examples here. And
14 I'm looking at lines 325 through 329. What is the date
15 range that you see there?

16 A Beginning with 325, it's June 7, 2021, 6:44:47 p.m.
17 Going to line 329 is going to be June 7, 2021, at 6:46 p.m.

18 Q So, that's approximately 2 minutes' worth of log
19 entries, correct?

20 A Yes, sir. A little bit less than 2 minutes.

21 Q Lines 325 and 326 and 327, what kind of entries are
22 those?

23 A 325, 326, and 327 are location data entries into the
24 cache SQLite database.

25 Q Okay, and we see some numbers at the top there. I see

1 a 32.83, and then some other numbers and a minus 81.05 and
2 some other numbers. What do those numbers indicate?

3 A They're latitude and longitude numbers.

4 Q All right. Now -- and we see three entries within
5 almost seconds, correct?

6 A Yes, sir.

7 Q So, what does that tell you generally speaking about
8 Paul's phone and his settings on whether they -- his phone
9 will record location data frequently or not?

10 A It's recording it much more frequently, and every few
11 seconds it's grabbing this information to this database.

12 Q Okay, and so is Paul's phone as locked down as
13 Maggie's in comparison -- in regards to location?

14 A It appears it is collecting more data as far as
15 location information than Maggie's phone did.

16 Q All right, and I'm going to direct your attention to
17 line 328 there. And what is that entry?

18 A This is an entry from an application usage that shows
19 it was in there, and I believe this application is related
20 to Snapchat.

21 Q And what does it actually say there?

22 A It actually says calm.toyopagroup.picaboo.

23 Q Dot picaboo?

24 A Yes.

25 Q And you researched -- and you researched what that

1 means?

2 A Yes, sir, I did.

3 Q And you've discovered what?

4 A That it's related to Snapchat.

5 Q All right. Snapchat usage?

6 A Yes, sir.

7 THE COURT: Ladies and gentlemen, we'll take a break
8 now. If you'll go to the jury room for about 10 minutes or
9 so.

10 (The jury left the courtroom.)

11 (A break was taken.)

12 THE COURT: All right. Bring the jury.

13 (The jury returned to the courtroom.)

14 THE BAILIFF: The jury is present, sir.

15 THE COURT: You may proceed.

16 MR. CONRAD: Thank you, Your Honor.

17 BY MR. CONRAD:

18 Q Lieutenant Dove, I'm going to circle back to what has
19 already been admitted State's 294, and this is the text
20 message report that you produced, sir?

21 A Yes, sir.

22 Q And this is under seal. We're just going to flesh out
23 a little bit that -- that text conversation with Meagan
24 Kimbrell just for a little more context. Lines 10 and 11,
25 can you tell us what's indicated on those two records?

1 A Yes, sir. On line 10 it shows that it was a --

2 Q Actually, I'm sorry, let me stop you. Let's read line
3 11 just to keep it chronologically in order. Go ahead,
4 line 11.

5 A Line 11 shows it was an incoming text message on
6 June 7, 2021, at 8:29:06 p.m, and the message says: You
7 didn't send me any movie recommendations.

8 Q And the contact associated with that incoming text?

9 A It's from Meagan Kimbrell.

10 Q All right, and when was that text read?

11 A It shows it as being read on June 7, 2021, at
12 8:29:17 p.m.

13 Q Okay. Within about 11 seconds of it arriving on
14 Paul's phone?

15 A Yes, sir.

16 Q And let's look at the line above that, line 10?

17 A Line 10 shows it as an outgoing text message from Paul
18 Murdaugh to Meagan Kimbrell that -- on June 7, 2021, at
19 8:29:36.

20 Q And what does that text say?

21 A That -- it says: Haha, I didn't have a good one.

22 Q And again, that's to Meagan Kimbrell from Paul,
23 correct? Paul's phone.

24 A Yes, sir, that's correct.

25 Q All right, let's look at lines 9 and 8. All right,

1 what does line 8 indicate? Excuse me, I'm sorry, line 9.

2 A Line 9 indicates that it was a text message sent from
3 Paul Murdaugh's phone to Meagan Kimbrell at 8:29:48 p.m.,
4 and it says: *Wills May*.

5 Q Wills what? I'm sorry.

6 A *Wills Might*.

7 Q And that was an outgoing text, right?

8 A Yes, sir.

9 Q And in line 8, what does that indicate?

10 A Line 8 shows it as an incoming text message from
11 Meagan Kimbrell on June 7, 2021, at 8:30:10 p.m., and it
12 says: *OMG*.

13 Q All right, and that was an incoming text from Meagan
14 Kimbrell?

15 A Yes.

16 Q And when was it read on Paul's phone?

17 A It shows it as being read June 7, 2021, at
18 8:30:13 p.m.

19 Q All right, and just so the jury understands the
20 context, those were text messages in the same conversations
21 that they heard about from Meagan Kimbrell, correct?

22 A Yes, sir.

23 Q And just to refresh so that circle is complete, let's
24 look at lines 5 and 6 again. And line 6, is that a text
25 that was sent, or outgoing, to Meagan Kimbrell?

1 A It shows it as an outgoing or sent text message.

2 Q And what does that message say again?

3 A It says: Haha, kidding.

4 Q All right, and then line 5, what does that indicate?

5 A Line 5 shows it as an outgoing, or sent text message,
6 with a body -- or the text message saying: Star was born is
7 the move.

8 Q Okay, and that was at 8:48:05?

9 A Yes, sir.

10 Q And that was an outgoing text from Paul, correct?

11 A Yes, sir.

12 Q And then we've talked about these texts, but real
13 quickly overview, at line 4 at 8:49:29, is that an incoming
14 text?

15 A At 8:48:29, it's an incoming text message.

16 Q From who?

17 A From Meagan Kimbrell.

18 Q All right, and that says again?

19 A No, I need something happy.

20 Q All right, and then line 3, is that an outgoing or
21 incoming text?

22 A That is an incoming text message.

23 Q From who?

24 A It's from Meagan Kimbrell.

25 Q And what does that say again?

1 A It says: Don't like watching sad movies.

2 Q All right, and so those are both incoming texts. And
3 when were those texts read again?

4 A They were read on June 7, 2021, at 8:48:59 p.m.

5 Q Okay, and so going back to line 5 just so it's clear
6 in your investigation, is this the last outgoing text from
7 Paul's phone?

8 A Yes, sir.

9 Q And that's at 8:48:05, correct?

10 A Yes, sir.

11 Q All right. A moment ago we were discussing State's
12 Exhibit 295, correct?

13 A Yes, sir.

14 Q And this is that timeline report from Paul's phone,
15 correct?

16 A Yes, sir.

17 Q That thick -- how many hours again does that cover in
18 Paul's timeline for the night of the murder?

19 A I set the timeline parameters beginning at 6:00 p.m.
20 on June 7, 2021, to end at midnight on June 7, 2021, but
21 the timeline stopped short of that.

22 Q Okay. What time does the timeline stop?

23 A The timeline stops at 10:34:23 p.m.

24 Q Okay. Okay, and I think you previously testified
25 about that time. What is that 10:34 p.m. indicate to you

1 what happened at that time?

2 A That there was a power event, the phone had gone dead
3 and turned off.

4 Q And I'm going to show that. That's line 901. And
5 that's the final log entry from June 7th of 2021, correct?

6 A Yes, sir, correct.

7 Q And you testified -- what is your interpretation of
8 that log entry?

9 A When I looked at that, it was a power event where the
10 phone had gone dead or turned off because the battery life
11 ran out.

12 Q And can you tell us with -- can you tell for certain
13 whether the phone was simply turned off or the battery
14 died?

15 A It appears from what I looked at that the battery
16 died.

17 Q And that's line what again?

18 A That is line 901.

19 Q All right, and so that means in this particular report
20 there's over 900 log entries, correct?

21 A Correct, in just this report, yes, sir.

22 Q Okay, and we're not going to go through it line by
23 line, but I'm going to hand this back to you and I'm going
24 to ask you some questions. And we previously discussed a
25 lot of what is contained in this report is location data.

1 Is that correct?

2 A Yes, sir.

3 Q Now, did you personally take all of those lat/longs
4 and plot them somewhere?

5 A No, sir, I did not.

6 Q Okay, but you provided that location data to other law
7 enforcement agents or agencies, correct?

8 A Correct.

9 Q And specifically, to your knowledge, has it been
10 provided to the FBI?

11 A Yes, sir. It was provided to the FBI to do some
12 mapping with the location data.

13 Q Okay, and do you recall who in the FBI did that?

14 A I believe it was Agent Wilde.

15 Q Okay. Well, let's make some general observation on
16 what you see in that timeline. We see a lot of location
17 data. Take a few minutes to look through that timeline,
18 just in an overall picture. What is that phone generally
19 used for? What is being done on that phone in a general
20 impression?

21 A It appears that on this phone, based off this
22 timeline, that there were calls being made, text messaging
23 being done, Snapchat being utilized, social media type
24 things with Snapchat, and the text messaging, and calls.

25 Q And when you look at that usage, would you say it's

1 sporadic or almost continuous?

2 A It's a lot of continuous usage. Like I said, I
3 pulled it from 6:00 p.m., and it ends at 10:24. So, in a
4 matter of about 4 and a half hours, it's over 900 entries
5 on here.

6 Q Okay. I'm going to direct you to time about 8:44, and
7 you can take a moment to find it, 8:44 p.m., and I want to
8 see if you can find -- I believe there's an entry for the
9 camera. And it's a little after 8:44 and some change.

10 A Yes, sir, I see it.

11 Q What is the exact time that you see?

12 A It says 8:44:49 p.m., on June 7, 2021.

13 Q Okay, and actually -- so, what does that camera --
14 we'll show this in a moment. What does that entry indicate
15 to you?

16 A That the camera was being utilized. It was an
17 application usage so the camera was being utilized, or
18 beginning to be utilized at that point.

19 Q The camera was turned on?

20 A Yes.

21 Q Okay, and I want you to look at the next page, or
22 maybe the page after, and see if you can find a
23 corresponding log entry that would show that the camera was
24 turned off.

25 A Yes. The camera shows it was turned off at

1 8:45:47 p.m., on June 7, 2021.

2 Q Okay. All right, and let's show this to the jury real
3 quick. And I believe what you were referencing -- can you
4 see that, sir?

5 A Yes, sir.

6 Q And that is line 820. Do you see that?

7 A Yes, sir, I do.

8 Q And we see a 8:44:49, and that's a start time,
9 correct?

10 A Yes, sir.

11 Q And we see the camera turned on, correct?

12 A It shows the camera, and the application usage log
13 shows camera, yes, sir.

14 Q Okay, and then below that at line 822, we see some
15 location data. Is that correct?

16 A Yes, sir, that's correct.

17 Q All right, and I know you didn't plot every point on
18 this report. Did you plot that particular point?

19 A Yes, sir.

20 Q And where did that -- where was that location?

21 A It was located near a red roofed building on the
22 property on Moselle Road.

23 Q Okay, and why don't you write that time down again?

24 It was -- I'm sorry, it was at line 820. Just write that
25 time, 8:44:49. Have you got it?

1 A Yes, sir.

2 Q Okay, and let's look at line 828. What do you see
3 there?

4 A That shows the end time for the camera at 8:45:47 p.m.

5 Q Okay. Write that time down. I think you know what's
6 coming.

7 A Yes, sir.

8 Q How long was that camera on?

9 A That camera went -- one second, let me --

10 Q Take your time.

11 A It went for less than a minute.

12 Q Okay.

13 A About 50 seconds roughly.

14 Q Okay, and I'm going to hand this report back to you,
15 and I'm just going to have you, again, look through it and
16 see if you can form an opinion. Starting at -- remember
17 the text series we just went through with Meagan Kimbrell
18 and the text from Rogan at 8:49:35?

19 A Yes, sir.

20 Q Why don't you flip in that report to basically at
21 8:49.

22 A All right. I have it.

23 Q All right. So, starting with the outgoing text
24 to Meagan -- or, excuse me, with the read text to Meagan,
25 which were read at, I believe, 8:48:59, why don't you go

1 ahead and review the rest of that report? And I want you
2 to tell this jury whether you see anything in that report
3 that would indicate to you that that phone was being
4 actively used by a human being.

5 A No, sir, I do not.

6 Q Okay. All right, and you previously testified that
7 Paul's battery was at two percent at approximately
8 8:49 p.m., correct?

9 A Yes, sir.

10 Q But you testified that the battery actually didn't die
11 until 10:34, correct?

12 A Yes, sir, correct.

13 Q Almost -- well, a little over an hour and a half
14 later, correct?

15 A Yes, sir.

16 Q And would that indicate to you, in your opinion, that
17 that phone did anything except for some potential minor
18 movements than just sit in a single location that entire
19 time?

20 A Correct. I see no other movement on there, recorded
21 steps or applications being used such as social media.

22 Q Which brings me to this. I'm going to show you
23 State's Exhibit 296 and see if you recognize that, sir.

24 A Yes, sir, I do.

25 Q Okay. All right, and what is that?

1 A This is an AXIOM report that I prepared for Magnet
2 Forensics recording the health database for Paul's phone.

3 MR. CONRAD: And at this time, the State would move to
4 enter Exhibit 296.

5 MR. BARBER: With previous objection, Your Honor.

6 MR. CONRAD: This will not be under seal, Your Honor.

7 THE COURT: Can I see it?

8 MR. CONRAD: Yes, sir.

9 (Break in proceedings.)

10 THE COURT: It's admitted over objection.

11 (AXIOM REPORT MARKED AS STATE'S EXHIBIT NUMBER 296 WAS
12 RECEIVED INTO EVIDENCE.)

13 Q All right, let's look at a few of these. I'm going to
14 show you a record, 43 and 44. Do we see those, sir?

15 A Yes, sir, I can.

16 Q All right, and what do those two records indicate?
17 And let's try to keep it chronological, so, start with 43.

18 A 43 shows that the phone recorded 105 steps. Starting
19 time was June 7, 2021, at 6:54:21 p.m. Ending time is
20 7:03:49 p.m.

21 Q All right, and record 44, what does that indicate?

22 A Record 44 shows that the phone recorded 208 steps,
23 start time of June 7, 2021, at 7:14:13 p.m., ending at
24 7:22:19 p.m.

25 Q All right. Record 45, what does that indicate?

1 A Record 45 shows steps recorded on the phone of 139
2 starting June 7, 2021, at 7:25:03 p.m., and ending at
3 7:34:47 p.m.

4 Q Record 46, what does that indicate?

5 A Record 46 shows the phone recorded steps of 171
6 beginning June 7, 2021, at 7:35:10 p.m. and ending at
7 7:41:43 p.m.

8 Q All right. Record 47, what does that indicate?

9 A Record 47 shows steps recorded on the phone of 89
10 beginning June 7, 2021, at 7:45 27:00 p.m. and ending at
11 7:55:11 p.m.

12 Q Okay, and you see record 48, what does that say?

13 A Yes, sir. It says steps were recorded on the phone of
14 140. Start time is June 7, 2021, at 8:15:55 p.m. and
15 ending at 8:21:45 p.m.

16 Q Okay, and record 49, and what does that state?

17 A Record 49 indicates that 283 steps were recorded by
18 the phone beginning June 7, 2021, at 8:32:25 p.m. and
19 ending at 8:42:11 p.m.

20 Q Okay. All right, and there's a couple of entries
21 after this, but chronologically I'm going to have you
22 review this. They occurred prior to 8:42, correct?

23 A Yes, sir, they do.

24 Q All right, and we'll show those to the jury real
25 quick. All right. Record 50 and 51, what times did those

1 steps occur at?

2 A Record 50, the time started was June 7, 2021, at
3 8:05:46 p.m. and ending at 8:15:24 p.m. Record 51 shows
4 starting time of June 7, 2021, at 7:55:44 p.m. and ending
5 at 8:05:28 p.m.

6 Q And so chronologically speaking, those two events
7 occurred prior to record 49, correct?

8 A Yes, sir, correct.

9 Q We'll go back to record 49. I'm going to hand the
10 report back to you, and as you testify, those steps ended
11 at 8:42:11 p.m., correct? Record 49.

12 A Yes, sir, correct, they ended at 8:42:11 p.m.

13 Q All right, and I'll give you a moment to review your
14 report if you would like. Did any other steps -- were any
15 other steps recorded on Paul's phone after 8:42:11 p.m.?

16 A No, sir. I do not see any that were out of order.

17 Q Okay. So after 8:42:11 p.m., did Paul's phone move
18 into any significant degree, in your opinion, or was it
19 walked anywhere to any significant degree, in your opinion?

20 A In my opinion, I did not see any steps recorded on the
21 phone. So, it was not in motion with somebody moving it or
22 holding it and moving.

23 Q Now, you testified that the steps aren't necessarily
24 100 percent accurate, correct?

25 A Correct.

1 Q So, is it possible the phone moved a short distance
2 during that time, correct?

3 A Correct.

4 Q And a short -- a few steps may not -- may or may not
5 have been recorded if the phone had been removed after
6 8:42:11, correct?

7 A Correct, it's possible.

8 Q But in your opinion, was that phone walked anywhere
9 any significant amount of distance?

10 A No, sir. I do not see any recordings of that.

11 Q And it's tough to quantify significant, isn't it?

12 A Yes, sir, it is.

13 Q All right, and I'm not going to ask you to give us a
14 precise number because -- do you know a precise number?

15 A No, sir, I do not.

16 Q All right, but in your opinion, can that move -- can
17 that phone move a short distance and not record steps?

18 A Yes, sir. Since it's not 100 percent accurate, you
19 may have one or two steps that don't get recorded. Usually
20 if it's a large amount of steps, if you're 15, 20, 30
21 steps, it's going to record that.

22 Q Okay. All right. We're about -- we're getting to the
23 end here, Lieutenant Dove. One quick thing I want to go
24 back and cover. Let's talk about Maggie's phone real
25 quick. And you previously testified that you saw that

1 orientation change on Maggie's phone between 9:06 -- it
2 starts at 9:016:12 p.m., correct?

3 A Yes, sir.

4 Q And ends at 9:06:20 p.m., correct?

5 A Yes, sir.

6 Q All right, and that indicated, you previously
7 testified, that someone had that phone in their hands
8 during that time, correct?

9 A Yes, sir.

10 Q However, you also testified that there is one other
11 possibility that could explain how an orientation change
12 could record on a phone, correct?

13 A Yes, sir. If it fell, like, down steps or something
14 like that and was on.

15 Q You also, I believe, testified that if a phone tumbles
16 end over end in some way, that could potentially record
17 orientation change, correct?

18 A Yes, sir. If the phone is on --

19 MR. BARBER: Objection.

20 THE COURT: Sir?

21 MR. BARBER: Leading.

22 THE COURT: Don't lead the witness.

23 MR. CONRAD: Yes, sir.

24 Q If a phone falls and tumbles end over end, could it
25 potentially record an orientation change?

1 A If the phone is on and unlocked, it can record the
2 orientation change.

3 Q All right. If the phone is thrown and tumbles end
4 over end, could it record an orientation change?

5 A It would be hard to do if it's off. If the screen
6 display's off and it's not unlocked, it would be hard to
7 record that.

8 Q In theory it is possible.

9 A In theory I'm sure it's possible, yes, sir.

10 Q And in your opinion is that likely?

11 A Usually when phones -- if you're holding a phone, you
12 take your phone, unless you move it, if you take your phone
13 and it's sideways and you lay it down on the table, it's
14 not going to record an orientation change. If it's in
15 portrait mode and you set it straight and don't turn it
16 over the end, it's not going to record the change, but it
17 is possible.

18 Q In your opinion, if someone throws a phone with no
19 other manipulation, could it be thrown a short distance
20 without recording an orientation change?

21 A Yes.

22 Q All right. Now, one thing we haven't talked about
23 with Maggie and Alex's phone is one other review you've
24 done to these phones is those phones have a lot of
25 photographs and videos on them, correct?

1 A Yes, sir, correct.

2 Q And you've reviewed -- I don't know if you've reviewed
3 them all, but have you reviewed a substantial portion of
4 them?

5 A Yes, sir.

6 Q All right, and did you find anything on Maggie or
7 Alex's phone that was relevant to the investigation on --
8 at least on June 7th of 2021?

9 A Yes, sir, I did.

10 Q On Maggie or Alex's phone?

11 A I'm sorry, no, not on Maggie or Alex's phone.

12 Q At least in relation to the events of that night, was
13 there anything recorded on Maggie or Alex's phone that was
14 relevant that you found?

15 A As far as video recordings or photograph recordings,
16 no.

17 Q All right. Paul's phone, did you conduct a similar
18 review?

19 A Yes, sir, I did.

20 Q And did you find anything that you considered relevant
21 to what occurred on the night of June 7th at Moselle?

22 A Yes, sir, I did.

23 Q Okay, and, in fact, we've already referenced it,
24 haven't we?

25 A Yes, sir.

1 Q When we looked at Paul's timeline, we saw an entry of
2 Paul's camera coming on, correct?

3 A Yes, sir.

4 Q And I think you wrote the time down, but if you can't
5 find it, we can get the report out again, but what time did
6 that camera come on?

7 A At 8:44:49.

8 Q Okay, and how long was that video again?

9 A It was roughly 50 seconds.

10 Q And when did that video end?

11 A At 8:45:47.

12 Q And you're certain about that?

13 A Yes, sir.

14 Q Why are you certain about that?

15 A Because I reviewed the video for looking at the length
16 of the video and comparing it to the length of the camera
17 time that was on. Also, too, there was data recorded in
18 the video because it was taken with a phone. It had GPS
19 coordinates along with a description of the phone that took
20 it.

21 Q Okay, and you're telling this jury today that you're
22 certain that that is when that video was recorded on Paul's
23 phone.

24 A Yes, sir.

25 Q And as we referenced when we were looking at that

1 timeline, there's location data associated with that video,
2 correct?

3 A Yes, sir, correct.

4 Q And where did you plot that location at?

5 A It plotted to Moselle Road to near a building that had
6 a red roof on it.

7 Q Okay. I'm going to show you what's been marked as
8 State's Exhibit 297. Do you recognize that, sir?

9 A Yes, sir, I do.

10 Q And what is that?

11 A It is a CD that contains a video on it. It says
12 kennel video. It has State's 297 on there, along with my
13 initials and the date of 1/30/23.

14 Q And have you reviewed the contents of that CD?

15 A Yes, sir, I have.

16 Q And what is the contents of that CD?

17 A It is a video I found on Paul Murdaugh's phone. The
18 video looks like inside maybe a kenneled area with a fence
19 around it, and a dog, I believe to be a lab, where he's
20 trying to take a view of the tail of the dog.

21 Q Okay. All right, and that's what you see in that
22 video.

23 A Yes, sir.

24 Q What do you hear in the video?

25 A You hear three different voices in the video. You can

1 tell -- because they're so different, you can tell that
2 they're different voices.

3 Q All right. Now, are any of those voices known
4 personally to you?

5 A No, sir, they are not.

6 Q Okay.

7 MR. CONRAD: At this time, the State would move to
8 enter Exhibit 297 into evidence.

9 MR. BARBER: The previous objection, Your Honor.

10 THE COURT: It's admitted over objection.

11 (DVD MARKED AS STATE'S EXHIBIT NUMBER 297 WAS RECEIVED
12 INTO EVIDENCE.)

13 MR. CONRAD: All right, and at this time, the State is
14 going to publish that video. It is not under seal.

15 (The video was played. Audio not transcribed.)

16 Q What time is that video recording again, Lieutenant
17 Dove?

18 A The camera begins at 8:44:49 p.m.

19 Q And ends when?

20 A At 8:45:47 p.m.

21 MR. CONRAD: Nothing further from the State.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. BARBER:

25 Q Good morning, Lieutenant Dove. My name is Phillip

1 Barber. I represent Mr. Murdaugh.

2 A Good morning.

3 Q I'm going to -- I would like to get to a timeline as
4 soon as possible, but first I want to go over just a few
5 things we've been talking about. We talked about reading
6 text messages, when they're sent and when they're read.

7 A Yes, sir.

8 Q Is it possible to see the contents of a text message
9 without it being marked read?

10 A Yes, sir, it is.

11 Q And how would that be?

12 A If you have a notification on your phone on the locked
13 screen, it would show a text message. Depending on how
14 long the text message is, you could see the text message
15 and read most of the content without actually opening it
16 and reading the message.

17 Q And we talked about the battery on Paul's phone, and
18 it was down to two percent when this last text message was
19 marked as read. Is that correct?

20 A It was in that timeframe, yes, sir.

21 Q And is it reasonable to that someone whose battery it
22 down to two percent might curtail their use of the phone?

23 A It is possible, yes, sir.

24 Q Okay. We've talked a lot about orientation changes,
25 and I think there was some discussion right before we saw

1 that video about orientation changes, and I think we should
2 go to into some detail about exactly what that means. So,
3 I'm going to show you what's been marked as Defendant's
4 Exhibit 38. And do you recognize that, sir?

5 A Yes, sir, I do. It appears to be part of the
6 KnowledgeC database with some tables changed up because
7 it's so large to make it more readable.

8 Q A KnowledgeC database for whose phone?

9 A At the top it says Maggie Murdaugh's phone.

10 Q And you talked about the KnowledgeC database a little
11 bit yesterday, but maybe just to refresh, what is that?

12 A KnowledgeC database is a rather good size database; it
13 records a lot of information inside your phone. It can be
14 orientation changes. It can be whether a phone is plugged
15 into a wall, to a car. It can record such things as
16 applications if they were launched sometimes in there.
17 Just -- it's a variety of things. It can record battery --
18 it's part of the power log, too, where it will record the
19 battery usage as far as the percents.

20 MR. BARBER: Your Honor, at this time defendant would
21 offer Exhibit 38 into evidence.

22 THE COURT: What says the State?

23 MR. CONRAD: No objection.

24 THE COURT: It's admitted without objection.

25 (DATABASE REPORT MARKED AS DEFENDANT'S EXHIBIT NUMBER

1 38 WAS RECEIVED INTO EVIDENCE.)

2 MR. BARBER: Can we please publish to the jury? And
3 can we go to the last page?

4 Q And, sir, if you would please turn to the last page.

5 A Yes, sir.

6 Q Is this -- this is not a list of everything in
7 KnowledgeC, correct?

8 A Correct.

9 Q This is just showing orientation changes.

10 A Correct.

11 Q And is this showing all of the orientation changes in
12 this database in Maggie Murdaugh's phone?

13 A For the timeframe that it's set up as far as June 3,
14 2021. It ends on June 7, 2021.

15 Q Do you know if Maggie Murdaugh's phone had any
16 orientation changes in the KnowledgeC database before
17 June 3rd?

18 A Nothing that I remember seeing.

19 Q If we turn to the very last orientation change, do you
20 see that as date recorded 9:06 and 22 seconds?

21 A Yes, sir, I do.

22 Q And that's on June 7th.

23 A Yes, sir, it is.

24 Q Is that the last orientation change before the phone
25 was recovered by law enforcement the next day?

1 A According to what I looked at, that's the last one I
2 saw.

3 Q And where was the phone recovered?

4 A I'm not exactly sure. I wasn't at the scene. I know
5 it was not recovered near the kennel area but exactly
6 where, I wasn't there so I'm not sure.

7 Q I mean, do you -- are you aware that it was recovered
8 from the side of the road into the woods about 15 feet?

9 A I've heard that, but like I said, I was not on scene
10 so I can't say 100 percent I was there to see it.

11 Q What I want to ask about here is we had three
12 different dates and times for this one orientation change,
13 and I just want to understand what each one means. So, the
14 first one date recorded, which is at 9:06:22, what does
15 that mean?

16 A That's when it recorded the orientation change.

17 Q So, would that mean that that's when this line was
18 written in the database?

19 A Yes, sir.

20 Q So the start time orientation change, what does that
21 mean?

22 A It's when it started to record that the orientation
23 change was happening.

24 Q Okay, and then I see the end time would be when it
25 ended 8 seconds later, correct?

1 A Yes, sir.

2 Q And what does that mean for an orientation change to
3 take 8 seconds?

4 A That it was in that position.

5 Q So, is it taking 8 seconds to go from portrait to
6 landscape?

7 A No, sir. It was recording that it was in that. It
8 did not show that it changed. If it's in portrait and it
9 didn't show that it changed from portrait to landscape or
10 from landscape to portrait, it shows it was in that
11 position for that period of time.

12 Q Okay. So -- and then over here, this number, there's
13 numbers that are one and one. Zero would be landscape and
14 one would be portrait, correct?

15 A Yes, sir, correct.

16 Q Okay. So, we have here, this is the last orientation
17 change before it's recovered, and we have a start time and
18 an end time of 12 seconds to 20 seconds. Is that correct?

19 A Yes, sir.

20 Q And do you recall that there was an incoming phone
21 call in that time period?

22 A Yes, sir. There were incoming phone calls around the
23 9:04, 9:05, and I think at 9:08 also, or a text message
24 around then.

25 Q Do you recall that there was a phone call between 9:06

1 and 12 seconds, and 9:06 and 20 seconds?

2 A Yes, sir, I believe there was.

3 Q And who was that call from?

4 A It was from Alex Murdaugh.

5 Q So, during the period of this orientation change,
6 there's an incoming call from Alex Murdaugh.

7 A Yes, sir.

8 Q And so during this period the screen is on, correct?

9 A The screen would light up once the call is made, yes,
10 sir.

11 Q And it's ringing, correct?

12 A I'm assuming it would be, yes, sir.

13 Q Okay. We'll come back to that when we try to flesh
14 out a little bit of the timeline. The next thing I wanted
15 to ask you about, I'll show you what's been marked as
16 Defendant's Exhibit 41. Do you recognize that, sir?

17 A Yes, sir. This is another table from the KnowledgeC
18 database.

19 Q It's -- actually isn't it the same table, sir?

20 A Well, it's part of the same table. It's actually --
21 the other one contained the orientation. This one contains
22 apps.

23 Q And this one contains -- well, let me ask this. When
24 you -- under screen name, do you see Siri UI?

25 A Yes, sir, I do.

1 Q And do you understand what that is?

2 A Yes, sir.

3 Q Okay.

4 MR. BARBER: At this time, Mr. Murdaugh would offer
5 Defendant's Exhibit 41 into evidence, Your Honor.

6 MR. CONRAD: No objection.

7 THE COURT: It's admitted.

8 (DATABASE REPORT MARKED AS DEFENDANT'S EXHIBIT NUMBER
9 41 WAS RECEIVED INTO EVIDENCE.)

10 MR. BARBER: And publish, please.

11 Q So this looks similar, and we say that it says that
12 Siri and it says begin and end. What does UI mean?

13 A It stands for User Interface.

14 Q And so we see here that the user interface is starting
15 and stopping at these various times. Is that correct?

16 A Yes, sir.

17 Q And what -- on Maggie's phone, what would typically
18 trigger the Siri user interface?

19 A It could be several different things. If it's set up
20 with Siri where there is a word that you say, you know,
21 Siri, or whatever you choose to say, it could activate it
22 when it's listening. It could be hit the button, the power
23 button, to activate it. It could be several different
24 things.

25 Q And hitting the button, is the button on the side of

1 the phone?

2 A Yes, sir.

3 Q If that's pressed and held for a couple of seconds, it
4 comes on?

5 A Yes, sir.

6 Q I want to turn -- do you know who a man named Al
7 Johnson is in relation to this case?

8 A Yes, sir, I do.

9 Q Who is he?

10 A He is a private investigator that does digital
11 forensics, retired from the FBI.

12 Q And did he do work on this case?

13 A Yes, sir, I believe he did.

14 Q Okay. Did he do analyses of the phones in this case?

15 A Yes, sir.

16 Q Have you ever seen those analyses?

17 A I've not seen his completed reports, no, sir.

18 Q Okay. Have you seen his AXIOM reports?

19 A I have not seen all of his AXIOM reports, no, sir.

20 Q Well, let me ask this. When you looked at the steps
21 and the time periods for the steps on the -- on Maggie's
22 phone, Paul's phone -- well, let's just talk about Maggie's
23 phone and Alex's phone. Did the steps after 9:00, say, did
24 they ever go together? Were there steps happening on
25 Alex's phone at the same time as Maggie's phone?

1 A I would have to look at the two reports because I
2 looked at them singly. So, I would have to put them
3 together to compare them.

4 Q Okay. Well, let's find them. This is has been marked
5 as State's 284 and marked into -- and what has been
6 admitted as State's 290. And, sir, just to understand the
7 question, is there anything indicating that Maggie's phone
8 and Alex's phone are moving together in those reports?

9 A Let me look and see to compare the times.

10 (Break in proceedings.)

11 A No, sir, it doesn't appear so.

12 Q Okay. If the same person had had both phones on them
13 and one of phones was recording a significant number of
14 steps, would you expect to see the same number of steps or
15 something very similar on the other phone?

16 A I would expect to see steps on both phones, yes, sir.

17 Q And you would expect to see those steps over about the
18 same time period?

19 A Yes, sir, give or take a minute or two for entry into
20 the database.

21 Q And then you would roughly expect to see the same
22 number of steps on each phone.

23 A Yes, sir, within a few.

24 Q Are you familiar with a timeline prepared by Special
25 Agent -- and I hope I'll pronounce him name correctly --

1 Rudofski. Is that correct?

2 A Yes, sir.

3 Q Did you assist with the preparation of that timeline?

4 A I reviewed it early on. I have not reviewed anything
5 in the last week or two on it.

6 Q Well, let me ask about that, early on but not within
7 the last week or two. The case has been investigated
8 for -- since '21. So, were you assisting with that until a
9 couple of weeks ago?

10 A He provided me copies of it previously when it was in
11 a working draft copy just to verify that he was
12 interpreting the information from my reports onto it
13 correctly.

14 Q And now turning to Alex Murdaugh's vehicle, it was a
15 Chevy Suburban. Is that correct?

16 A Yes, sir.

17 Q And did you do any work regarding electronics in that
18 vehicle?

19 A No, sir.

20 Q You had no involvement in anything with that vehicle?

21 A As far as processing the data, no, sir. I just took
22 the items that were seized from the vehicle as far as
23 infotainment center and prepared them and sent them to the
24 FBI to be processed.

25 Q Have you ever seen any of the results from the FBI

1 processing?

2 A Yes, sir, I have.

3 Q Okay. So, now I want to turn and start going through
4 some of the text messages on Maggie's phone and then
5 we'll --

6 (Break in proceedings.)

7 Q This may be a little hard to read, sir, but do you
8 recognize what's been marked as Defendant's Exhibit 54?

9 A It appears to be a report for I-messages, SMS, and MMS
10 messages.

11 Q And is this a report you prepared?

12 A No, sir. I don't recognize this report.

13 Q I mean, are you certain about that, sir? This was
14 produced in the extractions. This is the AXIOM report.

15 A Yes, sir, but I did not prepare it like this.

16 Q It's a webpage on the computer, correct, sir?

17 A Yes, sir, it's an HTML page.

18 Q And this is just a printout of that.

19 A It says print this page at the top, so I would assume
20 that it is, yes, sir.

21 Q Sir, can you read under source, say, on the third
22 entry?

23 A On the third entry of source? Yes, sir.

24 Q Do you see where it says CCRED, and then it says read
25 network local slash and root and Dove with your name? Do

1 you recognize any of that?

2 A Yes, sir. That's the file path for our evidence
3 server with this item the extractions contained.

4 Q Okay.

5 MR. BARBER: Your Honor, at this time I would offer
6 Defendant's Exhibit 54 into evidence.

7 MR. CONRAD: No objection, Your Honor.

8 THE COURT: It's admitted.

9 (TEXT MESSAGE REPORT MARKED AS DEFENDANT'S EXHIBIT
10 NUMBER 54 WAS RECEIVED INTO EVIDENCE.)

11 Q So ,this is --

12 MR. BARBER: Could we please publish? And could we
13 zoom in so that the left side of the screen is a little
14 larger? Zoom in so the left side of the screen is large
15 and visible to the jury. That's good.

16 Q Now, Lieutenant Dove, the times and the time column
17 here are UTC, so we'll need to subtract 4 hours from them.
18 Is that correct?

19 A Yes, sir.

20 Q Okay. So -- and this is a listing of text messages
21 that Maggie Murdaugh sent or received?

22 A Yes, sir, it is.

23 Q So the second entry there, what's the time for that
24 message?

25 A The time -- it shows the message sent time is June 7,

1 2021. It shows it at 7:55:26 p.m., but to correct it to
2 Eastern Standard Time at that point would be 3:55:26 p.m.
3 That's with minus four UTC.

4 Q Okay, and the -- is this incoming or outgoing message?

5 A This records it as a message that was sent.

6 Q And does this message say -- well, can you read the
7 message?

8 A It says:

9 TY. I'm waiting at doctor. Alex wants me to
10 come home. I have to leave door open at Edisto
11 but trust Mexicans to shut and lock for me. His
12 dad is back in hospital. The last doctor claims
13 no cancer. It's pneumonia.

14 Q Okay, and does this continue on to three? Well, let's
15 just continue. Can you read number three?

16 A Yes. It's hard to tell where it separates on this
17 report, but there is two emojis and it says:

18 Alex is about to die. Hope he doesn't go down
19 there to sleep. Alex needs to take care of
20 himself as well.

21 Q And what was the time on that one?

22 A That text message was June 7th of 2021; it shows it at
23 7:57:16 p.m. To correct to UTC minus four would be
24 3:57:16 p.m.

25 Q And then if we come down to number five, that's an

1 incoming message from Mr. Murdaugh, isn't it, that we
2 looked at before?

3 A Yes, sir.

4 Q And what does it say?

5 A It says: How's your doctor appointment. Or a-p-p-t.

6 Q And if we go to the second page and number six there,
7 is that an outgoing message?

8 A It shows it as a received and read message.

9 Q Okay, and what does it say?

10 A It says:

11 Yes, he does. He told me he was tired when he
12 left. I hope they can treat Mr. Randolph, at
13 least to make him comfortable.

14 Q Now the next one, number seven, is that a reply to the
15 how was your doctor visit message?

16 A Yes, sir, it appears so.

17 Q And what does it say?

18 A Waiting as usual.

19 Q And number eight, is that an outgoing message?

20 A It is a sent message, yes, sir.

21 Q And what does it say?

22 A It says: I'm scared for him and Alex and all of us.

23 Q In the context of these text messages, do you
24 understand that to be -- referred to as Mr. Randolph
25 Murdaugh's medical condition?

1 A Yes, sir, I do.

2 Q And what's the time on that?

3 A That time is June 7, 2021. It shows at 8:06:43 p.m.

4 To correct it to minus four UTC would be at 4:06:43 p.m.

5 Q Okay, and number nine, what does -- is that incoming
6 or outgoing?

7 A It shows it as a received and read text message.

8 Q Okay. What does this text message say?

9 A It says:

10 I know. Just pray about it and hope he gets a
11 little better. Alex and you really need to
12 relax. Always being on the go with little to no
13 sleep is not healthy. Remember that I have a
14 doctor's appointment in the morning in Beaufort.
15 If I get done early I will go to Moselle. I'll
16 let you know.

17 Q Let's skip down to page 4, which I believe will be our
18 next message from Mr. Murdaugh, and we're looking at number
19 18. Is this an incoming message from Mr. Murdaugh?

20 MR. WATERS: Your Honor, I apologize. I believe a
21 juror raised his hand.

22 THE COURT: Yes, sir.

23 THE JUROR: Yes, Your Honor. We're having a little
24 difficulty seeing this. If they could blow it up just a
25 little bit?

1 THE COURT: All right, can't see the small print.

2 MR. BARBER: If we could make the message text in
3 particular with the date. Yeah.

4 (Break in proceedings.)

5 THE COURT: Proceed.

6 MR. BARBER: Thank you. Your Honor, I would ask the
7 Court to please ask the jury if they can now see
8 everything.

9 THE COURT: Can you -- is there anyone who cannot see?
10 Proceed.

11 MR. BARBER: Thank you, Your Honor.

12 BY MR. BARBER:

13 Q Line 18, who is this text message from?

14 A The text message, it shows the client, or the chat ID
15 is 1-803-942-1227.

16 Q Is that Alex Murdaugh?

17 A Yes, sir.

18 Q Okay, and what is the time of this message?

19 A The time of this message is June 7, 2021,
20 11:05:55 p.m. To correct to minus UTC, it's going to be
21 7:05:55 p.m.

22 Q Okay, and what does the message say?

23 A Paul says: You get -- or Paul says:

24 You were getting pedi. Call when you get done.

25 Q And there are two examination marks after pedi,

1 correct?

2 A Yes, sir, correct.

3 Q Showing some -- and pedi you would understand to mean
4 pedicure?

5 A Yes, sir, to the best of my knowledge it is.

6 Q Now, number 20 would be the next text message from
7 Mr. Murdaugh, and what is the time on that?

8 A The time on that on the paper is June 8, 2021, at
9 1:08:58 a.m. To correct the time to minus four UTC would
10 make the day June 7, 2021, at approximately 9:00 --
11 9:08:58 p.m.

12 Q And what does this one say?

13 A Going to check on M, be right back.

14 Q And then finally number 21, I'll just ask. Is this at
15 9:47 and 23 seconds p.m.?

16 A Yes, sir, once it's corrected for the UTC.

17 Q And what does this say?

18 A It says: Call me, babe.

19 Q And who is it from?

20 A It's from the same phone number of 1-803-942-1227, and
21 that phone number is for Alex Murdaugh.

22 Q I want to ask about that 9:08 text message because I
23 think the State talked about that a bit. Let me ask this.
24 Do you know when that text message was actually displayed
25 on Maggie Murdaugh's phone?

1 A I would have to check the report to see if it actually
2 shows the display time or whether it recorded it or not,
3 but I believe it was the 9:08 mark.

4 Q We'll come back to that. Let's talk now a bit about
5 the timeline from about 8:50 p.m. to that 9:08, all right,
6 very narrow and getting into some real detail on it.

7 MR. BARBER: And if I have an easel?

8 (Break in proceedings.)

9 Q I'm going to ask about some times, and you may need to
10 refer to the reports. If so, let me know and I'll hand
11 them up.

12 A Yes, sir.

13 Q First let's just talk about Paul's phone. We
14 established that it locked at 8:49 and 1 second. Is that
15 correct?

16 A Yes, sir.

17 Q And it did not unlock again.

18 A Correct.

19 Q And it was at two percent battery?

20 A Yes, sir.

21 Q So, we don't really know much about what happened
22 after that time from his phone, do we?

23 A Just what was recorded in the logs.

24 Q Was anything recorded in the logs after 8:49 and 1
25 second?

1 A Yes, sir. It was still showing that there was some
2 activity going on as far as, like, GPS coordinate and
3 things of that nature.

4 Q When was the last activity? Well, let me rephrase
5 that. When was last activity indicating human use of the
6 phone?

7 A Was the time that it was locked.

8 Q Okay, and so we don't know what the person with the
9 phone was doing after that. We can't tell from the phone,
10 can we?

11 A I can't tell if a person was using the phone. It
12 doesn't appear so, but the phone, because it was still on,
13 was still running things in the background.

14 Q Okay, and I want to talk a lot about Maggie's phone.
15 So on Maggie's phone, was the display off from 8:49 and 28
16 seconds to 8:53 and 8 seconds?

17 A That sounds right. I would have to verify that with
18 the report to be 100 percent.

19 Q Okay. Do you have the report on hand?

20 A No, sir, I don't.

21 MR. CONRAD: It's 283, I believe.

22 Q I've just handed you what's been and admitted as
23 State's 283, which is the timeline report for her phone.

24 A Yes, sir.

25 Q So is that correct, that time period for display off?

1 A Could you repeat the time so that I can verify it,
2 please?

3 Q It is 8:49 and 28 seconds is -- the display goes off.
4 Is that correct?

5 A Give me one second to get to it. 8:49 and 28 seconds?

6 Q Yes, sir.

7 A Yes, sir. It shows that's the end time of the display
8 on.

9 Q Is there an orientation change at that time, too?

10 A It shows an orientation change at 8:49:28. It goes to
11 landscape, so there is the same time.

12 Q And 2 seconds later is the phone locked?

13 A It said 8:49:31 p.m. It shows the start time of being
14 locked.

15 Q Okay. Our next event at 8:53:08. Does the display
16 come back on?

17 A Yes, sir, it does.

18 Q The phone is still locked but the screen is on. Is
19 that correct?

20 A Yes, sir, that's what it's showing.

21 Q And is there an orientation change at 8:53 and 12? 4
22 seconds after the screen came on?

23 A Yes, sir, it goes to portrait.

24 Q And we have in this -- kind of starting at this time
25 period starting at 8:53:15 with Apple Health, don't we have

1 her waking some distance?

2 A Yes, sir, I believe so. I believe it recorded some
3 steps then. I would have to refer to that report.

4 Q Please do.

5 A Yes, sir. It starts out 8:53:15 p.m. recording 59
6 steps and ends at 8:55:32.

7 Q Do you have any way to know the distance that that
8 covered?

9 A No, sir. It just says it recorded 59 steps, and then
10 it shows on there a duration in minutes, which is
11 approximately 2.29.

12 Q Is the distance, is it on the phone? Is it available
13 to be found?

14 A As far as distance as far as in yards or --

15 Q Meters.

16 A It -- I have seen it in meters, yes, sir.

17 Q So, that information has been recovered, how many
18 meters that those steps covered?

19 A Yes, sir. When we extracted the information, it would
20 have been part of that.

21 Q And was that 31 and one-quarters meters?

22 A I would have to look at -- it's not on this report.
23 On the AXIOM report it doesn't put it down in meters. It
24 just does it in feet. I would have to look at one of the
25 other reports, or look at the extraction to know exactly

1 how many meters it is, but it does record in meters.

2 Q And at the end of that walking period, or about 4
3 seconds in the report, when does -- well, when does the
4 screen turn off next?

5 A I show it display off at 8:53:28 is the start time of
6 that, and then the next display off is at 8:53:44 p.m.

7 Q Well, let's stick with the 8:53:28 it went off,
8 correct?

9 A Yes, sir. That shows the start time of it being off.

10 Q Okay, and did it come back on 4 seconds after that?

11 A Yes, sir. It comes on at 8:53:32 p.m.

12 Q Now, the exhibit I previously showed you about Siri,
13 when does the -- when is the last activation of the user
14 interface for Siri?

15 A The last one shows that it started on June 7, 2021, at
16 8:53:20 p.m.

17 Q Okay. So, it's during this period of walking.

18 A Yes, sir.

19 Q And we covered previously that holding the side button
20 can trigger that.

21 A It's one of the things, yes, sir, that could trigger
22 that.

23 Q Now, the screen had gone off at 8:54:32. Is that
24 correct?

25 A At 8:54:32 is the end time of display off.

1 Q I apologize. 8:53:44 it came on, correct? The
2 display went off, and then it went back on at 8:55:04. Is
3 that correct?

4 A Let's see. I show display off starts at 8:53:44. It
5 ends at 8:55:32. Display on at 8:55:32 is when it starts
6 with the display on. And then it shows that ending at
7 8:55:04.

8 Q So, at 8:55:32 the display comes on, and 2 seconds
9 later is a camera application use.

10 A At 8:55:32?

11 Q At 8:50 -- I'm sorry. At 8:54:32 the screen comes on.

12 A Yes, sir.

13 Q 2 seconds later there's a -- the camera is activated.
14 Is that correct?

15 A Yes, sir.

16 Q Was the camera activated from the locked screen? In
17 other words, the phone was not unlocked to get to the
18 camera.

19 A It doesn't appear that there's an unlocked sequence,
20 but I would imagine not just based off of that. I don't
21 see the unlocking.

22 Q Is there metadata in the KnowledgeC database that
23 would allow you to determine whether this was activated
24 from the locked screen?

25 A There may be. I've never looked that far into it to

1 see if that's there.

2 Q So, the screen comes on. The camera is activated. It
3 stays on for how long?

4 A It comes on at 8:54:34 and goes off at 8:54:35, so
5 approximately 1 second.

6 Q Okay, and we're still in that walking period, correct?

7 A Yes, sir.

8 Q Now, 5 seconds later we have an orientation change?

9 A The orientation changed to landscape begins at
10 8:54:40, yes, sir, approximately 5 seconds.

11 Q So let's -- so in a space of 6 seconds -- let me
12 correct that, 8 seconds, the screen came on, camera opened,
13 closed, and then orientation change. So, a lot happening
14 in that 8 seconds.

15 A I don't know that the camera came on. I know that it
16 was shown an application usage log. Whether somebody
17 activated the camera to use it or not, I don't know that.

18 Q And then when did the display go off?

19 A It shows display off at 8:55:04 p.m.

20 Q Okay, and it was an orientation change then, too,
21 correct?

22 A Yes, sir, it went to portrait.

23 Q Okay, and did the display come on again shortly
24 thereafter, 28 seconds later?

25 A Yes, sir, at 8:55:32 p.m.

1 Q And then it went off and it stayed off until 9:03,
2 correct?

3 A Yes, sir. The display went off at 9:03:52 p.m.

4 Q So -- and then what we would have after that would be
5 some incoming calls that go unanswered. Until we get to
6 orientation change at 9:06, is there anything else
7 happening on the phone?

8 A There's other things that were recorded in the logs.
9 Because it will record in the logs that it received a phone
10 call, so you get that. You get the phone calls --

11 Q And the phone call, when was that?

12 A It shows a phone call at 9:04:23 p.m.

13 Q And I think we've had previous testimony on that.
14 That was from Alex Murdaugh, correct?

15 A Yes, sir, correct.

16 Q Okay, and then we have the final orientation change at
17 9:06 and 12, which has a start time of 9:06 and 12, and an
18 end time of 9:06 and 20, correct?

19 A Yes, sir. That's when the orientation changes to
20 portrait.

21 Q Okay, and in that time period we have another call
22 from Alex Murdaugh, correct?

23 A Yes, sir, at 9:06:14 p.m.

24 Q And then another one coming in at 9:06:51. Is that
25 correct?

1 A Yes, sir, that's correct.

2 Q Okay, and then the display after that goes off.

3 A Yes, sir, it goes off at 9:07:00 p.m.

4 Q And that text message we talked about earlier at
5 9:08:58, did the screen come on when that came in or did it
6 stay off?

7 A It looks like when the display off ended was at
8 9:31:44 p.m.

9 Q Okay. Is that when that text message was actually
10 delivered?

11 A It shows text message received on the phone at
12 9:08:58 p.m.

13 Q But the screen did not come on until 9:31.

14 A Correct.

15 Q We mentioned the -- that you had seen the vehicle --
16 strike that. We talked about Alex Murdaugh's steps. Did
17 he have a period of walking that went from about 9:02 to
18 9:06 and 47 seconds?

19 A I would have to refer to that report.

20 Q Please do.

21 (Break in proceedings.)

22 A I'm sorry, could you give me the times on that again?

23 Q It's about 9:02 time period. It ends at 9:06 and 47
24 seconds.

25 A Yes, sir. It shows that the phone recorded 283 steps.

1 Q Do you recall from the report you got from the FBI
2 about his vehicle if anything was recorded happening in his
3 vehicle at 9:06 and 58 -- and 48 seconds?

4 A I don't remember. I remember looking in the report,
5 but I haven't studied that report, so I don't know.

6 Q You don't recall that the report shows that the car
7 engine was started at that time?

8 A I would have to look at that report. Like I said, I
9 looked at the report when it first came back, but I have
10 not studied that report because that was not part of what I
11 examined.

12 Q Was information from that report included in the
13 timeline you assisted Agent Rudofski with?

14 A Yes, sir, I believe it was.

15 Q If you were to look at that timeline that the agent
16 prepared, would that help refresh your memory?

17 A Yes, sir. I could look at it and see what the report
18 says.

19 Q It's is a copy of his timeline report. Do you
20 recognize that that's what it is?

21 A Yes, sir, that's what it appears to be. Are you
22 wanting me to look for the vehicle information on there?

23 Q Yes.

24 MR. CONRAD: Object, Your Honor. This is a -- what's
25 going to be a State's Exhibit. The State does not object

1 if we'll just go ahead and admit it as a defense exhibit at
2 this time, but I don't know what Mr. Barber's intention is.

3 MR. BARBER: Your Honor, I was using this to refresh
4 witness's recollection, Rule 612.

5 THE COURT: What is the objection?

6 MR. CONRAD: If he's going to review that, the State
7 would ask that it be marked and admitted because this is
8 not a report personally prepared by Lieutenant Dove.

9 THE COURT: Would you like to have it admitted as a
10 State's exhibit or a defense exhibit?

11 MR. BARBER: I'm happy to admit it as a defense
12 exhibit, Your Honor. It's not premarked however.

13 THE COURT: It will be admitted as a defense exhibit.

14 (Break in proceedings.)

15 COURT REPORTER: Defense 60.

16 (VEHICLE REPORT MARKED AS DEFENDANT'S EXHIBIT NUMBER
17 60 WAS RECEIVED INTO EVIDENCE.)

18 Q I'm handing you back now what's now been marked as
19 Defense Exhibit 60, which will make this a lot quicker and
20 easier. Did you find what we were talking about?

21 A Yes, sir, I did.

22 Q And when did Mr. Murdaugh's car start?

23 A According to this timeline that's been prepared, it
24 looks like it starts at 9:06:48 p.m.

25 Q And that is a second after the end of that period of

1 walking around?

2 A Yes, sir.

3 Q Would it be fair to describe that period of walking
4 around as Mr. Murdaugh walking to his car?

5 A I can just say the phone recorded steps. I can say
6 what this report has as far as the vehicle information.
7 Now, whether somebody was walking to their car, from their
8 car, or just walking around an area I can't say because I
9 wasn't there, but I can just say what the information
10 contained on there.

11 Q Did his phone connect to the Bluetooth system in his
12 car?

13 A I did not find connections during that timeframe.

14 Q Did you look at his car -- when I -- I apologize. Did
15 the FBI find a connection to the system in his car, not on
16 his phone?

17 A I don't see it in this section. It talks about the
18 vehicle stuff in the 9:06 period.

19 Q I'll come back to that in just a second. If a phone
20 were thrown from the window of a moving car going down a
21 country road, would you expect -- and the screen was on at
22 that time because there was an incoming call, would you
23 expect to see an orientation change?

24 A Depends on how it was thrown, but if it was just
25 thrown end-over-end, then I would expect the orientation

1 change.

2 Q Okay, and this phone was recovered on the side of the
3 road. You're aware of that.

4 A Yes, sir.

5 Q About 15 feet, we've had testimony about that, in some
6 brush on the side of a country road, not so far from the
7 Mr. Murdaugh's house but half mile or so at least. If that
8 would make an orientation change, and that the last
9 orientation ever on the phone until it's recovered is 9:06
10 and 12 seconds, 9:06 and 20 seconds, is it reasonable to
11 believe that that is it being thrown out the window to its
12 final resting place before it is recovered?

13 A It's hard for me to say. I can just testify about
14 what information is on the phone. If somebody throws --
15 there's different ways to throw things. You can throw
16 things end-over-end, straight, you can throw it sideways,
17 you can take and toss something is considered a throw.
18 It's hard for me to say that because depending on how it's
19 thrown, what it hits when it tumbles to the ground, or how
20 it lands could cause different things to happen.

21 Q Okay. Based on the information in front of you, would
22 it be possible for the person who is cranking that car at
23 9:06 and 48 seconds to be throwing it from that car while
24 it's moving at 9:06 and 12 to 20 seconds?

25 A Anything is possible. I don't know --

1 Q If the person driving were Alex Murdaugh -- because
2 he's having to walk for a few minutes before he gets in the
3 car, right?

4 A I don't know how he throws things, how he handles
5 things, so it would be hard for me to say how they would do
6 that.

7 Q So, what I'm asking is if he walked from 9:02 until
8 the second before he gets in the car and cranks it, and
9 that is it looks like 30 seconds after the phone is thrown
10 on the side of the road a half mile away, can he be in two
11 places at once?

12 A I don't know that that's the time of the throw, the
13 phone was thrown. I know that's the time the orientation
14 change occurred. Now, that does not mean that the phone
15 was thrown at that moment. It's hard for me to say.

16 Q Certainly it is possible that it was a random
17 orientation change, and somebody throws the phone out of
18 the moving car going down this country road, lands in some
19 brush 15 feet off the road by some, you know, miracle golf
20 frisbee shot, but you would expect if you would throw the
21 phone out the window like that you would get an orientation
22 change if the screen is on.

23 A If it's thrown like you described with it thrown like
24 a golf frisbee kind of throw, I don't expect the
25 orientation change because it's going to -- it could land

1 flat.

2 Q So -- but that would be unusual, wouldn't it, that you
3 could throw it from a moving car and it can land 15 feet in
4 the woods and not ever bounce in a way that would cause an
5 orientation change.

6 A I've never tested throwing a phone out the window to
7 see what the orientation change looks like. Like I said, I
8 can just testify as to what's in the records on it.

9 Q And at the time, if this is when it is thrown, at that
10 very moment there's an incoming call from Alex Murdaugh,
11 the screen is lit up with his name on it, correct?

12 A Yes, sir.

13 Q Okay. It would be reasonable that if somebody had
14 taken the phone, they see it starts to ring with his name
15 on it, they might chuck it out the window.

16 A It is possible if they see that, yes, sir.

17 Q That would be consistent with all of the information
18 on the cell phones, would it not?

19 A It's consistent with the information on the cell
20 phones. Whether it's somebody who saw the number coming
21 in, or they even saw the number coming in, I can't say
22 because I was not there.

23 Q I understand you were not there. And the question is
24 really in your review of these records, is that not just
25 consistent, but reasonably consistent, something that would

1 make sense to -- you know, to you that that is one
2 reasonable possibility consistent with what you see on
3 these phones?

4 A If somebody was holding a phone and they saw a number
5 come in and they didn't want to answer or didn't want, then
6 to throw it, that is a possibility, yes, sir.

7 Q And that the last orientation change before law
8 enforcement finds it in the woods on the side of the road
9 the next day recorded when it was tossed out the window.

10 A I can't say that. I can just say that there's --

11 Q But that would be reasonable.

12 A I can just say there was an orientation change. I
13 cannot say that's when the phone was thrown was -- that
14 caused that change to portrait.

15 Q And at the time -- and at -- less than 30 seconds
16 after that Alex Murdaugh -- well, at that time he's
17 walking, isn't he? He's not in a car.

18 A The phone recorded steps in the timeframe.

19 Q And you testified on direct that if you're riding in a
20 car, it's not going to record steps, correct?

21 A Correct.

22 Q So, he's not in a car at that time.

23 A I can't say where he was or wasn't. I wasn't there.
24 I can just say what the phone recorded, whether it recorded
25 steps or not.

1 Q Well, that's fair. The person in possession of his
2 phone was not in the car at that time, 9:06 and 12 seconds.

3 A I can just say the phone -- that somebody had the
4 phone and it recorded steps.

5 Q Right, and you also have testified that if you're in a
6 car, it would not record steps.

7 A Correct. If you put it in a cup holder and ride
8 around in a car, it's not going to record steps.

9 Q So if you -- if this phone were in a car at 9:06 and
10 12 seconds, it would not record any steps.

11 A Correct.

12 Q And it did -- in fact, did not record steps at that
13 time.

14 A At what time it ended, the last ones I see is the
15 steps on that timeframe.

16 Q I mean, it did record steps at that time.

17 A Yes, sir.

18 Q So, the person who had Alex Murdaugh's phone was
19 walking at this 9:06 and 12 seconds time because it's
20 recording steps.

21 A Yes, sir. Somebody was holding the phone and
22 recording steps.

23 Q And he's also calling his wife in this time period.

24 A Yes, sir, there are phone calls.

25 Q He's walking and calling his wife and he is about --

1 his car is about to crank a second after he stops walking,
2 which really does seem like he's getting in the car.

3 A That's what it would appear with the times, but like I
4 said, all I can testify to is what the information is on
5 the devices.

6 Q Did Alex Murdaugh have the code to unlock Maggie
7 Murdaugh's phone?

8 A I don't know. I've been told he did. I was provided
9 the code when I received the phone.

10 Q So, you don't really have any -- you can't really
11 testify as to why he would take his wife's phone, and then
12 I guess, as the State alleges, and throw it out the window
13 of his car a half a mile from his house.

14 A No, sir. I have no idea what people are thinking or
15 do the things that they do.

16 Q And we have previously established that his phone and
17 Maggie's phone were not -- when he's walking they're not
18 walking together. Is that correct?

19 A Correct. There are no steps recorded on the devices
20 together.

21 Q So he's walking without her phone. Her phone does an
22 orientation change while he's walking without her phone.
23 Is that correct?

24 A I can just say both devices were not recording steps
25 at the same time.

1 Q And they're not recording steps at the same time, and
2 he's walking at 9:06:12.

3 A Correct.

4 Q Therefore, hers is not recording steps at 9:06:12?

5 A Correct.

6 Q So his phone is walking, hers is not at the time her
7 phone has this final orientation change before it's found
8 on the side of road.

9 A Yes, sir.

10 Q Okay, and in your twenty-some years' experience in law
11 enforcement, that doesn't make it seem reasonable to you
12 that he did not -- that the person who had Alex's phone did
13 not also have Alex's phone at 9:06 and 12 seconds?

14 A It appears the phones were not together being moved by
15 the same person because they are not recording steps.

16 Q I'm going to switch off of the timeline a little bit
17 and ask. Were you aware of a Cellebrite logical extraction
18 of Alex's phone that was conducted on June 10th?

19 A I have been told there was one conducted, yes, sir.

20 Q Did you ever receive that?

21 A I received a copy of it several months back.

22 Q Did you receive it after you did the full file
23 extraction?

24 A Yes, sir.

25 Q So, there's really not -- it wasn't very useful to you

1 at that point, was it?

2 A No, sir. I was working off of my extraction because I
3 was able to obtain the full file system, which gives me
4 more information than an advanced logical would do.

5 Q I want to turn to Maggie's phone and the recovery of
6 that. I think you testified earlier, was it -- is it your
7 understanding it was recovered in the afternoon of the day
8 after 6 -- June 8th?

9 A My understanding, it was recovered June 8th. The
10 approximate time it was recovered or timeframe I'm not
11 100 percent sure of.

12 Q I'm going to show you what has been marked as
13 Defendant's Exhibit 42.

14 A Yes, sir.

15 Q Do you recognize this form?

16 A Yes, sir, I do.

17 Q And what is it?

18 A It is our evidence intake form for the Computer Crime
19 Center.

20 MR. BARBER: Your Honor, Mr. Murdaugh would offer this
21 as Defendant's Exhibit 42 into evidence.

22 MR. CONRAD: No objection.

23 THE COURT: It's admitted without objection.

24 (EVIDENCE INTAKE FORM MARKED AS DEFENDANT'S EXHIBIT
25 NUMBER 42 WAS RECEIVED INTO EVIDENCE.)

1 Q Is this the intake form for Maggie Murdaugh's phone?

2 A Yes, sir, it is.

3 MR. BARBER: Could we, please, publish Exhibit 42?

4 (Break in proceedings.)

5 Q And while we do that, what's the date on the form?

6 A The date on the form is June 9th of 2021.

7 Q Is that when her phone came to you?

8 A Yes, sir.

9 Q So, you didn't have it from -- on the same day they
10 recovered it? It was the next day?

11 A Correct.

12 Q On this form, do you see where it says subject's name?
13 What does subject's name mean?

14 A It's just the name of a subject, whether it be a
15 victim, a witness, suspect, anything else that would be
16 provided by the investigator for it.

17 Q And here where it says subject name unknown, would you
18 understand that to mean the subject to be the person who
19 committed the homicide?

20 A No, sir. Like I said, it was just a subject name. It
21 could -- we get them that are witnesses. Some are victims.
22 Some are suspects. It's just a subject's name.

23 Q Well, down here under keywords, do you see where it
24 says urgent request and it's ticked yes?

25 A Yes, sir.

1 Q And what's the reason for that request?

2 A It says unknown suspect.

3 Q And again, given that this is a homicide, doesn't this
4 indicate that at this time they're saying we don't know who
5 committed this homicide, there's some urgency about looking
6 at the victim's phone?

7 A Yes, sir.

8 Q I'm going to stick with Maggie's phone, but really
9 quickly I want to just quickly turn to Paul's. I show you
10 what has been marked as Defendant's Exhibit 46. Do you
11 recognize that?

12 A Yes, sir, do.

13 Q And what is it?

14 A It's an evidence intake form for the Computer Crime
15 Center at SLED.

16 MR. BARBER: Your Honor, I would offer Defendant's 46
17 into evidence.

18 MR. CONRAD: No objection.

19 THE COURT: It's admitted.

20 (EVIDENCE INTAKE FORM MARKED AS DEFENDANT'S EXHIBIT
21 NUMBER 46 WAS RECEIVED INTO EVIDENCE.)

22 Q Lieutenant Dove, this -- is this the intake for Paul's
23 phone?

24 A I believe it to be so, yes, sir.

25 Q At which you got on August 13th. I believe we had

1 testimony on that.

2 A Yes, sir.

3 Q Is it a urgent request?

4 A No, sir, it's not checked yes or no.

5 Q Is there anything written on here that indicates that
6 the subject is unknown?

7 A No, sir, the subject line is blank.

8 Q Okay. I'm going to turn back to Maggie's phone. Do
9 you recognize this?

10 A Yes, sir, I do.

11 Q And what is it?

12 A It's an examination worksheet for mobile devices.

13 Q And this is for Maggie's phone?

14 A Yes, sir.

15 MR. BARBER: Your Honor, I would offer this as
16 plaintiff's -- Mr. Murdaugh's Exhibit Number 43.

17 MR. CONRAD: No objection.

18 THE COURT: It is admitted.

19 (WORKSHEET MARKED AS DEFENDANT'S EXHIBIT NUMBER 43 WAS
20 RECEIVED INTO EVIDENCE.)

21 Q This has this -- let's just ask this. When did you
22 perform the full file system extraction on Maggie
23 Murdaugh's phone?

24 A On June 16, 2021.

25 Q And that was eight days after it was recovered,

1 correct?

2 A Yes, sir.

3 Q And why was there an eight day delay?

4 A I attempted to process it. I was only able to get a
5 partial extraction originally from the device. It would
6 not process fully with the IOS and the model of that phone.
7 I did do an advanced logical to get some information off
8 for the investigators since it was an unknown suspect.
9 Then on the 15th of June of 2021, GrayKey updated the
10 software and then I reran it the next day with the updated
11 software to get a full file system.

12 Q Is it fair to say that essentially there was some
13 technical difficulties and you were unable to do it for
14 eight days?

15 A It was just that at the time, GrayKey did not support
16 that model and that IOS. It's not difficulties. It's just
17 that it did not support it.

18 Q Okay, and during that eight day period, could any --
19 would anything have been lost on the phone? We've talked a
20 lot about how things can go pretty quickly on some of these
21 tables. Was anything lost during that time?

22 A Some of the location data from GPS systems since the
23 phone came in in airplane mode could have been overwritten.

24 Q Okay, and I think we talked before that that's --
25 that's in one these SQLite databases like called cache?

1 A Yes, sir.

2 Q And I think we even looked at on the Paul -- Paul's
3 phone, the timeline. There was -- the State's attorney
4 pulled out some -- pointed out some GPS locations.

5 A Yes, sir.

6 Q Was the source of those on the timeline. That was
7 cache, that was cache SQLite database, correct?

8 A Yes, sir, it was.

9 Q Okay. So, now I want to ask you if you recognize this
10 document.

11 A Yes, sir, I do.

12 Q And what is this?

13 A It's a database -- it's tables from a database that
14 denote longitude, latitude, timestamps, accuracy.

15 Q Okay, and for whose phone?

16 A It says on the top Maggie Murdaugh's iPhone.

17 Q And this is from the cache database?

18 A Yes, sir.

19 Q And is this actually from the same table in the cache
20 database as was the source in those GPS locations we were
21 looking at on the timeline for Paul's phone?

22 A Yes, sir. They were both cache databases.

23 Q What is the late -- strike that -- earliest entry on
24 this?

25 A It appears that the first entry is at June 9, 2021, at

1 2:51:21 p.m.

2 Q So, that's two days after Maggie Murdaugh was
3 murdered.

4 A Yes, sir.

5 Q And it took eight days to extract her phone.

6 A Yes, sir.

7 Q If it had been extracted in six days, would we have
8 this data for the night of the murder?

9 A It's possible. It appears it may be, yes, sir.

10 Q The -- those -- that latitude and longitude of the
11 oldest entry, do you know where that is?

12 A No, sir. I would have to plot it to know for sure.

13 Q Would you disagree with me if I said that that's a
14 SLED building, given the date?

15 A No, sir. I would -- I would say that most of these
16 are probably the SLED annex building in Columbia.

17 Q Okay, and it is. Yesterday you were asked some
18 questions about a Faraday bag, and there was some
19 discussion that often there's no real point if it's already
20 in airplane mode. But you said that one difference between
21 removing the SIM card or airplane mode and a Faraday bag
22 is that the Faraday would block GPS signals. Is that
23 correct?

24 A Yes, sir.

25 Q If this phone would have been placed in a Faraday bag

1 until whatever the GrayKey issues were could have been
2 resolved, would it have preserved GPS data?

3 A It should have. As long as the Faraday was not
4 defective and sealed properly, then it should have locked
5 GPS.

6 Q And then we would presumably have GPS data going back
7 to 6/7 or before.

8 A Yes, sir. I would imagine so in that timeframe, yes,
9 sir.

10 MR. BARBER: Beg the Court's indulgence.

11 (Break in proceedings.)

12 MR. BARBER: I apologize, Your Honor. Almost done. I
13 don't think I have offered this into evidence. I
14 apologize, Your Honor. I would offer this as Defendant's
15 Exhibit 45.

16 MR. CONRAD: Was that what he was just looking at?

17 MR. BARBER: Yes.

18 MR. CONRAD: No objection from the State.

19 THE COURT: Admitted without objection.

20 (DATABASE FROM M. MURDAUGH'S PHONE MARKED AS
21 DEFENDANT'S EXHIBIT NUMBER 45 WAS RECEIVED INTO EVIDENCE.)

22 Q One, I guess, final question. I said something we
23 would come back to, if I can. It's one of State's
24 exhibits. Do you have 284 up there?

25 A I have 283. Yes, sir, I have 284.

1 Q I'm sorry, and I said the wrong number. 282, sorry.

2 A That's okay. I have 283, I have 290, and I have 284
3 up here.

4 Q Okay. Well, I'll find that one and that will be our
5 last question.

6 (Break in proceedings.)

7 Q I've handed you what's been entered as State's Exhibit
8 282.

9 A Yes, sir.

10 Q Will you turn to page 16?

11 A Yes, sir.

12 Q Do you see the text message: Going to check on M, be
13 right back?

14 A Yes, sir, I do.

15 Q Is there anything on there indicating that it was
16 delivered around 9:31 p.m.?

17 A It shows the time on here that is recorded as June 7,
18 2021, at 9:08:58 p.m.

19 Q And in the rest of the information around that text
20 message, do you see anything?

21 A Around this particular text message?

22 Q Yes, sir.

23 A Just that status is unread.

24 Q Can I see the exhibit, please?

25 (Break in the proceedings.)

1 MR. BARBER: No further questions, Your Honor.

2 THE COURT: Any redirect?

3 MR. CONRAD: Just a few things, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. CONRAD:

6 Q Mr. Barber asked you about the potentiality of Alex
7 and Maggie's phones being carried at the same time,
8 correct?

9 A Yes, sir.

10 Q And you testified that there were no steps on Alex's
11 phone at or about the 8:55 timeframe when we see steps on
12 Maggie's phone, correct?

13 A Correct.

14 MR. BARBER: Objection. Leading.

15 THE COURT: Don't lead the witness.

16 Q At 8:55 -- and we can refer to the report again if you
17 need to. Between 8:53 and 8:55, do you see steps on
18 Maggie's phone?

19 A Yes, sir. I see steps from 8:53 and ending at 8:55.

20 Q Do you see any steps after that on Maggie's phone?

21 A No, sir, I do not.

22 Q And if you want to pick up Alex's steps report, and
23 we'll -- if you don't mind, read -- look at the exhibit
24 number on the back real quick.

25 A It's State's Exhibit 290.

1 Q Okay, and would you look at the steps, the timeframe
2 of 8:05 to 9:02 p.m. on June 7th?

3 A Yes, sir.

4 Q And do you see any steps on Alex's phone from that
5 entire time period?

6 A From 8:05:35 p.m. to 8:59:52 p.m., it shows 74 steps.

7 Q Let me stop. I think you misspoke. The start time
8 was 8:05 and some seconds p.m., correct?

9 A Yes, sir.

10 Q And what was the end?

11 A The end for that one was 8:09:52 p.m.

12 Q Right. All right, and do you see any steps after that
13 prior to 9:02 on Alex's phone?

14 A No, sir.

15 Q All right, and that video was recorded again at what
16 time?

17 A The video was recorded -- the camera was started at
18 8:44:49 p.m.

19 Q Okay. All right. Let's talk about this time -- these
20 times that Mr. Barber wrote. All right, and this is the
21 information that Mr. Barber wrote down while he was having
22 you read off these some of these events, correct?

23 A Yes, sir.

24 Q All right, and at 8:55:04, I believe this was a screen
25 on event. Is that correct?

1 A Yes, sir.

2 Q And if you need to look at the original report, that's
3 fine. All right, and then at 8:54 we see another
4 orientation change, 8:54:40, correct?

5 A Yes, sir.

6 Q And then at 9:06:12 we have an orientation change that
7 starts at 9:06:12, correct?

8 A Let me just verify this seconds real quick.

9 Q Sure.

10 A At 9:06:12, yes, sir, I see the start of an
11 orientation change to portrait.

12 Q Okay, and 2 seconds later what happens?

13 A It's the call.

14 Q From who?

15 A It's from PA on the report, but that's Alex Murdaugh's
16 phone number.

17 Q It ends in 1227?

18 A Yes, sir.

19 Q And I believe Mr. Barber asked you and I don't -- I
20 can't remember if he wrote it down. What time does the
21 screen turn off -- or is Maggie's phone screen on during
22 that call at 9:06:14? Let me ask you that. You can take a
23 look at the report.

24 A Yes, sir. I see a time ending for the screen on at
25 9:07:00 p.m., and it looks like the screen started and came

1 on at 9:05:44 p.m.

2 Q Okay. So, the screen comes on at 9:05, and it turns
3 off when?

4 A It turns off at 9:07:00 p.m.

5 Q And when was the next time Maggie's phone screen turns
6 on?

7 A It turns on at 9:31:44 p.m.

8 Q All right. Between 9:07 and 9:31 Maggie's screen is
9 off, correct?

10 A Yes, sir.

11 Q And I think you testified about this but I'm going to
12 ask you again. If the screen is off, will a phone record
13 an orientation change?

14 A No, sir.

15 Q And so Mr. Barber was asking you about the phone being
16 thrown at this 9:06:48 timeframe, correct?

17 A Yes, sir.

18 Q And ultimately you can't tell you us exactly when that
19 phone was thrown, correct?

20 A Correct.

21 Q With the information that you recovered from this
22 phone, correct?

23 A Yes, sir, correct.

24 Q But if that phone had been thrown after 9:07 with the
25 screen off, would you expect to see an orientation change?

1 A No, sir.

2 Q If that phone had been thrown at 9:08:58 when that
3 text from Alex comes into -- going to see M -- if it would
4 have been thrown in that time period and it -- would you
5 expect to see an orientation change?

6 A No, sir.

7 Q All right, and let's look at Alex's steps one more
8 time. Do you have his report with you handy?

9 A Yes, sir, I do.

10 Q Could you hand it to me?

11 A Yes, sir.

12 Q This is State's Exhibit 290. Let's look at his steps
13 a little later in the night real quick.

14 MR. CONRAD: And I'm going to need the ELMO, please.

15 Q All right, let's look at record 26. This is something
16 we previously talked about, correct?

17 A Yes, sir.

18 Q And that's 283 steps between 9:02 and 9:06 p.m.,
19 correct?

20 A Yes, sir.

21 Q All right, and that's Alex's phone, correct?

22 A Yes, sir, it is.

23 Q All right, and record 27, what is that? What is
24 indicated in that record, sir?

25 A It shows that the phone recorded 195 steps starting

1 June 7, 2021, at 9:22:39 p.m., and ended at 9:32:14 p.m.

2 Q Okay. Record 28, what does this record indicate, sir?

3 A This record shows steps being recorded by the phone of
4 60 starting June 7, 2021, at 9:35:55 p.m., and ending at
5 9:45:37 p.m.

6 Q Okay. So, at 9:22 there's 195 steps, correct?

7 A Yes, sir.

8 Q And the at 9:35 there is 60 steps, correct?

9 A Yes, sir.

10 Q Now, you've testified and we've talked about this
11 quite a bit. A step count, is that something you can
12 100 percent rely on as an exact number?

13 A No, sir, it's not 100 percent accurate.

14 Q And Mr. Barber asked you about the phone will record
15 distance as well, correct?

16 A Yes, sir. It can record distance and show it in
17 meters.

18 Q All right, and you've already testified that steps is
19 not always exactly accurate. In your opinion, the distance
20 that's recorded by a phone from steps, is that generally
21 accurate?

22 A No, sir.

23 Q All right, and would the distance that the phone
24 records, would that be, in your opinion, more or less
25 accurate than the steps that are recorded?

1 A The distance that's recorded I would consider to be a
2 little less accurate than I would the steps.

3 Q All right, because there's some variables, correct?

4 A Yes, sir.

5 Q Such as?

6 A There's different variables about stride length as far
7 as when somebody is walking. Some people stride further
8 than others. Some people when they walk, they'll walk
9 faster than that so they can cover a greater distance in a
10 short amount of time, but they're using more steps a lot of
11 times because they're not striding maybe as far.

12 Q Okay, but we see 195 steps at 9:22, correct?

13 A Yes, sir.

14 Q And 60 steps at 9:35, correct?

15 A Yes, sir.

16 Q And is 60 less or more than 195?

17 A 60 is less.

18 Q And would you expect the distance traveled at 9:35 to
19 be less than the distance traveled at 9:22?

20 A I would have no way of knowing. It just depends on if
21 somebody was up walking around versus sitting down. It's
22 just hard to say.

23 Q But more steps were taken at 9:22, correct?

24 A Yes, sir.

25 MR. BARBER: Objection.

1 THE COURT: The objection is sustained.

2 Q Just a couple of more things.

3 MR. CONRAD: The defense exhibit, what numbers are
4 they? The text messages exhibit, I don't remember the
5 number.

6 (Break in proceedings.)

7 Q All right, Defense Exhibit 54, please.

8 A Yes, sir, I have it.

9 Q You have it?

10 A They brought it up here. I'm sorry.

11 MR. CONRAD: Sir, would you mind bringing these text
12 messages up?

13 Q This is Defendant's Exhibit 54, and I believe Mr.
14 Barber had you read this but I want to make sure he did,
15 and that's -- it looks like entry number two there on
16 the -- that we see up on the screen. Can you read that,
17 please?

18 A Yes, sir. It's June 7, 2021. It's at 7:55:26 p.m.,
19 but this is in UTC time, so to go back minus 4 four hours
20 to set it to our time zone would be at 3:55:26 p.m.

21 Q All right, and that's 3:25 -- 3:55 in the afternoon,
22 correct?

23 A Yes, sir.

24 Q Of June 7th, correct?

25 A Yes, sir. That's in the afternoon if you subtract

1 four.

2 Q Okay. Read that text, please.

3 A It says:

4 TY. I'm waiting at doctor. Alex wants me to
5 come home.

6 Q Alex what?

7 A Wants me to come home. I had to leave door open
8 at Edisto but trust Mexicans to shut and lock for
9 me. His dad is back in hospital. The last
10 doctor claims no cancer. It's pneumonia.

11 And there's some emojis and it says Alex, but I'm not
12 sure if that's going into the next thread or not.

13 Q All right, let's go to the second page of that,
14 please. All right, let's -- we want to make this
15 100 percent clear.

16 MR. CONRAD: And, sir, can we highlight the time --
17 actually go back to the first page, excuse me. All right,
18 and highlight, just highlight for us the time on the text
19 entry, the text that he just read where it says 7:55:26.
20 Can you just highlight 7:55:26, please? There you go.

21 Q All right, and just want to be 100 percent clear about
22 this. This is Greenwich Mean Time, correct?

23 A Yes, sir, UTC.

24 Q Also known as UTC, correct?

25 A Yes, sir.

1 Q This is not local time.

2 A Correct.

3 Q It is 3:55:26 p.m., correct?

4 A Correct, our time zone.

5 Q All right.

6 MR. CONRAD: Go to page 2, please.

7 Q Text entry number six, what time is that in local
8 time? It says 8:03 p.m. Is that in local time?

9 A In local time, I would subtract 4 hours from that. It
10 would be 4:03:14 p.m.

11 Q Okay, and what does this text say again?

12 A It says:

13 Yes, he does. He told me he was tired when I
14 left -- when he left. I hope they are treating
15 Mr. Randolph at least to make him comfortable.

16 Q Okay. Let's go now to entry number eight, and again
17 what -- and that's 8:06:43 universal time. What is that
18 Eastern time?

19 A It would be subtracting 4 hours; it would be at
20 4:06:43 p.m.

21 Q And what does that text message say?

22 A It says: I am scared for him and Alex and all of us.

23 Q It says him. We just read the text, that number six.
24 From the context of this message, who do you think him
25 refers to?

1 A I believe it refers to his father, Mr. Randolph.

2 Q Okay, but it says she's scared for Mr. Randolph and
3 who?

4 A And Alex and all of us.

5 Q Okay. All right. Mr. Barber asked you about that
6 camera that came on and Maggie's phone, and I believe it
7 was around 8:54 or 8:55. And you can -- if you have that
8 report, if you need to look it up real quick, you can.

9 A Yes, sir, I have it. Do you know what exhibit number
10 it is?

11 Q Yeah, if you'll read it.

12 A It's State's Exhibit 283.

13 Q All right. So, that camera that came on at -- can you
14 look at the exact time again at -- I think it was 8:54
15 timeframe?

16 A Yes, sir. It shows an end time of 8:54:35 p.m.

17 Q What was the start time?

18 A It was 8:54:34 p.m.

19 Q So, that camera was accessed for how long?

20 A 1 second.

21 Q All right, and I know you testified that from the data
22 you have, you can't say with 100 percent certainty with how
23 that camera was activated, correct?

24 A Correct. It's just showing as an application usage.
25 It could have been that the camera -- the phone thought it

1 saw something and the camera was activated. It could have
2 been running in the background. For 1 second, it doesn't
3 look like somebody might have touched it to cut it on.

4 Q Okay. If it had been someone actually trying to turn
5 on the camera app, would a second of one -- let me rephrase
6 that. In your experience and expertise, you've reviewed
7 phone data that shows cameras being turned on by persons at
8 certain times, correct?

9 A Yes, sir.

10 MR. BARBER: Objection.

11 THE COURT: It's overruled.

12 Q And when you see a camera activated to be used as a
13 camera, i.e. to take a picture or to take a video, how long
14 is that camera app on generally?

15 A It's usually several seconds to a minute because the
16 camera has to come into focus of the picture it's going to
17 take.

18 Q And if a camera app is on for only 1 second, in your
19 opinion, what does that lead you to believe?

20 A Where it's located in the application usage log and
21 for 1 second, to me it would indicate that the phone's
22 camera was possibly looking to see if it recognized a face,
23 or recognized something that was running in the background.

24 Q Okay.

25 MR. CONRAD: If I may have a moment, Your Honor.

1 (Break in proceedings.)

2 MR. CONRAD: Nothing further for this witness, Your
3 Honor.

4 THE COURT: Anything further?

5 MR. BARBER: Yes, Your Honor, very, very quickly.

6 RECROSS-EXAMINATION

7 BY MR. BARBER:

8 Q On this camera usage, are you familiar with something
9 on the iPhone called SpringBoard?

10 A Yes, sir.

11 Q And what is SpringBoard?

12 A It's usually things that are set that once you touch
13 them, it'll bring them up to focus as far as with
14 applications and different things.

15 Q Okay. If the metadata, and I'm trying to say this in
16 understandable fashion, but if KnowledgeC had data about
17 that camera app that indicated usage came from SpringBoard
18 lock screen, would that tell you anything about how the
19 camera was activated?

20 A If it showed it was coming from the locked screen,
21 SpringBoard, it would mean that on your iPhone, if you look
22 at it you have at the bottom right corner a little camera
23 there, that you would be hitting that from there.

24 Q Okay. Have you checked to see if that metadata is
25 some KnowledgeC for this camera event?

1 A No, sir, I didn't review the SpringBoard metadata.

2 Q So -- and we saw with -- when the easel was up here
3 there was kind of a little flurry of activity screen on and
4 off orientation changes happened right around when this
5 camera usage happened. And if it were coming from the
6 locked screen, if we had some metadata that would show
7 that, which we may well have, could it be that she was
8 trying to take a picture of someone, say a perpetrator?

9 A For 1 second it would be -- to start and stop in 1
10 second I would imagine that would be difficult. But could
11 somebody accidentally activate their camera and shut it
12 off? Yes, sir, that is possible.

13 Q And if the perpetrator, or perpetrators, responded by
14 shooting at her, could that explain why it went off in 1
15 second and/or a bunch of orientation changes very shortly
16 thereafter?

17 A I would think if somebody went and activated their
18 camera and then they're in fear, they wouldn't think to
19 just shut off the camera.

20 Q Right, but if they had their finger on the phone, it
21 could happen, right?

22 A There's a lot of possibilities could happen, not
23 knowing how a person reacts.

24 Q Does the camera app ever store a snapshot of the app?
25 In other words, a screen shot that might have an image even

1 if you didn't take a picture?

2 A I haven't seen that with the camera stuff. I've seen
3 snap shots be captured of apps running in the background.

4 Q But have you looked through the snapshots in this
5 timeframe, all of ones on the phone? Are they all there?

6 A The ones I looked at -- I did look at one. The last
7 one, from my recollection, was a Facebook that was opened
8 in the background.

9 MR. BARBER: No further questions, Your Honor.

10 THE COURT: You may step down. You may step down.

11 (The witness exited the stand.)

12 THE COURT: And, ladies and gentlemen, we will break
13 until -- for an hour and 15 minutes, around 2:35.

14 (The jury left the courtroom.)

15 (A lunch break was taken.)

16 (The jury returned to the courtroom.)

17 THE BAILIFF: The jury is present, sir.

18 THE COURT: Yes, sir, thank you.

19 You may call your next witness.

20 MR. MEADORS: May it please the Court, Your Honor?

21 The State of South Carolina now calls -- would now call
22 Dathan Varnadoe.

23 The witness, DATHAN BRIAN VARNADOE, was first duly
24 sworn and testified as follows:

25 THE CLERK: Take your seat. State your full name

1 again for the record. Spell your last name.

2 THE WITNESS: My name is Dathan Brian Varnadoe. Last
3 name is V-a-r-n-a-d-o-e.

4 DIRECT EXAMINATION

5 BY MR. MEADORS:

6 Q Good afternoon.

7 A Afternoon.

8 Q Dathan Varnadoe?

9 A Yes, I go by Brian.

10 Q Okay, and your rank, sir?

11 A I'm a Sergeant.

12 Q Sergeant Varnadoe, will you tell the ladies and
13 gentlemen of this jury, please, about Brian Varnadoe, where
14 you're from, your background, a little bit of your family,
15 and how you got in law enforcement?

16 A I'm from right here in Walterboro, South Carolina. I
17 started in the Department of Corrections in 1996. I worked
18 in the Department of Corrections state prison system for
19 eighteen years, and now I've been here with the Colleton
20 County Sheriff's Office almost ten.

21 Q Okay, and I know you're kind of soft -- if you would
22 pull up and maybe speak in there a little bit if you don't
23 mind, Sergeant. So, you worked the prison system for how
24 long?

25 A Eighteen years.

1 Q Okay, and then after that you came to Colleton?

2 A Yes, I came to Colleton in 2013.

3 Q Okay. Tell the folks. What different areas have you
4 worked in the Colleton Sheriff's Office?

5 A In the sheriff's office for about a year, I worked the
6 road. Then in 2014 I went into investigations, primarily
7 gang investigations, and I worked in that area until now,
8 present.

9 Q Tell them about your training in law enforcement.
10 Have y'all been through the Criminal Justice Academy
11 periodic?

12 A Criminal Justice Academy.

13 Q Talk about it a little bit, please.

14 A South Carolina Criminal Justice Academy, I believe at
15 that time it was eleven weeks. It changes. I was there
16 eleven weeks, and you go through the basic training for law
17 enforcement through the legals, traffic stops, so forth.
18 And they also have training there in gang investigations,
19 also they provide.

20 Q And are you married?

21 A Yes.

22 Q How many children do you have?

23 A I have two.

24 Q All right. Does your wife work?

25 A Yes.

1 Q Where does she work?

2 A She works for the City of Walterboro.

3 Q City of Walterboro. And if I could, please, take you
4 back, Sergeant, to June, specifically June 7th of 2021.
5 What was your role -- your role in the Colleton County
6 Sheriff's Department that day, please?

7 A I worked investigations during that time also. Of
8 course, the night of this incident I was off at that time.
9 I was called in later.

10 Q And were you on call?

11 A We somewhat --

12 Q Did pretty much everybody get called in?

13 A Yes, sir. All investigation or investigators got
14 called in.

15 Q And where were you told to respond to, and where did
16 you respond to, Sergeant?

17 A The location on Moselle Road.

18 Q 4147 Moselle Road?

19 A That's right.

20 Q In Colleton County?

21 A In Colleton County.

22 Q Please tell the ladies and gentlemen of the jury as
23 you're coming up to Moselle -- well, first of all, do you
24 remember what entrance, how you went in?

25 A Yes. I went in by the dog kennels, that entrance, not

1 all the way down. I parked near the roadway and walked in.

2 Q Had you been to that residence prior to June 7th when
3 you got there in 2021?

4 A It had been some years. When I was on the road, I
5 responded to an alarm call out there one time.

6 Q Years prior to this.

7 A Yes.

8 Q Did you know where to go when you got there, and what
9 were you instructed to do? Did you know where to go on the
10 property?

11 A I was told that driveway where the dog kennels --
12 don't come in where the brick columns are.

13 Q And --

14 MR. MEADORS: Beg the Court's indulgence.

15 (Break in proceedings.)

16 Q I'm going to show you what's marked as State's 303,
17 Sergeant. I have never shown you this before, have I?

18 A No.

19 Q Do you recognize this as an aerial view of Moselle,
20 and where you responded?

21 A Yes.

22 Q Okay.

23 MR. MEADORS: Your Honor, without objection 303.

24 MR. GRIFFIN: No objection, Your Honor.

25 THE COURT: It's admitted.

1 (BLOW-UP OF PHOTO MARKED AS STATE'S EXHIBIT NUMBER 303
2 WAS RECEIVED INTO EVIDENCE.)

3 Q And you said you came in the second entrance?

4 A Yes, going --

5 Q Can you do that?

6 A Right here. I parked somewhere in this area, and I
7 walked the rest of the way.

8 Q And, Sergeant, you get out of your car, and tell us
9 what you did next.

10 A When I got on scene, there was other emergency
11 vehicles there, other investigators that had beat me there.
12 Pretty much I made contact with my supervisor and asked him
13 what he needed me -- what area he needed me in, what he
14 needed me doing.

15 Q And who was your supervisor?

16 A Captain Jason Chapman.

17 Q And what did he tell you or ask you to do or instruct
18 you to do?

19 A He instructed me to find Mr. Alex Murdaugh and take
20 GSR of his hands, gunshot residue.

21 Q And prior to that, did you have an occasion -- did you
22 see the bodies of who we all know now were Paul and Maggie?
23 Did you see their bodies?

24 A Yes.

25 Q Did you get close to them or inspect them?

1 A I didn't inspect them, maybe 10 feet maybe.

2 Q Okay. So, you had to see them from a distance. Is
3 that fair?

4 A Yes, uh-huh.

5 Q So, your captain had instructed that you find Alex
6 Murdaugh and attempt to get a GSR kit or take GSR kit?

7 A Administer a kit to him, yes, sir.

8 Q Okay, and I don't think there's any objection to this.
9 Tell the folks. What is GSR?

10 A Well, it stands for gunshot residue. The kit itself
11 tests for gunshot residue on the hands is where it's
12 administered, to the hands of an individual.

13 Q At the Colleton County Sheriff's Department and maybe
14 other places, are you trained in how to collect that from
15 the individual?

16 A Yes, we're trained in-house.

17 Q And --

18 A It's pretty self explanatory.

19 Q Okay. A pretty simple procedure.

20 A That's right.

21 Q Had you taken GSR of a person prior to this?

22 A Yes.

23 Q About how many times? Have you got any idea?

24 A Twenty.

25 Q Now when you got there, how far was the defendant,

1 Alex Murdaugh, from where you were? Where was he? When
2 you were told to go check his hands --

3 A He was about -- at this time when I saw him, he was
4 behind the yellow tape that they had up, the back side.
5 It's actually -- it was an area between the sheds or the
6 dog kennels and his home.

7 Q And after the captain asked you to do that, what did
8 you do?

9 A I went and got a kit and I approached Mr. Murdaugh.

10 Q Had you ever seen Alex Murdaugh before that night?

11 A Yes.

12 Q Did you know him before that night?

13 A Yes.

14 Q Okay. Well, can you tell us how you knew him?

15 A I testified as an expert witness in one of his cases.

16 Q An expert witness?

17 A Yes.

18 Q Is that the gang which you'd said earlier --

19 A Yes, it had to do with a gang case.

20 (Break in proceedings.)

21 Q And do you mind telling, what did you testify to?

22 A It was some terminology that was used in a phone call
23 and he wanted -- and my area of expertise was gang lingo
24 and gang slang. He wanted me to testify to a statement
25 that was said on a phone call.

1 Q So, you weren't involved in the actual case.

2 A No.

3 Q Okay. So the defendant, Alex Murdaugh, asked you to
4 come testify as an expert?

5 A Yes.

6 Q And was he sitting over here at the time, at this
7 table?

8 A Yes.

9 Q I mean the prosecution table.

10 A The prosecution table, yes.

11 Q In this courtroom.

12 A It was here or Hampton. I'm not 100 percent sure.

13 Q In a courtroom.

14 A Right.

15 Q I'm curious. What were you called to testify about?

16 A Like I said, it was some terminology used in a phone
17 call he was prosecuting in his case.

18 Q What were you asked to testify the terminology of?

19 I'm just curious.

20 A An individual was on the phone telling someone to go
21 and get the whistle, and he wanted me to clarify what that
22 term meant.

23 Q Get the whistle?

24 A Yes.

25 Q What was --

1 A He was referring to a firearm.

2 Q Okay. The whistle. So, you were interpreting that a
3 whistle is a firearm?

4 A Right.

5 Q And the inmate was -- wanted somebody to do something
6 with a whistle?

7 A That's what I was told that the phone call was about,
8 yes.

9 Q Okay, and did you testify?

10 A I did.

11 Q And when was that?

12 A It was probably five or six years.

13 Q So, on June 7th of 2021 when you saw the defendant,
14 did he recognize you as far as you could tell?

15 A Yes.

16 Q Did he recognize you as far as you could tell? Did he
17 say your name?

18 A Yes.

19 Q Okay. Did you say his name?

20 A Yes, sir.

21 Q Okay, and can you tell the jury how you went about to
22 do your job?

23 A I'm sorry, say again.

24 Q How did you go about doing your job? What did you do?
25 What did you say him?

1 A I approached him. I had the kit, and I went up to
2 Mr. Murdaugh and told him I had to administer this kit to
3 his hands. He stated he understood the procedure, and just
4 a few minutes and I was out of his way.

5 Q And I do think not to do --

6 MR. MEADORS: But, Your Honor, can he come down here?

7 THE COURT: Yes.

8 MR. MEADORS: Please?

9 Q I'm going to show you what's been marked State's 301.
10 Do you recognize this kit in general, not --

11 A Yes.

12 Q And have you looked inside?

13 A Not of this one.

14 Q Would you look inside of it? Do you recognize this
15 type of kit?

16 A Yes.

17 Q Is this the type of kit you used on the defendant,
18 Alex Murdaugh, on June 7th of 2021?

19 A Actually the type of kit had -- I believe it had four
20 bottles, but it's the same -- it's the same idea.

21 Q Well, they used to have four but now they have two,
22 correct?

23 A Yes.

24 Q Okay.

25 MR. MEADORS: Your Honor, 301 without objection.

1 MR. GRIFFIN: That's correct, no objection.

2 THE COURT: It's admitted.

3 (GSR KIT MARKED AS STATE'S EXHIBIT NUMBER 301 WAS
4 RECEIVED INTO EVIDENCE.)

5 Q You can stay here. Let's pull out 301 and just show
6 the jury what you did, and I've got some questions,
7 Sergeant.

8 MR. MEADORS: Are you okay? Are y'all good? Okay.

9 Q What is the first thing you do when you get ready to
10 take a gunshot residue on somebody?

11 A Well, I have on gloves. I put on gloves before I
12 administer this kit.

13 Q Okay. All right.

14 A I explain to them what I'm doing and what this is.

15 THE COURT: Keep your voice up, please.

16 THE WITNESS: Yes, sir.

17 A I explain to them what it's for and why I'm doing it.

18 Q Okay, and are you looking at them?

19 A Yes.

20 Q How far are you from them?

21 A About you and I.

22 Q Okay, and this night, let's go back there right now to
23 June 7th. Were you looking at Mr. Murdaugh?

24 A Yes.

25 Q Okay. Y'all knew each other.

1 A Yes.

2 Q Did you smell any alcohol on him?

3 A No.

4 Q Did he appear to be under the influence of anything to
5 you, alcohol, drugs, or anything else?

6 A No.

7 Q Could he understand what Brian Varnadoe was asking him
8 as far as you knew? Did he understand your questions?

9 A Yes, as far as I knew.

10 Q And could you understand his responses just talking?

11 A Yes.

12 Q And were his answers to you timely?

13 A Yes, they were.

14 Q Subject matter appropriate.

15 A Yes.

16 Q When you asked him to -- if you could take a gunshot
17 residue, did he comply?

18 A He complied.

19 Q And I believe there were just two used this time.
20 They used to do four.

21 A Yeah.

22 Q Can you show the jury how you do it specifically?

23 A You see it's labeled. It's pretty self explanatory.
24 It has the left hand, right hand.

25 Q Do you mind touching me and just do it to me like you

1 did on him?

2 A (Witness complies.)

3 Q All right, and what's that one marked over there?

4 A This is for the left hand. It has a flat surface on
5 the inside of the cap. Touch all the fingers, thumb, flip
6 the hand over, back of the hand, and full extent of the
7 fingers.

8 Q Okay. Did you place it back?

9 A Yes, sir. I put it back inside the bag, and you move
10 on to the next one and do the same thing with the other
11 hand.

12 Q Same thing with the other hand.

13 A Yes.

14 Q Go ahead and do it, please.

15 A (Witness complies.)

16 Q And so this whole time, you were that close to him and
17 you were doing that.

18 A Yes.

19 Q Were his hands shaking?

20 A I do not recall his hands shaking.

21 Q Now after you do that -- and I've got a couple of
22 other questions and I'll let you sit down, all right, sir,
23 if you don't mind.

24 A Okay.

25 Q To be right where we are now, but tell them what we're

1 doing. Do you document it?

2 A Yes.

3 Q Okay, and I'm going to show you what's 300. Does this
4 look like what we're doing right now, Sergeant?

5 A It does.

6 MR. MEADORS: And, Your Honor, 300 without objection.

7 MR. GRIFFIN: No objection.

8 THE COURT: It's admitted.

9 (GSR FORM MARKED AS STATE'S EXHIBIT NUMBER 300 WAS
10 RECEIVED INTO EVIDENCE.)

11 Q Now, Sergeant, does it say what time you just took
12 that gunshot -- potential gunshot residue from the
13 defendant?

14 A Yes. It's right here at the bottom.

15 Q And did you fill this out?

16 A I did. It's my handwriting.

17 Q You put your name at the top?

18 A Yes.

19 Q Badge number?

20 A Everything but this. This is not me.

21 Q And date of birth. It's got the suspect's name,
22 Richard Alexander Murdaugh.

23 A Correct.

24 Q And his date of birth is what?

25 A 5/27/68.

1 Q Now, you didn't know that, did you? You didn't know
2 his date of birth.

3 A No.

4 Q So, did you have to ask him?

5 A Yes.

6 Q Did he have any trouble telling you his date of birth?

7 A No.

8 Q So you put that down, what he told you. Subject is
9 living, correct?

10 A Yes.

11 Q And that's -- we'll bring that out to SLED later, but
12 you took the sample off a live individual.

13 A Yes.

14 Q No question about it. All right, and you filled out
15 the rest of the form, correct?

16 A I did.

17 Q No gunshot wounds?

18 A No.

19 Q No. It says: Any debris or blood on subject -- this
20 is what the form says -- Any debris or blood on subject's -
21 - on the hand. And what did you mark?

22 A No.

23 Q So, does that mean you had to look at his hands to
24 mark no?

25 A Yes.

1 Q Okay, and so when you were looking at his hands, did
2 you see any debris or blood on the suspect's hands?

3 A No, I did not.

4 Q And you looked at it.

5 A Right.

6 Q Okay. How would you describe it?

7 A What I recall, his hands were clean.

8 Q And underneath here it says lawyer -- the rest of --

9 A I didn't ask those questions, sir.

10 Q And he signed it, correct?

11 A No.

12 Q Okay. That's your signature --

13 A That's me.

14 Q I couldn't see. One final question while I've got you
15 up here. Did you observe what he was wearing? His shirt,
16 his shorts, his shoes?

17 A I remember his shirt. I do not remember his shoes or
18 his pants or what he had on. I do remember his shirt.

19 Q Okay, and can you describe the shirt?

20 A It was a white T-shirt.

21 Q Did it appear to have any blood on it from looking
22 right here?

23 A On the naked eye, I didn't see.

24 Q Did it appear to be dirty?

25 A No.

1 Q And this is -- is this also the chain of custody that
2 you filled out for the GSR?

3 A Yes.

4 Q And you turned it over, I believe, to Agent Worley?

5 A Worley, yes.

6 Q Okay.

7 MR. MEADORS: I believe 12 without objection.

8 MR. GRIFFIN: No objection, Your Honor.

9 THE COURT: It's admitted.

10 (GSR CHAIN OF CUSTODY FORM MARKED AS STATE'S EXHIBIT
11 NUMBER 12 WAS RECEIVED INTO EVIDENCE.)

12 Q Now referring to State's 300 again, down at the bottom
13 it's got date and time shooting occurred, and it's got
14 6/7/21?

15 A The shooting occurred? Yes.

16 Q And where did you get that information from?

17 A From the other people on the scene there.

18 Q Okay, and time, what time does it have by there?

19 A I have 10:00 p.m.

20 Q And where did you get that from? Do you know?

21 A More than likely it was from my supervisor from there
22 on the scene.

23 (Break in proceedings.)

24 Q And the time this was collected was 11:15, correct?

25 A That is correct.

1 Q Sergeant Brian Varnadoe, is the individual that you
2 collected the gunshot -- performed a gunshot kit on and the
3 individual you described as his hands as clean sitting in
4 the courtroom?

5 A Yes, he is.

6 Q Would you please point him out for the ladies and
7 gentlemen?

8 A He has a gray blazer and a white button-up shirt.

9 MR. MEADORS: We would like the record to reflect it.
10 That's all we have. Thank you, Judge.

11 THE COURT: It does.

12 Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. GRIFFIN:

15 Q Deputy Varnadoe, this individual right here, the
16 defendant, Murdaugh, Richard Alexander Murdaugh, consented
17 to you taking his GSR, correct?

18 A Yes.

19 Q And he cooperated with you fully that night, correct?

20 A Yes, he did.

21 Q And you had talked about a case that he had worked,
22 and he was a prosecutor of criminal drug cases in this
23 courthouse or maybe Hampton, but --

24 A Correct.

25 Q -- right? And you worked on that case, not only with

1 Richard Alexander Murdaugh but his father, Randolph
2 Murdaugh, correct?

3 A That's correct.

4 Q And that was a drug prosecution of a defendant who was
5 suspected to be involved in the Cowboys drug gang. Is that
6 correct?

7 A He was an affiliate, yes.

8 Q And that was an dangerous outfit that a lot of
9 folks --

10 MR. MEADORS: Objection, Your Honor.

11 Q -- is that correct?

12 THE COURT: Basis for the objection?

13 MR. MEADORS: Never mind. I withdraw it.

14 A Can you ask the question again, please?

15 Q The Cowboys were known for being dangerous in this
16 area, correct?

17 A Yes, sir.

18 Q And in that case -- I think you mentioned you thought
19 maybe five years, but it could have been sooner than that,
20 two or three years ago?

21 A It could have been. It's been some years. I'm not
22 exactly sure what year it was.

23 Q Yes, sir. Now, you were shown this aerial photograph,
24 and this is Exhibit Number 303. Have you been out to the
25 property since the night on June the 7th?

1 A Yes.

2 Q Okay. Now this aerial photograph, you don't know what
3 date this photograph was taken, do you?

4 A I do not.

5 Q But you do know that this land here, frankly right
6 through there, were you aware at one point in time that
7 area right there was used as a runway?

8 A I did not know that.

9 Q But you do know that pine trees were planted all
10 through here, correct? And there --

11 A There are trees there, yes.

12 Q And there's a stand of pine trees there that are not
13 in this photograph. Is that fair?

14 A That's fair.

15 Q Okay, and the -- now the form, if I could find it,
16 sir, the collection form asked -- it says subject's full
17 name, and the subject was Mr. Murdaugh, right?

18 A That's correct.

19 Q Okay, and did you -- was he cordial and respectful to
20 you?

21 A Oh, yes. Yes.

22 Q And you've been around him on multiple occasions, I
23 take it, working on that case and perhaps other things?

24 A A few times, yes.

25 Q And in your presence, has he always been respectful to

1 law enforcement?

2 A Yes.

3 Q Has always treated you with respect?

4 A Yes.

5 Q Did he treat you with respect on the night of June the
6 7th?

7 A Yes, he did.

8 Q And did he tell you he understood that you had to do a
9 job and take his gunshot residue off his hands, correct?

10 A That's right.

11 Q And he was shook up, was he not?

12 A Yes, he was shook up.

13 Q Now, you showed how the collection is done and how you
14 put the stamp on the front and on the back. Did you do a
15 thorough collection of Mr. Murdaugh's hands that night?

16 A Yes.

17 Q And did you intentionally, intentionally leave any
18 part of his hand untested?

19 A No.

20 Q And you did your level best to get every particle of
21 GSR off his hands according to -- using that equipment that
22 you had. Is that right?

23 A I did it the way I was trained and taught, yes.

24 Q And were you aware that earlier in the night after he
25 called 911, that he went up to the house to get a shotgun

1 and came back down, and when the first responding deputy, I
2 believe it was Greene, came to the scene that he seized
3 that shotgun? Did you know that when you got there?

4 A At that time, no.

5 Q You learned it later?

6 A Yes.

7 Q And you're aware that gunshot residue can transfer
8 from a gun onto a subject's hands, correct?

9 A It's possible.

10 Q Okay. Now, you didn't -- you don't do any testing of
11 gunshot residue, do you?

12 A No.

13 Q That's done back at the SLED lab?

14 A That's right.

15 Q Okay, and you didn't test any gunshot residue or --
16 well, scratch that. I apologize. Did you collect any
17 gunshot residue or attempt to collect any gunshot residue
18 off any other part of Mr. Murdaugh's body?

19 A No.

20 Q So, you didn't try to take anything off his legs or --

21 A No. The test is not for that.

22 Q Okay. Later that evening, his clothes were collected
23 for gunshot residue testing. Were you involved in that in
24 any form or fashion?

25 A No.

1 Q Deputy Varnadoe, I'm going to show you Exhibit 59, and
2 I just want to ask you if 59 fairly and accurately depicts
3 Paul Murdaugh as you saw him lying on the ground by the --
4 outside of the feed room that night?

5 A Yes.

6 MR. GRIFFIN: Your Honor, I would introduce
7 Defendant's 59 into evidence under seal. I'm not going to
8 publish it. We just need to get it in for the record.
9 Without objection, I believe.

10 MR. MEADORS: That's correct.

11 THE COURT: It's admitted.

12 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 59 WAS
13 RECEIVED INTO EVIDENCE.)

14 MR. GRIFFIN: If I can have the Court's indulgence?
15 That's all I have, Deputy. Thank you.

16 MR. MEADORS: Your Honor, just one follow-up.

17 REDIRECT EXAMINATION1

18 BY MR. MEADORS:

19 Q He was asking about that case you testified in. So,
20 Alex Murdaugh called -- did he call you an as expert on how
21 to interpret whistle from an inmate's phone call who was
22 trying to hide a weapon?

23 A That's what I understood it to be, yes.

24 Q A whistle.

25 A I wasn't part of the actual investigation.

1 MR. MEADORS: That's all, thank you.

2 THE COURT: Anything further?

3 MR. GRIFFIN: No, Your Honor.

4 THE COURT: Thank you.

5 THE WITNESS: Thank you, Your Honor.

6 (The witness exited the stand.)

7 THE COURT: Call your next witness.

8 MR. WATERS: Thank you, Your Honor. We call Rogan
9 Gibson.

10 The witness, ROGAN GIBSON, was first duly sworn and
11 testified as follows:

12 THE CLERK: Take a seat in the witness stand. State
13 your name for the record, and spell your last name.

14 THE WITNESS: Rogan Gibson, G-i-b-s-o-n.

15 DIRECT EXAMINATION

16 BY MR. WATERS:

17 Q Mr. Gibson, how are you doing today?

18 A Good.

19 MR. WATERS: I asked the court reporter something.
20 We'll give her a chance to catch up.

21 Q Mr. Gibson, why don't you introduce yourself to the
22 jury a little bit. Tell us, you know, where you grew up,
23 where you went to high school, just a little bit about
24 yourself before we get your testimony.

25 A I went to Wade Hampton High School. I'm from Hampton.

1 Q All right, and are you working now?

2 A I am.

3 Q All right. What field do you work at?

4 A The agriculture field.

5 Q Why don't you see if you can pull that mic up just a
6 little bit and speak up just a hair so you're -- if you can
7 speak into it, I appreciate it. You said you were working
8 in agriculture. Is that right?

9 A That's correct.

10 Q And currently still working in agriculture?

11 A That's correct.

12 Q All right. Back in June of 2021, what were you doing?
13 Working in agriculture?

14 A That's correct.

15 Q And what kind of job did you have?

16 A I was farming, operating equipment.

17 Q Operating equipment? And let me ask you. Did you get
18 to know Paul Murdaugh?

19 A I did.

20 Q And tell me. How old were you when you got to know
21 Paul Murdaugh?

22 A I've known him all my life, real good probably when I
23 was eleven or twelve years old.

24 Q And how did y'all get to meet one another? How did
25 y'all become closer?

1 A I lived next to him.

2 Q Okay, and when did that happen?

3 A When I was eleven or twelve years old.

4 Q Eleven or twelve. Y'all went to school together?

5 A Paul was a little bit younger than me, and I didn't go
6 to school with him.

7 Q Okay. When y'all were growing up, what kind of things
8 did y'all like to do together?

9 A We enjoyed the outdoors: hunting, fishing, and hanging
10 around the farm.

11 Q Were you close friends with Paul until the day he was
12 murdered?

13 A I was.

14 Q Tell the jury just a little bit about Paul. Give us a
15 little sense of who he was as a person.

16 A He loved the outdoors: hunting, fishing, hanging
17 around. Really enjoyed the farm out there at Moselle.

18 Q Fun guy to be around?

19 A He was.

20 Q Over the years as you got to be close friends with
21 Paul, did you get to be close friends with the rest of the
22 family?

23 A I was.

24 Q And was that just Paul and his brother and his
25 parents, or was it sort of the Murdaughs, the larger family

1 as well?

2 A The whole family.

3 Q And over those years as you became close with them --
4 how close would you say? How close did you become?

5 A Real close, like a second family.

6 Q Like a second family to you?

7 A Yes, sir.

8 Q Paul, did you have a nickname for him, or did he have
9 a nickname?

10 A Rooster.

11 Q His brother, Buster, did he have a name or a nickname?

12 A We called him Bus.

13 Q Bus? What did you call Maggie?

14 A Ms. Maggie.

15 Q What did you call Mr. Randolph, Paul's grandfather?

16 A Handsome.

17 Q Handsome? How about Ms. Libby, his wife, Paul's
18 grandmother?

19 A M.

20 Q M? How about Maggie's parents, did you have nicknames
21 for them?

22 A I called them Papa T and Grandmar.

23 Q Papa T and Grandmar?

24 A That's correct.

25 Q Like m-a-r at the end?

1 A That's correct.

2 Q What did you call Alex?

3 A Mr. Alex or Big Red.

4 Q Mr. Alex or Big Red. You said they were like a second
5 family to you.

6 A That's correct.

7 Q Being that close to this family, did you frequently go
8 out to Moselle?

9 A All the time.

10 Q Did you ever go to -- did they have other properties,
11 too, that you ever went to?

12 A They did.

13 Q What were the other properties they had? Hold on for
14 the sirens if you would.

15 (Break in proceedings.)

16 Q What were the other properties that they had?

17 A Edisto Beach, we went there a lot.

18 Q They had a house at Edisto Beach?

19 A That's correct.

20 Q Any other properties while you were growing up that
21 you recall?

22 A The property in Hampton, the house in Hampton.

23 Q All right, and did they ultimately sell that property?

24 A They did.

25 Q Do you remember about how long ago that was?

1 A Not real sure.

2 Q When you would go out -- when did they get Moselle? I
3 mean, just roughly.

4 A I believe it was, like, my freshman year in high
5 school, so '14 --

6 Q 2014 or something like that?

7 A No. It was -- I graduated in '14, so probably around
8 2010 maybe.

9 Q Okay, and over the years, did you spend a lot of time
10 out there?

11 A I did.

12 Q What were some of the things that you would do with
13 Paul out there?

14 A We would hunt, fish, just hang around.

15 Q Ride around the property?

16 A Yeah. Worked the food plots with equipment.

17 Q I've got State's 303 right here. It's a poster board.
18 I'm going to ask you to come on down, with the Judges's
19 permission, and let's kind of point out some things to the
20 jury.

21 A (Witness complies.)

22 Q All right. Do you recognize this image?

23 A I do.

24 Q And what is that? Keep your voice up, if you could.

25 A That's a picture of the upper view of the Moselle

1 property.

2 Q Okay, and where is the residence in this picture?

3 A Right here.

4 Q All right, and is there a driveway to that residence?

5 A That would be the main driveway.

6 Q All right. Do you see Moselle Road on this particular
7 image?

8 A (Witness points.)

9 Q That one right down there? All right. What's this
10 red roof building right there?

11 A That's the old airplane hangar.

12 Q Okay, and did y'all have a name for that? Did you
13 call it the hangar?

14 A Yeah. The shed or the hangar.

15 Q The shed or the hangar? Any other structures out
16 there?

17 A That was a newer shed, a tractor shed. Dog kennel.

18 Q Okay.

19 A And that was the skinning shed.

20 Q Skinning shed? And just real quick, what's the
21 skinning shed for?

22 A We just processed wild game out there, skinned wild
23 game out there.

24 Q Was there a driveway to that part of the property?

25 A There was.

1 Q Okay. Is that where it went right there?

2 A What's that?

3 Q That's where it went, right there that you just
4 pointed?

5 A Yeah. The driveway to the shed is right there.

6 Q Okay. Was that driveway commonly used?

7 A It was.

8 Q Was there -- what is this structure right here?

9 A That's the old cabin, the hunting cabin.

10 Q Okay, and how about across the street? Was there any
11 structures across the street?

12 A There was.

13 Q All right, and what was there across the street?

14 A The shooting house.

15 Q And can you just point roughly where that would be --

16 A Somewhere right in here.

17 Q Right at the top of the picture?

18 A That's correct.

19 Q Okay. All right, and what is this right here?

20 A It's a pond.

21 Q All right, and when y'all were -- what was the
22 shooting house used for?

23 A When we were sighting in rifles, shooting at kind of
24 an angle there, it was a target down here.

25 Q All right. Would y'all shoot rifles from the shooting

1 house?

2 A We would.

3 Q What about shotguns? Would y'all shoot those over at
4 the shooting area?

5 A Yeah. Most of the time we shot them around the pond.

6 Q Around the pond?

7 A That's correct.

8 Q Okay. Is this a line of trees right here?

9 A It is.

10 Q And on the other side of that line of trees, what did
11 y'all call that?

12 A The dove field.

13 Q The dove field? All right. You can go ahead and have
14 a seat. You mentioned that y'all liked to ride the
15 property and shoot property -- and shoot and hunt out
16 there. Is that right?

17 A That's correct.

18 Q What kind of hunting did y'all do out there?

19 A Anything we could hunt.

20 Q All right. Well, give me some examples if you would,
21 please.

22 A Hog hunting, deer, turkeys.

23 Q Hog hunting, deer, turkeys?

24 A Dove, quail.

25 Q Let me ask you this. Turkey season, do you know when

1 that is in South Carolina?

2 A It's, like, March, mid-March to early May.

3 Q Okay. All right. So, it's a fairly short period of
4 time in that time period?

5 A That's correct.

6 Q You mentioned hogs first. Tell me about the hog
7 hunting. How would y'all go hog hunting?

8 A A lot of times we would shoot them at night with a
9 thermal scope.

10 Q And what weapon would y'all use to shoot those hogs
11 with a thermal scope?

12 A 300 Blackout.

13 Q And whose weapon was that?

14 A I think it was Buster's.

15 Q Well, tell me what you know about the Blackouts, how
16 the family got those Blackouts.

17 A They bought two of them, one for Paul and one for
18 Buster.

19 Q Okay, and do you know -- can you describe those two?
20 Did you see both of them back in the day?

21 A They -- yes. They were -- they were similar built.
22 One was black. One was, like, a green/tannish color.

23 Q Okay, and did anything ever happen to one of them?

24 A Yes, one of them was stolen.

25 Q And were you present when that happened or around when

1 it happened?

2 A I wasn't present. I was just told about it.

3 Q And what was the story you were told about that?

4 A I was told somebody took it out of Paul's truck at a
5 party.

6 Q At a party? Okay. How long ago was that?

7 A I'm not exactly sure.

8 Q Okay. Years?

9 A Yes. It's been five or six years probably.

10 Q Well, let me show you something real quick. I'm going
11 to show you what's already been entered into evidence as
12 State's 163. I'm going to have you look at that evidence,
13 and particularly what's there on a pool table. Do you
14 recognize that?

15 A That's a picture of a 300 Blackout.

16 Q All right, and is that the one that you and Paul would
17 take hog hunting?

18 A Yes, that's one of them.

19 Q You said one got stolen. To your knowledge, was there
20 ever a replacement gun?

21 A I don't remember a replacement, no, sir.

22 Q You don't remember a replacement. You remember Paul
23 using the black one. Is that right?

24 A That's correct, or either the green and tan one before
25 it was stolen.

1 Q Before it was stolen.

2 A That's correct.

3 Q Five or six years ago.

4 A Correct.

5 Q What other guns did Paul use a lot that he favored?

6 A He favored a Super Black Eagle shotgun, a 12 gauge.

7 Q All right. I'm going to show you another image, if I
8 could. I'm going to show you what's already been admitted
9 into evidence as State's 3 and see if you recognize that.

10 A I do.

11 Q All right. Tell me what that is.

12 A A Super Black Eagle.

13 Q All right, and do you specifically recognize that gun?

14 A Yes.

15 Q And what gun is that?

16 A That's Paul's gun.

17 Q And how can you tell?

18 A The camo pattern and the strap.

19 Q Would Paul frequently have weapons with him when he
20 was on the property or in his truck or that sort of thing?

21 A He would.

22 Q All right, and what sort of weapons would he --
23 frequently have with him?

24 A A lot of times he carried the 300 Blackout in his
25 vehicle, and then he would -- I mean, sometimes pistols,

1 different shotguns.

2 Q Okay. Would he carry that shotgun a lot as well?

3 A Yes. I have seen him carry that shotgun.

4 (Break in proceedings.)

5 Q I'm going to show you what's been previously entered
6 into evidence as State's 4. Will you do me a favor? Do
7 you see that box of gloves right there? Would you just put
8 them on the floor behind you, just kind of out of the way?
9 I'm going to have you look in here and see if you recognize
10 that.

11 A That's the Super Black Eagle 3 of Paul's.

12 Q That's Paul's favorite shotgun?

13 A That's correct.

14 Q What about deer? Did he have a weapon he liked to
15 hunt deer with?

16 A He did. It was 7 millimeter 08.

17 Q Okay. Did Paul have any pistol, to your knowledge, or
18 carry around any pistols?

19 A He did sometimes.

20 Q Did sometimes. What were his favorite two guns, or
21 the guns he most commonly had around?

22 A Probably that 300 and the Super Black Eagle. That's
23 the ones I seen him use the most.

24 Q Tell me about -- a little bit about the hog hunting.
25 You said y'all would hunt them at night?

1 A That's correct.

2 Q All right, and tell me how that works. What would
3 y'all do? Were y'all walking around? Were y'all riding
4 around? How does that go?

5 A Most of the time we drove a four wheeler vehicle. We
6 didn't hardly ever walk, but that scope -- the thermal
7 scope would pick up the heat.

8 Q Okay, and where on the property would y'all hunt?

9 A All over.

10 Q The hogs you hunted all over?

11 A That's correct.

12 Q When you and Paul were together hunting with that
13 Blackout, did you usually have a gun and shoot, or did Paul
14 usually have a gun and shoot?

15 A It would just depend.

16 Q Who had the gun more?

17 A Probably Paul.

18 Q One guy is driving, the other guy is looking?

19 A That's correct.

20 Q Is that something y'all did frequently?

21 A A good bit, yes, sir.

22 Q If y'all ever killed a hog, what would y'all do with
23 it?

24 A Sometimes we would give it to people that wanted to
25 butcher it, and sometimes we would just let nature take its

1 course, just leave it wherever it was shot at. It would
2 just depend. Sometimes we would skin them out ourselves.

3 Q Are hogs a nuisance animal?

4 A They are.

5 Q We were talking a little bit about Paul and who he
6 was. How was Paul with his cell phone?

7 A He was on his cell phone a lot.

8 Q Let me ask a little bit about Ms. Maggie. You
9 mentioned before that the family had a couple of
10 properties. In the summertime, where did Ms. Maggie prefer
11 to stay?

12 A She liked to stay at Edisto.

13 Q And did you know why she preferred Edisto?

14 A Because of the yellow flies at Moselle.

15 Q The yellow flies?

16 A That's correct.

17 Q What about Paul and Alex? Where would they stay most
18 of the time?

19 A Well, Paul, if he was back home, he would stay at
20 Moselle, but a lot of times he was in Columbia or
21 Charleston.

22 Q Did he have an apartment in Charleston?

23 A Not to my knowledge in Charleston, no.

24 Q I'm sorry, in Columbia.

25 A In Columbia, yes.

1 Q All right. Back on June 7th of 2021, you were working
2 in agriculture?

3 A That's correct.

4 Q Working in farming?

5 A That's correct.

6 Q Hard work?

7 A Yes, sir.

8 Q What time did you have to get up in the morning to go
9 to work?

10 A Normally get up about 5:00.

11 Q 5:00. Where were you staying at that point in time?

12 A I was staying at my girlfriend's house in Beaufort.

13 Q In Beaufort? You don't have to say her last name, but
14 what was her first name?

15 A Mary Ann.

16 Q Mary Ann? And why were you staying in Beaufort at
17 that period -- at that point in time? Was that where your
18 house was or not?

19 A No, my house was not there. I was working on St.
20 Helena. It made it a closer ride for me to go to work.

21 Q So, you were staying with your girlfriend because of
22 that?

23 A That's correct.

24 Q Did you have a dog at that time?

25 A I did.

1 Q And what kind of dog?

2 A A chocolate lab.

3 Q A chocolate lab? Do you still have the chocolate lab?

4 A I do.

5 Q What's the dog's name?

6 A Cash.

7 Q Cash? How old was Cash about that time?

8 A I'm guessing somewhere -- he was a puppy, four or six
9 months old maybe.

10 Q Did you -- were you able to keep Cash with you when
11 you were staying at your girlfriend's in Beaufort?

12 A I was not able to.

13 Q And why was that?

14 A Because she wasn't allowed. She was renting a house
15 and we couldn't keep one there.

16 Q What arrangements did you make for Cash when you were
17 staying in Beaufort and you couldn't keep him at your
18 girlfriend's house?

19 A I would leave him at the kennels at Moselle.

20 Q And tell me how that came to be. How did you work
21 that out?

22 A I asked Mr. Alex if I could leave him there, and I
23 would be gone a week at a time.

24 Q All right.

25 A Just leave him there for a week, pick him back up when

1 I come back home on the weekend.

2 Q All right. Did you leave food for him and that sort
3 of thing?

4 A I did.

5 Q So, where was he staying when he was at Moselle during
6 the week when you were working?

7 A In the kennel.

8 Q In the kennel? Describe the kennels a little bit for
9 the jury. What was the structure like?

10 A It was like a lean-to shed with about -- somewhere
11 around eight kennels under it, a feed room on the end.

12 Q And Cash was staying in one of those.

13 A That's correct.

14 Q And you would go get him on the weekend.

15 A Friday night or either Saturday, yes, sir.

16 Q And where would you take him then?

17 A Back to my house.

18 Q And just where were you living at that time?

19 A In Colleton County.

20 Q In Colleton County. You get up at 5:00 a.m. and get
21 to work. About what time do you get to work if you're
22 working farming?

23 A I would roughly get to work somewhere around 7:00 or
24 7:30.

25 Q 7:00 or 7:30? And then what time would you get off?

1 A It would all depend.

2 Q What time typically would you get off?

3 A 5:00, 6:00, 7:00.

4 Q Just depending on how much needed to get done?

5 A That's correct.

6 Q Were you pretty tired when you got home?

7 A I was.

8 Q During the course of that day, June 7, 2021, did you
9 have any communications with Paul?

10 A I did.

11 Q What's the first one you remember?

12 A Sometime around lunchtime.

13 Q All right, and what did y'all communicate? Did y'all
14 talk on the phone, did y'all text, or what?

15 A Yeah. I think he called me and told me about the
16 sunflowers had been sprayed in the dove field and they were
17 dead.

18 Q Okay. What did he say about that?

19 A He said he was getting ready to replant them.

20 Q They had been sprayed with some Roundup or something?

21 A That's correct.

22 Q Did y'all talk about anything else that you remember?

23 A Not that I remember.

24 Q While I'm thinking about it, I asked you about Paul's
25 use of a cell phone. Do you know where he kept his cell

1 phone when it wasn't this his hand?

2 A Most of the time in his pockets.

3 Q Was he typically one to respond pretty quick to you
4 when you were talking about something?

5 A Normally, yeah. If we were talking about something,
6 he would respond pretty quick.

7 Q That evening -- well, did you pull -- did you talk to
8 Paul again after that initial conversation?

9 A I did.

10 Q All right, and when was that roughly?

11 A Around 8:40.

12 Q Okay, and what -- what was that conversation about?

13 A He called and said -- asked if something was wrong
14 with the dog's tail.

15 Q Okay, and was that the first you were hearing about
16 that?

17 A That's correct.

18 Q Tell me about your conversation.

19 A I told him that, you know, I wasn't real sure. I just
20 dropped him off there Sunday, and told him let's try to see
21 if he could get me a picture, or FaceTime me and let me see
22 what was going on with the dog's tail.

23 Q Where was Paul when he called you?

24 A He was at the dog kennels.

25 Q And how do you know that?

1 A I could hear the dogs barking in the original call.

2 Q Was he describing to you what he's seeing on Cash's
3 tail?

4 A That's correct.

5 Q And Cash was at the kennels?

6 A He was.

7 Q Did you hear any other voices when you were on the
8 phone with Paul about 8:40?

9 A I did.

10 Q And what voices did you hear?

11 A I heard Ms. Maggie.

12 Q And who else did you hear?

13 A I thought it was Mr. Alex that I heard.

14 Q You thought it was Mr. Alex. You talked to Paul, and
15 what did y'all talk about? What was he going to do?

16 A He was going to try to FaceTime me. He said you know
17 how the service is out here. He said if I can't get the
18 FaceTime to go through, I'll send you a video.

19 Q And why was he going to FaceTime you? What's the
20 difference between FaceTime and regular call?

21 A So I could see what the dog -- what was wrong with the
22 dog.

23 Q All right, and y'all talked about how the service is
24 out here?

25 A That's correct.

1 Q And what did you mean by that?

2 A Most of the time you've got enough service to make a
3 call. I mean, sometimes calls will break up. But a
4 FaceTime, you couldn't really get a whole lot of service to
5 make the FaceTime call. It was kind of lagging.

6 Q Y'all have had times with that before?

7 A That's correct.

8 Q Did y'all discuss what to do if the FaceTime didn't
9 work?

10 A We did.

11 Q And what was the discussion?

12 A He was going to send me a video of the dog.

13 Q He was going to video it, and then do what with it?
14 Text it to you?

15 A That's correct.

16 Q Was that the last time you ever talked to your friend?

17 A That was.

18 Q Did y'all try to FaceTime?

19 A We did.

20 Q Did it work?

21 A It came through but it was kind of lagging. I
22 couldn't tell what was going on.

23 Q And you never heard from him again.

24 A That's correct.

25 Q Did you ever get that video?

1 A I did not.

2 Q After you never got the video, did you try to reach
3 back out to Paul to see if you could get him to respond?

4 A I did. I called him a few times and texted him.

5 Q Did he ever respond?

6 A He didn't.

7 Q Did you reach out to anyone else trying to get Paul to
8 respond?

9 A I texted Ms. Maggie.

10 Q Did she respond?

11 A She didn't.

12 Q About what time do you think you went to bed that
13 night?

14 A I'm not exactly sure. It was some time right after I
15 probably tried to contact them.

16 Q You never heard from Ms. Maggie either.

17 A I didn't.

18 Q Did you ever talk to her at all that day?

19 A I didn't.

20 Q What time -- about what time do you think you went to
21 bed?

22 A I'm going to say somewhere around 10:00.

23 Q 10:00? Are you a pretty sound sleeper?

24 A That's correct.

25 Q You'd been working on the farm all day?

1 A That's correct.

2 Q Did calls come in that you didn't realize because you
3 were asleep?

4 A Yes. I woke up with some missed calls.

5 Q What time did you wake up the next morning?

6 A Some time around 5:00, 5:30.

7 Q When did you find out that your friend, Paul, and his
8 mother, Maggie, had been murdered?

9 A That same time, 5:00 or 5:30.

10 Q How did you find out?

11 A I called one of my friends that had left me a -- or I
12 had a missed call from, and he told me what had happened.

13 Q All right, and tell me his first name, please.

14 A Nolen.

15 Q What did you do after that?

16 A We got our little boy up and got him to school without
17 talking about it a whole lot, and then we headed back home.

18 Q And by home, you mean Colleton County?

19 A Colleton County, that's correct.

20 Q And where did you go from there?

21 A I went to my house first. Then I ended up going to
22 Moselle.

23 Q About what time do you think you got there?

24 A Sometime maybe 8:30, 9:00.

25 Q And what did you see when you got there? Where did

1 you go on the property?

2 A I went to the dog kennels.

3 Q And who did you see there? Did you talk to anyone
4 there?

5 A I didn't. I seen John Marvin but I didn't speak to
6 him.

7 Q Did you talk to anybody at the scene when you first
8 went there?

9 A The only person I seen was John Marvin.

10 Q What did you do after that?

11 A My cousin let the dog out of the kennel.

12 Q That being Cash?

13 A That's correct.

14 Q And did you take Cash with you?

15 A I did.

16 Q And where did y'all go from there?

17 A To the convenience store down the road from the house.

18 Q And who did you meet there?

19 A I met a game warden.

20 Q And what did you do after that? Did you have a
21 conversation?

22 A I did. I had a conversation with him, and he said
23 that law enforcement was going to be wanting to speak with
24 me, and I told him, I said, well, if you've got a contact,
25 let's get them up here and let's talk.

1 Q So, did you wait for law enforcement to arrive?

2 A I did.

3 Q Do you remember who you talked to?

4 A I do.

5 Q And who did you talk to?

6 A Jeff Croft and Katie McCallister.

7 Q And did they do an interview of you?

8 A They did.

9 Q Did they ask you about your communications with Paul
10 the night before?

11 A They did.

12 Q And did they ask you to see your cell phone?

13 A They did.

14 Q And did they take screen shots of your cell phone?

15 A That's correct.

16 Q Were you showing them your communications the night
17 before with Paul and Maggie and others the night before?

18 A Yes, sir.

19 Q Were you holding up the phone and they were taking
20 screen shots?

21 A Yes, sir.

22 Q I'm going to show you what has been marked for
23 identification 165, 166, 167, 168, 169, 170, 171, and 172,
24 and just flip those real quick and see if you recognize
25 those images.

1 (Break in proceedings.)

2 Q Do you recognize those?

3 A I do.

4 Q And what are those?

5 A That's all the activity on my phone: missed calls,
6 texts.

7 MR. WATERS: Stand by for me one second.

8 (Break in proceedings.)

9 MR. WATERS: Your Honor, just out of an abundance of
10 cautions, I believe these are in evidence but just to be
11 clear, 165, 166, 167, 168, 169, 170, 171, 172, we would
12 make sure those are in evidence. We move those into
13 evidence, I believe without objection.

14 MR. GRIFFIN: That's correct, no objection.

15 THE COURT: They're admitted.

16 (STATE'S EXHIBITS 165-172 WERE PREVIOUSLY RECEIVED
17 INTO EVIDENCE.)

18 MR. WATERS: All right, may I have the ELMO, please?

19 Q Mr. Gibson, I'm going to put these up on the screen,
20 and you've got a screen up there, so take a look at that,
21 okay?

22 A Okay.

23 Q All right, 165.

24 MR. WATERS: Can y'all turn the screen around for me,
25 please?

1 Q And that's a screen shot that Jeff Croft took of your
2 phone that -- on June 8, 2021, the next day?

3 A That's correct.

4 Q All right, and that reflects a call from who?

5 A Paul.

6 Q And which Paul is that?

7 A Paul Murdaugh.

8 Q All right, and what time is that call?

9 A 8:40 p.m.

10 Q And how long does it last?

11 A 4 minutes.

12 Q And is that the call you just described to this jury?

13 A It is.

14 Q It's the call y'all were talking about Cash, the dog,
15 and trying to figure out the tail?

16 A It is.

17 Q I'm going to show you what's been marked as 166. Now,
18 again, you told this jury that when y'all got off the call,
19 he was going to try to FaceTime you and if not, send a
20 video.

21 A That's correct.

22 Q All right. I'm going to show you 166. Is that
23 another screen shot of it?

24 A It is.

25 Q And that's the FaceTime call. Is that right?

1 A That's correct.

2 Q 8:44 p.m.?

3 A That's correct.

4 Q For 11 seconds?

5 A That's correct.

6 Q That FaceTime didn't work, though, did it?

7 A It came through but it was lagging; you couldn't
8 communicate through it.

9 Q So, y'all stopped.

10 A That's correct.

11 Q And you were expecting what after that?

12 A A video.

13 Q And I'm going to show you what's been marked as
14 State's 167. Are these texts that were on your phone?

15 A They are.

16 Q And who were those texts between? Who were you trying
17 to text right there down on those last two bubbles?

18 A I was sending those texts to Paul.

19 Q All right. It's got a little glare on it, but what
20 time is that text right there?

21 A 8:49 p.m.

22 Q And that's on June 7, 2021?

23 A That's correct.

24 Q And what are you telling Paul right there? Can you
25 read that to the jury, and then explain what you were

1 trying to say to Paul, please?

2 A See if you can get a good picture of it. Mary
3 Ann wants to send it to a girl we know that's a
4 vet. Tell him to sit and stay, and he shouldn't
5 move around too much.

6 Q Who were you talking about when you said tell him to
7 sit and stay?

8 A Cash, the dog.

9 Q Did you send another text right here?

10 A I did.

11 Q What time was that? Can you read it?

12 A 9:58 p.m.

13 Q What do you say?

14 A Yo.

15 Q And when you say yo to Paul, what are you trying to
16 get him to do?

17 A Just trying to get him to call me back or text me
18 back.

19 Q Because you hadn't gotten that video.

20 A That's correct.

21 Q I'm going to show you what's been marked as 168,
22 State's. Is that another screen shot of your phone?

23 A It is.

24 Q And these are missed calls from June 7, 2021?

25 A That's correct.

1 Q And these are outgoing calls?

2 A They are.

3 Q Who were you trying to call?

4 A Paul Murdaugh.

5 Q Tell me the times you tried to call him. Start from
6 the bottom, please.

7 A 9:10 p.m., 9:29 p.m., 9:42 p.m., 9:57 p.m.

8 Q Did he ever respond?

9 A No, sir.

10 Q I'm going to show you what's been marked as State's
11 169. Is that another screen shot of your phone?

12 A It is.

13 Q Who were you trying to call right there?

14 A Paul.

15 Q What's that last call?

16 A 10:08 p.m.

17 Q Did he answer that call?

18 A He did not.

19 Q I'm going to show you what's been marked as State's
20 170. Is that another screen shot of your phone?

21 A It is.

22 Q And who were you trying to text right here?

23 A Ms. Maggie.

24 Q And what time did you try to text her?

25 A 9:34 p.m.

1 Q And what did you text?

2 A Tell Paul to call me.

3 Q Tell Paul to call you?

4 A Yes, sir.

5 Q Did she ever respond?

6 A She didn't.

7 Q You said you woke up the next morning on June 8th of
8 2021, and you saw you had some missed calls. Is that
9 right?

10 A That's correct.

11 Q I'm going to show you what's been marked as State's
12 171. Was this also a screen shot or a picture that Special
13 Agent Croft took of your phone?

14 A It is.

15 Q And who are those missed calls from?

16 A Mr. Alex.

17 Q And what time did they come in?

18 A 10:21 p.m. and 10:24 p.m.

19 Q And did you -- that would have been on June 7, 2021?

20 A That's correct.

21 Q Were you asleep at that time?

22 A I was.

23 Q Unaware they were coming in?

24 A That's correct.

25 Q 172. Is that another screen shot of your phone?

1 A It is.

2 Q And are those other missed calls that came in?

3 A 10:25 p.m. and 10:30 p.m.

4 Q When you spoke to Special Agent Croft on June 8th of
5 2021, did you tell him and Special Agent McCallister who
6 you thought you heard on that phone call at 8:40?

7 A I did.

8 Q And who did you say you heard?

9 A I thought it was Mr. Alex but I wasn't exactly sure.

10 Q And did you give him a percentage?

11 A I did.

12 Q What did you say?

13 A 99 percent.

14 Q That you heard Mr. Alex on that phone call at 8:40.

15 A That's correct.

16 Q As time went on after the murders, did you go to
17 Moselle where all of the family and friends were gathering?

18 A I did.

19 Q Were you there a fair amount?

20 A Probably the whole part of that -- or that -- later
21 that week.

22 Q While you were there at the house where the family and
23 friends had gathered, did anyone ever ask you about your
24 last contact with Paul?

25 A There was.

1 Q And who asked you?

2 A Grandmar.

3 Q And that would be Ms. Branstetter?

4 A That's correct.

5 Q Maggie's mother?

6 A That's correct.

7 Q And what did you say?

8 A I told her, yeah, that I had talked to Paul about the
9 dog. I told her that I heard Ms. Maggie in the background,
10 and I heard a male voice that I thought was Mr. Alex.

11 Q Was he in the room then?

12 A Yes.

13 Q Did he stand up and say no, I wasn't there?

14 A He didn't.

15 Q Did you ever have any conversation with Alex Murdaugh
16 about what happened that night?

17 A No, sir.

18 Q Did he ever ask you about whether or not you heard him
19 on that phone that night?

20 A No, sir.

21 Q Did he ever tell you what he did that night?

22 A No, sir.

23 Q Did you ever ask him what he did that night?

24 A No, sir.

25 Q Not a subject you wanted to talk about, was it?

1 A That's correct.

2 Q Over time as the months passed following the murder of
3 Paul and Maggie, did you -- you were ultimately interviewed
4 by law enforcement and, and other -- part of the process
5 and that sort of thing. Is that correct?

6 A That's correct.

7 Q And as time went on and you were asked about who you
8 heard on the phone that night, that call at 8:40, and you
9 said hey, I thought it was Alex but I can't be sure.

10 A That's correct.

11 Q You told law enforcement the night of 99 percent sure,
12 correct?

13 A Say that question again, please.

14 Q You told law enforcement the next day, June 8th, that
15 you were 99 percent sure. Is that correct?

16 A That's correct.

17 Q At time went on you said I thought it was Alex, but I
18 can't be sure.

19 A That's correct.

20 Q In November of 2022, did law enforcement ask you to
21 come in and look at a video?

22 A They did.

23 Q And did you watch that video?

24 A I did.

25 Q And what was on that video?

1 A It was the video Paul was supposed to take of Cash.
2 Cash was on the video.

3 Q And did you hear -- recognize the voices on there?

4 A I did.

5 Q Did you recognize the voices of your second family?

6 A I did.

7 Q What voices did you hear?

8 A Paul's, Ms. Maggie, and Mr. Alex.

9 Q How sure are you now?

10 A Positive.

11 Q 100 percent?

12 A That's correct.

13 MR. WATERS: Your Honor, I need one second for the
14 computer to boot up. Court's indulgence.

15 THE COURT: Let's all stand for a moment.

16 (Break in proceedings.)

17 THE COURT: Okay.

18 Q Before I play the video, I want to ask a couple of
19 more questions. So, when you received that phone call from
20 Paul at the kennels at 8:40 p.m. on the night of June 7,
21 2021, did Paul sound normal to you?

22 A He did.

23 Q Did he sound stressed to you?

24 A He did not.

25 Q Did he sound like someone was there that he didn't

1 know?

2 A No, sir.

3 Q Did he sound worried?

4 A He didn't.

5 Q Did you hear Maggie's voice?

6 A I did.

7 Q Did she sound stressed?

8 A She didn't.

9 Q And did she sound worried?

10 A No.

11 Q Did she sound normal?

12 A She did.

13 Q Did she sound like there was somebody there that she
14 didn't know?

15 A No, sir.

16 Q Or that she was in danger?

17 A No, sir.

18 Q Did you hear Alex's voice?

19 A What I thought was his voice at the time, yeah.

20 Q When Maggie or Paul would go down to the kennels, how
21 did they usually get there?

22 A They would drive. Sometimes Ms. Maggie would walk or
23 ride a bike. But if they had a ATV or golf cart in the
24 yard, sometimes they would ride that.

25 Q Paul more likely would be one to ride or one to drive

1 down there?

2 A Most of the time he will drive.

3 Q Was it usual for the family to go down there sometimes
4 and let the dogs out?

5 A It was.

6 Q Let them run around?

7 A That's correct.

8 Q Did Ms. Maggie like to do that?

9 A She did.

10 Q Was it common to your knowledge for guns to be left
11 down at the kennels?

12 A Sometimes there was, yeah.

13 Q I'm going to play that video for you. Okay?

14 A Okay.

15 (The video was played. Audio not transcribed.)

16 Q Is that the video you watched back in November of
17 2022?

18 A It is.

19 Q And where is that video taken?

20 A At the kennels.

21 Q Do you recognize your dog?

22 A I do.

23 Q Did you recognize Paul's voice?

24 A Yes, sir.

25 Q Did you regular Maggie's voice?

1 A Yes, sir.

2 Q Did you recognize Alex's voice?

3 A Yes, sir.

4 Q 100 percent?

5 A Yes, sir.

6 Q Can you point out Alex Murdaugh, the person whose
7 voice you recognized in this video, in this courtroom,
8 please?

9 A Sitting right there in the gray jacket.

10 MR. WATERS: Please let the record reflect he's
11 identified the defendant.

12 THE COURT: It does.

13 MR. WATERS: Thank you, Mr. Gibson. Nothing further.

14 THE COURT: By the defense?

15 MR. GRIFFIN: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. GRIFFIN:

18 Q Good afternoon, Rogan.

19 A How are you doing?

20 Q We've met many times, haven't we?

21 A Yes, sir.

22 Q Tell the jury more about Paul, please. What did y'all
23 like to do together?

24 A We loved hunting, fishing, just hanging around. We
25 loved staying at the beach, going to the sandbars. He

1 was -- he could get along with just about anybody.

2 Q Was he one of your best friends?

3 A He is.

4 Q Is this a hard day for you?

5 A Yes, sir.

6 Q Did you live one summer in the cabin there on the
7 property?

8 A Yes. Me, Buster, and Nolen lived in the cabin, and
9 Paul was there a lot.

10 Q And when you got a house of your own, I mean, it was
11 just right down the road, wasn't it?

12 A Yes, sir.

13 Q Down Moselle Road?

14 A Yes, sir.

15 Q Is it your grandparents' house that you moved into?

16 A That's correct.

17 Q And before that, Ms. Maggie and Big Red over here,
18 Mr. Alex, they treated you as family, didn't they?

19 A That's correct, they did.

20 Q And Paul was like a brother to you?

21 A Yes, sir.

22 Q And Ms. Maggie was like a second mom to you?

23 A Yes, sir.

24 Q Mr. Alex was like a second dad?

25 A Yes, sir, he was.

1 Q And could you tell the jury how -- what you observed
2 Alex's relationship was starting with you? What was his
3 relationship with you?

4 A We had a good relationship. I mean, he treated me
5 like one of his own. We had fun. He gave me permission to
6 hunt the property.

7 Q Did you have permission to come and go down to the
8 shop?

9 A I did.

10 Q And did you have permission to use any of the
11 equipment?

12 A Yes, sir.

13 Q And did you help out on the farm for game management
14 stuff?

15 A I did.

16 Q And can you tell the jury a little bit about
17 Mr. Alex's relationship with his son Paul?

18 A Very good relationship, very good.

19 Q Were they close?

20 A They were. Nothing happened without Paul telling
21 Mr. Alex about it.

22 Q And did -- the jury has heard some -- Alex interviewed
23 on the tape about how the Moselle property was Paul's
24 passion.

25 A It was.

1 Q Do you agree with that?

2 A Yes, sir.

3 Q Why do you think it was his passion? What -- what was
4 he so passionate about out there?

5 A He just loved hunting and using the equipment to
6 manage for wild game, fishing. He loved all of that.

7 Q Was Paul a good friend?

8 A Yes, sir.

9 Q Was he a loyal friend?

10 A He was.

11 Q Was he a loyal son?

12 A Yes, sir.

13 Q Tell me about Ms. Maggie.

14 A She was like a second mother to me, always took care
15 of me. Treated me like one of hers.

16 Q Did you spend time with them down at Edisto?

17 A I did.

18 Q And you and Paul and Ms. Maggie sometimes just the
19 three of you down there?

20 A It was.

21 Q What did Ms. Maggie like to do?

22 A She liked the beach.

23 Q When they were down at Edisto, was it -- were you the
24 only friend welcome at the Edisto house, or what was it
25 like?

1 A There was many friends that were welcome to the house.

2 Q Was it, like, adult friends, or was it --

3 A Most --

4 Q -- was Ms. Maggie and Mr. Alex's home, was it open to
5 all of Paul and Buster's friends?

6 A It was open to all of Paul and Buster's friends.

7 Q And was that the case at Edisto?

8 A That is correct.

9 Q Was that the case at Moselle?

10 A It was.

11 Q Did it appear to you that Mr. Alex enjoyed being
12 around his family?

13 A Yes, sir, he did.

14 Q And did you enjoy being around Mr. Alex and
15 Ms. Maggie?

16 A Yes, sir.

17 Q Do you remember -- and I apologize if I get the date
18 wrong, but do you remember in early 2019 that Paul was in a
19 boating accident?

20 A Yes, sir.

21 Q And a beautiful young woman died in that accident,
22 didn't she?

23 A Yes, sir.

24 Q Her name was Mallory Beach.

25 A That's correct.

1 Q And Paul was eventually charged. Is that correct?

2 A Yes, sir.

3 Q Did Paul receive any threats or harassment that you
4 knew about as a result of that boating accident?

5 A None that I thought was real serious. I mean, he
6 mentioned it that, you know, he would get -- people comment
7 about it, but nothing that I thought was real serious.

8 Q Did he -- would people just mouth off to him when he
9 went out to bars or just with his friends?

10 A Yes, sir, he had mentioned that.

11 Q But it wasn't anything that you thought was serious in
12 it.

13 A No. A lot of times I wasn't there when that happened,
14 so I didn't think it was that serious.

15 Q Let me back up. I skipped over something. You played
16 sports when you were a kid growing up?

17 A Yes, sir.

18 Q I think your dad was a coach, wasn't he?

19 A Yes, sir.

20 Q And was Mr. Alex a coach to Paul and Buster?

21 A He was.

22 Q And did Mr. Alex, when he wasn't coaching, would he
23 and Ms. Maggie come to all the sporting events for the
24 kids?

25 A They were always there.

1 Q Can you think of them ever missing a sporting event
2 for Buster and Paul?

3 A Not that I can remember.

4 Q Did they come to your sporting events?

5 A Yes, sir.

6 Q Now, was -- when Paul had an apartment in 2021, he
7 started to go back to school at Carolina? Do you remember
8 that? He was in college --

9 A Yes, sir.

10 Q -- in the school year?

11 A That's correct.

12 Q And in June he'd moved back to -- he'd moved back
13 home. Is that correct?

14 A Yes, sir.

15 Q Was he living in Moselle for the most part?

16 A I think he was staying at Moselle some, but kind of
17 all over the place.

18 Q And sometimes he stayed with his uncle John Marvin
19 down in Bluffton?

20 A Yes, sir.

21 Q And he was working with his uncle John Marvin.

22 A That's correct.

23 Q Now, when he was on the farm when he was at Moselle,
24 and this get a little confusing to me. I frankly -- well,
25 let me just ask you. Can you tell the jury about all of

1 the farm trucks there at Moselle?

2 A Yeah. There was a lot of different vehicles that
3 could be used, anywhere from ATVs to tractors.

4 Q Well, let's just talk about the trucks.

5 A Okay.

6 Q What was Paul's primary truck?

7 A Around the farm most of the time the F250.

8 Q All right, but what was his primary mode of
9 transportation? Was it a truck?

10 A It was a F150.

11 Q And was it white?

12 A It was.

13 Q Okay, and then -- and did he drive that around the
14 farm some?

15 A Sometimes he did.

16 Q And then there was a big F250.

17 A That's correct.

18 Q And that was also white, wasn't it?

19 A That's correct.

20 Q Did that have a name, the big F250 farm truck?

21 A Yeah, White Boy. That was the older F250.

22 Q And then there was another one called Dolly?

23 A That's correct. That was a newer F250.

24 Q That was a newer F250. And then was a -- was there a
25 black truck?

1 A There was.

2 Q And that was an F150?

3 A It was.

4 Q And was that Buster's old truck?

5 A It was.

6 Q So, there were just -- so, Buster had a -- excuse me.
7 So, Buster had another vehicle and his old F150 stayed at
8 Moselle, correct?

9 A That's correct.

10 Q And then Paul had his white 150 pickup, and when he
11 was not at Moselle there were still three other trucks at
12 Moselle, right?

13 A That's correct.

14 Q Dolly, White Boy, and then Buster's old black pickup.

15 A That is correct.

16 Q And when Paul was there, he would drive any one of
17 those trucks, wouldn't he --

18 A Yes, sir.

19 Q -- on the farm? And no matter which one he was
20 driving, he would most often have a some sort of firearm in
21 the truck, right?

22 A That's correct. Most of the time on the farm he had a
23 firearm in the vehicle.

24 Q And those trucks, they would either stay down at the
25 shed, the workshop, or at the house. I mean, there was no

1 set place for them, correct?

2 A That's correct.

3 Q And they didn't lock the trucks up, did they?

4 A Not normally.

5 Q And then Paul would leave guns in the truck, wouldn't
6 he?

7 A That's correct.

8 Q Paul would leave guns everywhere just about, wouldn't
9 he?

10 A Yeah. He could leave -- he left a lot of stuff
11 different places.

12 Q Did he ever leave any guns at your house?

13 A I'm sure he has over the years.

14 Q Okay, and then he would leave guns in the workshop,
15 right?

16 A I have seen guns in the workshop, yes.

17 Q And then did they keep the work shock -- workshop
18 locked?

19 A It just depends. Not a whole lot, but I have
20 remembered it being locked, yes.

21 Q Was it more often not locked than locked?

22 A Probably more recent, yeah, it wasn't locked.

23 Q Do they -- if someone were bent on mischief, would it
24 be a hard thing to go up on that property and steal stuff?

25 A Probably not around the sheds, it wouldn't be too

1 hard.

2 Q And if someone were bent on mischief, would it be a
3 hard thing to go open up and rifle through or look through
4 White Boy or Dolly or Buster's old black pickup truck?

5 A That is possible, yes.

6 Q And there were no security cameras down at the old
7 airplane hangar, the workshop, the kennels, and the pole
8 barn, and skinning sheds, were there?

9 A Not that I was ever aware of.

10 Q And there were no -- and the cabin where you guys
11 stayed that summer, there was no security cameras there
12 either, right?

13 A Not that I knew of.

14 Q And would that cabin, would it stay locked?

15 A Sometimes it was locked; sometimes it wasn't.

16 Q Paul left guns there, too, didn't he?

17 A I have seen guns in that cabin before, yes.

18 Q I may have this thing upside down, but you talked
19 about Handsome. Who is Handsome?

20 A Mr. Randolph Murdaugh.

21 Q And Ms. Libby is --

22 A M.

23 Q Who's Ms. Libby?

24 A M.

25 Q M? And that's Paul and Buster's grandparents, right?

1 A That's correct.

2 Q And do you know where they lived?

3 A In Almeda.

4 Q Almeda. And just generally, where is Almeda?

5 A It's on the outside of Varnville.

6 Q Okay. Is it like a crossroads?

7 A It's a veer-off. You go toward Ridgeland. If you
8 go -- if you veer off -- if you stay on that road, you go
9 to Yemassee.

10 Q All right. Coming out of Hampton toward Varnville,
11 then where the veer-off is, that's called Almeda?

12 A That's correct.

13 Q Now, to get to Almeda the most direct route -- so, can
14 you see from back there?

15 A I can.

16 Q And so this is the main house right here, correct?

17 A That's correct.

18 Q And you can get down to Moselle Road by going one or
19 two ways, right? You can either take a left and go down by
20 the shop and the kennels, or you can go straight out the
21 main driveway. Is that right?

22 A Yes, you can go out both ways.

23 Q But when you hit Moselle Road, would you turn right or
24 left going the most direct route to Almeda?

25 A Turn right.

1 Q And be going down this way.

2 A That's correct.

3 Q You were asked a little bit about Paul's cell phone
4 usage. He was on it a lot?

5 A He was on it a lot, yes, sir.

6 Q Yeah, and did the battery get down low pretty
7 regularly?

8 A Yes. He would let his phone die sometimes, or he
9 would lose it.

10 Q Well -- and when it would get down low, did he have a
11 habit of, you know, not using it to try to keep it from
12 going all the way out?

13 A Yes. I have seen that happen before.

14 Q And you have done that yourself?

15 A Yes, sir.

16 Q And phone coverage, cell phone coverage on that
17 property is somewhat -- and when I say that property, I'm
18 talking about Moselle -- is somewhat spotty, isn't it?

19 A It is.

20 Q And is there better coverage up at the house than down
21 at the kennels?

22 A I would not -- I wouldn't think so.

23 Q Okay.

24 A I mean, it's kind of hit and miss.

25 Q And you would be down at the kennels and you would be

1 -- well, 10 yards one way you would have some coverage,
2 10 yards the other way you wouldn't have coverage. Is that
3 right?

4 A That's correct.

5 Q Now back up here, you know, we don't have any
6 measurements on what this distance is from the kennels to
7 the house, but if you're just driving in a buggy or a car
8 or what have you, tell the jury roughly how long it would
9 take from -- in a vehicle to go from the kennels to the
10 house.

11 A It all depends on how fast you're driving, but it
12 don't take long to get from the sheds to the house.

13 Q I mean, can you do it in under 2 minutes?

14 A Definitely under 2 minutes.

15 Q Going fast enough you can do it in a minute or less, I
16 suppose. Is that right?

17 A Yes. If you're going fast enough, you would be able
18 to make it from the sheds to the house in under a minute.

19 Q Okay. You were asked about turkey season and when it
20 started and when it ended. Do you remember? And you tell
21 me. I don't know. When does turkey season start?

22 A Yes. Most of the time mid-March to early May.

23 Q How about duck season, when does that start?

24 A The first season starts around Thanksgiving, I think,
25 the weekend before Thanksgiving.

1 Q And when does the second season start?

2 A Some time in December.

3 Q And when does it end?

4 A End of January.

5 Q Do -- did you go duck hunting with Paul?

6 A Yes, sir, I have.

7 Q And they had a duck pond on the property?

8 A That's correct.

9 Q And did they keep it full all year, or did they drain
10 it and plant it for another season?

11 A Yeah. They would drain it after duck season and be
12 ready to plant in the springtime.

13 Q And you helped with that?

14 A I did.

15 Q And Mr. Alex would be involved helped doing that,
16 but --

17 A He would.

18 Q And that was part of Paul's passion, doing things like
19 that?

20 A That's correct.

21 Q Now, waterfowl shells' load are different than turkey
22 load. Is that right?

23 A That's correct.

24 Q And what's the difference?

25 A Steel shot.

1 Q And steel shot for what?

2 A For ducks, waterfowl.

3 Q And why -- is it just preferred or is it required?

4 A It's required.

5 Q Because you don't want lead in the water?

6 A That's correct.

7 Q But for hunting purposes if you just had your choice,
8 would you rather just hunt with lead or steel?

9 A Lead shot.

10 Q Because it has greater knockdown power?

11 A It does.

12 Q Is that why you would rather, or it was price, too, I
13 suspect.

14 A What's that again?

15 Q Why would you prefer lead over steel?

16 A It has better knockdown. It's better.

17 Q Now, you were asked questions about 300 Blackouts.

18 And at one time Paul had his own and Buster had his own,
19 and they had two 300 Blackouts. Do you remember that?

20 A I did.

21 Q And you heard that Paul had had one stolen out of his
22 truck at a party?

23 A That's correct.

24 Q And do you remember roughly when that was?

25 A I'm not exactly sure.

1 Q Years ago?

2 A Yes. It's been a good many years ago.

3 Q And -- and whenever -- in recent memory, have you ever
4 seen Paul with a 300 Blackout other than the black one with
5 a thermal scope?

6 A Not to my knowledge.

7 Q So, whenever you were with Paul and he had a 300
8 Blackout, it was a black one with a thermal scope.

9 A That's correct.

10 Q Did you ever see a 300 Blackout around the house that
11 was black without a thermal scope?

12 A Not to my knowledge I haven't.

13 Q Okay, and just -- and the jury heard it. What's a
14 thermal scope?

15 A Picks up the heat from the animal, and you can see it
16 at nighttime because of the heat.

17 Q Just perfect for night hunting?

18 A That's correct.

19 Q And that's the best time to hunt hogs?

20 A It is.

21 Q Because during the daytime they stay in the swamp?

22 A That's correct.

23 Q At night they come out?

24 A Yes, sir.

25 Q And y'all had cameras out there to see when they were

1 coming out?

2 A Sometimes we did.

3 Q Now, you listened to this videotape and heard. That
4 was your dog, Cash?

5 A It was.

6 Q A chocolate lab?

7 A Yes, sir.

8 Q And you heard Ms. Maggie?

9 A Yes, sir.

10 Q And you heard Paul obviously.

11 A That's correct.

12 Q And Ms. Maggie was saying he's got a, I forgot --

13 A A guinea.

14 Q A guinea, and then you heard a voice say: No, it's a
15 chicken. Do you remember whose voice that was?

16 A That was Mr. Alex that said it the first time, and
17 then Paul also said it was a chicken.

18 Q And then someone says Bubba, let go of that chicken or
19 something like that?

20 A Yeah, just hollered for Bubba.

21 Q And whose voice did you recognize hollering for Bubba?

22 A Mr. Alex.

23 Q And who's Bubba?

24 A Their dog.

25 Q Does he have -- and -- was Bubba a yellow lab?

1 A He was.

2 Q Did Bubba have his own kennel?

3 A He did.

4 Q Which one was it?

5 A Most of the time he was in the first one right beside
6 the feed room.

7 Q Now, you had talked to Paul. I think the records show
8 you had a four minute telephone conversation before that
9 video was taken, which you didn't receive until law
10 enforcement showed you. Do you remember you talked to Paul
11 for about 4 minutes, right?

12 A That's correct.

13 Q And I believe when you were interviewed, you said it
14 sounded like Mr. Alex had pulled up or something to that
15 effect, or driven up. Do you remember that?

16 A No. I don't remember really hearing a vehicle.

17 Q Okay.

18 A I just remember hearing a third voice.

19 Q Okay, and the next day -- excuse me, was it the 8th,
20 the next day, when you went over and met with -- and went
21 in the house at Moselle and you saw Maggie's parents?

22 A That's correct.

23 Q And that's when Grandmar, Ms. Branstetter, asked you
24 if you heard Maggie's voice?

25 A Yes.

1 Q And you told her you did.

2 A I told her I talked to Paul and heard Ms. Maggie.

3 Q And you told them in front of everybody that you had
4 thought you had heard Alex's voice, too, right?

5 A That's correct.

6 Q And he didn't push back whatsoever.

7 A No, sir.

8 Q What was Alex's demeanor when you first saw him after
9 the murders and days after? What --

10 A He was just real distraught, sad, just tore up about
11 it.

12 Q Did he cry a lot?

13 A Yes, sir.

14 Q Did he hug you?

15 A He did.

16 Q Did he cry?

17 A Yes, sir.

18 Q Did you cry?

19 A Yes, sir.

20 Q Did you cry the day after and the day after?

21 A I was really sad.

22 MR. GRIFFIN: One second, Your Honor.

23 (Break in proceedings.)

24 Q On this video -- you've been around Alex, Maggie, and
25 Paul most all your life. Was there any -- did you notice

1 any signs of distress or anxiety or anything out of the
2 ordinary?

3 A I did not.

4 Q And you've been around Maggie and Alex and the whole
5 family a lot.

6 A Almost all of my life, yes, sir.

7 Q And would you see Alex openly show his display of
8 affection and love to Maggie?

9 A Yes, sir.

10 Q And from your observation, did they have a close, good
11 relationship?

12 A That's correct.

13 Q And they were loving to each other, and to Paul, and
14 Buster, and their friends, correct?

15 A That's correct.

16 Q Can you think of any circumstance that you can
17 envision, knowing them as you do, where Alex would brutally
18 murder Paul and Maggie?

19 A Not that I can think of.

20 Q Thank you.

21 MR. GRIFFIN: That's all of the questions I have.

22 THE COURT: Anything further?

23 REDIRECT EXAMINATION

24 BY MR. WATERS:

25 Q You were asked some questions about the sheds being

1 unlocked. Did Paul ever complain to you that people were
2 up there stealing all kinds of stuff all the time?

3 A I was never aware of people stealing anything.

4 Q When you talked to Paul and heard Maggie and Alex at
5 8:40, was there any problem with that voice call or did it
6 come through just fine? The reception was good.

7 A The call came through, yes.

8 Q And the last conversation you had with Paul was he was
9 going to do what if the FaceTime didn't work?

10 A Send me a video.

11 Q But he never did.

12 A That's correct.

13 Q And you've heard that video and you hear three voices,
14 is that correct, Maggie, Paul, and Mr. Alex?

15 A In the video, yes, sir.

16 Q When you're up standing, if you're at the house or in
17 the house on the second floor, or something like that, can
18 you see the roofs of the sheds and -- down there?

19 A The last time I had been out there, yes, you would be
20 able to see the top of the structure.

21 Q And if you're standing out here in front of the sheds,
22 could you see the top of the house the other way?

23 A Same thing, yeah. The last time I was there, you
24 would be able to see the top of the structure. There was
25 trees going between the houses.

1 Q And that was a long time ago, right?

2 A That's correct.

3 Q Down there at the sheds, did they have, like, outdoor
4 lighting down there?

5 A Yes, sir, they did.

6 Q And if all of that was on, could you see all of that
7 lighting from the house?

8 A Yes. You would be able to see that there were lights
9 on from the house.

10 Q And if those lights were on, it would be pretty well
11 lit up. Is that right?

12 A If all of them were, yes.

13 Q You were asked about the boat wreck. Were you aware
14 that Paul had been charged in that boat wreck?

15 A I was.

16 Q Were you aware that Alex Murdaugh had been sued in
17 that boat wreck?

18 A I was.

19 Q What was your perception of Alex's wealth? Did you
20 believe he was a fairly wealthy man?

21 A Yes, sir.

22 Q How long have you known Alex Murdaugh?

23 A Pretty much all of my life.

24 Q As you sit here today, did you really know him?

25 MR. GRIFFIN: Objection, Your Honor.

1 THE COURT: Objection is overruled.

2 A Yes, I knew Mr. Alex.

3 Q But as you sat here today, did you really know him?

4 A Yes, I know Mr. Alex.

5 MR. WATERS: Nothing further, Your Honor. Thank you.

6 THE COURT: Anything further?

7 MR. GRIFFIN: None, Your Honor.

8 THE COURT: You may step down.

9 (The witness exited the stand.)

10 THE COURT: We'll take about a 10 minute recess.

11 (The jury left the courtroom.)

12 (A break was taken.)

13 THE COURT: Are you ready for the jury?

14 MR. WATERS: Your Honor, one matter I would like to
15 address with the Court. During -- throughout the
16 questioning that the defense has been doing, including one
17 question that was asked here today about any reason why,
18 you know, Alex may kill anyone, and one of the issues
19 that's still outstanding is the issues of the financial
20 motives that are -- that exist. And obviously the State
21 has already made a case as to the admissibility of that
22 information, but I believe clearly to add to that the
23 defense, through their questioning, has opened the door to
24 that. So, this witness has some information to start that,
25 and I think that we've sort of gone through the looking

1 glass on that very issue, Your Honor.

2 THE COURT: Yes, sir.

3 MR. HARPOOTLIAN: Your Honor, very briefly, we've
4 fully briefed this. There are a very limited of
5 circumstances where financial information would come in.
6 Simply asking this young man, who they asked about his
7 relationship with Alex and Paul and everybody, if you
8 conceive of -- I think he said -- or are there any
9 circumstances under which you know, you know, that he might
10 kill Paul and Maggie and he said no. That didn't open the
11 door to any financial crime that he may have committed.

12 And again, the admissibility of that financial --
13 those financial misdeeds is not -- I mean, this, this
14 motive, by the way, is the most ludicrous -- he's about to
15 be discovered as having stolen some money on that
16 afternoon, so he goes home and butchers his wife and son?

17 THE COURT: Yes, sir. You've argued that before.

18 MR. HARPOOTLIAN: Yes, sir, but what I'm saying is
19 this. I think this idea --

20 THE COURT: You've argued it before. You've called it
21 ludicrous before, and you're now repeating that same
22 argument.

23 MR. HARPOOTLIAN: It has been awhile perhaps since I
24 said that.

25 THE COURT: All right.

1 MR. HARPOOTLIAN: My point is no door has been opened,
2 and if we're going to have a full discussion on this, you
3 indicated you needed a factual basis. There has been no
4 factual basis established. Thank you.

5 THE COURT: All right. Yes, sir?

6 MR. WATERS: Your Honor, again, and we have argued
7 this and I'm not going to repeat the various arguments that
8 I made. I think that, that we have -- just to sort of
9 summarize it a little bit, we do have a specific
10 confrontation that day. We also have the pendency of that
11 hearing, and for the jury to understand that, we have to
12 understand the extent of what is about to be exposed and
13 what that actually means for him, the prospect of losing
14 everything and life without parole.

15 THE COURT: Who's your next witness?

16 MR. WATERS: Will Loving.

17 THE COURT: And who is he?

18 MR. WATERS: He is a -- one of Paul's friends. He's
19 mostly here to talk about firearms and shell casings and
20 things like that. But he also will talk about the -- a
21 little bit about the boat case, about the pressures on the
22 family, about selling the house in Hampton, and the fact
23 that, you know, that there were financial pressures because
24 of that boat case that they were having to deal with. And
25 I have made clear to the defense, as well as to Your Honor,

1 that before we went into a subject matter like that, that
2 we would, of course, certainly alert the Court. For this
3 particular witness that will be the questioning that I
4 intend to ask that witness.

5 THE COURT: All right.

6 MR. GRIFFIN: Your Honor, may I address this witness?
7 He's my witness. Any information he has about financial
8 pressure or reason they sold the house is solely based upon
9 hearsay, and it certainly didn't come from any
10 conversations with the defendant. He has no independent
11 knowledge of any of that. So, aside from the overall 404B
12 evidentiary rule, there's no basis of this. This witness
13 doesn't have any actual knowledge of that.

14 THE COURT: All right. We will proceed with the
15 testimony. I'll rule based on any objections I hear.

16 MR. WATERS: Thank you, Your Honor.

17 THE COURT: Bring the jury.

18 (The jury returned to the courtroom.)

19 THE BAILIFF: The jury is present, sir.

20 THE COURT: All right, thank you.

21 You may call your next witness.

22 MR. WATERS: Thank you, Your Honor. The State calls
23 Will Loving.

24 The witness, WILL LOVING, was first duly sworn and
25 testified as follows:

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

3 THE WITNESS: Will Loving, L-o-v-i-n-g.

4 DIRECT EXAMINATION

5 BY MR. WATERS:

6 Q Mr. Loving, how are you doing today?

7 A I'm good.

8 Q Tell the jury just a little bit about yourself. Where
9 did you grow up? Where did you go to high school, college,
10 what you do for a living.

11 A I grew up in Columbia, South Carolina. I went to high
12 school at A.C. Flora. I graduated from Horry/Georgetown
13 Tech. with a forestry degree, pursued that for a few years.
14 I'm now working down in Charleston for a marine
15 construction company. That's about what I'm doing now.

16 Q What year did you graduate from high school?

17 A I graduated high school in 2015, and I graduated from
18 Horry/Georgetown in 2020.

19 Q Where are you living these days?

20 A I'm living in Charleston.

21 Q Have you ever -- did you ever over the course of your
22 life get to know Paul Murdaugh?

23 A Yes, I did.

24 Q And tell me. When was that roughly?

25 A I met Paul when I was probably fifteen years old down

1 at Edisto Beach. He was probably thirteen, and, you know,
2 our friendship -- just met on the beach one day. That's
3 about where I met Paul. But we did pretty much everything
4 together down at the beach whenever I was there and he was
5 there. You know, we would go hang out on the beach, we
6 would go on the boat, go fish or, you know, just hang out.

7 Q And when you met him at Edisto, do you know where Paul
8 was staying?

9 A Yes. Paul was staying at his beach house at Edisto.

10 Q And over the years as y'all's friendship developed,
11 did y'all start to hang out more and more outside of
12 Edisto?

13 A Yes, sir, we did.

14 Q All right, and how old were you when that started to
15 develop, more hanging out than just Edisto?

16 A You know, probably once Paul was later on in high
17 school, so I would have been, you know, eighteen or
18 nineteen years old, we would -- started getting closer.
19 And then, you know, when I was probably twenty-one and Paul
20 was nineteen we got pretty close.

21 Q How old are you now?

22 A I'm twenty-six.

23 Q And what are some of the things that y'all got pretty
24 close -- what would y'all do together beside from hanging
25 out at Edisto?

1 A We would hunt and fish, go out, hang out with friends.
2 We went down to the property at Moselle a lot. We would go
3 to Edisto a lot. Just kind of going wherever, going with
4 the flow. We would go down for a weekend in Charleston
5 before either one of us -- you know, before I was living
6 there. But, you know, we lived together in Columbia for a
7 short period of time right before everything happened.
8 But, yeah, that's about it.

9 Q Now, you said y'all lived together. So, y'all were
10 roommates there for awhile before the murders happened?

11 A Yes, sir.

12 Q And was it just the two of you in the house or were
13 others living there as well?

14 A It was just the two of us. And I was just kind of
15 just a couch guest, but that kind of turned into a long
16 term thing.

17 Q Got you. Were y'all planning on getting an additional
18 place around the time that the murders happened?

19 A Yes. We had already been in contact with a house,
20 about to sign a contract on a house, me, him, and another
21 friend from Columbia.

22 Q You mentioned that you would go to Moselle a lot. And
23 what would y'all do as Moselle?

24 A I mean, we would do just about anything, depending on
25 what we were there for. If it was during a certain hunting

1 season, we would go hunting or, you know, we might just be
2 there hanging out for the weekend and might be there
3 working. We did a lot of different things while we were
4 there.

5 Q What kind of hunting would y'all do?

6 A We deer hunted, we hog hunted, we duck hunted, we dove
7 hunted, we turkey hunted. Pretty much about everything.

8 Q Tell me about the hog hunting. How does that work?

9 A We did it for a certain period of time with some dogs,
10 and that was -- you know, you got a pack of dogs that would
11 chase them down and you would go up and neutralize them.
12 But then we did a -- we also did it at night with a thermal
13 scope and, you know, it's based of heat vision, I mean,
14 heat signals, so you could see them at night, and you had
15 to use the thermal if you were going to do that.

16 Q Okay, and when y'all would hunt at night on the
17 Moselle property, how would y'all physically do it? Would
18 you walk around? Would you ride around on the four
19 wheeler? How would that work?

20 A Most of the time we took a vehicle, whether it would
21 be one of the, you know, farm trucks or, you know, some
22 sort of buggy.

23 Q What -- you mentioned the thermal scope. What was
24 that thermal scope on? What kind of weapon?

25 A It was on a 300 Blackout.

1 Q And what color was that 300 Blackout?

2 A It was black.

3 Q And how many 300 Blackouts did the family have?

4 A They had two.

5 Q All right, and were those the only two you're aware of
6 or was there a third one?

7 A Those were the only two I was aware of. I had heard
8 something about the third after the fact, but the only two
9 I was aware of were those two.

10 Q And what had you heard about the third?

11 A I just heard it got stolen out of Paul's truck at a
12 party.

13 Q And was that years ago?

14 A Years ago, yes, sir.

15 Q So there was a replacement gun, a third one. Is that
16 correct?

17 A Correct.

18 Q What -- what was that gun like?

19 A It was about the same as the black one except for the
20 color of it. It was tan. It didn't have any kind of sight
21 on it, you know, the first few times I saw it, and -- but
22 other than that, it was about the same thing, just a
23 different color. It was a tanner color.

24 Q And where would that gun typically be located?

25 A I never really saw it move from the gun cabinet room.

1 Most of the time it was in the main house at Moselle in the
2 gun cabinet room.

3 Q You mentioned that that particular gun didn't have a
4 sight on it or an optic on it. Is that correct?

5 A That's correct.

6 Q And what does that mean? What's the difference
7 between having a scope or a sight and not having one? How
8 do you shoot it if it doesn't have one of those?

9 A So you have this -- you have something called iron
10 sights, which is just -- it's already attached to the end
11 of the barrel and it just has a little thing that you can
12 see down but nothing to zoom in your image. It didn't have
13 a sight on it at all. The other one had the thermal sight
14 that you used at night. This one had no sight on it at
15 all.

16 Q And at some point did y'all go get some sort of optic,
17 or some sort of sight for it other than the iron sights?

18 A Yes, sir. We went and bought a -- it's called a red
19 dot sight. It's just got a little -- it's not very big.
20 It's about maybe two or three inches, and it just has a
21 little tube and a little red dot in the center of it. It
22 doesn't zoom in either, but it gives you a little better of
23 a look at what you're shooting at, a little bit better than
24 an iron sight.

25 Q Is it like a thermal sight in that you can see what

1 you're aiming at at night?

2 A No, sir.

3 Q So, what could you see when you look through the red
4 dot?

5 A You can just see whatever is out in front of you from
6 the naked eye.

7 Q And how does the thermal work?

8 A The thermal works at nighttime. You can -- you look
9 and see -- heat glows up in a different color than black.
10 It glows up in white so you can see it very easily.

11 Q When did you and Paul go buy that red dot sight for
12 that other Blackout gun?

13 A It was either in late March or early April, I'm not
14 exactly positive on the date, but we bought it from the Ace
15 Hardware in Hampton.

16 Q And when you say early March or late April, what year
17 are we talking about?

18 A 2021.

19 Q You went with Paul to get that?

20 A Yes, sir.

21 Q And what did y'all do after you got the sight?

22 A We went back to Moselle and we put the sight onto the
23 rifle and sighted it in.

24 Q Describe to the jury what you mean when you say you
25 sighted it in.

1 A When you get a scope that's not already sighted in,
2 you have to calibrate it with the barrel of the gun. So,
3 you have to go and change certain things on the side or on
4 the top, you know, whether it needs to go up or down or
5 left or right when you're shooting. So, that's what we had
6 to do with that one. And it just moves -- it doesn't move
7 the dot necessarily inside the scope. It just moves kind
8 of the whole thing.

9 Q All right.

10 A The whole sight.

11 Q Before we get into that, I want to ask about the
12 property just a little bit. I'm going to show you what
13 I -- what's been marked as State's 303. And I would ask
14 you to step down with the Judge's permission, and I want to
15 ask about a few areas on the property.

16 THE COURT: Yes, sir.

17 Q All right. Now, after y'all bought that -- well,
18 first of all, where is the residence on this particular
19 image? Do you recognize this?

20 A Yes, it's right here.

21 Q Okay, and -- I'm sorry. Is that better?

22 A It's down here at the bottom.

23 Q All right, and what are these structures up here or
24 right there?

25 A This is what they called the shed or the dog kennels

1 or airplane hangar.

2 Q Okay, and can you point out the kennels in that image?

3 A They're right here on this side next to the pine
4 trees.

5 Q All right, and where are the driveway entrances to the
6 property?

7 A The two on this picture right here down to the -- it
8 would come down to the main house right here, or you could
9 come up here and come by the kennels and come down and you
10 would come down to the main house.

11 Q Was it common for everyone to use both of those
12 driveways?

13 A Yes, sir.

14 Q Which driveway did you use -- did you usually use?

15 A I didn't pass one driveway to get to the other,
16 whichever way -- if I was coming from this way, I would
17 turn here. If I was coming from this way, I would turn in
18 there.

19 Q In your experience and knowing the family, was it
20 common for both to be used?

21 A Yes, sir.

22 Q What is this structure right here?

23 A That is the cabin up on the side of the road, just the
24 old cabin.

25 Q And was there, like, a shooting range or a shooting

1 house anywhere?

2 A Yeah. There was a shooting range across the road
3 right here. It goes -- it's, like, right in here
4 somewhere. It was right next to the pond area. That's
5 just a little fish pond.

6 Q And what was the shooting house?

7 A It was just a little wooden, you know, gazebo looking
8 thing that you sat in and shot at a berm over here.

9 Q Was there a location that y'all knew at the property
10 called the dove field?

11 A Yes, sir.

12 Q And where was that?

13 A It was right here behind this berm off the pine trees.

14 Q Okay. Now, you said back after y'all bought that red
15 dot sight that y'all sighted in that -- the Blackout. Is
16 that correct?

17 A Correct.

18 Q All right, and which Blackout are you talking about?

19 A The tan one.

20 Q The tan one?

21 A The tan one.

22 Q And that would have been not the black one but the tan
23 one, and not the one that went missing years ago. Is that
24 correct?

25 A Yes, sir, that's correct.

1 Q All right. Now, where did y'all sight that gun in?

2 A We sighted it off the side of the main house right
3 here. There's a little thing of steps that comes into the
4 gun room, and we used the railing of the stairs to brace on
5 and shot down into here as they were making -- they were
6 building a pond right here, so there was a berm so there
7 was nothing, you know, no threat of bullets going back
8 there.

9 Q Okay. All right. You can have a seat for me if you
10 will, please. When did y'all sight that gun in?

11 A We sighted that gun in the very beginning of April or
12 one of the last couple of days of March of 2021.

13 Q All right, and how do you know that it was late March
14 or into April of 2021 that you sighted in that tan Blackout
15 with the red dot optic on it?

16 A Because the -- that same weekend we were out hunting
17 hogs in the dove field with the thermal scope on the black
18 300 Blackout, and we also took the brown 300 -- the tan 300
19 Blackout, excuse me, with the red dot sight, but it wasn't
20 very useable because you couldn't see what you were
21 shooting at as it was dark. But we used the thermal, and I
22 remember we saw four turkeys up in a tree, and we were
23 talking about maybe turkey hunting that morning right
24 there, but I think we scared them when we decided to shoot
25 the hog.

1 Q So, y'all decided to sight in the tan one the next day
2 or thereabouts?

3 A Yeah. It was sighted in the day before, I believe, or
4 the same day, one of the two.

5 Q And y'all were standing right outside the gun room of
6 the main residence.

7 A Correct, yes, sir.

8 Q All right. I'm going to show you what's been marked
9 as State's Exhibit 88. Do you recognize this gun?

10 A Yes, sir. That's the black 300 Blackout.

11 Q All right, and what optic is on this?

12 A The thermal scope.

13 Q All right. Is this the gun y'all were sighting in, or
14 was it a different gun that y'all were sighting in standing
15 right outside the gun room in March or April of 2021?

16 A It was a different gun.

17 Q It was a different gun.

18 A Yes, sir.

19 Q Did it have a different optic on it right here?

20 A Yes, sir. It had the red dot sight on it.

21 Q It had the red dot. I'm going to show you what's been
22 previously admitted into evidence as State's 175. Do you
23 recognize that?

24 A Yes, sir, I do.

25 Q All right, and tell me what that is.

1 A This is the stairs that lead up into the door that go
2 into the gun room on the main house.

3 Q Okay, and was that where you were sighting in that tan
4 Blackout with the red dot optic?

5 A Yes, sir.

6 Q That's not the one you just looked at?

7 A Correct, yes, sir.

8 Q And what's through that door right there?

9 A The gun room into the game room.

10 Q And describe -- you said y'all were using the railing
11 to brace it. What do you mean by that?

12 A We were using this right side of the railing -- this
13 right side here coming down the stairs railing because
14 we're both right-handed, and you can brace up against it to
15 make sure you're steady when you shoot a target.

16 Q I'm going to show you what's been marked as State's
17 176, and do you generally recognize that image?

18 A Yes. It's the bottom of the brick below the stairs on
19 the side door.

20 Q All right, and was that where y'all -- in the general
21 location of where y'all were sighting in that third
22 Blackout with the red dot optic?

23 A Yes, sir.

24 Q In March or April of 2021?

25 A Yes, sir.

1 Q All right. I'm going to show you what's been marked
2 as 177, State's. Do you recognize that?

3 A Yes, sir.

4 Q And what area is that, please?

5 A That is the flower bed right next to the stairs going
6 up.

7 Q Okay, and is that in the same general area where y'all
8 were sighting in that Blackout with the red dot optic?

9 A Yes, sir.

10 Q State's 179. Do you recognize that?

11 A Yeah. It's just the bottom of the bricks at the
12 stairs again.

13 Q Okay. Same area where y'all were firing that?

14 A Yes, sir.

15 Q State's 180, do you recognize that?

16 A Yeah. That's the flower bed next to the stairs.

17 Q Okay. Same general area where y'all were sighting in
18 that other Blackout?

19 A Yes, sir.

20 Q That's not the one I showed you?

21 A No, sir.

22 Q It's not the one I showed you.

23 A Oh, no. No, sir.

24 Q State's 181. Do you recognize that?

25 A Yes, sir. It's the bricks at the bottom of the

1 stairs, the same area.

2 Q The same area?

3 A Yes, sir.

4 Q State's 183?

5 A Yeah. Again, it's the bottom of the stairs, same area
6 that we were standing in.

7 Q Okay. All right. I'm going to show you now what's
8 been marked as State's 184. Do you recognize that?

9 A Yes. This is the little gazebo type thing at the
10 shooting range that you sit in to shoot the -- shoot your
11 rifle or whatever you're shooting.

12 Q After that time on March or April of 2021 that you
13 remember because it was turkey season, correct?

14 A Correct.

15 Q And when was the, when was the next time that you saw
16 that tan Blackout that had the red dot?

17 A I do not recall seeing it again after we used it that
18 night.

19 Q The black Blackout, was that gun frequently with Paul?

20 A Yes, sir. If he was at Moselle, a lot of the times we
21 had it with us, yes, sir.

22 Q All right, and where would you have it?

23 A In the back seat of the truck most of the time if we
24 were, you know, riding around late or coming home from
25 somewhere late just to, you know, check something, to go

1 look for a hog or something.

2 Q Did Paul have a shotgun that he favored?

3 A Yeah. He had a Super Black Eagle 3 Benelli shotgun.

4 Q And can you describe it any further? What did it look
5 like? How was it colored?

6 A It was camouflaged sort of like a cryptic kind of
7 bluish/purple camouflage. I'm not real sure of the name of
8 it, but it was more of a distinctive color camouflage.

9 Q Okay. I'm going to show you what has been admitted
10 into evidence as State's 89. Do you recognize that?

11 A I recognize it, yes.

12 Q Okay. Which gun is that?

13 A I'm not sure whose gun that is, but it was used for
14 turkey hunting.

15 Q Okay. Do you recognize that as one of the guns that
16 was in the gun room at Moselle?

17 A Yes, sir.

18 Q And I want to show you what's been marked as State's 4
19 into evidence and see if you recognize this one.

20 A Yes, sir, it's the camouflage Benelli.

21 Q All right, and which one is that?

22 A Paul's shotgun.

23 Q Okay, and how can you tell the difference between the
24 two camo ones? How do you know this one is Paul's?

25 A It just has a distinctive camo pattern on it. They

1 did have two of these shotguns that were exact same.

2 Q All right. So, this is the one you recognize as
3 Paul's, correct?

4 A Yes, sir.

5 Q The 300 Blackout round, is it a fairly loud round when
6 it goes off?

7 A I mean, yes. I mean, it's a gunshot so it's pretty
8 loud, but it's not extremely louder than any other gun.

9 Q Was it louder than a shotgun?

10 A It's probably a little bit louder than a shotgun, yes.

11 Q Did you ever have any conversation with Paul about
12 getting a suppressor for that 300 Blackout?

13 A Yeah. I asked him why he didn't get one, and he said
14 that, you know, when you put a suppressor on a gun like
15 that it decreases your -- how far you can shoot and makes
16 your accuracy go down. So, it's -- the gun we already had
17 with the night vision was already not a very long distance
18 gun, so he didn't want to put a suppressor on it.

19 Q The -- up at the kennels, up at the shed area, was it
20 common for firearms to be up there?

21 A You know, they were up there from time to time, but I
22 don't think there were really any kept up there, no, sir.

23 Q On June 7, 2021, did you ever have any conversation
24 with Paul or communication with him?

25 A Yes. I talked to him around dinnertime. I was

1 cooking dinner in the apartment that we were staying in,
2 and he called me about wanting to get a hot tub for the
3 house that we were about to move into. And then he sent me
4 a Snapchat a little bit after that, and that was the last
5 time I heard from him.

6 Q What was the Snapchat of?

7 A It was of him and his dad looking at the trees and
8 stuff that they had planted. They had one swoop down that
9 obviously wasn't doing too good, but it was just a video of
10 them looking at trees.

11 Q And you watched that video on your phone or something
12 like that?

13 A Yes, sir.

14 Q Over the years that you got to know Paul, did you also
15 get to know his family as well?

16 A Yes, sir, I did.

17 Q Did you get to know Ms. Maggie?

18 A Yes, sir, I did.

19 Q To your knowledge, did Ms. Maggie like to go down to
20 the kennels?

21 A Yes, she did.

22 Q And how would she get down there? Do you know?

23 A Sometimes she would use her bike or her car or walk.
24 She liked to walk her two labs around a lot around the
25 property, so it was not uncommon for her to go down there.

1 Q And what would she like to do when she went down
2 there?

3 A She would go down and look at the dogs and mess with
4 the dogs. A lot of times she liked to ride her bike, you
5 know, right before it got dark, you know, sunset or
6 something. But she was a dog lover for sure.

7 Q Would she go in the daytime, or would she go at night
8 when it was dark?

9 A I'm -- I only saw her go during the daytime most of
10 the time. I mean, she might be down there once it got
11 dark, but I don't think she would go down there after dark.

12 Q Let me ask you a little bit about Paul. What was his
13 cell phone usage like?

14 A He used his cell phone a lot.

15 Q Was he one to respond to you pretty quickly typically?

16 A Yes, sir, he would respond pretty fast.

17 Q Do you know where he kept it when he had it on him,
18 what pocket he kept it in?

19 A No, I do not. I mean, I know he kept it in one of his
20 front pockets. I would have remembered if he kept it in
21 his back pockets, but I don't remember which one it was.

22 Q Were you -- how did you find out about the murders?

23 A I was called numerous times in the middle of the
24 night. I finally woke up to one around midnight, I think
25 it was 12:07 if I remember right, and it was a cousin of

1 Paul's, and she told me about everything. And I was in the
2 apartment at the time, and, you know, nobody really knew
3 what was going on, so I got out of the apartment pretty
4 quick. I drove to my parents' house, talked with them for
5 a minute, and we had some friends that were all awake in
6 Charleston. So, I drove straight down to Charleston in the
7 middle of the night.

8 Q Did you ever go to Moselle in the aftermath of
9 everything?

10 A Yes, sir. I believe I went on that previous Wednesday
11 and saw the family.

12 Q Did you ever have a conversation with Alex?

13 A I did.

14 Q Did you talk to him about any conversations that you
15 had with Paul that night?

16 A No, I didn't. We mostly just grieved.

17 Q Did you ask him about what he was doing that night, or
18 what happened, or the events of that night at all?

19 A No, I did not.

20 Q Were you aware of what's called the boat wreck or the
21 boat case?

22 A Yes, sir.

23 Q And were you aware that Paul had been charged in that
24 boat case?

25 A Yes, sir, I was.

1 Q Were you aware that Alex Murdaugh had been sued in
2 that boat case?

3 A Yes, sir, I was.

4 Q And whenever Paul -- did you ever talk to Paul about
5 the boat case?

6 A Not much, you know. I didn't want to bring up
7 something like that.

8 Q You mentioned that the family had an Edisto Beach
9 house. Is that right?

10 A That's correct.

11 Q And the Moselle property?

12 A That's correct.

13 Q Did they have another property at one point in time?

14 A Yes, they did. They had their house in Hampton.

15 Q Did they ultimately sell that property?

16 A Yes, they did.

17 Q What was your understanding as to why they sold that
18 property?

19 MR. GRIFFIN: Objection, Your Honor. Lack of
20 foundation, hearsay.

21 THE COURT: You can answer if you know.

22 A It was just through the grapevine: to help pay for
23 some of the lawsuits that they were under.

24 MR. GRIFFIN: Your Honor, I would move to strike it as
25 hearsay testimony.

1 THE COURT: The objection is sustained.

2 Q You say through the grapevine. Have you ever had a
3 conversation or were privy to a conversation with Alex
4 about that?

5 A No, sir.

6 Q Did you have a conversation or were you privy to a
7 conversation with Paul about that?

8 A We talked about the house being sold, but I don't
9 believe he ever told me that that's what it was for.

10 Q Going back to the 300 Blackout, what was the sort of
11 effective range of that weapon?

12 A From what I was told from Paul, it was around 50 to
13 75 yards it was accurate up to.

14 Q Did that have anything to do with the discussion about
15 why not to put a suppressor on it?

16 A Yes, it did.

17 Q When y'all were shooting that tan Blackout -- 300
18 Blackout rifle with the red dot optic on the side of the
19 house in Moselle in March or April of 2021, who was doing
20 most of the shooting of it?

21 A Paul was.

22 Q Did Paul express to you any dissatisfaction with that
23 tan one and the optic?

24 A No, he did not.

25 Q Did y'all discuss any frustration, though, with it

1 being unusable for turkey shooting because of the optic
2 that was on it?

3 A For hog hunting?

4 Q For hog hunting, sorry.

5 A No, not really. We kind of knew when we took it with
6 us that it was kind of pointless, but we just took it with
7 us anyway.

8 Q The red dot was pointless.

9 A Yes, sir.

10 Q For night shooting.

11 A For night hunting, yes, sir.

12 Q You said you were present when they purchased the red
13 dot. Is that right?

14 A Yes, sir, I was.

15 Q You and Paul purchased the red dot?

16 A Yes, sir.

17 Q Who paid for the red dot?

18 A It was put on a store credit that was his father's.

19 Q That was his father's?

20 A Yes, sir.

21 Q Whenever Paul needed money, who would he get that
22 from?

23 A He would normally text his dad.

24 Q When -- you talked a little bit about Paul's habits,
25 and you guys had an apartment in Columbia, right?

1 A Yes, sir.

2 Q Did Paul like to go to Charleston a lot?

3 A He did.

4 Q Did he like to go to Moselle a lot?

5 A He did.

6 Q Did he spend time in a lot of different places?

7 A Yeah, he was all over.

8 Q He was all over?

9 A Yes, sir.

10 Q Happened to be back at Moselle on June 7, 2021. Is
11 that right?

12 A Yes, sir.

13 Q All right. One last thing. Have you had the
14 opportunity to view a video at the kennels of Moselle?

15 A Yes, sir, I have.

16 Q And were you able to recognize any voices on that
17 video?

18 A Yes, sir, I was.

19 Q All right.

20 MR. WATERS: Your Honor, at this time I'm going to
21 play State's Exhibit 297.

22 (The video was played. Audio not transcribed.)

23 Q Whose voices did you recognize on that video?

24 A Paul Murdaugh, Maggie Murdaugh, and Alex Murdaugh.

25 Q And how sure are you?

1 A 100 percent.

2 Q The person whose voice you recognized on there that
3 you identified as Alex Murdaugh, do you see him in the
4 courtroom here today?

5 A Yes, sir.

6 Q Can you point him out for the jury?

7 A He's sitting right there.

8 MR. WATERS: Your Honor, please let the record reflect
9 that he's identified the defendant.

10 THE COURT: It does.

11 MR. WATERS: Thank you, Mr. Loving. Please answer any
12 questions that the defense may have.

13 THE COURT: Yes, sir.

14 MR. GRIFFIN: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. GRIFFIN:

17 Q Good afternoon, Will.

18 A How are you doing?

19 Q Good. It's a hard day, isn't it?

20 A A little bit.

21 Q You mentioned about a Snapchat video that you received
22 on -- sometime the evening of June 7th. Do you remember
23 what time that was?

24 A I don't. It was later in the afternoon, somewhere
25 like 7:00ish, in that area.

1 Q And what was it of?

2 A It was Alex and his son Paul. They were riding around
3 looking at trees that they had built, and you know,
4 laughing, having a good time.

5 Q Everything -- so he posted it on -- I don't have
6 Snapchat. Maybe most people here has Snapchat, but tell us
7 a little bit about what that is.

8 A Snapchat is an app on a, you know, smart phone that
9 you can send pictures and videos to your friends. You can
10 save pictures and videos. But it's just an app that, you
11 know, most young people use.

12 Q And it's a way to share videos?

13 A Correct, yes, sir.

14 Q I don't know if my kids have it, but are the videos
15 supposed to disappear after some period of time?

16 A Yeah, they have a limit on them. You can either send
17 it for -- and it will play over and over again until
18 somebody clicks off of it, or it will -- you can go up to,
19 like, from 1 to 10 seconds. But you can also save a
20 Snapchat if you want to, to look at later.

21 Q And is it like Facebook? You have friends that want
22 to, you know, be in your circle of Snapchat. Is that how
23 that works?

24 A Yes, sir.

25 Q And did Paul have a lot of Snapchat -- are they call

1 friends on Snapchat?

2 A Yes, sir, he did.

3 Q And would he frequently posts things on Snapchat?

4 A Yes, sir.

5 Q And would he frequently post things that -- you know,
6 events like he did on the evening of June the 7th when he
7 and his father were out, you know, messing around with the
8 tree?

9 A Yes, sir, he would.

10 Q And would he post stuff with his family, family
11 events?

12 A Yes, sir, he would.

13 Q Okay, and the Snapchat that -- when he would post it,
14 would go to everybody who's in his, I guess, group --

15 A Yeah. You have to send it to certain people. He
16 wouldn't necessarily put stuff -- they had what's called a
17 story that everybody that you're friends with can see. He
18 wouldn't necessarily put stuff on his story, but he would
19 send stuff to whoever he wanted to.

20 Q I think we'll learn more about Snapchat, but let me
21 ask you. When Paul would post on Snapchat, could people
22 see where he was posting from? Did he have the location
23 services activated?

24 A I don't think he kept his location on. Sometimes you
25 can -- they have filters and stuff that show you different

1 areas where you are, but I don't think he kept his Snapchat
2 location on.

3 Q Well, when he posted the video of he and his dad at
4 Moselle, did it -- could you tell that he was at Moselle?

5 A Yes. I could tell he was at Moselle just from being
6 there, but, you know, maybe somebody who doesn't know the
7 property wouldn't know.

8 Q Okay. All right. The -- you were asked questions
9 about the last time -- well, that you were with Paul and --
10 well, getting ahead of myself, I'm sorry. So, you and Paul
11 were good friends, and Paul was friends with your friend
12 group out of Columbia. Is that right?

13 A Yes, sir, that's right.

14 Q And then y'all would sort of migrate to Charleston and
15 some of the Columbia folks went to Charleston and y'all
16 would visit down there?

17 A Yes, sir, that's correct.

18 Q And, I guess, originally y'all met at Edisto family
19 homes and vacationing and -- right?

20 A Yeah. That's where everybody met until, you know,
21 everybody went to college, and then everybody just kind of
22 meets up.

23 Q And sometimes Paul would come to Columbia and stay
24 with you?

25 A Correct.

1 Q And you had another friend, Wills Chapman, and he
2 stayed with Wills?

3 A Correct.

4 Q And, I mean, Paul was like -- left a 300 Blackout at
5 your house for some period of time, didn't he?

6 A Yes, sir, he did.

7 Q How long did Paul leave a 300 Blackout at your home?

8 A Probably a month or so at least.

9 Q Okay, and I think when Wills Chapman moved to
10 Charleston, what did he find in his closet?

11 A He found Paul's deer hunting rifle.

12 Q That Paul had left there?

13 A Yes, sir.

14 Q And Paul had thought he had lost a deer hunting rifle.

15 A Correct.

16 Q And low and behold it was at Wills Chapman's house,
17 right?

18 A Yes, sir.

19 Q I mean, was that unusual for Paul to leave stuff
20 everywhere?

21 A No, not at all.

22 Q And so he was -- would he leave guns around the farm?

23 A Yeah, he would every now and again.

24 Q Would he leave them, say, in the golf cart?

25 A Yes, sir.

1 Q Would he leave them in unlocked trucks?

2 A Yes, sir.

3 Q And you were asked about the kennels but what about in
4 the workshop, the shed? Would he leave guns down there?

5 A That's where I was, you know, referring to. You know,
6 you would see him down there sometimes, but I don't think
7 there was ever guns permanently down there, no, sir.

8 Q Okay, and when he left the 300 Blackout in Columbia,
9 was it the one that Mr. Waters showed you that was the
10 black one with a thermal scope?

11 A Yes, sir, it was.

12 Q And you learned at some point in time that he got a
13 replacement for one he had previously lost?

14 A Yes, I did. I didn't even know that it was a
15 replacement. Like I said, I didn't know about the original
16 one. I just remember seeing the brown one.

17 Q And that brown one did not have a scope, right?

18 A No, sir, it didn't, until we bought one.

19 Q And you went with Paul to an Ace Hardware store and
20 purchased a scope and a mount for it, right?

21 A Yes, sir.

22 Q Now, the day that you purchased the scope and the
23 mount, was it the weekend that you were talking about where
24 -- the last time you used it?

25 A I'm not sure if it was that weekend or maybe the next

1 weekend, but they were both pretty close together.

2 Q But you were there when he purchased the scope and the
3 mount.

4 A Correct.

5 Q And you went -- did you go back to Moselle and put it
6 on the gun?

7 A Yes, sir, we did.

8 Q And did you use the gun that weekend or waited until
9 the following weekend?

10 A I'm not sure 100 percent if we used it that weekend or
11 if it was the following weekend. I know we sighted it in
12 that day that we bought the scope for.

13 Q So, that was the day when you were shooting off the
14 railing beside the gun room.

15 A Correct.

16 Q The day you bought the scope.

17 A Yes, sir.

18 Q Okay, and the -- and it's possible you hunted with it
19 that weekend, but if not, it was the following weekend.

20 A Yes, sir.

21 Q And had you ever seen that gun again after that
22 weekend or the following weekend, whichever it was?

23 A No, sir, I haven't.

24 Q And would you be able to more accurately provide or
25 know when it was -- I think you said late March or early

1 April -- if you saw the receipt for the purchase?

2 A Yes, sir.

3 Q I'm going to show you what's been marked as
4 Defendant's Exhibit 62 and ask you first. Do you recognize
5 Paul's signature on that document?

6 A Yes, sir, I do.

7 Q Do you know that to be his signature?

8 A Yes, sir.

9 Q And does that reference a purchase of red dot scope
10 and the mount?

11 A Yes, it does.

12 Q And that's from Ace Hardware?

13 A Yes, sir.

14 Q And were you there with Paul when he bought it?

15 A I was.

16 MR. GRIFFIN: Your Honor, we would introduce Exhibit
17 62 into evidence at this time.

18 MR. WATERS: No objection, Your Honor.

19 THE COURT: Is that a different one than the one you
20 just handed him that you said --

21 MR. GRIFFIN: It's the same one.

22 THE COURT: It's already in evidence. Is it just
23 marked for identification, or is it in evidence already?

24 MR. GRIFFIN: I'm moving it into evidence right now.

25 THE COURT: It's admitted.

1 MR. GRIFFIN: Thank you.

2 (RECEIPT MARKED AS DEFENDANT'S EXHIBIT NUMBER 62 WAS
3 RECEIVED INTO EVIDENCE.)

4 Q Will you tell the jury what the date of that is?

5 A It is March the 6th.

6 Q Okay.

7 A 2021.

8 MR. GRIFFIN: And, Your Honor, I have a calendar here
9 that says March 6, 2021, is a Saturday, and I would just
10 like the Court to take judicial notice that March 6, 2021,
11 is a Saturday.

12 MR. WATERS: No objection.

13 THE COURT: Okay. So, noted.

14 MR. GRIFFIN: Thank you.

15 Q So, knowing that it was purchased on March 6, 2021, a
16 Saturday, does that help you remember when you last used
17 the gun?

18 A Yeah. So, that was a Saturday, so we would have
19 sighted it in that Saturday, and I do remember using the
20 gun. It was the first week of turkey season because we
21 were going turkey hunting the next morning, which would
22 have been either March 20th or March 22nd. I can't
23 remember what it was two years ago with the opening day of
24 the season. So, it would have been three weeks after we
25 sighted it in.

1 Q Okay. So, you sighted it in on March 6th?

2 A Yes, sir.

3 Q Okay. I'll take that back. When was the last time
4 you saw Paul in person?

5 A It would have been the weekend previous, or two
6 weekends previous to when everything happened. It was
7 Memorial weekend.

8 Q You saw him Memorial Day weekend?

9 A Yes, sir.

10 Q And where did you see him?

11 A We all stayed at the Edisto Beach house.

12 Q And when you say we all, who are you referring to?

13 A Me, myself, and three or four other buddies, along
14 with Alex, Maggie, and I believe that was it.

15 Q And did you spend a lot of time with Paul around his
16 dad and his mom?

17 A Yes, sir, I did.

18 Q And how would you describe Paul's relationship with
19 his father?

20 A It was an awesome relationship.

21 Q What do you mean by awesome?

22 A It just kind of seemed like Paul was the apple of his
23 eye.

24 Q Okay, and from your observations, would you tell the
25 jury what you observed of Alex's relationship with Maggie?

1 A I thought they had an awesome relationship as well
2 through everything that I can see. You know, they were
3 always laughing and everybody got along and it was --
4 nothing was out of the ordinary at all.

5 Q Did Maggie and Alex open their home up to Paul and
6 Buster's friends?

7 A Yes, they did.

8 Q How many people stayed at the Edisto Beach house that
9 Memorial Day weekend?

10 A I'm not 100 percent positive. At least three or four
11 friends.

12 Q And where did y'all stay?

13 A All in the bedrooms. I think somebody might have been
14 on the couch on the porch outside, maybe the couch inside
15 as well.

16 Q Okay. So, was Buster there?

17 A I believe Buster was there, but I'm not 100 percent
18 sure.

19 Q Did he have any of his friends there?

20 A Yet again, I'm not sure.

21 Q You mentioned that when you got a phone call from
22 Paul's cousin, I believe after midnight on June 7th or the
23 early morning of June the 8th, you learned what happened
24 and your immediate reaction was to hightail it out of
25 there?

1 A Yes, sir.

2 Q And were you fearful for your safety?

3 A At first I wasn't, and then I was told by other
4 friends and, you know, people started telling me to get out
5 of there. So, then I started second guessing myself and,
6 yeah, then I got out of there.

7 Q And when you left, did you even lock it up when you
8 left?

9 A I honestly couldn't tell you.

10 Q I'm going to show you what I've marked as Exhibit 61,
11 and it's a disc. And before you testified today, did you
12 have an opportunity to view that very short video clip on
13 the disc?

14 A Yes, sir, I did.

15 Q And did you -- are those your initials on the disc?

16 A Yes, sir, they are my initials.

17 Q And is it a short video of the Memorial Day weekend
18 when you were down at Edisto with Paul and your friends and
19 Maggie and Alex?

20 A Yes, sir, it is.

21 Q And is it more of a birthday celebration for Alex?

22 A It was. It was a birthday celebration for Alex.

23 MR. GRIFFIN: Your Honor, I would like to introduce
24 Exhibit 61 into evidence and play the video.

25 MR. WATERS: No objection, Your Honor.

1 THE COURT: It's admitted without objection.

2 (DISC MARKED AS DEFENDANT'S EXHIBIT NUMBER 61 WAS
3 RECEIVED INTO EVIDENCE.)

4 (Break in proceedings.)

5 MR. GRIFFIN: Can you just play it without the sound?
6 We're just going to play it without the sound.

7 (The video was played without audio.)

8 Q Can you see the video?

9 A Yes, sir.

10 Q Are people singing happy birthday to Alex?

11 A Yes, sir, they are.

12 (The video was played with audio. Audio not
13 transcribed.)

14 Q On the Wednesday after Paul and Maggie were murdered
15 you went to Moselle, correct?

16 A Yes, sir, I did.

17 Q With some friends of yours?

18 A Yes, sir.

19 Q And friends of Paul's?

20 A Yes, sir.

21 Q How many?

22 A I think three of us went.

23 Q And how many other people were there, friends of
24 Paul's?

25 A It was a lot of friends of Paul's there.

1 Q More than ten?

2 A On Wednesday I don't know. I don't think so. I think
3 a lot of people were kind of trying to feel out the
4 situation, so just like the closer friends went. But it
5 was probably ten or so of his friends there when I was
6 there.

7 Q And what was Alex Murdaugh's demeanor on Wednesday?

8 A He was grieving, crying a lot. I think we all were.

9 Q I think you -- I think you described it as he just
10 couldn't talk. Do you remember that?

11 A Yeah, it was pretty hard to talk. When -- you know,
12 he came and grabbed me and two other guys and we just kind
13 of had a big hug, and it was pretty tough for him to make
14 words.

15 Q Was he crying?

16 A Yes, sir.

17 Q Were you crying?

18 A Yes, sir.

19 Q Was everybody there crying?

20 A Yes, sir.

21 Q All right.

22 MR. GRIFFIN: That's all of the questions I have, Your
23 Honor.

24 THE COURT: By the state?

25 (Break in proceedings.)

1 MR. WATERS: Go back to your video. Do you have it
2 still at the end, please, that video?

3 REDIRECT EXAMINATION

4 BY MR. WATERS:

5 (The video was played with audio. Audio not
6 transcribed.)

7 Q Who is that guy in the green shirt? Do you know?

8 A That's Chris Wilson.

9 Q Do you know Chris Wilson's relationship to Alex Wilson
10 -- or Alex Murdaugh?

11 A Yeah, I think they're best friends.

12 Q Best friends. Best friends should do each other
13 right. Isn't that correct?

14 A Yes, sir.

15 Q You were asked about when you found out about the
16 murders and you talked to some people, and then you kind of
17 hightailed it out of your place, right?

18 A Yes, sir.

19 Q Because you were scared, or at least thinking about
20 the possibility of some sort of harm. Is that correct?

21 A That's correct.

22 Q Because it was a shock for everyone, wasn't it?

23 A Yes, sir.

24 Q It stopped everything in its tracks, didn't it?

25 A Yes, sir.

1 Q And everybody was worried about this family and what
2 was going on and what had happened. Is that right?

3 A That's correct, yes, sir.

4 Q Anything else people were worried about went out the
5 window. They were all focused on Alex at that moment, were
6 they not, and themselves. Is that correct?

7 A I mean, I think they were focused on everybody that
8 had anything to do with it.

9 Q Anything that had anything to do with his family. Is
10 that right?

11 A Yes, sir.

12 Q When you were shown this Snapchat video, you were
13 asked about another Snapchat video that you saw the day of
14 the murders?

15 A Yes, sir.

16 Q And what was on that video?

17 A It was a video of Alex and his son riding around
18 looking at trees that had fallen over on the tractor, or on
19 the golf cart.

20 Q Was it a short clip?

21 A Yes, sir, it was.

22 (Break in proceedings.)

23 MR. WATERS: At this point I have State's Exhibit 306,
24 which is a Snapchat video, I believe in without objection?

25 MR. GRIFFIN: No objection, Your Honor.

1 THE COURT: It's admitted.

2 (SNAPCHAT VIDEO MARKED AS STATE'S EXHIBIT NUMBER 306
3 WAS RECEIVED INTO EVIDENCE.)

4 Q As soon as we get it flipped back over, I'm going to
5 play that video. About what time do you recall receiving
6 this video to the best of your recollection?

7 A It was later in the afternoon. I was -- I believe it
8 was after I cooked dinner, so probably around 7:00, some
9 time in there.

10 (The video was played. Audio not transcribed.)

11 Q Is that the video you saw?

12 A Yes, it is.

13 Q And that was on the afternoon or the evening of
14 June 7, 2021?

15 A That's correct.

16 Q And those were the clothes that he was wearing, at
17 least in that video, that you saw on the evening of June 7,
18 2021?

19 A Yeah. Those are the -- I mean, those are the clothes
20 I saw on the video, yeah.

21 (The video was played again.)

22 Q Long pants and a shirt?

23 A Yes, sir.

24 Q And those particular shoes?

25 A Yes, sir.

1 Q And you watched that video in realtime when this came
2 in from Paul's phone that evening. Is that correct?

3 A That is correct.

4 Q You were asked about the relationship that you
5 observed between Alex and Paul, and Alex and Maggie. Is
6 that correct?

7 A That is correct.

8 Q To your eye, it was a very good relationship. Is that
9 correct?

10 A Yes, sir. It was a good relationship from my point of
11 view.

12 Q Did you know anything about Alex's finances?

13 A No, I did not.

14 Q Did you know anything about his law practice?

15 A No, I did not.

16 Q Did you know anything about where he gets his money?

17 A No, I did not.

18 Q Did you know anything about where he was spending his
19 money?

20 A No, I did not.

21 Q Did you know anything about what his bank account
22 balances were?

23 A No, sir, I did not.

24 Q Did you know anything about the debt that he was
25 carrying? Did you know anything about that?

1 A No, sir.

2 Q Did you know the specific things that were going on in
3 the boat case the week that Paul and Maggie were murdered?

4 A No, sir.

5 Q Do you know anything about civil discovery and how it
6 can expose financial information?

7 A No, sir.

8 Q Do you know anything at all about him being confronted
9 on June 7, 2021, about --

10 MR. GRIFFIN: Your Honor, I'm going to object.

11 THE COURT: I didn't hear the question.

12 Q Did you know anything about him being confronted on
13 the morning of June 7, 2021, about \$792,000 of missing fees
14 from his law firm?

15 MR. GRIFFIN: Objection, Your Honor. Totally
16 improper.

17 THE COURT: Objection is overruled.

18 Q Did you know anything about that?

19 A No, I did not.

20 Q Did you know any of the facts of those things that I
21 just asked you about?

22 A No, sir.

23 MR. WATERS: Thank you. Nothing further.

24 THE COURT: Anything further?

25 MR. GRIFFIN: No, Your Honor.

1 THE COURT: You may step down.

2 (The witness exited the stand.)

3 THE COURT: Ladies and gentlemen, that's it for today.
4 We'll see you at 9:30 morning. Please do not discuss the
5 case.

6 (The jury left the courtroom.)

7 THE COURT: If everyone will be seated. We've come to
8 an end of this day. Tomorrow morning, however, I will
9 address the Rule 404 issue, particularly 404B that provides
10 that evidence of other wrong crimes or acts may be
11 admissible to show motive and some other things, and we'll
12 address that issue tomorrow morning.

13 And as far as witness preparation or witness
14 availability, particularly in light of my ruling with
15 regard to the last question posed, I trust that the State
16 will be prepared to move forward with evidence that
17 establishes facts by clear and convincing evidence.

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

19 THE COURT: We'll be in recess until 9:30.

20 (Whereupon, the case was at ease.)

21 *THURSDAY, FEBRUARY 2, 2023*

22 (Court resumed at 9:35 a.m.)

23 THE COURT: Good morning.

24 MR. WATERS: Good morning, Your Honor.

25 MR. HARPOOTLIAN: Good morning, Your Honor.

1 THE COURT: First I want to address the ruling
2 yesterday overruling the objection by the defense to the
3 State's question of the witness on redirect as to whether
4 he was aware of certain things that had occurred earlier on
5 June 7th involving Mr. Murdaugh, or Murdaugh.

6 In the questioning, cross-examination of the witness
7 by Mr. Griffin, the witness was asked whether he could
8 think of any reason -- the gist of it, if he can think of
9 any reason possible why Mr. Murdaugh would commit the
10 crimes he is accused of committing. That, in effect,
11 turned the cross-examination of that witness from dealing
12 with the specific issues in the case to having that witness
13 testify as a character witness for Mr. Murdaugh. Among his
14 other areas in inquiry was his being a loving father, great
15 provider, financially secure, things of that nature, all
16 indicating an opinion by that witness as to the good
17 character of the defendant, either through direct
18 statements or circumstantially through the evidence that
19 was adduced from that witness. In the Court's view, that
20 opened the door for the State to respond by asking
21 questions as the State did, hence the Court overruled the
22 objection.

23 In addition to all of that, the objection was totally
24 inappropriate. As the Court laid out and reviewed with the
25 parties early in the trial, that objection should be made

1 and the legal basis stated. An objection of -- totally
2 inappropriate is, in the words of Judge Joe Anderson, in
3 effect, no objection at all. That's not a legal basis for
4 an objection. But that summarizes the basis for the
5 Court's ruling on that issue as to those questions
6 yesterday.

7 And that character type evidence was not only sought
8 by -- from Mr. Gibson, but also -- is it Loving? But also
9 Mr. Loving. And none of that really implicated rule 404 --
10 404B. Number one, it opened the door. Number two, it's
11 404A type reputation questioning that the State had a right
12 to respond to per the rule. And thirdly, it addressed an
13 issue raised in the case by the defense.

14 The defense in the case has primarily been the
15 defendant has such a great character that he could not
16 possibly have committed these offenses; that's been a
17 general thread from opening statement throughout. In
18 addition, the, the defense introduced through that witness,
19 which was also introduced through other testimony in the
20 case by the defendant, that the boating case was a reason
21 for the murders to have occurred, and by the defense
22 inquiring of the witness yesterday as to his knowledge and
23 belief concerning -- or his knowledge concerning the
24 boating case. That likewise opened the door for the State
25 to address that issue, and that is the basis for the

1 Court's ruling as to opening the door, introducing the
2 boating case, and reputation type evidence that the State
3 had a right to respond under Rule 403.

4 Yet to be addressed by the Court is Rule 404 issues,
5 and those issues will, to some degree, have to be addressed
6 *in camera*, and I'm wondering if the State has other
7 witnesses to testify as to other things, since we have the
8 jury here ready to go, prior to addressing other of
9 those -- any other --

10 MR. WATERS: Well, we do have a -- first of all, we do
11 have a Snapchat custodian who has flown in that we need to
12 get in so that person can make a flight. Based on how
13 things ended yesterday, I do -- I was prepared this
14 morning, we were planning on going forward with some of the
15 witnesses from the law firm, and that's going to -- there's
16 certainly stuff beyond 404, but that's also going to put
17 some of the 404 issues squarely into play. So, that's kind
18 of where we were planning to go this morning, Your Honor,
19 with the testimony that we have. I can certainly get some
20 more forensic people rolling. And I apologize if I sort of
21 misread what we needed to be ready to do, but that's kind
22 of what we focused on last night and are ready to address
23 this morning.

24 THE COURT: Yeah. Well, the Court didn't have a lot
25 of time to do jury planning issues and it might have, you

1 know -- the jurors typically come at 9:30. It might have
2 been a better idea had -- with the greater thought to have
3 them -- to have had them come later, but -- and I don't
4 know how long these issues will take to be addressed.

5 MR. WATERS: I think with the two law firm witnesses
6 out of the gate, I think, you know, once the Court has --
7 you know, we can do some very focused *in-camera* testimony,
8 and I think that for those witnesses, you know, the Court
9 can then rule on what's admissible and what's not. And
10 once that's done, then we can get underway for the jury for
11 those witnesses and proceed accordingly. And then, of
12 course, we can certainly have a discussion as far as other
13 witnesses and then perhaps arrange a time to do any other
14 *in camera*. But I think setting the table with these two
15 witnesses is going to set the table for many of the issues
16 that -- you know, whether they're in or out that the Court
17 has to decide.

18 THE COURT: All right. Well, first as it relates to
19 Rule 404, Rule 404B states that evidence of other crimes or
20 wrong is not admissible to prove the character of a person
21 in order to show action in conformity therewith. In other
22 words, not admissible to show propensity to commit the
23 crime, or a crime, but it may be admitted for certain other
24 reasons including motive, identity, intent, and the -- and
25 perhaps the existence of a common scheme or plan.

1 Additionally -- well, I'll address it later regarding res
2 gestae, but my view of the evidence is that evidence of the
3 other alleged crimes can be introduced in this case to show
4 motive, intent, and common scheme or plan given the proper
5 analysis as it relates to that evidence being offered.

6 As I indicated earlier, that the Court agrees with the
7 view, and as expressed by the Court in *U.S. v. Siegel*, 536
8 Federal 3rd 306, wherein the Court addressed the issue of
9 previous crimes involving -- previous alleged crimes
10 involving multiple victims, and that the State should be
11 able to pursue its theory of proving that why suddenly, or
12 why some such tragic -- the motive for such tragic an
13 occurrence to have taken place on the dates alleged here.
14 And under the federal rule it goes on to say that evidence
15 of other crimes or bad acts is necessary if it is an
16 essential part of the crimes on trial, or where it
17 furnishes part of the context of the crime.

18 This state has not adopted rule -- that portion of
19 Rule 404B, but the courts have addressed that issue in some
20 of the cases. Particularly one that stands out to me is
21 one of my cases, *State v Frankie Lee McGee* from Richland
22 County, in which the *res gestae* was used as a basis for the
23 Court's properly allowing certain evidence, including
24 evidence of commission of an earlier crime, the test being
25 whether it logically relates to the crime with which the

1 defendant is charged. The Court states in that opinion
2 under *res gestae* that one of the accepted bases for the
3 admissibility of the evidence of other crimes arises from
4 such evidence furnishes part of the context of the crime,
5 or is necessary to a full presentation of the case, or is
6 so intimately connected with an explanatory of the crime
7 charged against the defendant, and is so much a part of the
8 setting of the case in its environment that its proof is
9 appropriate in order to complete the story of the crime on
10 trial by proving its immediate context, or the *res gestae*,
11 or the uncharged offense is so linked together in point of
12 time and circumstances with the crime charged that one
13 cannot be fully shown without proving the other, and thus
14 is part of the *res gestae* of the crime charged. And where
15 evidence is admissible to prove this full presentation of
16 the offense, there is no reason to fragmentize events under
17 inquiry by suppressing parts of the *res gestae*. And
18 interestingly involved in that case, the Court held that
19 that did not require a 403 analysis. Because the evidence
20 was properly admitted as part of the *res gestae*, the issue
21 of whether or not a 404B analysis was done is not necessary
22 or -- and at this point the Court hasn't addressed any
23 particular issue under 404B, but I find that it is
24 admissible provided that the proper scrutiny is done in
25 relation to clear and convincing evidence and logical

1 relationship to the offense for which we're having this
2 trial. Additionally, as it relates to intent, evidence
3 tending to prove a defendant's state of mind or intent at
4 or near the time of the crime is relevant to establish
5 possible guilt. So, there are many areas under which it's
6 appropriate for the Court to consider admitting this
7 evidence of other crimes, other bad acts in a manner that
8 does not address or seek to have the jury conclude that
9 it's propensity evidence, and the Court will address all of
10 that as we proceed.

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

12 THE COURT: Yes, sir, Mr. Griffin?

13 MR. GRIFFIN: Thank you, Your Honor. I just want to
14 get some arguments on the record for purposes --

15 THE COURT: Yes, sir.

16 MR. GRIFFIN: As to Your Honor's conclusion that we
17 opened the door by presenting evidence of good character, I
18 would respectfully disagree, and the evidence that we
19 presented was specifically limited to the relationship
20 between the defendant and the victims for which he's
21 accused of murdering. In our view, that is not character
22 witness. That's a factual issue relating to the
23 relationship between the parties, and so I just want to put
24 that on the record.

25 Your Honor puts great emphasis and reliance on *U.S.*

1 vs. *Siegel*, and that's a federal case and I just want -- I
2 want to point out --

3 THE COURT: I gave the cite, the federal cite, yeah.

4 MR. GRIFFIN: Yes, sir.

5 THE COURT: The federal cite, right.

6 MR. GRIFFIN: Yes, sir. The federal cite is 536 F3rd
7 306.

8 THE COURT: F3rd, yes.

9 MR. GRIFFIN: Yes, sir, and the -- and it's important
10 to distinguish the federal crimes for which the defendant
11 in *Siegel* was on charge -- was charged with. First the
12 defendant, she was charged with murdering the victim to
13 prevent him from reporting fraud, and that's a specific
14 federal statute, 18USC1512A1C. She was also charged with
15 impeding an official investigation by transporting the
16 defendant -- I mean, the deceased's body across state
17 lines. But further the indictment alleged a broader scheme
18 and artifice to defraud, and in the indictment it listed
19 many of the prior crimes that the defendant committed in
20 the federal indictment. And so -- and under Federal Rule
21 404B you can prove those up, and then there were others
22 that the Court considered that were related to the whole
23 scheme and artifice to defraud.

24 The indictment in this case, Your Honor, is it is
25 simply on June 7th of 2021, the defendant with malice

1 aforethought murdered Ms. Maggie Murdaugh, murdered
2 Mr. Paul Murdaugh, and used violent weapons in the
3 commission of those two crimes. There's no scheme and
4 artifice to defraud.

5 THE COURT: You're currently addressing it as if the
6 court ruled based on 404.

7 MR. GRIFFIN: Well --

8 THE COURT: And the Court clearly stated that we have
9 not reached any determination under 404, that the basis of
10 the Court's ruling was --

11 MR. GRIFFIN: Yes, sir.

12 THE COURT: -- 403. The boating case, as you
13 introduced through the witness, and opening the door to by
14 giving testimony -- soliciting testimony of generally good
15 character of the defendant such that neither of the two
16 witnesses could possibly imagine the scenario under
17 which -- what would cause this crime to have occurred, and
18 the State is entitled to confront that evidence in the
19 manner in which the Court ruled. But you're arguing 404.
20 I cited that for an additional basis to say the Court would
21 will need to look at all of that as we proceed with
22 evidence of prior bad acts. But the basis of the Court's
23 ruling was not 404 but 403, opening the door and responding
24 to evidence that you
25 produced.

1 MR. GRIFFIN: Yes, sir. And I apologize, I
2 misunderstood the --

3 THE COURT: Yes, sir.

4 MR. GRIFFIN: -- Your Honor's --

5 THE COURT: I did not rule based on *U.S. v. Siegel* in
6 overruling your objection yesterday.

7 MR. GRIFFIN: Fair enough. I will -- I guess I would
8 ask for clarification of where we go from here. Is it your
9 intention to have a hearing outside of the presence of the
10 jury on their proposed 404B evidence?

11 THE COURT: Yes, sir.

12 MR. GRIFFIN: Okay. Then I can save all my arguments
13 then. Thank you.

14 THE COURT: Yes, sir. And, again, with regard to
15 planning purposes for the jury, you have set up a witness.
16 Whatever can be done without getting into the 404 or the
17 Court's need for an *in-camera* hearing where we have need to
18 dismiss the jury for whatever period of time that might be,
19 we can press on with what you have otherwise at this time,
20 and whatever that is is what we'll hear.

21 MR. WATERS: Yes, sir, Your Honor. Like I say, we
22 have one short custodian, and then I think our next witness
23 who's here would be somebody where we would need to address
24 some of the 404. That would be Jeannie Seckinger from the
25 law firm. If you would give me one moment, I can -- to

1 confer with my staff and we can see if we can get some
2 other people rolling so we can kind of stagger that and
3 continue to have presentation for the jury during the
4 course of the day.

5 THE COURT: All right.

6 (Break in proceedings.)

7 THE COURT: We'll be in recess for a few minutes.

8 MR. WATERS: Thank you, Your Honor.

9 MR. GRIFFIN: Thank you, Your Honor.

10 (A break was taken.)

11 THE COURT: All right. Are you ready to proceed?

12 MR. WATERS: Yes, sir. We do have, again, that
13 custodian witness. Then I think we would have to -- we are
14 rolling some additional witness, but I think at that time
15 we would have to break and do at least the first *in-camera*
16 witness. Again, I think that may set the table for a lot
17 of subsequent things.

18 THE COURT: Yes, sir.

19 MR. WATERS: And then we could have some additional
20 work outside of any 404 stuff in the afternoon, Your Honor.
21 But I'm certainly happy to do that, or if you want we can
22 put up some multiple witnesses on the *in camera* here today.

23 THE COURT: Yes, sir. I think as it relates to each
24 alleged bad act it must be a -- the Court must be informed
25 and proffered and addressed separately. Of course, some

1 may be a series of things occurring almost simultaneously,
2 so that may be a different scenario, but we'll see how it
3 goes.

4 Are we ready proceed with the jury?

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

6 (The jury returned to the courtroom.)

7 THE COURT: Good morning.

8 (The jury responded good morning.)

9 THE COURT: Thank you. Welcome back. Day number
10 nine, the State's case.

11 You may call your next witness.

12 MR. CONRAD: Thank you. The State calls Heidi Galore.

13 The witness, HEIDI GALORE, was first duly sworn and
14 testified as follows:

15 THE CLERK: Take a seat in the witness stand. State
16 your name again for the record. Spell your last name,
17 please.

18 THE WITNESS: My name is Heidi Galore, last name is
19 spelled G-a-l-o-r-e.

20 MR. CONRAD: Please the Court?

21 THE COURT: Yes, sir.

22 DIRECT EXAMINATION

23 BY MR. CONRAD:

24 Q Good morning, Ms. Galore. Where do you work?

25 A Good morning. I work for Snap, Incorporated.

1 Q What are your duties there?

2 A I'm in the operation -- or law enforcement operations
3 lead, so I assist with and help manage a team of folks who
4 respond to law enforcement legal process --

5 THE COURT: Can you come forward any?

6 THE WITNESS: Sure.

7 A Our team responds to legal process submitted to our
8 company: subpoenas, search warrants, that kind of thing.

9 Q All right. So, you're in charge in responding to
10 search warrants or subpoenas from law enforcement or other
11 legal entities?

12 A Correct.

13 Q And briefly, please, what is Snapchat?

14 A Snapchat, it's an application that was created by
15 Snap, Incorporated, to help people express themselves.
16 It's -- people can connect to their friends, people they
17 know, and I guess you could consider it a social networking
18 type of application.

19 Q Is social media another word that can be used for
20 Snapchat?

21 A Yes.

22 Q All right. Does it give the ability for individuals
23 to send each others messages?

24 A Yes.

25 Q Does it give the ability for individuals to send each

1 other pictures or videos?

2 A Yes.

3 Q All right, and in the normal course of its business,
4 does Snapchat keep records if the user so chooses?

5 A Yes.

6 Q And what kind of records does Snapchat use?

7 A Basic subscriber information contents that was sent to
8 and from folks' IP logs, geolocation, depending on the
9 settings of the user.

10 Q Okay. All right. I'm going to show you what's marked
11 as State's Exhibit 305 and 304, and I'm going to ask if you
12 recognize these two items.

13 A I do, yes.

14 Q And what are you holding?

15 A The paper here is the basic subscriber information for
16 the user that was produced in the search warrant.

17 Q And what is that CD?

18 A The CD contains the full production of files that was
19 sent to your agency requested from the search warrant.

20 Q All right, and that was a search warrant from SLED --

21 A Yes.

22 Q -- that Snapchat responded to?

23 A Correct.

24 Q Okay, and you said there was subscriber information on
25 that piece of paper, correct?

1 A Yes.

2 Q And is that also located on the CD in a digital way?

3 A Yes. Yes.

4 MR. CONRAD: And, Your Honor, at this time the State
5 would move these into evidence.

6 MR. BARBER: No objection, Your Honor.

7 THE COURT: They're admitted without objection.

8 (SNAPCHAT SHEET MARKED AS STATE'S EXHIBIT NUMBER 304
9 WAS RECEIVED INTO EVIDENCE.)

10 (SNAPCHAT CD MARKED AS STATE'S EXHIBIT NUMBER 305 WAS
11 RECEIVED INTO EVIDENCE.)

12 Q All right. I'm going to hand you back State's 304,
13 and you said -- you indicated that was subscriber
14 information. Is that correct?

15 A Correct.

16 Q All right, and could you read for the jury the
17 subscriber information for the information on the account
18 that you provided to -- in response to the search warrant?

19 A Sure. The user name is listed here --

20 THE COURT: A little louder, please.

21 A The user name is listed here as Paul9499. It's the
22 common spelling for Paul. The email address listed here is
23 PaulMurdaugh7845@gmail.com. This was created -- the
24 account was created on Saturday, May 18, 2013. There was a
25 creation IP but it's not listed here. Sometimes it's

1 captured at the time of creation of the account; in this
2 case, it doesn't seem to be. Phone number listed here is
3 (803)842-7845. Display name is listed as Paul Murdaugh,
4 and the status is active.

5 Q Okay, and when somebody uses a telephone number, for
6 example, to create a Snapchat account, does Snapchat verify
7 that number?

8 A If the user wants to verify the phone number, yes,
9 they can, but it's not required.

10 Q Okay, and what about the email? Is that required?

11 A Not required either, no.

12 Q All right. I'm going to hand you State's Exhibit 306.
13 This is already in evidence, and I believe this is a CD.
14 Do you recognize that CD?

15 A Yes, I do.

16 Q And have you reviewed the contents of that CD?

17 A Yes, I have.

18 Q And what is on the contents of that CD?

19 A It's a video of a subject near a tree, and it's a
20 short video with some audio.

21 Q Okay, and did that video, was that part of the full
22 search warrant return that we just talked about?

23 A Yes.

24 Q And did you take a look at that video and the records
25 contained in the other CD to determine when that video was

1 first uploaded and first sent?

2 A Yes.

3 Q Okay. Well, first of all let's talk about the upload.
4 Was it uploaded to something called memories?

5 A Yes.

6 Q And could you describe to the jury, what is memories?
7 What is that function with Snapchat?

8 A Memories is kind of like a bucket where you can save
9 your data. You can either create a video or some sort of
10 photo on the app itself and save it to your memories so
11 that it's always there when you need it, or you can upload
12 from your camera or your phone into memories to then send
13 to folks later, or just have it in there.

14 Q So, is that a form of saving? Like trying to save
15 something in the Cloud?

16 A Correct, yes. It will be on the server.

17 Q All right, and in reviewing these records, did you
18 determine when this account uploaded that particular video
19 to memories?

20 A Yes. This video was first seen on memories on June 7,
21 2021, at 7:39 hours Eastern.

22 Q Okay, and did Snapchat also keep a record when an
23 individual sends out a communication?

24 A Yes.

25 Q And did you determine in reviewing the records

1 whether, excuse me, that account sent out that particular
2 video?

3 A Yes. It was sent on the same day, June 7, 2021, at
4 23 -- or, I'm sorry, 7:56 hours Eastern time.

5 Q All right, thank you. I'm going to show you -- if
6 you'll look at your monitor in front of you, and I'm going
7 to show you State's Exhibit 306 and see if you recognize
8 it.

9 (The video was played. Audio not transcribed.)

10 Q All right, and did you recognize that video?

11 A It didn't show up on the --

12 Q I'm sorry.

13 MR. CONRAD: Can we get the screen? I apologize.

14 Okay.

15 Q All right, try it again. Can you see the what's on
16 your scene right now?

17 A Yes.

18 Q All right. I'll play that one more time.

19 (The video was played. Audio not transcribed.)

20 Q Okay, and do you recognize that video, ma'am?

21 A Yes, I do.

22 Q All right, and is that video the video we just
23 discussed that was part of the Snapchat search warrant
24 return?

25 A Yes.

1 Q And that you just testified was uploaded at 7:39 p.m.
2 and sent at 7:56 p.m.?

3 A Yes.

4 MR. CONRAD: No further questions.

5 THE COURT: By the defense?

6 CROSS-EXAMINATION

7 BY MR. BARBER:

8 Q Good morning.

9 A Good morning.

10 MR. BARBER: Can we pull up the Snapchat video, Doug?
11 I think it's plugged into this computer.

12 (Break in proceedings.)

13 MR. BARBER: That's good.

14 Q So, this is what -- or part of what Snapchat gave to
15 the State on July 6th. Is that -- of 2021. Is that
16 correct?

17 A Correct.

18 Q So, they -- the State had this on July 6, 2021, in the
19 State's possession --

20 A I believe so, yes.

21 Q -- this information. And you testified that this was
22 uploaded at 7:39 p.m. on the 7th of June, correct?

23 A Correct.

24 Q Is that exactly when this video was shot?

25 A I can't tell that information from the production.

1 Q Are you certain it's not something that could be told
2 from perhaps the metadata from the video file?

3 A There was no metadata produced for this production.
4 It wasn't requested, so it wasn't produced.

5 Q So, if someone were to right click on this video file,
6 and, you know, where it has various metadata that pops up
7 on the screen, would we see immediate created date?

8 A I don't know. I wouldn't know.

9 Q Well, let's see if we would.

10 MR. BARBER: Court's indulgence for a moment.

11 (Break in proceedings.)

12 Q Can you see on the screen the metadata for this file?

13 A Yes.

14 Q And does it say June 7, 2021, at 7:38?

15 A Yes.

16 Q So, this was shot at basically a minute before it was
17 uploaded. Is that correct?

18 A It appears so, yeah.

19 Q And I'm sorry if that seems picky, but in this case,
20 you know, every minute and every second can matter. Does
21 Snapchat keep a list of, and I might be getting the
22 terminology wrong, friends or contacts that Paul would have
23 had on Snapchat?

24 A Yes.

25 Q Was that list produced?

1 A No.

2 Q And why was that list not produced?

3 A It wasn't requested in this case.

4 Q And you mentioned earlier geolocation data. Was that
5 produced?

6 A No, not in this case.

7 Q And why was that not produced?

8 A I don't believe it was requested.

9 Q Is it possible for -- I mean, I don't know how it
10 works -- for some or all of Paul's friends to have access
11 to his location through the app?

12 A Yes. If his settings were -- yeah, if he made his
13 settings visible, his geolocation visible to his friends,
14 yes.

15 Q And would that information about whether that was --
16 that setting was in place to allow that, is that something
17 that Snapchat would have had available to produce?

18 A I'm not sure if the -- if -- I'm not sure about that,
19 if you can see that it's actually turned on or off.

20 Q And was that requested?

21 A No.

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

23 THE COURT: By the State?

24 MR. CONRAD: Nothing else from the State, Your Honor.

25 THE COURT: Thank you. You may step down.

1 (The witness exited the stand.)

2 THE COURT: Yes, sir?

3 MR. WATERS: The State's next witness would be Jeannie
4 Seckinger.

5 THE COURT: All right, ladies and gentlemen of the
6 jury, there are matters that must be addressed outside of
7 your presence. I do not know exactly how long it would
8 take, but I do not like to have jurors sit in jury rooms
9 just for long periods of time, so we're going to excuse
10 you through the -- after you speak with the bailiff, we're
11 going to take a recess with the jury while we deal with
12 these matters.

13 Let's see now, you all have lunch coming at what time?
14 Nobody knows. 1:00, 1:15. All right. Well, we don't need
15 you before lunch, so if you'll go to the jury room and wait
16 for further instructions, but we'll be having you all take
17 a break until around that time. Please do not discuss the
18 case.

19 (The jury left the courtroom.)

20 THE COURT: Yes, sir, you may proceed.

21 MR. WATERS: The state would call Jeannie Seckinger.

22 *IN-CAMERA HEARING*

23 The witness, JEANNIE SECKINGER, was first duly sworn
24 and testified as follows:

25 THE CLERK: Take a seat in the witness stand. State

1 your name again for the record. Spell your last name.

2 THE WITNESS: My name is Jeannie Seckinger,
3 S-e-c-k-i-n-g-e-r.

4 DIRECT EXAMINATION

5 BY MR. WATERS:

6 Q Ms. Seckinger, how are you doing today?

7 A I'm good.

8 Q Good. Do you understand we're here right now outside
9 the presence of the jury for an *in-camera* hearing to
10 determine the admissibility of some of your testimony?

11 A I do.

12 Q And just very quickly, if you would, give us a little
13 bit -- I'm not going to go through all of the background
14 that I would in front of the jury.

15 MR. WATERS: Unless Your Honor would like.

16 Q But give us a little bit about your background and
17 where you currently work, and how that led to where you
18 currently work.

19 A I graduated with a BS in accounting from USC, went to
20 work in an accounting firm for a few years, then switched
21 to industrial at Westinghouse. And in 1999 I came to work
22 at PMPED, which is Peters, Murdaugh, Parker, as a temporary
23 bookkeeper, and that has grown over the years to the office
24 manager, CFO, accounting, anything business, insurance, and
25 HR related.

1 Q Okay, and that's for whom?

2 A For Peters, Murdaugh, Parker, Eltzroth, and Detrick.

3 Q All right. So, that's PMPED?

4 A Correct.

5 Q And that's the law firm that Alex Murdaugh used to
6 work for?

7 A Correct.

8 Q Does it have a different name now?

9 A We are now a new entity that's called Parker Law
10 Group, LLP.

11 Q All right. So just very quickly, you've already kind
12 of said this, but go through sort of the financial side of
13 your job duties as it existed for PMPED back at the
14 relevant time periods.

15 A Okay. So, my financial duties are -- actually I have
16 people under me that do the day-to-day processing of
17 checks, but my duties are to balance and reconcile
18 accounts, provide financial statements, help with all tax
19 documents, preparation of taxes. Also prepared anything
20 for any government census or surveys that we needed, and
21 anything HR related.

22 Q Okay. I want to ask you a little bit about the
23 financial structure of how PMPED works, if I could. And if
24 you could, explain that a little bit. Are the -- people
25 often think of lawyers as partners, but are they called

1 partners under the employment agreement that everyone
2 signed?

3 A No. We're called partners when we refer to each other
4 as they're in the business, but for tax purposes everybody
5 was an owner. It was a C-Corporation, so everybody is
6 shareholders. And within Peters, Murdaugh, Parker, every
7 employee was a salaried employee, including the partners.

8 Q Okay, and did the employment agreement that everyone
9 signed require that any fees or money generated by any
10 partner or lawyer by the firm had to go to the firm?

11 A It did.

12 Q Okay, and explain to me how, if you're a -- and let's
13 just call them partner. If you're a partner, how does the
14 compensation work? What are the element of compensation as
15 it worked under the PMPED structure back in 2021 and prior?

16 A So, every partner received a base salary that they
17 would receive in biweekly payments throughout the year that
18 was set at a level of about \$125,000. The majority of
19 their pay came through an end-of-the-year bonus, which is
20 when we closed out the books and settled on the books. And
21 primarily after overhead and other expense were met, the
22 net profit was divided amongst those partners, and in a
23 simplified form it was basically distributed based on a
24 ratio of the fees that they brought in and percentage to
25 the total.

1 Q Right, but that distribution would not take place
2 until when?

3 A Usually the last week of December.

4 THE COURT: Mr. Waters, I was distracted. Can you
5 repeat the previous question for me?

6 MR. WATERS: Yes, sir.

7 Q Going back, Ms. Seckinger, we were talking a little
8 bit about the compensation structure for PMPED as it
9 existed in 2021, and if you could, again explain to the
10 Court how that worked. How were partners -- and we're
11 going to call them loosely that term -- how were they
12 compensated?

13 A Okay, partners are employed -- salaries -- who were
14 paid a biweekly paycheck throughout the year with a base
15 salary of \$125,000. And at the end of year, they received
16 a bonus check usually in the last week of the year that
17 divided up the remaining profits of the firm based on the
18 percentage of revenue each attorney brought in to the
19 total.

20 Q All right. So, when fees came in, they're going to be
21 attributed to a particular lawyer, and ultimately that's
22 going to be a percentage of the total revenues, and that's
23 going to determine their percentage of the compensation at
24 the end of the year after all overhead is paid.

25 A Correct.

1 Q Is there also some sort of 7 and a half percent fund
2 or fee or something like -- or not -- or amount that's put
3 aside?

4 A There is. We take the gross bonuses that are the
5 gross fees everybody brought in, less the overhead, and
6 once we get to that number, everybody would throw in the
7 pot 7 and a half percent, and that money was divided back
8 equally among the employees. And then a new percentage was
9 arrived at to determine how much everybody would receive of
10 the net income.

11 Q All right. So, you have to take care of overhead,
12 right?

13 A Yes.

14 Q And what is an overhead just generally?

15 A Overhead is just basically the expenses to run the
16 business. What it cost us to advance client cost. What it
17 cost to pay our own employees. What it cost to rent the
18 building, to provide equipment, office supplies, postage,
19 et cetera.

20 Q All right, and that's got to be accounted for, and
21 then you've got to account for this 7 and a half percent as
22 well, correct?

23 A That's right.

24 Q All right, and then only after that does each partner
25 get compensation based on their relative contribution

1 during that year.

2 A Correct.

3 Q Is the -- typically the vast majority of compensation
4 received by a partner of PMPED received in that
5 distribution at the end of the year?

6 A Yes.

7 Q And when does that take place?

8 A The last week of the year generally speaking.

9 Q Okay, and what is the point of that goal? Why do you
10 want to sort of clear out all the money and clear the
11 books?

12 A Basically we don't want to leave the money in there to
13 be taxed by the corporation because it's a C-Corp entity.
14 So, the objective is to get it out to the partners and
15 avoid double taxation.

16 Q And so because of that, is it up to each individual
17 partner to essentially manage the bulk of their
18 compensation that's received in one lump sum during the
19 course of the next year?

20 A Yes. They need to budget.

21 (EMPLOYMENT AGREEMENT MARKED AS STATE'S EXHIBIT NUMBER
22 310 FOR IDENTIFICATION.)

23 Q All right. Let me show you what's been marked for
24 purposes of this hearing as State's 310 and see if you
25 recognize that document.

1 A Yes. This is the employment agreement each
2 shareholder/partner would have signed.

3 Q Okay, and I just want to direct your attention to
4 number two, and if you could tell the Court what that
5 provision that's signed by all of the partners says.

6 A It says:

7 The employee accepts such employment and agrees
8 that the employee will devote the employee's
9 entire time and endeavor to the employer's
10 business.

11 Q All right, and then number three, if you could read
12 that to the Court, please.

13 A Services for the benefit of the employer. All
14 professional services rendered by the employer
15 shall be rendered as an employee of the employer,
16 and all proceeds and remuneration received
17 therefore shall inure to the employers's benefit.

18 Q Okay. Now, tell me what that means.

19 A That means that all fees earned should come through
20 payable to PMPED.

21 Q All right, and so if a lawyer earns fees, is it
22 appropriate at all for those fees to go directly to the
23 lawyer as opposed to going through the law firm?

24 A No.

25 Q Is that a hard rule to understand?

1 A No.

2 Q Anybody ever have a problem with that rule or not
3 understand it?

4 A No.

5 Q Pretty easy and hard and fast rule in that firm,
6 correct?

7 A That's right.

8 Q If you get the money written straight to you, what is
9 that?

10 A The money is taken straight to you?

11 Q Yeah.

12 A That would be stealing it.

13 Q Stealing it. All right.

14 MR. WATERS: Can I have the ELMO, please?

15 (Break in proceedings.)

16 Q Briefly, can you see that, Ms. Seckinger?

17 A Yes.

18 Q All right. So, two and three are the provisions you
19 were just referring to?

20 A That's correct.

21 Q Tell me just a little bit of your observations -- how
22 long have you known Alex Murdaugh? Let me ask you that.

23 A I've known Alex since I was in high school, so roughly
24 forty years.

25 Q And how long have you worked with him, or did you work

1 with him?

2 A About twenty-three or twenty-four years, since 1999.

3 Q And did he have a lucrative practice in your
4 observation?

5 A Yes, he did well.

6 Q Was he sometimes getting as much as seven figures at
7 the end of the year?

8 A He has.

9 Q Are you familiar with what's been called the boat
10 case?

11 A Yes.

12 Q And tell me what your understanding of the boat case
13 is. Just generally, what was that?

14 A Generally speaking, it was an accident that several
15 children got in one evening where it was in Paul's -- or
16 the Murdaughs' boat. Paul was accused as the driver, and
17 there were a lot of civil suits and some criminal
18 proceedings going on related to that crime.

19 Q And following the boat case, is it your understanding
20 that Paul Murdaugh was charged?

21 A Yes.

22 Q Is it your understanding that Alex Murdaugh was
23 civilly sued?

24 A Yes.

25 Q And there was ongoing civil litigation at the time

1 that Paul and Maggie were murdered?

2 A That's correct.

3 Q After the boat case happened, did you and Alex ever
4 have any discussions about structuring fees?

5 A We did. We did in late May of 2020/2021, right about
6 the end of the month. We had some discussions about
7 *Hershberger*. A disbursement came through that he had tried
8 to send his fees to a structured settlement. And the
9 conversation was that he had done it improperly because
10 for -- to structure fees properly, it has to be part of the
11 release. It has to go straight from the insurance company
12 straight to the insured structured annuity place, and we
13 would need to be told about it in our firm so we could
14 account for it in our 7 and a half percent. But in this
15 particular case, Alex had sent the money directly to Forge.

16 We discussed the fact that it would not be any tax
17 benefit to him, and at that point in time he said he was
18 not really worried about the tax benefit of it, and he said
19 he was trying to put some money in Maggie's name due to the
20 boat wreck, and that he was trying to figure out if he was
21 going to structure fees for the future.

22 Q Okay. Did he say he was trying to do a favor for
23 anyone, too?

24 A He did say he was friends with Michael Gunn, and that
25 he was the owner of -- or one of the operators of Forge,

1 and that he was going to try to put up to about \$250,000
2 into a structure as a favor for Michael Gunn.

3 Q All right. When you say Forge, what are you talking
4 about?

5 A So, Forge is a company that does structured annuities
6 --

7 Q Do you know the full name real quick?

8 A Forge Consulting.

9 Q All right. Let's call it Forge Consulting.

10 A Okay. Forge Consulting.

11 Q Try and do that. All right. Tell me about Forge
12 Consulting and what they are.

13 A They're a company that will do structured annuities
14 for clients; they'll do structured fees for attorneys.
15 They do some wealth management. They do minor pool trust.
16 They are several different things that they do. I think
17 they branched out into insurance coverage now. They
18 provide a lot of financial tools.

19 Q Okay. Stand by for me one second.

20 (Break in proceedings.)

21 (SETTLEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT NUMBER
22 311 FOR IDENTIFICATION.)

23 Q Now, when you say that you had a conversation with him
24 about him supposedly structuring fees, how did this come to
25 your attention?

1 A It came to my attention over the fact that a
2 disbursement -- one of my secretaries -- well, my assistant
3 brought to me that had been brought to her attention by
4 Alex's secretary or paralegal, Annette Griswold, and came
5 and asked me if this was proper, and it came to me after
6 the fact, and that's when I went and had conversations with
7 Alex about this.

8 Q Okay. So, had the money already been paid?

9 A Yes.

10 Q And you went to Alex and you asked what's this about?

11 A Yes.

12 Q And he said I'm doing what?

13 A I'm trying to defer and put money into Maggie's name
14 and structure some fees.

15 Q Did he tell you where or did he -- where that money
16 had gone? What was your belief where that money had gone
17 after you talked to Alex?

18 A My belief was it had gone to Forge Consulting.

19 Q The real entity Forge Consulting?

20 A Yes.

21 Q All right. I'm going to show you just real quick
22 what's been marked for purposes of this hearing as State's
23 311 and see if you recognize that series. I think there's
24 four documents in there.

25 A Yes. These are the *Hershberger* settlement documents,

1 which is the case that we're talking about, the fee that he
2 sent as the structure.

3 Q Okay, and are there one or two in there ultimately?

4 A There are ultimately two. There's one that's
5 structured to look like a fee, and then the other one was
6 structured to look like it was client's money that was
7 being sent on the client's behalf.

8 Q Which one were you aware of at the time?

9 A I was aware of the fee one for the \$83,333.33.

10 Q All right. At the time, did you think that any money
11 had been misappropriated or stolen, or did you just think
12 that Alex was trying to sort of divert some money because
13 of the boat case but not necessarily anything
14 misappropriated at that time?

15 A We were not thinking about his misappropriating funds
16 or stealing any client funds. What we were concerned about
17 was he was trying to either defer income by leaving it in
18 somebody's trust, or either trying to put some money into
19 Maggie's name to avoid things for the boat accident.

20 Q And when you say we were concerned, who's concerned?

21 A Myself and some of the partners.

22 Q And why are y'all concerned about him potentially
23 trying to put the money in a structure in Maggie's name
24 because of the boating accident?

25 A Well, because that would be wrong, and we did not want

1 any part of that.

2 Q All right. Let me put this up on the screen real
3 quick. All right, do you recognize this document right
4 here?

5 A Excuse me. Yes. That's the document that's in
6 question with the \$83,333.33 fee sent to Forge.

7 Q All right, and right there, tell me what this
8 disbursement sheet is very quickly. Explain that to the
9 Court.

10 A So, this is a -- where the client recovered \$250,000.
11 You can see it came from three different insurers, and we
12 would take a portion of our fee -- generally this looks
13 like a third, and our expenses of 9300. The *Sedgwick*
14 claims would have been the lien that we were paying off,
15 and then the \$140,678.55 would have been the money
16 disbursed between the beneficiaries of that estate.

17 Q And what is this line right here?

18 A That would represent the fee.

19 Q At this point in time, had you actually seen the check
20 that was made out for those fees?

21 A I don't recall if I actually looked at it at that
22 point in time.

23 Q Normally fees, where would they go?

24 A Normally fees would come to us and we would deposit it
25 into our income account, what we call our income account.

1 Q Okay. So, fees come in from somebody who pays the
2 settlement. Where do they go initially? What account do
3 they go in?

4 A To the income account, the PMPED operating income
5 account.

6 Q Okay. Fees go in there?

7 A Yes.

8 Q All right. When a settlement comes in, where does it
9 go?

10 A It goes into a client trust account for the benefit of
11 the client.

12 Q And then the portion of that is allocated for fees.
13 It goes from the trust account to where?

14 A To the income account.

15 Q It usually doesn't go out to Forge Consulting or
16 anything like that?

17 A No.

18 Q After you had that conversation with Alex, did you
19 follow up -- at that time, did you follow up anymore on
20 that?

21 A We had a couple of conversations about it in relation
22 to some other -- when we were having some other
23 conversations, but we didn't really readdress this again
24 until late September -- late August or early September.

25 Q All right. Did you kind of put it on the back burner?

1 A I did. I put it -- I was -- at that point it had been
2 done, and I was trying to figure out how we were going to
3 account for it on our books, and just kind of had it out
4 there as a reminder to try to see -- to put in my mind
5 later to see if anything else had been done like that, or
6 to see if he was going to try to do that again.

7 Q After that particular event -- you said that was in
8 late May sometime?

9 A Right.

10 Q Did another matter come to your attention about
11 disbursements as it related to Alex Murdaugh's practice and
12 his business?

13 A It did.

14 Q And tell me what that was, please.

15 A So, this was a case called the *Faris v. Mack Truck*
16 case. And on a Monday -- I believe it was May 24th --
17 Annette Griswold called me and said that she had something
18 that she needed to discuss with me. I was out of the
19 office that day in our Walterboro office, but when I
20 returned we met, and when she showed me the -- what had
21 happened was we received a check for our client expenses.
22 So, this case was actually disbursed by the associated
23 attorney, which was Chris Wilson. So, he sent us a check
24 for the money that we had forwarded as client expenses, but
25 we did not receive a fee check, and that is itself is odd

1 generally.

2 Q And why is that odd? Why did Annette call you because
3 y'all had received a fee check from Alex's best friend
4 Chris Wilson but not the -- excuse me, expense check but
5 not the fee check?

6 A Right. Most of the time we receive them together.
7 Well, Annette, when she did not receive them together,
8 called my assistant, Nicole, to make sure we had not
9 already received the fee, verified that we had not already
10 received the fee. And at that point, Annette had some
11 conversations with Vickie Lyman in Chris's office, and
12 Vickie informed Chris that their bosses had already got the
13 fee when the settlement was signed, which had happened in
14 March, and this was May.

15 Q And Vickie informed Chris or Vickie informed Annette?

16 A Vickie informed Annette of that.

17 Q All right. So, why is that a concern to you that you
18 -- now you're hearing the fee has already been paid?

19 A Because now we know we don't have the check. We've
20 never received it. So, either he's got a fee -- either
21 he's got a check he hasn't turned in to us that's properly
22 payable to PMPED, or he's received a check payable to him.

23 Q All right, and when you are considering the
24 possibility that he perhaps receives a check payable to
25 him, aside from that being stealing, as you earlier

1 testified to it, what's your concern then?

2 A Saying that he's trying to hide money from the boat
3 wreck.

4 Q Hiding money for the boat wreck. All right. Stand by
5 for me.

6 (Break in proceedings.)

7 (EXPENSE CHECK WITH DOCUMENTS MARKED AS STATE'S
8 EXHIBIT NUMBER 312 FOR IDENTIFICATION.)

9 Q All right, I'm going to show you what's been marked
10 for purposes of this hearing as Exhibit 312, and see if you
11 recognize this document.

12 A Yes. This is the actual -- the expense check that we
13 received in the *Faris* matter.

14 Q Okay, and --

15 A From Wilson Law Group.

16 Q Just quick flip through it and just tell me generally
17 what that -- what's in that packet.

18 A The rest of the packet is our deposit, which is an
19 internal record, costs -- client costs report, which
20 matches that expense check. Then the rest of it -- the
21 second -- what I'm looking at right now is a check made
22 payable to Richard Alexander Murdaugh, Esquire, for
23 \$192,000, and it references *Faris* fees.

24 Q Okay. Keep going.

25 A Next page is the deposit where it says Bank of America

1 deposit only, and it looks like ACH. That looks like -- it
2 actually looks to me like Alex's initials, and then it says
3 Bank of America.

4 Q Is there a series of emails after that?

5 A The series of emails starts with Vickie Lyman
6 informing Annette Griswold about the fact that their bosses
7 had received the fee back when the disbursement was signed.

8 MR. WATERS: All right, let me put those emails up on
9 the screen, I believe -- if there's no objection for the
10 purposes for this hearing.

11 Q All right. So, this is an email to Annette Griswold.
12 Explain to the judge who Annette Griswold is, please.

13 A Annette Griswold is one of Alex's primary paralegals.

14 Q Okay, and right here, this is an email that was
15 ultimately sent to you as part of bringing this to your
16 attention?

17 A Yes.

18 Q All right, and what is she asking right there?

19 A She said: Why just expenses and no fee?

20 Q All right, and what was the response there?

21 A Dear friend, it is only costs because your boss
22 and mine and Liz's got their fees once they were
23 signed.

24 Q Okay. So, Annette is informing you that Chris
25 Wilson's office says they've already got the fees.

1 A Correct.

2 Q All right. After that, did you have a conversation
3 with Annette what to do?

4 A I did. I actually talked with Lee Cope. We went
5 to Lee -- sometimes a lot of the partners are not in the
6 office, and Lee Cope was the one who was in the office, so
7 I went to talk to Lee about what we should do. And, of
8 course, Annette was worried about getting -- you know,
9 ramifications if she was wrong and didn't want to be in
10 trouble. So, Lee and I decided to take it over from there.
11 And the course of action that we decided upon was that I
12 would send an email to Annette requesting the disbursement,
13 the supporting documents, and the general ledger printout
14 from Chris Wilson's office, which is what we keep in our
15 office.

16 Q All right, and before we go right here, is that the
17 email you're speaking of right there?

18 A That is.

19 Q Okay, and what's the date on that?

20 A May 27th.

21 Q All right, and so then what happens to that email from
22 there if we look over to the next page?

23 A So, apparently Vickie in Chris Wilson's office was on
24 vacation. So, on June 2nd Annette clarifies with Vickie
25 what exactly we were looking for. And again, she asked for

1 the full disbursement paperwork, including the disbursement
2 sheets, expenses, supporting docs, and ledger.

3 Q All right, and you're included on that email?

4 A I am cc'd, yes.

5 Q All right. Did y'all ultimately get a response from
6 that?

7 A Vickie responded that she would have to send that
8 email to Chris because she did not have -- provided that
9 information, so that was on the 2nd. The next day Alex
10 came into my office early and asked me why I needed that
11 information and assured me that the money was in Chris
12 Wilson's account and that they could get it any time.

13 Q Okay, and did y'all discuss anything further when you
14 had that conversation?

15 A Just that we needed to get it or I needed proof that
16 it was there, that it was necessary to get it. At that
17 point, I didn't indicate to him that I thought it was
18 missing. I was just asking for the documentation.

19 Q And that was on what day?

20 A It was sometime in between June 2nd and June 7th.

21 Q Okay. All right. On June 7th, did the issue come
22 back to a head?

23 A The issue did come back to a head.

24 Q To be clear, this is June 7, 2021?

25 A This is -- yes.

1 Q And how much were these fees supposed to be, did you
2 know?

3 A \$792,000 in total.

4 Q And to this point, the firm had not received those
5 fees. Is that correct?

6 A That's correct.

7 Q And Chris Wilson's office is saying initially we
8 already disbursed them?

9 A Yes, and Chris Wilson is not saying anything to me.

10 Q Was -- to your knowledge, was an inquiry made to Chris
11 Wilson at that time?

12 A Lee Cope -- we had not inquired of Chris Wilson other
13 than requesting this information at this point in time.

14 Q All right. So, tell me about June 7th. How does that
15 go?

16 A So on June 7th, I was going to make another run at
17 finding out from Alex if we had the information. I went
18 upstairs to -- his office is on the second floor. He was
19 on -- leaning on a file cabinet outside of his office. He
20 turned and looked at me when he I came up and said what do
21 you need now and gave me a very dirty look. Not a look
22 that I had ever received from Alex. Just kind of
23 frustrated with me look, which made me go, oh, you want to
24 know? Let's go in your office. So, we went in the office
25 and closed the door, and at that point I told him that I

1 had reason to believe that he had received the funds
2 himself, and that I needed proof that he had not.

3 Q Received those fees himself?

4 A Yes.

5 Q And I needed proof that they are not?

6 A Yes.

7 Q And what did he tell you?

8 A He told me -- again, he assured me that the money was
9 there and that he could get it. And at that point I said I
10 know -- I said I'm just trying to do my job, and if I don't
11 get this paperwork and verify that with these questions,
12 I'm not doing my job. He actually acted like he respected
13 that, and again said that that money was there and that he,
14 again, was trying to decide what he was going to be doing
15 with it.

16 Q And did y'all get to conclude that conversation or did
17 something interrupt you?

18 A We did not. He took a phone call in the middle of
19 that conversation. That phone call was about his father
20 that was in -- he was in the hospital, that he was going to
21 be terminal, that there was nothing else they would be able
22 to do for his father. So, that changed the mood of the
23 conversation. We quit talking about business and I
24 immediately asked about him and his family and his dad,
25 and, you know, we got talking as friends at that point

1 concerned over the family, and after that I shortly left.
2 So, it briefed -- and cut down the conversation.

3 Q All right. You're coming in there asking for proof
4 where that money was because you believing -- reason to
5 believe he took it, and then the conversation ultimately
6 got short by the call about his father?

7 A Yes.

8 Q All right. Did you have a conversation later in the
9 day with Alex?

10 A I did. Around 4:00 my phone rang, and I remember that
11 because I had been under the impression Alex was going to
12 leave and go to the hospital or leave to deal with his
13 father. And around 4:00 my office extension rang, and at
14 that point he was asking me for some information on his
15 401(k) balances because he stated he was working on some
16 financials for the hearing on the boat accident that was
17 later in the week.

18 Q There was a hearing later in the week, and he was
19 working on financials for the boat accident.

20 A Correct.

21 Q Did that strike you as odd?

22 A That he called and asked me?

23 Q Yes.

24 A No. He had asked me before, so -- and he -- I would
25 be the one to give him the 401(k), so it didn't surprise me

1 that he's calling me asking me about that. But I was
2 surprised that he was in the building working on it.

3 Q And why was that?

4 A I just thought he was leaving to deal with his father.

5 Q Because that interrupted the prior conversation.

6 A That's right.

7 Q Is that the last conversation you had with him?

8 A It is.

9 Q When did you find out about the murders?

10 A I initially found out through the rumor mill around
11 10:30 or 11:00 the evening of them, but I did not get
12 confirmation until I received a text from a partner roughly
13 2:30 or 3:00 in the morning.

14 Q Were you shocked by that?

15 A Yes.

16 Q Scared?

17 A Yes.

18 Q Worried?

19 A Yes.

20 Q Worried for Alex?

21 A Worried for everybody, yes, especially Alex.

22 Q In the wake of the murders, do you know if the hearing
23 that was later that week got canceled?

24 A It did get canceled.

25 Q That was a hearing in the boat case where he's

1 personally a defendant?

2 A That's my understanding, yes.

3 Q In the wake of the boat case, did you and the partners
4 have a discussion about what to do about getting to the
5 bottom of these *Faris* fees?

6 A We did. We did not the week of the murders because
7 pretty much our office shut down the week of the murders,
8 and then his father also passing away. But when we got
9 back around to it, Lee and Mark Ball and I were the ones
10 doing the discussion. Lee decided that he would call Chris
11 Wilson himself directly and try to get the information, and
12 Lee took over from there.

13 Q In the wake of the murders, did anyone want to bring
14 that up to Alex again?

15 A No. Nobody want -- Alex was distraught and upset and
16 not in the office much, and nobody wanted to harass him
17 about nothing that we thought was really missing. We had
18 several months until the end of the year to clear it up, so
19 we were not going to harass him at that point in time.

20 Q Okay. So, that part just got stopped in its tracks.
21 Is that correct?

22 A Yes. Lee took over calling Chris Wilson and trying to
23 pursue it.

24 Q All right, and when was that? You said in July
25 sometime?

1 A Yes, probably early July.

2 Q And what was the result of that?

3 A Lee said -- and you can speak to him more clearly --
4 but Lee said Chris Wilson got off the phone pretty quick
5 with him, which was surprising because apparently Chris
6 Wilson has the gift of gab. But again, Chris assured Lee
7 that it was there.

8 Q Ultimately, did y'all get an email about that -- this
9 particular issue?

10 A We did. Ultimately on July 19th, there was an email
11 from Chris to Alex stating that the money was in Chris
12 Wilson's trust and would have been available any time that
13 we requested it. That email was forwarded to Lee Cope and
14 myself.

15 Q Okay. From whom?

16 A From Alex.

17 Q Okay, and what -- is that the email up on the screen
18 that you're talking about right now?

19 A It is.

20 Q All right, and we see 600,000 for Andral Faris and 192
21 for Denise. What's -- explain that breakdown if you would,
22 please.

23 A So there's two parties in this case, and apparently
24 there was two recoveries, and each of them would have had a
25 fee dependent upon their recovery. So, to me this looks

1 like -- and Andral's portion -- the fee for his settlement
2 was the 600,000 and Denise's was 192,000.

3 Q At this point in time, had the firm received this
4 \$792,000?

5 A No.

6 Q Did this email, though, sort of end the inquiry at
7 least for the present moment?

8 A Yes.

9 Q All right. Well, let's move the story forward again.
10 Did this matter ever come to your attention again at a
11 later time?

12 A Yes.

13 Q All right, and tell me when that came to your
14 attention.

15 A That would have been in September after we found some
16 other misappropriations, and we had confronted Alex and
17 he'd resigned. We ended up having more conversations with
18 Chris Wilson right after that, and Chris admitted that he
19 did not have all of the money.

20 Q Well, let me back it up. Before we get to there, I'm
21 talking about as far as it relates to Alex, did this
22 particular issue with trying to get the *Faris* fees come to
23 your attention? And let me take you to early September of
24 2021.

25 A No, not that I recall.

1 Q In early September of 2021, did the *Hershberger* matter
2 that you mentioned earlier, did that come back to your
3 attention?

4 A That came back to my attention. I started pursuing
5 that and decided that I was going to go through and look
6 and make sure that he had not tried to already defer
7 something else that we had missed. And at that point I
8 decided to print a ledger printout of our system of
9 payments to Forge. And as I did that, I started printing
10 all of the documents that would relate to those
11 disbursements, the disbursement statements and the canceled
12 checks. And as I started printing the canceled checks off,
13 I could see Bank of America on the back and Alex Murdaugh's
14 signature. And every one that came out was -- just put it
15 a little bit more in the grave for me. That's -- when I
16 found that out, I had William Barnes come over, who was a
17 partner who was in there in the office that day, and had
18 him look at them. He also believed that they were -- that
19 they were Alex's signatures on the back of these checks.

20 Q All right, and just real quick, these are checks
21 coming from the client trust account?

22 A Yes.

23 Q And they're made out to what?

24 A Forge.

25 Q But what's unusual to you that's causing you to have

1 that feeling that you just described?

2 A That the endorsement, the Bank of America on the back,
3 and the fact that it looked like Alex's signature.

4 Q Okay. All right, and so you talked to William Barnes.
5 Is that right?

6 A Yes.

7 Q And did you talk to other partners about what you were
8 finding?

9 A We did. William and I then called Mark Ball, who had
10 been aware of this situation the whole time. Mark Ball
11 was the treasurer. So, he came back into the office. We
12 showed him the signatures. He agreed with us, and he also
13 recognized one of the disbursements as a case that could
14 not have possibly been disbursed yet because it was held up
15 awaiting some court orders for a workers' comp lien. We
16 also talked to Lee Cope that night about it, and Lee -- we
17 came to the plan for Lee to call Michael Gunn with Forge
18 and see if they had banked at Bank of America. And they
19 had -- Michael Gunn confirmed that they had not banked at
20 Bank of America in a number of years.

21 Q Did y'all send them a list of clients, of the ones
22 that you were pulling off of your system that had payments
23 to Forge and Bank of America?

24 A We did. We gave them a few names that evening, not
25 the complete list. We gave them a few names that we had,

1 and he verified that those two -- Michael Gunn verified to
2 Lee Cope that those were not any structures or any
3 annuities. They didn't have records of them.

4 Q Okay. All right. Around this time, did Annette bring
5 you anything when this is all going on?

6 A Yes. So, this is completely independent and
7 coincidental. Annette, the same afternoon of
8 September 2nd, was in his office trying to look for
9 something, and when she moved a file a check fell out.
10 When the check fell out, she looked down. It was Chris
11 Wilson, and it was the \$225,000 check payable to Richard
12 Alexander Murdaugh that we had already found.

13 (CHECK MARKED AS STATE'S EXHIBIT NUMBER 313 FOR
14 IDENTIFICATION.)

15 Q All right, and I'm going to show you what's been
16 marked as Exhibit 313 State's for the purposes of this
17 hearing. Do you recognize that?

18 A That is -- that's the check.

19 Q This is the actual check that was found. Is that
20 right?

21 A That's correct.

22 Q All right. Hold on for me real quick.

23 (Break in proceedings.)

24 Q It's got an endorsement on the back. Let me ask you
25 this. You've worked with Alex Murdaugh for how long?

1 A Twenty-three years roughly.

2 Q During that time, did you become familiar with his
3 handwriting?

4 A Yes.

5 Q Do you recognize it when you see it?

6 A Yes.

7 Q Looking at the handwriting endorsement on the back of
8 that document, do you recognize it?

9 A That's his signature and handwriting.

10 THE COURT: Mr. Waters, do you have copies of these
11 various exhibits for the Court?

12 MR. WATERS: Yes, sir.

13 (Break in proceedings.)

14 MR. WATERS: May I approach, Your Honor?

15 THE COURT: Yes, sir. Thank you.

16 MR. GRIFFIN: Is this my copy?

17 MR. WATERS: Yes, sir.

18 MR. GRIFFIN: Thank you.

19 MR. WATERS: You're welcome.

20 Your Honor, if you'll just give me one second I'll
21 hand the exhibits we're talking about up to the Court --

22 THE COURT: Yes, sir.

23 MR. WATERS: -- as well.

24 Q But up on the screen, is this the check?

25 A Yes. Yes.

1 Q All right, and on the back, whose writing is that?

2 A Alex's.

3 Q Once we -- once you started printing out all of those
4 Forge ones that had Alex's writing on it and Bank of
5 America, and you contacted Forge, did you ask them whether
6 or not they ever banked -- the real Forge -- if they ever
7 banked at Bank of America?

8 A Lee Cope had that conversation and Michael Gunn
9 verified that they had not banked there in a number of
10 years, more than ten years.

11 Q And they didn't have any active structures on any of
12 the clients y'all had given them?

13 A That's correct.

14 Q As a result of that, what did the leadership at the
15 firm do next?

16 A We convened a meeting on the morning of Friday,
17 September 3rd, at Lee Cope's house with the majority of the
18 partners and myself present. We discussed what we had
19 found and showed everybody the documentation that we had
20 recovered, and then the choice was made -- Randy was not
21 present initially. The choice was made to bring Randy in
22 and show him what we had found.

23 Q All right, and after Randy was brought in and showed
24 what was found, what happened next?

25 A Randy immediately conceded that we needed to talk to

1 Alex, that it looked like he had stolen, and Danny and
2 Randy got together and met with Alex outside of the office.

3 Q Okay, and did they confront him with this information?

4 A They did, and it was my understanding that Alex
5 admitted it and that it was determined he would resign.

6 Q Okay. Did he ask for a leave of absence to your --

7 A I think he tried to do a few other things before
8 resigning, but we made him resign.

9 Q After the decision was made to resign, was it
10 announced right away, or was there any statement put out or
11 anything like that right away?

12 A It was not announced right away because the decision
13 was made -- Johnny Parker was getting married the next day,
14 and it was late on a Friday, and that we were going to kind
15 of hold off until the first of the week. We were going to
16 contact some ethics attorneys and see what we needed to do
17 and announce it the first of the week.

18 Q Okay. So, we're in the weekend September 3rd,
19 September 4th, something like that?

20 A Yes.

21 Q Is that Labor Day weekend?

22 A Yes.

23 Q What's the next thing you recall hearing about Alex?

24 A The next thing I heard about Alex was -- I was
25 actually with my family on the Sandbar, and the next thing

1 I heard was Suzanne Peeples with the EMS came down and told
2 me that Alex had been shot in the head and was being flown
3 out to Savannah.

4 Q Was that on the side of Road at Old Salkehatchie?

5 A That's correct.

6 Q What's the first thing you thought when you heard he'd
7 been shot?

8 A You know, nobody knew what to think. A lot of
9 thoughts went through, but fear went through. Was this
10 retaliation? Was he involved in something bigger that was
11 going to get more of us in trouble? And -- just fear.

12 Q All right. As the months went on after that, did
13 y'all continue to review your records looking for
14 additional misappropriations?

15 A We did. We immediately decided once we found this out
16 on September 2nd and had the confrontation on the 3rd, we
17 immediately started doing a dig into our books and
18 proactively going to look for anything, and anything that
19 we found we turned over to law enforcement. We also had a
20 forensic audit from an outside firm come in and providing
21 information from them. So, this took most of September,
22 gathering all of this information and going through all of
23 our stuff, to figure out what else we had missed or what
24 else had occurred.

25 Q You've already described the checks to the Forge

1 account at Bank of America, which was a fake Forge account.

2 Is that correct?

3 A That's right.

4 Q Was there another manner in which Alex Murdaugh was
5 misappropriating money that you uncovered in your review of
6 the firm's records as CFO?

7 A Yes. We also found out some payments made through
8 Palmetto State Bank.

9 Q Okay, and generally explain how those were working.

10 A So, those were working -- some of those Russell
11 Laffitte was a conservator on, and funds were directed to
12 Palmetto State Bank as if they were going to be held for
13 the beneficiary, and those checks were later converted into
14 personal use for Alex.

15 Q All right.

16 A And incidentally the week after we -- of the boat -- I
17 mean, of the roadside shooting when we were going through
18 stuff in Alex's office, we actually found Forge -- R.
19 Alexander Murdaugh doing business as Forge bank statements
20 in his office.

21 Q Okay. So, you found the Bank of America bank
22 statements?

23 A Yes.

24 Q And the title on those bank statements was what?

25 A R. Alexander Murdaugh, doing business as Forge.

1 Q Okay.

2 MR. WATERS: I'm going to get a document marked if I
3 could real quick.

4 (Break in proceedings.)

5 (SPREADSHEET MARKED AS STATE'S EXHIBIT NUMBER 314 FOR
6 IDENTIFICATION.)

7 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
8 NUMBER 315 FOR IDENTIFICATION.)

9 Q Do -- the client trust account checks, what color are
10 they?

11 A Green.

12 Q All right, and the operating checks, are they a
13 different color?

14 A Blue.

15 MR. WATERS: Your Honor, 314 for this hearing. This
16 will be the spreadsheet that's in one of the folders in the
17 pack that I just gave you. It starts at the top, the check
18 date 12/26/18.

19 Q And I'm going to show you what's been marked as
20 State's 314 for this hearing and see if you recognize that
21 document.

22 A Yes. This is a spreadsheet that we've developed of
23 the money and the clients that had money stolen using the
24 Forge payment method.

25 Q All right, and by the Forge payment method, you mean

1 what?

2 A Basically checks payable to Forge that looked like
3 they were going to be for a structured annuity on behalf of
4 the client.

5 Q All right, and, again, for the purposes of this
6 hearing, in preparing that chart, you've been keeping a
7 chart and keeping these records. Is that correct?

8 A That's right.

9 Q Is this all of the misrepresentations, or is this
10 focused just on some for purposes of a particular category?

11 A This is just for the purposes of this particular
12 category.

13 Q And what category is that again?

14 A Forge.

15 Q Okay. All right. I'm going to put this up on the
16 screen. And just real quick, if you could just go across
17 and tell me what the various categories represent?

18 A Excuse me. The categories, if you see the column and
19 category Forge payment, those would be where checks were
20 actually written to Forge as if those were the
21 beneficiary's proceeds that were being sent for a
22 structured annuity.

23 Q Okay.

24 A The next line where it says Barrett Boulware took
25 insurance proceeds, this is actually a check that was

1 payable to Barrett Boulware from Southern Fidelity
2 Insurance, and Alex actually endorsed that check. He had
3 power of attorney on that file. He actually endorsed that
4 check, and later we were able to trace it into his personal
5 accounts.

6 Q All right.

7 A If you keep going down, the majority of these are
8 Forge payment. If you get to Deon Martin, the first line
9 says fake --

10 Q Just real quick -- sorry to interrupt you. I just
11 wanted to cross through -- we have got the client. We've
12 got the civil action number. We've got the category that
13 you were just describing. We've got the date that the
14 trust was funded, and then we have the amount. Is that
15 correct?

16 A That's right.

17 Q And the date that the trust was funded, what does that
18 category refer to?

19 A That's refers to when we found out and did the deep
20 dive into exactly what had happened on each file and
21 deposited the money back immediately into our client trust.
22 So, that's -- the firm actually, as we found these, put
23 money into client trust. We then met with all of the
24 clients, reestablished what the correct disbursement should
25 have been, and returned all funds to the clients.

1 Q So, the firm had to pay the money back that you
2 determined in each one of these cases that Alex Murdaugh
3 misappropriated through the fake Forge on this list?

4 A We did.

5 Q What's the total amount on this sheet?

6 A 2,841,512.55.

7 Q And again, does this represent everything or just a
8 particular category?

9 A Just a particular category.

10 Q Just real quick, I see that says 1/29/11 for Thomas
11 Moore. Is that supposed to be '21?

12 A Yes, and that would be the date and the check number
13 of the check that was taken.

14 Q I'm going to hand Exhibit 314 up to you. And if you
15 could, correct that with my pen here and then just put your
16 initials next to it, please. Going back to Exhibit 314, if
17 you look at all of the check dates on here, we have the
18 earliest one being August of 2015. Is that correct?

19 A That's right.

20 Q And then it continues all the way up to early 2021.
21 Is that correct?

22 A That's correct.

23 Q Along with your spreadsheet that was just marked, have
24 you also prepared some supporting documentation for each
25 one of those transactions and the misappropriation that

1 you've identified?

2 A Yes, we have.

3 Q And these are from the records and your investigation
4 into the records at the firm?

5 A That's correct.

6 Q And each one of these says the firm had to make the
7 clients whole because of the defendant's misappropriations?

8 A We did.

9 Q All right. I'm going to show you as what's been
10 marked as 315. And this is a particular case -- it's
11 Elease Mallory just as an example -- and see if you
12 recognize that document.

13 A I do. This first document is the disbursement, which
14 would have been drafted at the end of the case that states
15 the recovery, expenses, fees, and payments to clients.
16 Next we have -- and this one actually had a payment to
17 Forge, so I have a copy of that canceled check. And then
18 the third and fourth pages are where we did our correcting
19 disbursements with footnotes about what had happened and
20 explained everything to our clients when we reimbursed
21 them.

22 Q Okay, let's put that up on the screen real quick. Are
23 there similar documents, supporting documents, for each one
24 of these transactions that's on your spreadsheet?

25 A There is.

1 Q All right. So, this is a disbursement sheet. Is that
2 right?

3 A That's correct.

4 Q And I didn't ask you, but very quickly, tell me what a
5 disbursement sheet is and how it's supposed to work.

6 A So, a disbursement sheet just shows at the conclusion
7 of a case once the recovery -- it will show the recovery
8 amount, list out the fees that were sent to the attorneys,
9 shows fee splits if there's multiple attorneys, shows the
10 amount of expenses we collect back, any liens or loans that
11 were payable that were in the scope of that case, and then
12 the final amount would be the payment to the client or the
13 client's beneficiaries if they had been beneficiaries.

14 Q All right, and then down here at the bottom of this
15 particular one, do you recognize that signature?

16 A Yes, that's Alex's.

17 Q And going to the second page, what is this right here?

18 A That is a copy of check that was payable to Forge that
19 you saw on the bottom line of that other disbursement, as
20 well as the back of it showing the endorsement.

21 Q And is that the real Forge or the fake Forge?

22 A That's the fake Forge.

23 Q What then -- what is this document right here?

24 A This is the correcting disbursement. The yellow
25 totals would signify what the correct amount should have

1 been and the corrections that would needed to have been
2 made.

3 Q All right. Going back to this first page, in this
4 particular one, how much was the recovery?

5 A \$183,528.

6 Q All right, and then was there an attorney fee taken
7 from PMPED?

8 A There was an attorney fee taken. In this case it was
9 \$30,000, which was a reduced fee. We generally get a third
10 or 40 percent, but there are instances where the attorney
11 will reduce their fee for some reasons.

12 Q And do you know why -- who requested the fees be
13 reduced in this case?

14 A That would be Alex would have done that.

15 Q Alex did that, and so -- but those fees got paid to
16 the firm from that recovery, correct?

17 A They did.

18 Q All right, great. So, the rest of that money went to
19 the client, didn't it?

20 A It did not. It actually went to the fake Forge
21 account where Alex stole the money from the client.

22 Q Every last bit of it?

23 A Every bit, the 152,866.

24 Q That client -- that client didn't get one dime until
25 y'all had to make it right.

1 A That's right.

2 Q And that's similar to the rest of the examples we
3 have.

4 A It's exactly like the rest.

5 Q Been going on for years.

6 A Yes.

7 MR. WATERS: Your Honor, there is supporting
8 documentation like that for each one of these and they're
9 in a packet up there. I'm happy to go through all of those
10 with the witness. I don't want to sell myself short if I
11 need to. I don't know if we're at the point for purposes
12 of Your Honor if it is made or if you would like me to go
13 through each one of those. I'm happy to keep going.

14 THE COURT: Mr. Griffin, is this yours?

15 (Break in proceedings.)

16 MR. WATERS: All right. Court's indulgence one
17 moment, Your Honor.

18 THE COURT: Yes, sir.

19 (Break in proceedings.)

20 (DISBARMENT DOCUMENT MARKED AS STATE'S EXHIBIT NUMBER
21 316 FOR IDENTIFICATION.)

22 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
23 NUMBER 317 FOR IDENTIFICATION.)

24 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
25 NUMBER 318 FOR IDENTIFICATION.)

1 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
2 NUMBER 319 FOR IDENTIFICATION.)

3 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
4 NUMBER 320 FOR IDENTIFICATION.)

5 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
6 NUMBER 321 FOR IDENTIFICATION.)

7 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
8 NUMBER 322 FOR IDENTIFICATION.)

9 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
10 NUMBER 323 FOR IDENTIFICATION.)

11 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
12 NUMBER 324 FOR IDENTIFICATION.)

13 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
14 NUMBER 325 FOR IDENTIFICATION.)

15 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
16 NUMBER 326 FOR IDENTIFICATION.)

17 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
18 NUMBER 327 FOR IDENTIFICATION.)

19 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
20 NUMBER 328 FOR IDENTIFICATION.)

21 THE COURT: Mr. Waters, do you have a summary of
22 everything Ms. Seckinger --

23 THE WITNESS: Ms. Seckinger, yes.

24 THE COURT: -- Ms. Seckinger --

25 MR. WATERS: I can do that from the spreadsheet, Your

1 Honor, and then we're marking the supporting documentation.
2 So, I'll go ahead and mark -- but I think with
3 Ms. Seckinger we can kind of walk through each one and
4 describe each one while we do that. But each packet has --
5 we've got this spreadsheet that has each one on there, and
6 then for each one of them -- we tried to minimize it down
7 to the bare minimum. And again, this isn't even all of the
8 misappropriation, but we just have a few supporting
9 documents for each one, which is the disbursement sheet,
10 the fake Forge check typically, and then the corrected
11 disbursement sheet that the firm had to do. That's
12 generally what each packet has, for example the one we last
13 did.

14 Q Is that correct, Ms. Seckinger?

15 A That's correct.

16 MR. WATERS: And so I can go through those quickly and
17 we can do that on the spreadsheet. And then we have one
18 other category that they uncovered, the manner in which he
19 was able to misappropriate the money going back to, I
20 think, 2008 or 2009.

21 THE COURT: Yes, sir, you may proceed.

22 MR. WATERS: Thank you. All right. So, Your Honor,
23 we're going to go through that packet that was provided up
24 to you, and we're going to go in the order except the
25 *Hershberger* which we've already talked about.

1 Q And so, Ms. Seckinger, can you see okay on that screen
2 there?

3 A Yes.

4 Q Okay. All right. I'm just going to kind of move
5 through these as expeditiously but as accurate as we can.
6 The first one we have, this particular client,
7 Ms. Adrianna. Is that correct?

8 A That's right.

9 Q All right, and I'm going to put 317 up on the screen,
10 and this is the disbursement sheet for that?

11 A That is the disbursement sheet for that, yes.

12 Q All right, and down at the bottom, do you recognize
13 the signature where it says attorney?

14 A That's Alex's signature.

15 Q All right, and would typically the attorneys meet with
16 the clients and get them to sign these disbursement sheets
17 before any disbursements were made?

18 A Typically we signed -- we did the checks on the
19 attorney's signature, and then the attorney met with the
20 client and had them signed at the same time they
21 distributed and discussed the disbursement.

22 Q Got you. All right, and then right here on this
23 particular one, we have a total recovery amount of how
24 much?

25 A 247,5 -- \$247,500.

1 Q And the firm gets paid its fees out of that.

2 A And, again, that looks like a reduced fee of \$22,000.

3 Q And what happens to the rest of the money?

4 A The 225,073.46 went to a fake Forge account that was
5 for Alex's benefit.

6 Q All right, and is that a check right there?

7 A That is.

8 Q Whose signature is that right there?

9 A That's Alex's.

10 Q And that's 225 and change. And then you have the
11 corrected disbursement sheet. Is that correct?

12 A That's correct.

13 Q And this is where the firm had to make good on Alex's
14 misappropriation.

15 A That's correct.

16 Q All right. Let's go to the next one. This would be
17 for Mr. Barrett, using the first name. Is that correct?

18 A That's right, Barrett Boulware.

19 Q All right. We're just using his first name. You have
20 the disbursement as 75,193. Is that right?

21 A That is the check I discussed earlier that was payable
22 to Barrett that Alex endorsed directly and deposited into
23 his account.

24 Q All right, and I'm on Exhibit 318. We're in the third
25 page. Is this that check right here that was made out to

1 Mr. Boulware?

2 A That is, and that was actually found as we went
3 through his desk after September 3rd.

4 Q All right, and do you recognize that writing on there?
5 I can zoom in if we need to.

6 A That's Alex's writing.

7 Q All right, and this is the deposit that went along
8 with it?

9 A Yes.

10 Q And what's the name right there?

11 A Alex Murdaugh.

12 Q All right. Going to the next one on the list, you
13 have this one, and the amount is 279,865. Is that right?

14 A That's correct.

15 Q All right, and we're still on Exhibit 318. And this
16 is the disbursement sheet, the original disbursement sheet
17 right there?

18 A That's correct.

19 Q And whose signature is down at the bottom?

20 A That's Alex Murdaugh's.

21 Q And what does that say right there?

22 A \$279,850.65 payable to Forge.

23 Q Fake Forge or real Forge?

24 A Fake.

25 Q All right, and then what is that right there?

1 A That's the check payable to Forge showing Alex signing
2 it and the endorsement on the back.

3 Q Okay. All right. Let's move on to the next one we
4 have -- this is Hershberger. We already did that one,
5 correct?

6 A That's correct.

7 Q Well -- yeah, we already did that one. All right.
8 Let's go on, and then we did the next two. Those were
9 those two fees that Alex told you he was structuring?

10 A That's right.

11 Q All right. At least this one was, correct?

12 A That's right.

13 Q All right. Let's go on to Ms. Gary. This is State's
14 319. Is this the disbursement sheet right here?

15 A That is the initial disbursement sheet.

16 Q Okay, and what is that right there?

17 A Excuse me, that is not the initial. That's second
18 one. So, there's a Forge structure right there of 112.5, a
19 payment of the personal rep, and the amount divvied between
20 the beneficiaries. That Forge structure should have been
21 paid to the beneficiaries, and again it was paid to the
22 fake Forge account. You see the check signed by Alex and
23 endorsed by Alex.

24 Q All right. So, that is the 112.5 right there,
25 correct?

1 A That's right.

2 Q And then you have the corrected disbursement where
3 y'all had to make it right to your clients.

4 A That's correct.

5 Q All right, and moving on to the next one, we have
6 Mister -- I'm going to use the first name, so use that for
7 me if you can, please.

8 A Okay.

9 Q All right. Mr. Christopher?

10 A Uh-huh.

11 Q All right, and we have this -- you have this
12 disbursement right here. Is that correct?

13 A Yes.

14 Q And whose signature is that right there?

15 A Alex Murdaugh's.

16 Q And we've got how much?

17 A 750,000.

18 Q Going to what?

19 A Fake Forge.

20 Q The fake Forge. Is that correct?

21 A That's right.

22 Q And then we have the check?

23 A We do.

24 Q And whose -- do you recognize that on the back?

25 A That is Alex Murdaugh's.

1 Q And this is \$750,000?

2 A That's correct.

3 Q All right, and then we have another disbursement sheet
4 where y'all had to correct it and make it right to the
5 client?

6 A That's correct.

7 Q Y'all had to pay back \$750,000 --

8 A We did.

9 Q -- that Alex spent. It was client money?

10 A We did. He stole it.

11 Q All right. Let's go to the next one, Deon Martin. We
12 have three for Mr. Martin. Is that correct?

13 A That's correct.

14 Q All right. Let's look at that. We have --

15 A So, you have a little new category here. You see
16 above where it says structured annuity directly to Michael
17 Gunn for 500,000, and then it's offset by the proceeds
18 structured annuity below. This would represent -- like,
19 there was an annuity associated with that case that had
20 been properly structured and sent, and that resulted in
21 there being a \$200,000 fee taken on that \$500,000 that
22 should not have been taken from the client.

23 Q So, just a slight of hand, the paperwork, and Alex
24 created a phantom 200 -- well, a real \$200,000 in fees from
25 thin air.

1 A That's right.

2 Q All right, and that's not the end of this one, is it?

3 A No.

4 Q Okay. All right. Right here on the second page we
5 have the disbursement to Forge. Is that correct?

6 A That's right.

7 Q Is that a real Forge or fake Forge?

8 A That's the fake Forge.

9 Q How much is that one?

10 A \$338,056 cent -- \$56.14.

11 Q Okay. Now, we already talked about on this list -- we
12 talked about fake fee of 200,000 that you just mentioned.

13 A That's right.

14 Q And you've got 338,056 and 14.

15 A That's right.

16 Q Okay. Let's keep going. So, what's that?

17 A That's the check for the \$338,000 that's payable to
18 the fake Forge and endorsed by Alex.

19 Q All right, and then what is this disbursement sheet?

20 A This one is showing a structured payment of \$45,000,
21 and this one incidentally had a quote attached to it, and
22 it's signed by the client, and that also went to the fake
23 Forge account, his personal account. And this is a copy of
24 the quote from Forge.

25 Q But no Forge structure was materialized?

1 A No, none was done. We verified none was ever done.

2 Q All right, and what is that \$45,000 check there?

3 A This is the \$45,000 check to the fake Forge deposited
4 by Alex.

5 Q And is this the disbursement sheet where y'all had to
6 correct it and make it right to the client?

7 A Yes.

8 Q All right. Moving on to the next one, we have Eleese
9 Mallory and that's the one I showed you at the beginning as
10 an example.

11 A That's right.

12 Q All right. We've done that one and that was 183,528
13 where he took every last dime of it. Is that correct?

14 A That's right.

15 Q My apologies. I'm going too fast. All right. The
16 last one I talked about is 321; the one before that was
17 320, and the one before that was 319. We are now on 322.
18 Turn the page and we have Mr. Jamian. Is that correct.

19 A That's correct.

20 Q All right, and right here we've got a disbursement
21 sheet. Is that correct?

22 A That's correct.

23 Q And we have a Forge of \$90,000?

24 A That's correct.

25 Q And is that real Forge or fake Forge?

1 A Fake Forge.

2 Q Okay, and what is this right here sideways?

3 A That is the check payable to Forge, the fake Forge,
4 and the endorsement on the back of the check.

5 Q All right, and then we have an expense disbursement
6 here of 5541.17. Is that correct?

7 A That's correct.

8 Q And is that another amount that y'all had identified?

9 A We identified later that was an incorrect charge to a
10 client file, so we reimbursed that as well.

11 Q Okay, and is that page right here?

12 A Yes.

13 Q And what did -- what did Alex bill to the client that
14 y'all determined was improper?

15 A Some air fair --

16 Q To where?

17 A -- on a private flight. I can't recall, but I believe
18 that one might have been down to the Keys.

19 Q Did y'all have to pay that money back, too, in this
20 corrected disbursement?

21 A We did.

22 Q And that was Exhibit 322. We have 323, Mr. Johnny, of
23 \$95,000. Is that right?

24 A That's correct.

25 Q All right. On the first page we have the disbursement

1 sheet and we have the Forge line right here for \$95,000?

2 A That's correct.

3 Q Did that go to the real Forge or fake Forge?

4 A Fake Forge.

5 Q Okay, and we have a copy of the check right there. Is
6 that correct?

7 A That's a copy of the check and the endorsement and a
8 copy of the corrected disbursement.

9 Q Did y'all have to make that right to the client?

10 A We did.

11 Q Moving on to 324, Mr. Jordan. You've got a
12 disbursement to Forge. Is that right?

13 A That's right, for \$85,000, along with the fake check
14 and the endorsement on the check.

15 Q All right, and then the corrected disbursement,
16 correct?

17 A You missed the one for \$65,000. There was two in that
18 one.

19 Q Yep, there it is right there?

20 A That's right, and then the correcting.

21 Q All right. So, we have an 85 and 65,000 on that one,
22 correct?

23 A Correct.

24 Q Exhibit 325. This is now Mr. Manuel, and we have a
25 \$70,000 Forge. Is that correct?

1 A That's correct.

2 Q Fake Forge?

3 A Fake Forge.

4 Q And what's that right there?

5 A The check payable to Forge, the fake Forge, and the
6 endorsement, and this is the correcting disbursement where
7 we paid the client back the 70,000.

8 Q Going to the next one, we've got Ms. Mary, and we've
9 got a settlement of proceeds to Forge of 19.5 right there.
10 Is that correct?

11 A That's correct.

12 Q And this is Exhibit 326. And did that go to real
13 Forge or fake Forge?

14 A The fake Forge.

15 Q And what is that right there?

16 A Copies of the check to fake Forge and the endorsement
17 on the back by Alex.

18 Q Okay, and then corrected business disbursement having
19 to pay the money back?

20 A Correct.

21 Q By the firm? All right. Going on to Mr. Randy, right
22 here we've got a disbursement of \$9,569.30 on Exhibit 327?

23 A Correct.

24 Q All right. The next page we have what?

25 A The copy of the check payable to the fake Forge and

1 the endorsement by Alex on the back of it.

2 Q All right, and then the correction and disbursement?

3 A Correct.

4 Q All right. The last one for this set is Exhibit 328,
5 and we have Morris Mack -- excuse me, Thomas Moore. Is
6 that correct?

7 A That's correct.

8 Q And then whose signature is that right there?

9 A That is Alex's.

10 Q And the amount to Forge of \$125,000. Is that right?

11 A Incidentally, that's a forged signature for Thomas --
12 the client, and the client confirmed that when we met with
13 him.

14 Q Do you recognize that handwriting?

15 A It appears to me to be Alex's printing.

16 Q On the disbursement sheet?

17 A Yes, sir.

18 Q All right, and then we have the fake check right
19 there?

20 A That's correct.

21 Q And a fake Forge check and then -- that's all on that
22 one for right now. Is that right?

23 A Well, it's a partial correction, yeah.

24 Q All right. Were things like this going on in a lot of
25 the cases that Alex had, a fair amount?

1 A Well, we found them in these several cases, and in the
2 scope of all cases not so much. I mean, we have a ton of
3 volume, so this doesn't represent a large portion of those,
4 but this was common with him.

5 Q And that's my point is that there is a large volume
6 and these are sprinkled throughout over years and years and
7 years.

8 A They're sprinkled out over a decade or better.

9 Q Whenever there was an opportunity, it happened.

10 A Yes.

11 Q All right. I'm going to show you -- let me get a
12 couple of more documents marked.

13 (Break in proceedings.)

14 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
15 NUMBER 329 FOR IDENTIFICATION.)

16 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
17 NUMBER 330 FOR IDENTIFICATION.)

18 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
19 NUMBER 331 FOR IDENTIFICATION.)

20 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
21 NUMBER 332 FOR IDENTIFICATION.)

22 Q Let me show you what's been marked as Exhibit 329 here
23 to this proceeding, and see if you recognize that.

24 A I do. This is a spreadsheet of the payments that were
25 made to Palmetto State Bank and misappropriated with that

1 method.

2 Q You testified earlier that the fake Forge account for
3 Richard Alexander Murdaugh DBA Forge started around 2015.
4 Is that right?

5 A That's correct.

6 Q And -- but you just uncovered a different mechanism
7 whereby Alex Murdaugh misappropriated money from clients
8 prior to that. Is that correct?

9 A That's correct. Most of these took place in 2011 and
10 2012.

11 Q Okay, and did Alex have some particular big cases in
12 those years?

13 A He did.

14 Q What were those cases?

15 A So he had Arthur Badger, which was against a UPS truck
16 in Allendale where wife -- his wife was killed and I
17 believe a couple of children hurt. There were several
18 beneficiaries in this case. In that same wreck -- well,
19 then he had another one with Hakeem Pinckney, who in that
20 same wreck had a cousin in the car named Natasha Thomas.

21 Q Okay. Let's talk about the *Badger* case. What was the
22 total settlement in that particular case?

23 A In the *Badger* case, the total that was apportioned
24 Arthur Badger was 3.1 million. There was also a companion
25 case, Donna Badger, with a good bit apportioned to it as

1 well. I can't recall the number right here right off the
2 top of my head.

3 Q All right, but just for Arthur Badger, who was just
4 one of clients that Alex had, correct?

5 A Right.

6 Q Just for Arthur Badger, what was the attorney fee that
7 he received in that settlement?

8 A He received \$1,240,000.

9 Q The firm did at least.

10 A The firm did.

11 Q But that would be ultimately on his books at the end
12 of year?

13 A It would be credited to him.

14 Q \$1,260,000. Is that right?

15 A 1,240,000.

16 Q Is that all of the money that Alex received from that
17 particular case once y'all did your review?

18 A That is not.

19 Q What else did Alex take?

20 A \$1,325,000.

21 Q Another \$1.325 million. Is that right?

22 A That's right.

23 Q And how did he -- how did he go about doing that?

24 A Checks were payable to Palmetto State Bank that were
25 then converted into personal items: payments for bank

1 loans, payments for loans from a conservator account,
2 payments to Johnny Parker, I believe it was. One to his
3 father for paying back personal loans that they had given
4 him.

5 Q Okay. So, we've got now with regards to Exhibit 329
6 up on the screen.

7 (Break in proceedings.)

8 Q I guess I'll just talk over it. All right, we've got
9 on this one -- at the top you have Mr. Arthur Badger. Is
10 that right?

11 A That's right.

12 Q And we have a date, and we have the amount, which is
13 how much?

14 A 1,360,000, and that is because we returned the PR fee
15 in that case as well because the PR failed to do their job
16 properly.

17 Q Okay, and I'm going to show you what's been marked for
18 this hearing as 330. And is this the disbursement sheet?

19 A Yes, sir.

20 Q And down here we have: Palmetto State Bank payment for
21 funds structured per client request. Is that right?

22 A That's right.

23 Q And that's the 1.325 million?

24 A That's correct.

25 Q And did that go to the client?

1 A No.

2 Q I see there's an email right here. Who is that from
3 and to, and what's the date on that? Do you need me to
4 bring it to you?

5 A So, this email is from Russell to Alex. There was an
6 email that came from Alex to Russell asking if we
7 could recut the checks in a certain way. Then Russell
8 independently sent an email to Alex, which was forwarded to
9 me and my accounting staff, asking if we could recut the
10 \$1.3 million check into four different checks.

11 Q And did y'all do that?

12 A We did.

13 Q Did you have any reason at all to mistrust what was
14 going on at that time?

15 A No.

16 Q All right. So, ultimately --

17 A And ultimately those got broken down into all of these
18 payments. This is the payments and how these checks were
19 written and what benefit they went to.

20 Q And they were made out to what entity?

21 A Palmetto State Bank.

22 Q And after they were made out to Palmetto State Bank,
23 what happened to them?

24 A They got converted to personal usage for Alex
25 Murdaugh's benefit.

1 Q Real quick. I see the spreadsheet says July of 2005.
2 I'm going to point to this disbursement, though. What's
3 the date on that disbursement?

4 A November 2012.

5 Q So, is that an error that needs to be corrected?

6 A I'm sure that that's an error that needs to be
7 corrected.

8 Q I'll hand you the spreadsheet and let's do that real
9 quick. All right, I'm going to hand you a pen.

10 (Break in proceedings.)

11 Q All right, let's talk about another case. I'm looking
12 now at Exhibit 322, and we go back to your spreadsheet and
13 we have Natasha Thomas. Do you recognize that?

14 A I do.

15 Q And what was the amount on that particular one?

16 A There were two payments. One was for \$325,000 even;
17 the other one was \$25,245.08.

18 Q All right, and looking at Exhibit 332, we have down
19 here at the bottom, we have payment and it says what entity
20 right here?

21 A Palmetto State Bank.

22 Q For 325?

23 A Yes.

24 Q So, was a check cut from the trust account of 325?

25 A Yes.

1 Q And is that it right there?

2 A That is it.

3 Q And did that money go to the client?

4 A No. That money went for Alex's benefit.

5 Q And did y'all have to pay that back and make that
6 right for his misappropriation?

7 A We did pay that back. What you're seeing now is just
8 all the different payments that were made from that money.

9 Q And those were converted at the bank into personal use
10 for Alex?

11 A That's correct.

12 Q All right. We're looking at the second check for --
13 how much is that?

14 A \$25,245.08.

15 Q All right, and that's made out to what entity?

16 A Palmetto State Bank.

17 Q From the client trust account?

18 A Correct.

19 Q Did that go to the client or did that go somewhere
20 else?

21 A That went to Alex's personal use again.

22 Q And did y'all ultimately have to make that right?

23 A We did.

24 Q And the last one is Mr. Hakeem, correct?

25 A That's correct.

1 Q Is that a companion case to Ms. Thomas?

2 A It is.

3 Q You've got two misappropriations. Is that right?

4 A That's correct.

5 Q Okay. Looking at this disbursement sheet we have
6 right here on this disbursement sheet, what entity is that?

7 A Palmetto State Bank.

8 Q How much?

9 A \$309,581.46.

10 Q And that's signed by who on this?

11 A Russell Laffitte as conservator.

12 Q And is that the check right there?

13 A That is the check.

14 Q Made out to an entity?

15 A Palmetto State Bank.

16 Q In what year?

17 A December 2011.

18 Q Okay. Did that money go to the client?

19 A It did not.

20 Q Did y'all ultimately have to pay that back?

21 A We did.

22 Q And finally \$60,000 for --

23 A The PR fee again. We decided to pay the PR fee back.

24 Q And that's the PR fee right there for Mr. Laffitte.

25 Is that correct?

1 A That's right.

2 Q And when he signed that disbursement sheet.

3 A That's correct.

4 MR. WATERS: Court's indulgence just one moment.

5 (Break in proceedings.)

6 Q You mentioned Russell Laffitte. Do you have a
7 relation to Russell Laffitte?

8 A Russell Laffitte is my brother-in-law; he's married to
9 my husband's sister.

10 Q June 7, 2021, you came in demanding answers about
11 those Faris fees, correct?

12 A That's correct.

13 Q And that conversation ended because he got a call
14 about his father, correct?

15 A That's correct.

16 Q And the inquiry got pushed to the side because of the
17 tragedy of the murder of Maggie and Paul?

18 A That's correct.

19 Q And additionally, Alex called you about having to get
20 finances together for a hearing in the boat case later that
21 week. Is that correct?

22 A That's correct.

23 Q And that hearing got canceled as a result of the
24 tragedy of the murder of Maggie and Paul.

25 A That's correct.

1 Q And ultimately in July y'all received an email from
2 Chris Wilson saying the money was in the account. Is that
3 correct?

4 A That's correct.

5 Q When did you later find out about whether or not all
6 of that money was in the account?

7 A We found out after September 3rd that all of that
8 money was not in the account. Chris Wilson called us and
9 actually wanted us to pony up the other portion of the
10 money.

11 Q And what portion was that?

12 A It was a couple of hundred thousand dollars that was
13 still missing.

14 Q And once a few months later your attention got turned
15 back to these matters and you ran that inquiry, then the
16 whole thing started to unravel. Is that correct?

17 A That's correct.

18 MR. WATERS: Nothing further at this time, Your Honor.

19 THE COURT: Mr. Griffin.

20 MR. GRIFFIN: Yes. Thank you, Your Honor.

21 THE COURT: Do you have an idea about how long you
22 plan to be?

23 MR. GRIFFIN: Thirty minutes.

24 THE COURT: So, we'll take about -- we'll take a break
25 now for about 10 minutes.

1 (A break was taken.)

2 THE COURT: Mr. Griffin.

3 MR. GRIFFIN: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. GRIFFIN:

6 Q Good morning, Ms. Seckinger.

7 A Good morning.

8 Q I want to first go to June -- I want to go to June
9 7th. You were up in Alex Murdaugh's office and you were
10 talking to him about the Faris attorney fee money, correct?

11 A Correct.

12 Q And while you were in the midst of this conversation,
13 he received a telephone call informing him that his father
14 had been readmitted back in the hospital, correct?

15 A That was my understanding, yes.

16 Q And his father had just gotten out of the hospital
17 either that Saturday or Sunday, right?

18 A I don't know.

19 Q Okay, and do you know that he spent Friday night in
20 the hospital with his dad?

21 A I don't know.

22 Q Do you -- well, his father was Randolph Murdaugh, who
23 was one of the principals of that law firm, correct?

24 A I know who his father was, yes.

25 Q Was he a principal of the law firm?

1 A He was previously. He wasn't at the time of his
2 death.

3 Q Was he a -- was he beloved by the partners of the law
4 firm?

5 A Yes.

6 Q And his father -- when Alex got the phone call that
7 his father was going back into the hospital -- and you
8 mentioned that the belief was that it was terminal.

9 A Correct.

10 Q You stopped your work and turned into a friend, right?

11 A That's correct.

12 Q And provided him sympathy, correct?

13 A That's correct.

14 Q And backed off of what you were doing to allow him to
15 do whatever he was going to do with his father.

16 A That's right.

17 Q And so when you walked out of the office, things had
18 come to a standstill as to your investigation to Alex
19 directly as to where is the *Faris* fee money, right?

20 A That's right.

21 Q And Mr. Randolph Murdaugh passed away -- Monday was
22 the 7th. He passed away on the 10th, I believe, didn't he?

23 A I'm not sure of the date but that sounds right.

24 Q It was that Thursday, correct? And if Alex had stayed
25 out of the office from the day that -- from that Monday

1 when he got the phone call that his dad was going back in
2 the hospital and was terminal until his dad passed or
3 shortly after he passed, no one would have said a thing in
4 that firm, would they?

5 A I'm not sure if they would or not.

6 Q Now, what you were looking at investigating was where
7 is the fee due to the law firm on the *Faris* case, right?

8 A That's right.

9 Q And that was a case where Alex was associated with
10 Chris Wilson, and they represented plaintiff -- I assume
11 Mr. Faris or Ms. Faris or the estate of Faris.

12 A Correct.

13 Q And they got an excellent result during the case. It
14 was verdict -- a non-jury verdict after a trial in Richland
15 County. Do you remember that?

16 A I don't know the details of the case.

17 Q And in that -- and you were -- the firm got an expense
18 check but no fee check, and immediately a question went out
19 to Chris Wilson's paralegal. Where is the fee to the law
20 firm, correct?

21 A That's right.

22 Q And the paralegal said our bosses got paid, and then
23 that caused you to look into the matter.

24 A That's right.

25 Q Okay. Now -- and Alex told you no, no, the money's

1 still in Chris Wilson's trust account, right?

2 A That's right.

3 Q And he said that to you on multiple occasions.

4 A That's right.

5 Q And, in fact, Chris Wilson sent an email saying the
6 money is in my trust account.

7 A He did in July.

8 Q In July, and it was forwarded on to you, right?

9 A That's right.

10 Q And I noticed -- well, let me back up. Did Alex
11 explain -- did he come up with a story and explain that the
12 reason the money is in the trust account is because I'm
13 considering whether to structure the fee?

14 A We did discuss that, yes.

15 Q And in that law firm, your law firm that you're an
16 employee of, partners had structured attorney's fees in the
17 past, correct?

18 A They had.

19 Q And so the fact that -- and just so the record is
20 clear, when we're talking about structuring attorney's
21 fees, it is delaying the payment of the fees through some
22 financial product. Is that correct?

23 A That's right.

24 Q And by delaying the payment of the fees for a
25 financial product, if successful, you're -- it allows you

1 to delay the payment of the taxes on that money.

2 A That's correct.

3 Q Now, in the times that the fees had been structured in
4 the past when the payment of the fees have been delayed,
5 who is the beneficiary of the financial product? Is it the
6 partner that brought the fee to the firm, or is it the law
7 firm?

8 A So, we've only done it once or twice in the past, and
9 when it was done it was -- the beneficiary was the partner,
10 but it was also contributed and figured into our allocation
11 of the fee breakdown at the end of the year.

12 Q So, there's no -- I mean, the fact that there's a
13 structure at the time you did it when it was disclosed,
14 aboveboard -- and let's say a \$100,000 fee, for example. I
15 mean, you allocate it to the firm. That partner who
16 delayed receiving \$100,000 until sometime in the future
17 would still have to put his 7 and a half or her 7 and a
18 half percent into the kitty at the --

19 A Right, and that would also be the percentage of the
20 money that he would receive that would be taken into
21 account of that.

22 Q Well, wouldn't it, if was \$100,000 --

23 A Yes, he did.

24 Q So, he got credit or she got credit for the \$100,000
25 even though it never went to the firm?

1 A Yes.

2 Q So, if a partner --

3 A If a partner did it correctly, it would be recognized
4 and it would be accounted for correctly. The question
5 wasn't whether he was going to structure a fee. It was
6 whether he had received the fee personally.

7 Q I understand. The -- and he had said he had it and it
8 was at Chris Wilson's office.

9 A That's what he stated.

10 Q Now, the spreadsheet and the files that you were asked
11 about, I notice the *Faris* matter wasn't on any of it,
12 correct?

13 A That's right.

14 Q And the *Faris* matter wasn't on any of them because the
15 *Faris* matter -- the firm ultimately got paid 792,000, which
16 was what the firm was owed on the *Faris* case.

17 A We did.

18 Q And after Maggie and Paul's murder and after Mr.
19 Randolph's death, the murder on the 7th, Randolph
20 Murdaugh's death on the 10th, how long of a delay was there
21 before you got in touch with Lee Cope and Lee reached out
22 to Chris Wilson?

23 A There wasn't a delay in me getting in touch with Lee
24 Cope. Lee Cope knew about it. The decision was made to
25 call me off of it and that Lee would deal with it from

1 there with Chris Wilson.

2 Q Okay. So, as far as you know, there was no delay. It
3 was just taken over by Lee Cope.

4 A It wasn't a delay on my part. It was taken over by
5 Lee Cope.

6 Q And you don't know whether Lee -- how long it took Lee
7 to -- Lee Cope to reach out to --

8 A You would have to ask Lee.

9 Q So, I mean, you can't testify to that. We would have
10 to ask Lee.

11 A Yeah, I don't know.

12 Q And then you had talked about the *Hershberger* case
13 where there was actually what appeared on paper to be a
14 structured fee, correct?

15 A That's right.

16 Q And your having done one in the past, it did not
17 appear that the proper procedures were followed so that
18 Alex would have to pay income tax on it, whether it was
19 structured or not.

20 A That's correct.

21 Q And his explanation, I think you said that was back
22 in --

23 A Late May, early June.

24 Q Yeah. That check was May 12th of 2021, the
25 *Hershberger*.

1 A I can't be sure when the exact conversations were.
2 They were all going around the same time, but it would have
3 been after that check.

4 Q Okay, and that -- so the thought there was -- and Alex
5 told you that, well, I'm just trying to sort of shelter
6 money from me and put it in Maggie's name because I'm being
7 a defendant in the boating case.

8 A That's correct.

9 Q Now, the -- you and your firm -- and you had outside
10 forensic accountants looking at everything, and you don't
11 have any information or evidence or documents that would
12 suggest that any of the *Hershberger* fee went into Maggie's
13 name.

14 A I did not pursue that portion of it. We have
15 testimony from Michael Gunn that there was no annuity set
16 up.

17 Q Right, and I guess, you know -- right. So, as far as
18 you can tell Judge Newman here today is that Alex put that
19 money in a fake Forge account that was Alex Murdaugh doing
20 business as Forge?

21 A Correct.

22 Q And you don't have any information that that money
23 then went into Maggie Murdaugh's investment account,
24 personal account, or any sort of account, right?

25 A I know that it went into his Forge account. After

1 that, I don't know how it was used.

2 Q Okay, and I think you said that you didn't start back
3 up looking into the *Hershberger* matter until some time
4 in -- I think you said you did not readdress it until late
5 September.

6 A That's correct.

7 Q In early September, you were sitting in your office
8 and you had an epiphany or, you know, just a thought.
9 Well, let's just see what these -- how many times Alex in
10 his cases had checks going to Forge.

11 A Well, when you're speaking of an epiphany, I had
12 started digging through his client list for every fee that
13 he'd brought in. And rather than going one by one, my
14 epiphany was let me just run a payment ledger on Forge and
15 see what that turns up rather than digging one by one.

16 Q Okay, and what prompted you to do that?

17 A Because I was trying to look to see if there had been
18 anymore settlements that had been written to Forge like
19 this other one with *Hershberger* so that we could account
20 for them and discuss how we were going to handle them at
21 year end with the bonus distribution.

22 Q I see, and what time of the year do you have to
23 prepare final reports for --

24 A December.

25 Q In December? And when do you start working on that?

1 A It depends every year, but usually December.

2 Q In September you were, I guess, doing your job trying
3 to see if there were other *Hershberger*-type structures out
4 there?

5 A That's right.

6 Q And so you ran a report of financial records that were
7 maintained at the law firm, correct?

8 A Correct.

9 Q These were electronic records?

10 A Yes.

11 Q And you didn't have to order bank statements from
12 anyone. You had them right there at -- on your computer
13 system?

14 A I have mine, yes.

15 Q And there's nothing that happened in -- well, let me
16 back up. We've seen checks from Forge, I think you said,
17 going back to 2015?

18 A Correct.

19 Q Had those checks been on the firm financial system and
20 maintained since 2015?

21 A They were. They didn't catch our attention before
22 that.

23 Q And there's nothing about the murder of Maggie and
24 Paul that prevented you from accessing that information at
25 any point in time, is there?

1 A No. What prevented me was work and personal
2 obligations to get to that point in time to have the
3 opportunity to look.

4 Q And the -- but the information had been at your
5 fingertips. If anything was done in 2015, it was there;
6 '16, it was there; '17, it was there.

7 A That's right.

8 Q And that's why you were able to go back and do the
9 work, and the law firm stood up and made these clients
10 whole. Is that right?

11 A That's right.

12 Q Now, do you have the summary exhibit, 314, up there?

13 A I do not.

14 Q Well, let me just have you look at this real quick.
15 Can you go through Exhibit 314, and the grand total is
16 \$2,841,512.55, and tell us -- just identify any one on this
17 list that is straight diversion of fees that is due to the
18 law firm.

19 A Both Hershbergers were straight diversions of fees
20 that were due.

21 Q Is there any other one?

22 A Partial of some of the other ones. I can't remember
23 the breakdowns, but I know, like, Elease Mallory were
24 some -- one of those two. Some of them should have been
25 firm's fees due to them.

1 Q Right, but all of the other ones but the *Hershberger*
2 matter involved proceeds that should have gone to the
3 client, right?

4 A Which your client stole, yes.

5 Q And that -- well, you investigated it and you came to
6 that conclusion and the law firm came to that conclusion,
7 right?

8 A Yes.

9 Q But as part of the investigation, did you have to
10 interview the clients and ask the client hey, did you
11 authorize Alex to put this in a fake Forge account?

12 A We did interview clients, most of them. We met with
13 them. Most of them were very surprised and shocked and
14 stated that they had no idea that they had been stolen
15 from.

16 Q And so to establish that the clients didn't authorize
17 Alex to do what he did, you had to go to the clients.

18 A Correct.

19 Q And get their response.

20 A Correct.

21 Q And you accepted their response, rightfully so,
22 correct?

23 A Correct.

24 Q On this list of 314, is there any one where you didn't
25 go to the client or the client representative, except

1 perhaps Hershberger, and say did you authorize Alex to do
2 this?

3 A I might not have met personally with all of them, but
4 somebody with our firm did.

5 Q Right. Then Barrett -- the second one, Barrett
6 Boulware, you said took insurance proceeds, and that's
7 Exhibit 314. And I think you said Alex had power of
8 attorney?

9 A He did.

10 Q And was Mr. Boulware alive in 2018?

11 A I'm not -- I don't remember.

12 Q And how is it that you know that Alex did not have
13 permission from Barrett Boulware to keep that money
14 personally, that perhaps Mr. Boulware had owed him some
15 money?

16 A When -- I believe Ronnie Crosby is the one who spoke
17 with Jared Boulware, who is his PR, so that would be a
18 better suited question for Ronnie than it would be for me.

19 Q So, we would need Ronnie Crosby and Jared Boulware to
20 come in and testify as to what Barrett Boulware may or may
21 not have agreed to with Alex.

22 A You may have one that he could come in and testify
23 that to, but the rest of these on these lists, people have
24 told me that they either did not know about it, it was
25 covered up, or it was forged.

1 Q And they would need to come in and tell us that.

2 A They would and they have.

3 Q Have they testified?

4 A I believe they have.

5 Q Not in this proceeding.

6 A Not in this proceeding.

7 Q Now, there was another group of cases that involved
8 Palmetto State Bank. Is that correct?

9 A That's right.

10 Q And your brother-in-law?

11 A That's right.

12 Q And again there's Arthur Badger, Natasha Thomas, and
13 Hakeem Pinckney. Do you know if Mr. Laffitte or anyone at
14 the bank was personal representative to or conservator for
15 any of these folks?

16 A He was conservator for Natasha Thomas; I believe he
17 was conservator for Hakeem Pinckney. I can't remember the
18 exact circumstance, and he was the conservator for Arthur
19 Badger's wife.

20 Q Okay, and Mr. Laffitte -- all of these checks went to
21 Palmetto State Bank, correct?

22 A Correct.

23 Q And then from Palmetto State Bank they were sent out
24 to pay, according to your investigation, expenses that Alex
25 owed. Is that right?

1 A Correct.

2 Q And repayment of loans that Alex owed, right?

3 A Correct.

4 Q And that Mr. Laffitte was knowledgeable about that as
5 far as you know, correct?

6 A Appeared to be.

7 Q Now, I want to go into a little more detail on some of
8 these. The -- let's just go to -- I was just going to put
9 it up on this ELMO. And it is the Ben Alan Kendall? Well,
10 that's *Hershberger*. Let's don't put that up. Let's do the
11 next one, Adrianna. Let me see if I can do this right. Do
12 you see that one? That's the disbursement sheet?

13 A Yes.

14 Q And the recovery amount here is -- it says settlement
15 proceeds to Forge Consulting, and that's \$225,000?

16 A Correct.

17 Q And that, according to this document, represents what
18 the client should have gotten and didn't get.

19 A Correct.

20 Q And then the attorney's fees here says \$22,000. Is
21 that -- the firm got \$22,000?

22 A Yes.

23 Q Okay, and then this same exhibit, there's a lengthy
24 footnote down here. Does this footnote explain what
25 happened?

1 A Yes, it does.

2 Q In this footnote it says there were three previous
3 disbursements in this matter. Is that right?

4 A Yes.

5 Q And so the first one occurred on December 13, 2018,
6 issuing attorney's fees and costs, \$19,932.89 to Palmetto
7 State Bank satisfying loans and et cetera, and other
8 matters. Is that right?

9 A That's correct.

10 Q Now, do we know if any of those are fake?

11 A They look to be legitimate.

12 Q Did you confirm their legitimacy?

13 A Yes.

14 Q And how did you do that?

15 A By looking at the paperwork and observing the
16 paperwork.

17 Q And then here goes another disbursement on
18 December 20, 2018. Is that right?

19 A That's right.

20 Q And this document referenced some exhibits. That is
21 Exhibit A through F? I don't believe that's attached. I
22 mean, it may be. Did you prepare this footnote?

23 A I don't remember which ones exactly I prepared. I
24 prepared a lot of them, and Chelsea Avant prepared a lot of
25 them as well.

1 Q So -- and most all of these have an explanation and a
2 footnote as to what the entire transaction was about.

3 A That's right.

4 Q Okay, and you didn't do every single one. It was a
5 team effort, I take it.

6 A That's right.

7 Q And so people on the team investigated it and then
8 would have to come here and explain exactly what they did
9 and what they learned and --

10 A That's correct. It's also been through forensic
11 audit, and also looked at former FBI, and it's been
12 provided to law enforcement who all looked over it as well.

13 Q Now, I think you also said that back on June 7th that
14 you said that Alex called you and asked for his updated
15 balance in his 401(k)?

16 A That's right.

17 Q And told you he was putting together some financial
18 records for civil discovery in the boating case in the
19 hearing coming up?

20 A Yes.

21 Q And that he had asked you -- he questioned you
22 previously about the balance of the 401(k).

23 A That's right. It's not been the first time.

24 Q Okay, and the time that he questioned you, was it in
25 the context of putting together information for the boating

1 case or just he was curious?

2 A Putting together information for financials.

3 Q Financials in general or financials in the boating
4 case, or you just don't know?

5 A I didn't really ask particulars. The perception was
6 that it was for the boating case, talk in the office. We
7 knew hearings were coming up; we knew they were looking for
8 his financials.

9 Q Okay. Well, you said on the 7th he called you about
10 financials. Did he reference the boating case?

11 A I believe he did.

12 Q Now, do you know, do you know what impact or what
13 consequences Alex would have suffered from his partners if
14 he had just -- or if you had found that he had diverted the
15 Faris fee to himself personally as opposed to putting it in
16 a structure or putting it in the firm? Do you know?

17 A I think that he probably would have had some bad
18 repercussions for him because they are adamant that we were
19 not going to be a part of having any portion of hiding or
20 diverting any fees.

21 Q And the concern was hiding fees from the civil
22 discovery in the boating case.

23 A Yes, at that point in time it was.

24 Q And that wasn't -- and at that point in time, no one
25 was saying that that they thought he was stealing from the

1 firm, but that he was sheltering money from being
2 disclosed.

3 A That was the opinion, yes.

4 Q And then it wasn't until September when you ran a
5 report and you saw all of these Forge checks being
6 deposited in the Bank of America account and endorsed by
7 Alex and seeing his signature that you realized there's
8 been something far different going on than what anyone
9 believed.

10 A That's correct.

11 Q And that's what led to his resignation or termination.

12 A Correct.

13 Q And that information had been in the books and the
14 records of the law firm since 2015.

15 A Correct.

16 MR. GRIFFIN: Give me one second.

17 (Break in proceedings.)

18 Q One last question. The information that was part of
19 the investigation when you and members of your staff and
20 the forensic accountants determined that the clients did
21 not authorize any of these transactions, you have no
22 personal knowledge other than what has been told to you by
23 people working with you or by the clients, right?

24 A I also saw some of the deposits going into his
25 personal Bank of America account statements.

1 Q No, I understand that, but whether the clients --

2 A If they had some back deal, I don't know about any of
3 it, no.

4 Q Right. Right, and any information you have about what
5 the clients told the firm is hearsay as far as you know?

6 A It's not hearsay if they said it to me.

7 Q So, some said it to you?

8 A Yes.

9 MR. GRIFFIN: Okay. Thank you.

10 THE COURT: Any redirect?

11 MR. WATERS: Very briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. WATERS:

14 Q One thing you know is that the money that you've
15 talked about with the fake Forge went into an account,
16 Richard Alex Murdaugh DBA Forge, correct?

17 A Correct.

18 Q Was there any possible legitimate explanation for
19 client trust funds to go into that account?

20 A No.

21 Q And after you realized that they went into those
22 accounts, did the firm ultimately refund the money to those
23 clients?

24 A Yes.

25 Q You mentioned that you actually found in his office

1 some bank statements for that particular account. Is that
2 correct?

3 A That's correct.

4 Q I'm going to show you what's been marked as
5 Exhibit 335 and have you take a look at it. Is that
6 consistent with the Richard Alexander Murdaugh DBA fake
7 Forge account that you saw?

8 A Yes.

9 Q That you have repeated instances of client trust money
10 going into?

11 A Yes.

12 Q And that there's no possible legitimate explanation
13 for?

14 A That's correct.

15 Q You were asked some questions about the manner of your
16 inquiry and that sort of thing, and I want to take you back
17 a little bit further very quickly. Do you remember -- is
18 it common after the books get cleared at the end of the
19 year for certain partners to loan money to the firm to
20 handle operating expenses until fees start to come in?

21 A It is. Basically we wipe out all of the cash
22 reserves. So, in order to operate for the first couple of
23 months, attorneys will loan money to the firm for operating
24 expenses.

25 Q At some point in time, prior to all of this, did you

1 become aware of an instance in which Alex Murdaugh had
2 erroneously received a repayment that was actually meant
3 for his brother, Randy?

4 A We did.

5 Q All right, and that -- did that happen once or did the
6 same thing happen twice?

7 A It actually went through twice. The check was written
8 to him erroneously, and within a few days he brought the
9 check back to my staff and had it recut to him. So, the
10 first check that was recut was held for him for about a
11 year. So, the replacement check went through immediately,
12 and the first check cleared about a year later, and that's
13 when we were discovered that -- going back and looking that
14 I discovered that he was paid erroneously and that it
15 should have been Randolph Murdaugh and not R. Alexander
16 Murdaugh.

17 Q So, it was one repayment but he managed to get it
18 twice.

19 A That's right.

20 Q How much was that check roughly? Do you recall?

21 A 125,000 roughly.

22 Q \$125,000. Was he confronted about this when that was
23 discovered?

24 A Yes.

25 Q What was his explanation?

1 A His explanation was that it was an accident, that he
2 thought it was due to him and that he didn't know, and that
3 he'd found the other one later and deposited it, too,
4 because he thought they were due to him.

5 Q And was he required to pay that money back?

6 A Yes.

7 Q And after he gave that explanation of oops, I didn't
8 realize these two \$125,000 checks were for me, was that
9 matter then forgotten or moved on from?

10 A This was shelved, yes.

11 Q It was shelved. Nothing -- no repercussions happened
12 at that point in time or anything like that.

13 A No.

14 Q Okay. So, the money gets paid back and people moved
15 on. Is that right?

16 A That's right.

17 Q Okay. You testified before that when the murders
18 happened, that the inquiry, nobody was going to bring that
19 up now in the wake of murders, the Faris fee that you had
20 talked to Alex about the morning that Maggie and Paul were
21 killed, correct?

22 A That's right. It's a family-like place. Everybody
23 was concerned for him, his family. We knew we had time to
24 discuss this before the end of year, and at that point,
25 like I said, we didn't think he was stealing any money from

1 us.

2 Q Had no reason at that time to think he was stealing,
3 correct?

4 A That's right.

5 Q And so it did get shelved, correct?

6 A That's correct.

7 Q All right, and then in July you got an email. Is that
8 correct?

9 A That's right.

10 Q And you testified to this before. What did the email
11 say from Chris Wilson's office?

12 A It said that the money was in the account and
13 available to us at any time that we would ask.

14 Q And then so at that point, the money seemed like it
15 was there. The money had -- is not missing and so the
16 matter was shelved. Is that correct?

17 A That is correct.

18 Q All right. However, you have testified that things
19 had been going on for awhile, and it was months later that
20 triggered you to do that inquiry. Is that correct?

21 A That's right.

22 Q Okay, because there had been multiple instances over
23 the years. Is that right?

24 A That's right.

25 Q But that has nothing to do with the fact that this

1 might have occurred regardless at any point in time.

2 Because of all of the things that had been going on, that
3 has to do with the fact that when things were happening in
4 June they got shelved. And then you found out the money
5 was there and you thought that that matter was closed. Is
6 that correct?

7 A That's right. We never knew about the prior. We had
8 no reason to look. We had no complains from clients. We
9 had -- nobody was saying they were missing money, and this
10 just turned up when we started searching because of the
11 Hershberger and the other relevant things.

12 Q Has there ever been instances with when Alex used the
13 firm credit card for personal expenses and was required to
14 pay that back?

15 A Yes.

16 Q And if the money got paid back, well, then the
17 matter -- everybody moved on. Is that right?

18 A That's right.

19 Q So, there was a history of that.

20 A That's right.

21 Q You get the money back in and everybody moves on. Is
22 that correct?

23 A That's right. There's history of trust and
24 brotherhood.

25 Q And that's what happened in July with the Faris fees.

1 Is that correct?

2 A That's right.

3 Q You were asked about whether or not you were told in
4 July that the money was in Chris Wilson's trust account.
5 That's what you were told. Is that correct?

6 A Right.

7 Q Have you come to find out, however, that it actually
8 had not been there?

9 A We did.

10 Q And you found this check proving it, correct?

11 A That's correct.

12 Q The bottom line is is that there had been a long
13 history of if the money got paid back, people would move
14 on, correct?

15 A That's right.

16 Q And things were continuing to percolate. They get
17 delayed in June because of everything that happened,
18 correct?

19 A Correct.

20 Q But you were now curious, and eventually months later
21 you look back at that. Is that correct?

22 A That's correct.

23 Q That also was highlighted and sparked by the discovery
24 of a check proving that he had not been telling the truth
25 the entire time.

1 A Correct.

2 MR. WATERS: Thank you. Nothing further.

3 THE COURT: Anything further?

4 MR. GRIFFIN: No, Your Honor.

5 THE COURT: All right. Thank you. You may step down.

6 (The witness exited the stand.)

7 END OF *IN-CAMERA* HEARING

8 THE COURT: Well, we're running up on lunchtime, Mr.
9 Waters. What's next?

10 MR. WATERS: Well, we can certainly continue this. We
11 have Annette Griswold, who is Alex's former paralegal who
12 in large measure will testify to similar events with Thomas
13 Moore, Hershberger, and Faris fees. Again, I don't want to
14 be cumulative for purposes of this, but she will certainly
15 add to that. We also have available on this particular
16 issue Michael Gunn, who is the principal in Forge who, of
17 course, will testify that he had never had any discussion
18 with Alex about structuring, or at least nothing had ever
19 been set up, and that this account is not his, and that all
20 of the money in these various transactions never went to
21 him, and that they were diverted. And then we have Chris
22 Wilson as well who can describe the circumstances of those
23 Faris fees. All of that will be very lengthy, but we have
24 all of that available in as much as that's necessary to
25 complete the story for purposes of the *in-camera* hearing.

1 We do have, though -- we have arranged to get
2 additional SLED and other witness here related outside of
3 this for the afternoon if you wish to make use of the jury
4 for that.

5 And also as it relates to this -- and we're also
6 prepared to offer testimony about these particular
7 instances, but we do have a confession of judgment that I
8 would offer to the Court at this point in time in the
9 *Satterfield* case. And, again, before the jury we would
10 have testimony about that, but for purposes of clear and
11 convincing evidence, we have this confession of judgment
12 that we would offer for purposes of this hearing as well.
13 In addition, we have his disbarment from the Supreme Court,
14 which also refers to his admission of financial misconduct,
15 which we believe also are relevant to the Court's decision
16 at this point as to whether or not there was clear and
17 convincing evidence established by these various other
18 crimes, and so we would offer those as well to the Court
19 for its consideration now. However, we can certainly offer
20 testimony about those aspects as well.

21 I think, Your Honor, if we can get to a decision point
22 on the law firm witnesses, then we can move forward. And,
23 again, we have some witnesses related to *Satterfield* that
24 we can address and try to work that in over the next few
25 days of court time, and then finally with the boat case as

1 well. So, that would be some of the financial witnesses
2 that we would offer.

3 And then finally, Your Honor, we do have some
4 witnesses from Palmetto State Bank who will talk about the
5 extent of Alex Murdaugh's financial condition at the time
6 the murders happened and the reasons why, explaining the
7 reason why all of these things were occurring and why they
8 were all coming to a head in June of 2021.

9 THE COURT: Mr. Griffin?

10 MR. GRIFFIN: Your Honor, I think there's more than
11 enough in the record from this witness to establish that
12 this evidence is not admissible under 404B, and -- I mean,
13 without even getting to whether they can prove it up by
14 clear and convincing evidence. I'm happy to make that
15 argument at any point in time. But the whole landscape
16 that he just talked about, Your Honor, in 403 he also
17 includes a component of undue delay, and as he just
18 described, all of the financial misdeeds or crimes that he
19 wants to prove up, we're going to be here until end of
20 February, I suspect, or March because that's adding two
21 weeks to this trial.

22 THE COURT: Yes, sir?

23 MR. WATERS: Yes, sir. And obviously as I even
24 pointed out with this witness, we're trying to streamline
25 the presentation. Frankly, the extent of misappropriation

1 is very, very broad and we're trying to focus on just a few
2 areas. And the ones that we're focusing on are the ones
3 that really came out of his mouth within seconds of law
4 enforcement being on the scene, within seconds of the 911
5 call happening, and that is, of course, the boat case. And
6 what does that mean? That there was -- there's two things
7 that are very temporally connected with this particular
8 crime, and that is the confrontations with Ms. Seckinger
9 that morning over the Faris fees that have been percolating
10 for awhile, and then number two is that pending hearing
11 that very week in the boat case, which again, the purpose
12 of that hearing is to -- in a specific request for
13 production and interrogatory to identify all accounts.
14 And, again, once you do that, once those accounts are
15 identified, just like Ms. Seckinger was able to do, just
16 like law enforcement was able to do, and the State Grand
17 Jury was able to do, it doesn't take long to figure all of
18 that out. And then lead to not only know what's happened
19 here, his disbarment, but also -- you know, I don't have to
20 get into this specifically, but 99 counts for which he's
21 facing a possible sentence of life without parole on that
22 alone. And so that kind of consequence that's hanging out
23 there is very much relevant and very timely to what was
24 going on June the 7th in his life.

25 The defense asked the question can you think of any

1 reason, and all of this going on in his life, which is a
2 stellar series of events like nothing ever seen. It's
3 certainly relevant for the jury to consider when they
4 consider a perfect storm that was arriving for this man on
5 June the 7th.

6 THE COURT: Mr. Griffin, the witnesses that are here,
7 Ms. Griswold, Chris Wilson, Mr. Gunn, the confession of
8 judgment, and the disbarment, do you contest the matters
9 which they are here to testify concerning?

10 MR. GRIFFIN: It depends on how far they go with their
11 testimony. But I would certainly, you know, as a predicate
12 for Mr. Gunn to testify that they didn't have an account at
13 Bank of America and those checks were not deposited with us
14 and I didn't know anything about that, I mean, we're
15 acceptable to that. Just, you know, without knowing the
16 full scope of what they intend to offer, it's hard to say
17 yes. But, that's all. Just like this witness, I mean, she
18 has a lot of information that is -- that she learned
19 through an investigation, but if we had to try this case,
20 you know, 90 percent of it she couldn't testify to.

21 MR. WATERS: And, Your Honor, I would point out that
22 those witnesses that I mentioned, as well as every single
23 one of those victims, all testified. You know, there is
24 transcripts on that which the defense has had, which, you
25 know, Your Honor has access to as well. So, I don't know

1 that necessarily it all needs to be repeated for Your
2 Honor's determination now because again, as he just said,
3 those facts have already been testified to.

4 It's just a question of the parameters for this
5 particular trial, which again, the State's intent is not to
6 try 100 white collar cases in the context of this murder
7 case. It's only to explain to the jury enough of what was
8 going on, an unfathomable set of events for a lawyer, what
9 was going on in his life that were all coming to a head on
10 June 7th. I can't -- I think that's extremely relevant,
11 and we plan to do so in a very expedited and focused
12 fashion.

13 MR. GRIFFIN: Your Honor, I would say for the purposes
14 of the trial going forward with the jury, I mean, we're not
15 stipulating to any facts. THE COURT: Yes, sir.

16 Well --

17 MR. GRIFFIN: But for purposes of this hearing, I've
18 been very candid with the Court.

19 THE COURT: Yes, sir. As far as the Court's view of
20 things and what the Court needs to determine to be
21 convinced that clear and convincing evidence exists, clear
22 and convincing evidence is not proof beyond a reasonable
23 doubt and all of that, it says that degree of proof which
24 will give me a firm belief as to the facts sought to be
25 proven. And if those specific facts are not being

1 contested, what the communication with Ms. Griswold that's
2 in the record, with Chris Wilson, there may be -- Attorney
3 Wilson may be some dispute. I don't know, Mr. Gunn. You
4 know, Forge is a well known consulting firm, and the Bank
5 of America accounts says Richard A. Murdaugh, sole
6 proprietor, DBA Forge. A confession of judgment,
7 disbarment, you know, the -- I'm happy to sit and hear any
8 and all of the testimony.

9 You know, one of things that did occur in the *Siegel*
10 case was the judge who got reversed didn't want to spend
11 time listening and hearing all of the evidence because of
12 the expediency of things, and the Court says although we
13 sympathize with the Court's concern about the length and
14 complexity of the trial, we nevertheless conclude that the
15 importance of the evidence -- due to the importance of the
16 evidence, that it must be presented and the Court must
17 receive it. So, I am happy to do that without needless
18 presentation of evidence twice, more than once.

19 And now I understand the defense's position, and I'm
20 not seeking any waiver on the question of whether or not
21 this should be admitted or not admitted. I know you each
22 have your arguments on -- regarding 404 issues, and I
23 haven't heard much argument on the *res gestae* issue, which
24 is equally important, or perhaps more important. But if
25 you are interested in contesting the nature of each one of

1 these witness's testimony, if they're here and available,
2 we can hear them.

3 I mean, we can -- you indicate that there are some other
4 witnesses on other matters that can occupy the jury for a
5 bit of time this afternoon?

6 MR. WATERS: Yes, sir. After our discussion this
7 morning, we got some folks rolling, and after the lunch
8 hour I think we can take us through the end of the day with
9 witnesses that don't relate to this specific issue.

10 THE COURT: We can go in that direction, and then
11 resume with this with more witnesses later this afternoon,
12 tomorrow morning, tomorrow afternoon. I just don't want
13 the jury to sit and to be in an idle format. To the extent
14 that you all can be in agreement with the path forward,
15 that's best. If you can't, then, you know, then I make the
16 call.

17 MR. GRIFFIN: Your Honor, as I mentioned earlier, I
18 strongly believe that, based on what you've heard thus far,
19 it doesn't meet the elements of 404B and you don't need to
20 get to whether it's been proven by clear and convincing.
21 If you rule against us on that, then we have --

22 THE COURT: Well, how about *res gestae*?

23 MR. GRIFFIN: Well, the only thing that would come
24 close to *res gestae* --

25 THE COURT: *Gestae*. I say *res gestae*. You said

1 *gestae*. Go ahead.

2 MR. GRIFFIN: Tomato, tomato, right? So, the only
3 thing that comes close to that is, you know, the encounter
4 on June the 7th by Ms. -- by this witness up there about
5 the Faris matter. So, one matter is the Chris Wilson
6 cocounsel fee issue, and that was the only thing he was
7 confronted about on the afternoon before the murders.
8 And --

9 THE COURT: Yeah, but the State has to prove the state
10 of mind of the defendant.

11 MR. GRIFFIN: Right.

12 THE COURT: Not solely what this witness knew at that
13 moment in time but what the defendant knew --

14 MR. GRIFFIN: And, Your Honor --

15 THE COURT: -- that was subject to exposure.

16 MR. GRIFFIN: And so, Your Honor, in the -- with
17 regard to the *res gestae* issue, we had briefed *State v.*
18 *King*, 334SC504, and that is somewhat similar in that it
19 involved thefts where someone is stealing money and there
20 were remote thefts, and there was a theft the night before,
21 or close in time to the murders. And the claim was that
22 the murders were done to get money from the victim and that
23 we had thefts earlier in the day, or the day previous, and
24 then a number of thefts months and years before.

25 THE COURT: Did the judge do the 403 analysis, 403 and

1 404 analysis in *King*?

2 MR. GRIFFIN: Well, the trial judge allowed it in and
3 the Supreme Court justice, Justice Burnette in 1999
4 overturned Judge Hicks Harwell for admitting the evidence.

5 THE COURT: Without conducting the 404 analysis, 403
6 analysis?

7 MR. GRIFFIN: Well, I mean, they have a footnote in
8 there --

9 THE COURT: Got to have a hearing. You have to do
10 what we're doing now.

11 MR. GRIFFIN: Yes, sir, but in the case they said
12 while the remote thefts may have been mentally -- minimally
13 relevant to show motive under *Lyle*, the prejudicial effect
14 of this evidence far outweighed the slight probative value.
15 So, the Supreme Court did a 403 analysis, and that's in
16 footnote five, Your Honor.

17 THE COURT: Well, anything else before we break?
18 We'll resume at 2:00 with -- at 2:15 with witnesses, and we
19 will resume with witnesses in the -- jury witnesses, and
20 we'll resume with this *in-camera* hearing involving
21 witnesses later.

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

23 THE COURT: We'll be in recess until 2:15.

24 (A lunch break was taken.)

25 THE COURT: You may bring the jury.