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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM COLLETON COUNTY
Court of General Sessions

S.C. SUPREME COURT

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

Appellate Case No. 2023-000392

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

V.

RICHARD ALEXANDER MURDAUGH, ... APPELLANT.

**RECORD ON APPEAL
VOL. VII**

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1 (The jury returned to the courtroom.)

2 THE BAILIFF: The jury is present, sir.

3 THE COURT: Thank you.

4 All right, thank you and welcome back.

5 You may call your next witness.

6 MR. CONRAD: The state calls Investigator Dylan
7 Hightower.

8 The witness, DYLAN HIGHTOWER, was first duly sworn and
9 testified as follows:

10 THE CLERK: Take a seat in the witness stand. State
11 your name again for the record and spell your last name.

12 THE WITNESS: My name is Dylan Hightower,
13 H-i-g-h-t-o-w-e-r.

14 DIRECT EXAMINATION

15 BY MR. CONRAD:

16 Q Investigator Hightower, good afternoon.

17 A Good afternoon, sir.

18 Q Where are you employed, sir?

19 A I currently work for the Fourteenth Circuit
20 Solicitor's Office as an investigator; I also supervise the
21 Criminal Intelligence Unit within our office.

22 Q What is the Fourteenth Circuit Solicitor's Office?

23 A The district attorney of the Fourteenth Circuit, which
24 is comprised of five counties: Allendale, Beaufort,
25 Colleton, Hampton, and Jasper counties. Our office handles

1 all general sessions related criminal offenses in court.

2 Q All right, and specifically your role as an
3 investigator, what are your duties in the Fourteenth
4 Circuit Solicitor's Office?

5 A Yes, sir. My duties are to prepare cases for trial,
6 locate and identify witnesses, interview witnesses, obtain
7 any additional evidence that may be needed prior to trial.
8 We also prepare witness testimony for all of our potential
9 witnesses for all of our trials. Also outside of preparing
10 cases for trial I assist with local, state, and federal law
11 enforcement agencies with active and criminal
12 investigations.

13 Q Okay, and can you just briefly describe your
14 background in law enforcement that lead you to -- lead to
15 your employment at the Fourteenth Circuit Solicitor's
16 Office?

17 A Yes. So, in 2010 I graduated from the University of
18 South Carolina in Columbia with a Bachelor of Arts degree
19 in sociology. Soon thereafter a criminal intelligence
20 position became available within the Fourteenth Circuit
21 Solicitor's Office, to which I then applied and accepted.
22 Initially when I first was hired, I attended a four week on
23 the job training at the South Carolina Law Enforcement
24 Division in the Fusion Center for Criminal Intelligence
25 Analysis School. Afterward I attended the PenLink Call

1 Analysis Training Center there in Columbia as well. In
2 2013 I became a class one certified law enforcement
3 officer.

4 In 2014 I attended the Fundamentals -- ETS
5 Fundamentals of Call Detail Record Analysis in Pinehurst,
6 North Carolina. In 2015 I attended and became a Susteen
7 Security Cellular Forensics Operator to obtain the evidence
8 from a specific device for telephone, cellular telephone.
9 In 2016 -- if I may refer to my notes?

10 Q Yes.

11 A For timing? Later on in 2015 I attended a course,
12 Gladiator Cellular Forensics Course where we learned about
13 ESPA and GAR. ESPA stands for Enterprise Sensor Processing
14 Analytics; GAR stands for Gladiator Autonomous Receiver.
15 Essentially that class taught us to use specific devices in
16 software to identify digital footprints of cellular towers
17 within a specific area. In 2017 I attended an operator
18 course for BlackBag Mobilyze, which is a forensic tool to
19 extract data off of a cellular telephone. In 2018 I
20 attended the FBI CAST -- cast stands for Cellular Analysis
21 Survey Team -- on a class involving historical cell site
22 analysis, which identifies tower activity, tower
23 orientation, sector information of incoming and outgoing
24 calls, and a specific telephone number.

25 Q Investigator Hightower, I'm going to stop you there.

1 So, in -- as part of your job as an investigator for the
2 Fourteenth Circuit, your role is to help with cell tower --
3 cell records and cell tower information, correct?

4 A Yes, sir, among other things.

5 Q And you've also had training on downloading and doing
6 extract -- extracts from phones as well, correct?

7 A I do, yes, sir.

8 Q Okay. All right. Is it unusual for you to respond to
9 murder scenes in the Fourteenth Circuit?

10 A No, sir, not at all.

11 Q And you personally met the defendant in this case,
12 Mr. Alex Murdaugh. Is that correct?

13 A Yes, sir, I did.

14 Q All right, and does Mr. Alex Murdaugh, or at least at
15 one point, have an association with the Fourteenth Circuit
16 Solicitor's Office?

17 A Yes, sir, he did.

18 Q What was that association?

19 A He was identified as a volunteer solicitor within our
20 office.

21 Q All right, and when you say assistant solicitor, what
22 does an assistant solicitor do?

23 A They prosecute cases in general sessions court.

24 Q And you've -- in your role, you've participated in a
25 number of trials before, correct?

1 A I have. I've been doing this for approximately coming
2 up on twelve and a half years.

3 Q Have you had an opportunity to participate in any
4 trials with the defendant, Richard Alexander Murdaugh?

5 A Yes, sir, there was one.

6 Q And approximately when was that?

7 A Probably 2015 or 2016. It was a murder case out of
8 Hampton County.

9 Q And what role did Mr. Alexander Murdaugh fill in that
10 case?

11 A He was essentially one of prosecutors on the case.
12 His father, Randolph Murdaugh, was technically the lead on
13 the case and who I spoke with and met with prior to my
14 testimony in the trial.

15 Q Okay. All right. Let's move forward to June 8th of
16 2021. Do you recall that day, sir?

17 A Yes, sir, I do.

18 Q And did you have an occasion to respond to 4147
19 Moselle Road here in Hampton -- or Colleton County?

20 A Yes, sir, I did.

21 Q And briefly explain how you became involved and why
22 you responded out there along that road.

23 A So that morning, multiple phone calls were crossing
24 through multiple employees throughout our office regarding
25 the incident that occurred. We then all -- we being

1 myself, two other investigators, my solicitor, my deputy
2 solicitor -- traveled to SLED Lowcountry here in Walterboro
3 and attended a briefing involving all of the law
4 enforcement agencies responsible for the investigation.
5 During that briefing, we learned more about the particulars
6 of what occurred, and then afterward we had all traveled
7 together in multiple vehicles to 4147 Moselle Road.

8 Q Okay. So, yourself and several other Fourteenth
9 Circuit investigators responded, correct?

10 A Yes, sir. I drove with one other investigator riding
11 with me; one additional investigator met us there. Captain
12 Ryan Neill with the South Carolina Law Enforcement Division
13 was in the vehicle with Solicitor Stone and Deputy
14 Solicitor Thornton.

15 Q And you just testified that it's not and usual for
16 you, yourself, to respond to a murder scene, correct?

17 A No, sir. In all of the murder cases that I've been
18 involved in, any type of criminal proceeding, probably
19 95 percent of those scenes I've actually gone to.

20 Q All right, and was it unusual for the solicitor to
21 respond to a scene that quickly after an incident, in your
22 experience?

23 A No, sir, not at all. Again we -- as a staff that are
24 involved with the prosecution team, we have always traveled
25 to a crime scene if we go to a courtroom.

1 Q And just so it's clear, I don't know if you said it
2 yet, but who is the solicitor of the Fourteenth Circuit?

3 A The solicitor is Duffy Stone.

4 Q And he would be your direct boss, right?

5 A I go through the Deputy Solicitor Sean Thornton,
6 but --

7 Q He's the ultimate boss.

8 A -- the ultimate boss is Solicitor Stone, yes, sir.

9 Q All right, and once you got to the scene, what did you
10 do?

11 A Once we arrived on scene, we met with Captain Ryan
12 Neill kind of all in a group. Captain Neill then walked
13 around the scene and kind of noted different points of
14 view, different pieces of -- the crime scene had already
15 been relinquished at that point by the crime scene agents.
16 There was no crime scene up; it was wide open. There were
17 multiple members of the law firm there, other SLED agents
18 as well. We had all kind of walked around the scene,
19 around the barn, around the kennels, identified the points
20 of interest, and where each of the bodies were with Paul
21 and Maggie, and then kind of circulated around the property
22 and got a better visual of what all actually occurred.

23 Q And while you were there, did you bring any equipment
24 with you to help aid the investigation?

25 A Yes, sir, I did.

1 Q And what did you bring?

2 A Our Fourteenth Circuit Solicitor's Office drone.

3 Q Okay. I'm going to show you some pictures, and they
4 are marked Exhibit 242, 241, 240, 239, 237 -- pull these
5 papers apart -- 238. Do you recognize those pictures, sir?

6 A Yes, sir, I do.

7 Q All right, and what are those pictures?

8 A This is drone imagery of the scene right around the
9 kennels, in the general vicinity around the kennels.

10 Q And that was from a drone you operated?

11 A Yes, sir, it is.

12 Q All right, and about what time do you recall that you
13 took those pictures and what day?

14 A It was on June 8th of 2021, between 1:30 and 2:30 p.m.
15 that afternoon.

16 Q Okay. All right.

17 MR. CONRAD: At this time the --

18 MR. HARPOOTLIAN: No objection, Your Honor.

19 MR. CONRAD: At this time, the State would move to
20 enter into evidence Exhibits 242, 241, 240, 237, 238 and
21 239.

22 THE COURT: They're admitted without objection.

23 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 237 WAS
24 RECEIVED INTO EVIDENCE.)

25 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 238 WAS

1 RECEIVED INTO EVIDENCE.)

2 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 239 WAS
3 RECEIVED INTO EVIDENCE.)

4 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 240 WAS
5 RECEIVED INTO EVIDENCE.)

6 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 241 WAS
7 RECEIVED INTO EVIDENCE.)

8 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 242 WAS
9 RECEIVED INTO EVIDENCE.)

10 MR. CONRAD: I'll need the ELMO, please.

11 (Break in proceedings.)

12 Q Okay. Can you see this picture on your screen, Mr.
13 Hightower?

14 A Yes, sir, I can.

15 Q All right, and what is this an image of?

16 A So, this is closest kind of in the direction of the
17 house looking back towards the hangar area, as well as the
18 dog kennels off to your right. My vehicle is right dead
19 center in the picture, and then other SLED agents' vehicles
20 were over on the left.

21 Q Okay, and I'm going to ask you to step down real quick
22 to point out a couple of things, if you don't mind. All
23 right, and you might have to step over these boxes. But
24 can you point out from what you were told when you were on
25 scene approximately where Paul Murdaugh's body was found on

1 that picture?

2 (Break in proceedings.)

3 A Paul's body was right here near the dog kennels.

4 Q Okay, and where was Maggie's body?

5 A She would have been right under this area here just on
6 the corner.

7 Q And you testified by the time you got to the scene,
8 SLED Crime Scene had cleared it and then departed, correct?

9 A Yes, sir.

10 Q And when you say -- you can take a seat again. When
11 you say that crime scene had cleared, what does that mean?

12 A It was no longer an active crime scene. Once the
13 crime scene tape is removed, it's no longer active.

14 Q So, other individuals could walk and view the crime
15 scene at that point.

16 A Yes, sir, that is correct.

17 Q All right, and that was Exhibit 240. And I'm going to
18 show you Exhibit 241, and that's the same general area, a
19 little bit closer on where Maggie and Paul's body were,
20 correct?

21 A Yes, sir, that is correct.

22 Q And now I'm going to show you 242. All right, and
23 that's a little bit lower angle of looking at the scene
24 area where Maggie and Paul's body were, correct?

25 A Yes, sir, that is correct.

1 Q All right, and I'm going to show you Exhibit 239.

2 Okay. What is this angle and what is it looking at? And,
3 in fact, if you want to step down again and point to the
4 jury. Yeah, that's better. Okay. So, at the top of this
5 picture and kind of in the center, what is that?

6 A So this here is the residence, 4147 Moselle Road; it
7 is the actual residence. This is the field between the
8 residence and the kennels. Again, the kennels -- the edge
9 of the kennels is right there, but you can see the top of
10 the hangar there as well. This is a direction looking
11 directly over the hangar pointing directly back towards the
12 residence.

13 Q All right, and I'm going to ask you to sit down a
14 second, but I want to call your attention to this line of
15 trees right here. Do you see that, sir?

16 A Yes, sir, I do.

17 Q All right, and this picture -- you can take a seat.
18 This picture was taken again when?

19 A These were taken on the afternoon of June 8, 2021.

20 Q Okay, and we see some pine trees kind of running
21 diagonally in between the kennels and the house, correct?

22 A Yes, sir, you do.

23 Q And you were out there at the scene first, correct?

24 A I was.

25 Q And can -- from the best of your recollection, can you

1 remember the approximate height of most of these trees
2 during this time?

3 A I would approximate probably 6, 7, maybe 8 feet on
4 certain ones, but you did get a clear channel and a clear
5 view back towards the residence.

6 Q Okay, and you've been out there more recently, haven't
7 you?

8 A Yes, sir, I have.

9 Q And did you notice any differences with those trees at
10 least at present day compared to June of 2021?

11 A Yes, sir. It's much more overgrown than what it looks
12 like in that picture.

13 Q Have those trees grown higher?

14 A Much higher, yes, sir.

15 Q I'm going to show you -- this is going to be Exhibit
16 238, and this is approximately the same angle, correct?

17 A The same angle, just the drone shifted backwards a
18 little bit so you could actually see the full hangar, the
19 full kennels, as well as the residence.

20 Q Okay, and finally I'm going to show you Exhibit 237.
21 And what angle is this in relation to the kennels?

22 A So, the idea behind this was to identify both
23 driveways accessing the residence, as well as accessing the
24 barn area. So, this is further back kind of closest to the
25 field area looking back towards the hangar, the dog

1 kennels, and the two driveways that you can travel or
2 arrive on from the property.

3 Q And this gives a good angle of those trees that we
4 were just discussing to show how closely -- or how closely
5 they're spaced, correct?

6 A Yes, sir, that is correct.

7 Q Okay, let's step back a little bit chronologically a
8 little earlier in the day of June 8th of 2021. While you
9 were at the scene, did Maggie's cell phone come up in
10 conversations?

11 A Yes, sir, it did.

12 Q All right. Describe the context of that. How did it
13 come up, and who was there when it came up?

14 A It was during the general overview of the scene. We
15 started asking questions about pieces of physical evidence
16 that might have been identified. I learned at that time
17 that Paul's phone was found on him, and Maggie's phone was
18 not located anywhere near the scene during the scene
19 processing. So, therefore, I explored other options to try
20 to identify where her phone may be.

21 Q And you testified awhile ago you've got pretty
22 extensive training and experience dealing with cell phones,
23 correct?

24 A Yes, sir. Every case -- I would say 95 percent of all
25 of or cases we put to a courtroom involve all forms of

1 digital forensics: cell phone extractions, cell phone
2 records, things of that nature. It's a part of our
3 everyday life.

4 Q So with that background, when you learned Maggie's
5 phone was missing, what -- did you have any ideas?

6 A I did, yes, sir.

7 Q And what idea did you have?

8 A Knowing that they were -- the Murdaughs were a close
9 knit family, I figured one of the family members might have
10 had a direct location on Find My iPhone, knowing that they
11 all utilized iPhones.

12 Q All right, and did you communicate that idea to
13 anyone?

14 A Yes, sir, I did. I spoke with John Marvin Murdaugh on
15 the scene.

16 Q All right, and what did he do in reaction to your
17 suggestion?

18 A He believed that one of the family members did have
19 access to Maggie Murdaugh's phone location via Find My
20 iPhone. He left for a few minutes, short minutes, and came
21 back to me with a cell phone I believed to be Buster
22 Murdaugh's phone.

23 Q You're not 100 percent --

24 A Not 100 percent positive.

25 Q All right, and what did you do once this phone was

1 handed to you by John Marvin?

2 A I took possession of the phone, obviously looked at
3 the virtual map, walked into the direction of where I
4 believed it to be to see if it might be in the general
5 vicinity of where we were around the dog kennels.

6 As I walked probably 30 or 40 yards, I realized it was
7 much further away than I originally anticipated, so I then
8 backed -- went back to my vehicle. I got in with John
9 Marvin. I had possession of the phone the entire time.
10 Two of our other investigators, Solicitor Jojo Woodward and
11 Solicitor -- or, excuse me, Investigator Donnie Hutto rode
12 with me back towards the general area of where the device
13 was showing.

14 Q Okay, and so you had this family phone the entire
15 time, correct?

16 A Yes, sir, I did.

17 Q And you were tracking to where Maggie's phone exactly
18 was.

19 A I was driving and looking down at the phone making
20 sure I was going in the proper direction.

21 Q Approximately how far did you drive?

22 A About a half a mile from the entrance to the barns,
23 the driveway to the barns.

24 Q I'm going to show you what's been marked as
25 Exhibit 227. Do you recognize that?

1 A Yes, sir, I do.

2 Q All right, and what is that?

3 A That's an overview from Google maps that shows both
4 the residence, as well as the general location of where I
5 ultimately located Maggie Murdaugh's phone along the edge
6 of Moselle Road.

7 Q And you prepared that --

8 A I did.

9 Q -- to show the location.

10 A Yes, sir.

11 (Break in proceedings.)

12 MR. HARPOOTLIAN: No objection.

13 THE COURT: It's admitted.

14 MR. CONRAD: The State moves 227 into evidence.

15 THE COURT: It's admitted.

16 (GOOGLE MAP MARKED AS STATE'S EXHIBIT NUMBER 227 WAS
17 RECEIVED INTO EVIDENCE.)

18 Q Okay. Can you see that on your screen, Investigator
19 Hightower?

20 A Yes, sir, I can.

21 Q All right. We're going to ask you to step down one
22 more time. All right. On this overview, can you point out
23 where the residence is for 4147 Moselle Road?

24 A The residence is here, you can see the driveway here
25 as well, and then the kennels are up here.

1 Q Okay, and there's a marker on there, correct, that
2 says general location of phone?

3 A Yes, sir, that would be right here.

4 Q All right, and that's where you found Maggie
5 Murdaugh's phone, correct?

6 A Yes, sir. So, I was walking -- when I was trying to
7 get a better idea of where the phone actually was, I was
8 walking up and down the driveway here to the kennels,
9 obviously looking down at the phone trying to identify the
10 general location. Once I started to realize that the phone
11 was much further away, that's when I jumped into my
12 vehicle. I turned and went southeast of the residence
13 area. Once I got to this specific area where the field
14 kind of opened up, I started getting closer and closer to
15 the blue dot you would see on Find My iPhone. Once I got
16 closer and closer, we all got out on foot and walked the
17 property to identify where that phone was.

18 Q Okay. You can take a seat.

19 (Break in proceedings.)

20 MR. HARPOOTLIAN: No objection, Your Honor.

21 Q And I'm going to hand you Exhibit 236, 235, 234, 233,
22 232, 231, 230, 229, and 228. Do you recognize any of those
23 photos?

24 A Yes, sir, I do.

25 Q All right, and what are those?

1 A These are photographs that I took of Maggie Murdaugh's
2 phone as it was laying in the -- in the brushed area, or
3 leafed area closer to Moselle Road, about 15 or 20 feet
4 away from Moselle Road.

5 Q And did you ever personally pick up Maggie's phone?

6 A I never touched the phone. Once I identified the
7 location of where the phone was, I contacted captain Ryan
8 Neill with the South Carolina Law Enforcement Division. He
9 sent a team with Special Agent Katie McCallister and
10 Special Agent Jeff Croft to take possession of the device.

11 Q Okay. So, when you took these pictures, Maggie's
12 phone had not been touched, correct?

13 A It has not been touched, no, sir.

14 Q All right.

15 MR. CONRAD: At this time, the State is going to move
16 Exhibits 236, 235, 233, 231, 228, 227 (sic), 230, 232, and
17 234 into evidence.

18 MR. HARPOOTLIAN: I said no objection.

19 THE COURT: They're admitted without objection.

20 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 228 WAS
21 RECEIVED INTO EVIDENCE.)

22 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 229 WAS
23 RECEIVED INTO EVIDENCE.)

24 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 230 WAS
25 RECEIVED INTO EVIDENCE.)

1 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 231 WAS
2 RECEIVED INTO EVIDENCE.)

3 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 232 WAS
4 RECEIVED INTO EVIDENCE.)

5 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 233 WAS
6 RECEIVED INTO EVIDENCE.)

7 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 234 WAS
8 RECEIVED INTO EVIDENCE.)

9 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 235 WAS
10 RECEIVED INTO EVIDENCE.)

11 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 236 WAS
12 RECEIVED INTO EVIDENCE.)

13 Q Okay. I'm going to show you first Exhibit 230. All
14 right, and in the center of this I see two orange flags.
15 Do you see those?

16 A Yes, sir, I do.

17 Q What are those orange flags?

18 A So once I located the device, I found some standard
19 landscape flags laying around. I then obtained those,
20 walked over towards where the phone actually was, put one
21 towards the phone and one kind of where you could see it
22 from the roadway as the SLED agents were responding to
23 collect it.

24 Q Okay. So, where was Maggie's phone in relation to
25 these two orange flags again?

1 A So, it would be the furthest one away. This is just a
2 point of view from the street looking back towards where
3 the phone was.

4 Q Okay, and we see what looks like pavement in the
5 foreground. Is that correct?

6 A Yes, sir. That is Moselle Road.

7 Q And so that represents the edge of the road, correct?

8 A That is correct, yes, sir.

9 Q And just so it's clear, is this the north side of the
10 road or south side of the road?

11 A This would be --

12 Q Well, let's go back to -- let's go back to
13 Exhibit 227. So, this -- does this represent north --
14 north, south is up and down on this map you prepared?

15 A Yes, sir, it does.

16 Q Okay. All right. So, was the phone found on the
17 right side of Moselle Road on this picture or the left
18 side?

19 A It would be on the right side on this angle.

20 Q I'm going to show you Exhibit 234. And do you
21 recognize what's in that picture?

22 A Yes, sir, I do.

23 Q All right, and right in the center of that picture,
24 what is it?

25 A That's the Apple iPhone that actually had a camouflage

1 case with an orange tint to it, and there was standing
2 water on top of the screen.

3 Q Okay, and I see the little black area if you look up
4 and left of the phone in the center of picture there. Do
5 you know what that was, or was that of any significance?

6 A I don't believe it was anything significant from what
7 I recall. It might have been a bottle or something of that
8 nature.

9 Q Okay. I'm going to show you now Exhibit 231. Okay,
10 and I believe in the center of this picture towards the
11 bottom, what is that?

12 A That is the cell phone identified as Maggie Murdaugh's
13 phone.

14 Q And we see an orange flag just a little bit in front
15 of it. Is that correct?

16 A Yes, sir, that is correct.

17 Q Okay, and is that the orange flag you placed?

18 A It is.

19 Q All right, and then in the distance I see a line, a
20 white line. It doesn't show very clear on the ELMO, but
21 what is that? And I can bring the picture to you if you
22 need me to.

23 A I could explain what this picture is of looking back
24 towards because I -- based off of the glare, I can't even
25 see the roadway.

1 Q Right. I'll show it to you. What -- on this far line
2 here, what is that?

3 A Of this back here?

4 Q In front of that.

5 A Okay. This is Moselle Road here.

6 Q Okay.

7 A This is just on the opposite side of the cell phone
8 looking back towards the field area. The trees were a line
9 of reference to identify where it was actually located.

10 Q Okay. All right, and can you -- did you -- can you
11 approximate the distance from the road that you found this
12 phone?

13 A I didn't step it off or measure it, but I would say
14 between 15 and 20 feet.

15 Q Okay. I'm going to show you exhibit -- excuse me.
16 All right, we are looking at Exhibit 228. All right,
17 describe what's in this picture, please.

18 A That is just a more close-up picture of the Apple
19 iPhone recovered from the leaves.

20 Q And do I see something on the screen of that phone?

21 A Yes, sir. It's standing water believed to be from the
22 moisture from the night before.

23 Q And that screen, is that facing up or facing down?

24 A The screen is facing up.

25 Q All right. I'm showing you Exhibit 235. All right,

1 and what's in this picture?

2 A It's just the opposite angle on the other side of the
3 phone, more of a close-up of the iPhone.

4 Q And you can see those water droplets on the phone?

5 A Yes, sir.

6 Q And I see some sort of vine on top of phone. Can you
7 tell what that is?

8 A It appears to be some sort of a plant or --

9 Q All right, and finally 236. What is in this picture?

10 A Again, more of a close-up from the top of the phone
11 looking down.

12 Q Okay, and this is Exhibit 233. All right, what is --
13 describe this picture.

14 A So, the reason behind this is to obviously identify
15 the location of where the device was. I had walked out to
16 Moselle Road, got into the center of the roadway, and taken
17 a picture of the trees in the field directly on the
18 opposite side of the road of where the phone was found.

19 Q All right, and this is Exhibit 232. If you would,
20 describe this picture, please.

21 A This is me standing in the same location as the
22 previous picture. This is me just turning right towards
23 the residence to show the pitch in the road, as well as the
24 start of the break of the field off to the left.

25 Q So, you're standing basically across the road where

1 Maggie's phone was found, correct?

2 A That is correct. It will be directly to my right in
3 this picture.

4 Q And facing down that road, what's that way?

5 A That's back towards the residence and the kennels.

6 Q And whose vehicle is -- do you recall whose vehicle is
7 in that picture?

8 A That was Captain Ryan Neill's.

9 Q And finally Exhibit 229, and what's in this picture?

10 A That is a close-up of the back of the picture, or back
11 of the iPhone. That's Special Agent Katie McCallister that
12 has possession of it. At that point in time, we had put it
13 in airplane mode and sealed it into an evidence bag.

14 Q Now, you did not physically pick the phone up,
15 correct?

16 A I never once touched the phone, no, sir.

17 Q You observed it being picked up, correct?

18 A I did, yes, sir.

19 Q And did you have anything further to do with Maggie's
20 phone after it was collected?

21 A I was provided the extraction once that was completed,
22 yes.

23 Q Okay.

24 A But, yes, nothing further with the actual device.

25 Q Okay, and that was from Lieutenant Dove?

1 A That is correct, yes, sir.

2 Q Okay, let's go forward to the date of June 10th, which
3 was three -- or two days after you found Maggie's phone.

4 Is that correct?

5 A Yes, sir, that is correct.

6 Q All right, and did you have reason to respond back out
7 to Moselle on that date?

8 A It was not Moselle, but I believe it was John Marvin's
9 hunting property.

10 Q Okay. All right. You responded to John Marvin's
11 hunting property, and why did you go there on that day,
12 June 10th?

13 A I was requested to extract cellular phones from Alex
14 Murdaugh, Randy Murdaugh, John Marvin Murdaugh, and Buster
15 Murdaugh while they're all being questioned by SLED agents.

16 Q And to your knowledge, did all of those individuals
17 provide consent?

18 A Yes, sir, they did, as well as their pass codes.

19 Q Okay. All right. So, how many phones did you
20 download again? I'm sorry.

21 A During that timeframe I had extracted three total
22 phones. There towards the end, once the interviews were
23 being concluded, a phone call was made to multiple family
24 members explaining Randolph's condition, and they all had
25 to leave and go back to Almeda.

1 Q Okay.

2 A I was only able to extract three phones at that time.

3 Q And whose phones were that, those three?

4 A That would have been Alex's, Randy's, and Buster
5 Murdaugh's phone.

6 Q All right, and just generally speaking, why did you
7 download -- why were you needing to download those phones
8 on that day? What was the purpose?

9 A I was tasked by multiple SLED agents to assist them
10 while they were conducting all of their interviews to
11 extract the contents of their phone to see if there might
12 be any evidence of the murders on any of their phones.

13 Q And was it unusual for SLED in this area to request
14 your assistance with some cell phone evidence?

15 A No, sir, not at all.

16 Q Okay. All right. So, you downloaded those three
17 phones. This jury has heard testimony about different
18 types of extractions. What type of extraction did you do
19 on June 10th? Let focus on Alex's phone. What type of
20 extraction did you do?

21 A The initial extraction was an advanced logical that I
22 had done there on scene at the hunting property.

23 Q How long do you recall approximately that that logical
24 extraction took?

25 A Advanced logical is basically just a surface area of

1 the phone identifying the call logs, incoming and outgoing
2 phone calls, text messages, any emails. General location
3 information. You won't always get a whole lot of location
4 information, but ideally to get a pretty good idea as to
5 what's happening on that phone during that timeframe.

6 Q And just time wise, you know, I know every phone is
7 different, but do you recall approximately how long it took
8 to download Alex's phone?

9 A I would say between 30 minutes and an hour. None of
10 the phones took any longer than an hour to conduct an
11 advanced logical. Full file system takes much longer.

12 Q So, between the three phones you successfully
13 downloaded data. It took you between in total an hour and
14 a half to 3 hours approximately, would you say?

15 A Yes, sir.

16 Q Okay. This jury has heard about the whole file system
17 and physical extraction before. You have that capability,
18 correct?

19 A Yes, sir, I do.

20 Q All right, but you did not perform that on these three
21 phones on June 10th, correct?

22 A That is correct.

23 Q All right, and just, again, generally speaking,
24 knowing every phone is different, you know, how much longer
25 does a physical extraction take than a logical extraction?

1 A It depends on the size of the phone. Obviously phones
2 these days are getting much larger. Depending on the size
3 of those phones, depending on how long a full file system
4 extraction will actually take, it could be hours, it could
5 be days. It just kind of depends.

6 Q Okay, and did you feel like you had hours and hours
7 and days and days to download these phones?

8 A No, sir, I did not.

9 Q Because what did you do after you were done extracting
10 them?

11 A I supplied each of their phones back to them,
12 obviously because of the issues dealing with Mr. Randolph
13 at that time.

14 Q And you felt some pressure because of the health
15 issues of Mr. Randolph to give -- return their phones to
16 them so they could take care of family business?

17 A Yes, sir, that is correct.

18 Q And so just -- you said a minute ago. So, all you
19 removed from these phones was that surface layer of
20 information, correct? Is that what you --

21 A Yes, sir.

22 Q All right, and that surface information includes texts
23 and call logs, pictures, and things of that sort, correct?

24 A Yes, sir, it does.

25 Q And you said sometimes you get some location data but

1 not always, correct?

2 A That is correct, yes, sir.

3 Q Now, in relation to Alex's phone, was there a concern
4 about his status as an attorney on that?

5 A Yes, sir, there was.

6 Q All right, and that could potentially contain
7 privileged information, correct?

8 A Yes, sir, that is correct.

9 Q All right. So, you did the raw download, logical
10 download, and did you initially look at anything on Alex's
11 phone on June 10th?

12 A I did not. I was -- once the extraction was
13 completed, I obtained the UFDX file, which is the raw file
14 for a Cellebrite file. I then transferred that
15 electronically over to Sergeant Paul McManigal at the
16 Charleston County Sheriff's Office, who also serves in the
17 United States Secret task force, the Cyber Crime Task
18 Force. I also did that with Randy Murdaugh's phone as
19 well. So, I sent him two of the UFDX raw files from
20 Cellebrite for him to dump into what's called physical
21 analyzer to extract the data. At that time a taint
22 attorney was assigned from the Ninth Circuit Solicitor's
23 Office. She had met with Sergeant McManigal and gone over
24 all of the attorney/client privilege information, and I was
25 provided a working copy of Alex Murdaugh's phone from Paul

1 McManigal a few days after that.

2 Q And just so it's clear, you said that she's from the
3 Ninth Circuit?

4 A That is correct, yes, sir.

5 Q And that's a totally separate office from your
6 circuit, correct?

7 A Yes, sir, it is.

8 Q Once you received this redacted logical phone
9 extraction from Sergeant McManigal, what did you do next?

10 A I opened it in what's called Cellebrite Reader, which
11 is an executable file. It allows you to go in and view the
12 content of the phone. It's essentially a dashboard that
13 allows you to maneuver around the device itself in a more
14 readable format and identify incoming and outgoing calls,
15 read text messages, any type of emails, photographs,
16 videos, or anything that might be in that person's camera
17 roll.

18 Q And in the course of your assistance in this
19 investigation, did you acquire any other records to assist
20 you in looking through these phones?

21 A Yes, sir, I did.

22 Q What did you acquire?

23 A I was supplied with all of the call detail records
24 from Verizon for all of the parties that we had obtained
25 information on, or obtained a search warrant on to identify

1 ideally location information. What I like to do in my
2 cases if we have a phone extraction as well as phone
3 records, I like to compare the two and identify any
4 discrepancies or any issues that might occur. But the call
5 detail records allow you to obtain location information if
6 you don't get it from the Cellebrite extraction.

7 Q Okay, and so you obtained via search warrant, or
8 assisted obtaining via search warrant cell records for
9 Mr. Alex Murdaugh and some other individuals, correct?

10 A Yes, sir.

11 Q And those records have been entered into evidence as
12 268, correct?

13 A I believe so, yes, sir.

14 Q All right, and you said -- you just testified that you
15 took those cell phone records, which, to remind the jury,
16 that's information that's stored by who?

17 A By Verizon. In this case Verizon.

18 Q By the cell company, correct?

19 A Yes, sir.

20 Q And you compared it to the information you found on
21 these phones, correct?

22 A I did, yes, sir.

23 Q And specifically with Alex's phone, what did you
24 discover when you were comparing these phone records to the
25 phone itself, the call log?

1 A Once I started -- I essentially build a digital
2 timeline of all forms of digital evidence that we had had
3 during that timeframe, and it was kind of a working copy.
4 During that timeframe, I compared the call logs from the
5 extraction from the actual device to the phone logs that I
6 saw in the call detail records provided from Verizon. On
7 the date in question, on June 7th, I only saw two FaceTime
8 calls on the phone extraction, and I saw a series of around
9 73 phone calls on the Verizon call detail record.

10 Q And what did that tell you when you saw that, that
11 missing information?

12 A It could be a multitude of things. They were either
13 removed by the user or the one responsible in using the
14 device. It could have overlapped from the call log
15 history. It could have been a series of things. But I
16 just wanted to make sure that I identify the phone records
17 that were in communication during that timeframe and the
18 lack of that information on the actual data.

19 Q You just said it could have overlapped. What does
20 that mean?

21 A Over time your call log obviously gets -- historically
22 it just kind of removes itself from the call log history on
23 your actual device. It's nearly impossible to -- actually,
24 I know of no way to delete any phone calls that you might
25 have made that have processed through the network, in this

1 case Verizon.

2 Q So, there's no way for a user to delete records from
3 Verizon, correct?

4 A That is correct, yes, sir.

5 Q All right, but, you know, in your investigation in
6 this phone, of Alex's phone, I mean, is that what happened,
7 that this call log overlapped, or were you able to
8 determine that?

9 A I was not able to determine it because it was an
10 advanced logical, so I was not able to recover any
11 completed items during that timeframe.

12 Q So, you didn't recover any deleted artifacts of the
13 phone calls.

14 A That is correct, no, sir, I did not.

15 Q And when I say deleted artifacts, what do I -- what
16 does that mean?

17 A Anything that was manually deleted from the device
18 itself.

19 Q All right, and there's sometimes a trace left in
20 memory when something is deleted, correct?

21 A Yes, sir, that is correct.

22 Q The logic extraction is not going to find that,
23 correct?

24 A No, sir.

25 Q Okay. All right, but in your review of the call logs,

1 did you discover whether prior -- some time prior to
2 June 7th that there was still calls in those logs?

3 A Yes, sir, there was.

4 Q All right, and so this is -- is this a case where the
5 simply -- the calls just simply overlapped and the oldest
6 went out as the new calls were made?

7 A It's possible.

8 Q Well, if there's a gap, you just testified there were
9 phone calls --

10 MR. HARPOOTLIAN: Objection, Your Honor. Leading.

11 THE COURT: Don't lead the witness.

12 Q Did you just testify that there were phone calls from
13 prior to June 7th still on that phone?

14 A FaceTime calls, yes, sir.

15 Q Okay.

16 A On the call log on the phone extraction. The report
17 that I was provided, because it was a working copy, was
18 from June 1st to June 10th.

19 Q Okay. All right, but there were FaceTime calls prior
20 to that, correct?

21 A Yes, sir, that is correct.

22 Q And when a user accesses just the phone itself and
23 they look at a call log, does that display both calls made
24 over Verizon -- will display calls with over the Verizon
25 network call log?

1 A Yes, sir. Anything that connected to the network.

2 Q All right, and will display FaceTime calls as well.

3 A It would, yes, sir.

4 Q All right, and you found FaceTime calls from prior to
5 June 7th, correct?

6 A Yes, sir, I did.

7 Q All right, and -- but as far as you can tell, as far
8 as calls themselves, when did you start seeing call records
9 start?

10 A Right around the morning, late morning, early
11 afternoon of June 8, 2021.

12 Q Okay. All right, and is there -- other than this
13 overlapping situation, is there any other way that you're
14 aware of that could have removed that gap in the phone call
15 records?

16 A If the user would have went in and manually removed it
17 themselves.

18 Q But there's no other automatic process other than what
19 we've already discussed.

20 A No, sir.

21 Q And did you discuss with Sergeant McManigal whether
22 his process in redacting certain things, did that process
23 remove any call logs from that download?

24 A Yes, sir. I did review with Sergeant McManigal, and
25 obviously we had discussed the results that were provided

1 to me, and we both agreed on the same opinion.

2 Q In that Sergeant McManigal did not delete those
3 records, correct?

4 A That is correct.

5 MR. CONRAD: Nothing further of this witness.

6 MR. HARPOOTLIAN: Please the court, Your Honor?

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. HARPOOTLIAN:

10 Q Help me understand. You -- it's sort of an alien
11 concept to me, the solicitor's office going to murder
12 scenes. Do you go to a bunch of murder scenes?

13 A Yes, sir. Among my other duties, I am involved with
14 ATF. I'm a task force officer with the ATF, Bureau of
15 Alcohol, Tobacco, and Firearms, out of Charleston, so I do
16 some proactive roles there, as well as reactive roles in
17 investigating crimes that would ultimately be my case
18 anyways coming to court.

19 Q If they arrest somebody.

20 A If they arrest somebody. In some cases when no
21 arrests are made, yes, sir.

22 Q When they're what?

23 A In some cases when no arrests are made, I would still
24 arrive or respond to a crime scene.

25 Q And you took Solicitor Duffy Stone with you, the chief

1 prosecutor for the circuit, right?

2 A We rode in separate vehicles, but yes, he was along
3 with me, yes.

4 Q And I think I saw somewhere in the evidence he
5 actually took photographs that morning, did he not?

6 A Yes, sir, he did.

7 Q Is that usual, that the solicitor would go around
8 doing evidentiary photos?

9 A Not at all. With the way his mind works, he goes in,
10 he thinks of every idea possible of what could possibly be
11 an issue later on down the road if he prosecutes a case,
12 and he wants to make sure that's all documented in his
13 own mind.

14 Q And so if he takes a picture and wants to use it in
15 the prosecution, does he introduce it and authenticate
16 it -- take the stand and authenticate it and then come back
17 down, asks himself questions?

18 A No, sir, he does not.

19 Q Okay. We'll move on to something a little more
20 productive. You went to a briefing that morning, you said,
21 when you got there.

22 A Yes, sir, I did. SLED Lowcountry.

23 Q Who was the briefing by?

24 A There were probably thirty, forty plus investigators,
25 officers, but multiple -- essentially SLED, Colleton County

1 Sheriff's Office, a few Walterboro Police Department, I
2 believe, and a few from my office.

3 Q I guess when I think of a briefing, I think of someone
4 standing in front of the room and saying here's what we've
5 got. Was there one person speaking?

6 A There were multiple people speaking, but that was the
7 whole idea was to get a better grasp as to what had
8 occurred the night before.

9 Q I guess -- so, who spoke?

10 A Multiple agents, multiple responding officers from the
11 sheriff's office. I don't recall exactly who spoke.

12 Q How long did the briefing take?

13 A Approximately 45 minutes, if I had to guess.

14 Q And you had no specific memory of any specific person
15 saying any specific thing?

16 A There were multiple people speaking, going over the --

17 Q So, the answer is no.

18 A I do not recall exact people's names and exactly what
19 they said, no, sir.

20 Q Do you recall any one person that spoke?

21 A I know Captain Ryan Neill spoke. Special Agent David
22 Owen spoke. I believe Captain Jason Chapman with the
23 Colleton County Sheriff's Office spoke. There was a
24 multitude of people talking about different things that
25 they had seen the night before or the morning of.

1 Q Had they indicated to you, any one of those people,
2 that they had a suspect, that they were focused on any
3 particular person?

4 A No, sir.

5 Q Did they have an explanation or anything -- I mean, at
6 that point, was there some theory about what happened?

7 A At that point in time, we were trying to identify all
8 the physical pieces of evidence, as well as obtain and
9 preserve all digital pieces of evidence to make sure we had
10 a strong enough case moving forward.

11 Q Were you aware that the Colleton County Sheriff's
12 Department had issued a statement to the public saying
13 there's nothing to be afraid of, people? You know, this is
14 not something that you should view as a threat?

15 A No, sir. I'm not aware of that media release.

16 Q You did not hear of anything like that that morning?
17 Well, let me ask you this. If you have an active shooter
18 at large, would police take any proactive steps? Would
19 they put up roadblocks, or would they put out a statement
20 saying that two people were brutally murdered, and we don't
21 know who did it so keep your doors locked. Be careful if
22 you see somebody in the woods or walking along the road. I
23 mean, you see these unfortunately much too often these
24 days --

25 MR. CONRAD: Your Honor, I object. Mr. Harpootlian

1 seems to be testifying. Are we getting to a question?

2 MR. HARPOOTLIAN: Yeah.

3 Q The question is did y'all do anything -- not you. Did
4 you see any evidence of that or hear any evidence of that
5 that morning?

6 A Not that I recall, no, sir.

7 Q Not that I recall means --

8 A I don't remember. I wasn't focused on what was --
9 I -- what was on the media at that time.

10 Q Okay, but did you see any roadblocks?

11 A No, sir, I did not.

12 Q Did you see anybody searching fields or the woods
13 around the place?

14 A There were multiple tasks that were provided to each
15 investigator during the briefing, and multiple people went
16 out and did their own thing on whatever they were tasked
17 with.

18 Q Do you remember what those tasks were?

19 A Following up with potential witnesses --

20 Q Right, but I'm talking about did you see anybody going
21 through the woods armed looking for a person or persons?

22 A No, sir, I did not.

23 Q Okay. Did you -- you didn't see any roadblocks, you
24 didn't see any active search for a suspect in the sense of
25 somebody was armed -- well, they knew at that point there

1 were shotgun -- spent shotgun shells and spent Blackout
2 casings, right? You heard that?

3 A Yes, sir.

4 Q So, somebody, either two people or one person with two
5 guns, was at large at that point as far as y'all were
6 concerned.

7 A Yes, sir. I mean, ideally.

8 Q Did any of those agents indicate during your briefing
9 that they felt that it was somebody at large that posed a
10 danger to the community? Did you hear any of that?

11 A I don't believe so.

12 Q Okay. So, so, when you got there the next morning
13 there were no bodies. There was no physical evidence
14 there. It was after all of that had been removed?

15 A All of the bodies had been removed. All of the trash
16 from the crime scene units were stacked up. You could some
17 blood stains in the ground, as well as some body matter
18 over towards the dog kennels.

19 Q And I'm not going to belabor this and put these
20 pictures up, but you had a drone up, right?

21 A Yes, sir, I did.

22 Q And did you ever go up to the residence?

23 A I did not go all the way to the residence, no, sir.

24 Q Okay, and I don't see any pictures taken from the
25 kennels that you took, or under your direction, up towards

1 the residence. Are there any?

2 A From the kennels looking back towards the residence?

3 Q I mean, but looking from the murder scene back up
4 towards the residence.

5 A Yes, sir. I did take those photographs.

6 Q But that was during the day, not the night, correct?

7 A Yes, sir, that is correct.

8 Q So, you don't know what somebody from the house could
9 see at night looking down towards the kennels.

10 A No, sir.

11 Q Okay. I just wanted to make sure it was clear that
12 you weren't testifying that somebody up at the house at
13 night would have an unobstructed view from where the bodies
14 were found or the front of the kennels. You're not
15 testifying to that, are you?

16 A No, sir, I'm not.

17 Q Okay. So, let me just talk a little bit about the
18 phone. I forgot the exhibit number of the phone. Do you
19 know it off the top of your head? Oh, okay. It's -- I
20 think it's 204, which I'll find.

21 MR. HARPOOTLIAN: Is it in that box there?

22 Q While he's looking for that --

23 MR. HARPOOTLIAN: If you would continue to look for
24 that, I would appreciate it.

25 Q Let me ask you some questions. You indicated the

1 distance from the shoulder to the road -- the shoulder of
2 the road to the phone was about 15 or 20 feet?

3 A Yes, sir.

4 Q Okay, and you took a number of -- did you take those
5 pictures of the phone?

6 A Yes, sir, I did.

7 Q Was there any other person there taking pictures other
8 than you?

9 A I was the only one with a camera, so I took the
10 photographs.

11 Q Okay, and were you there the entire time until the
12 phone was removed?

13 A Yes, sir, I was. I stayed right next to the phone
14 until Jeff -- Special Agent Jeff Croft and Special Agent
15 Katie McCallister arrived on scene and collected and took
16 possession of the cellular phone and placed it into an
17 evidence bag.

18 Q Okay, and during that period of time, did anyone from
19 the forensic team come up and measure how far the phone was
20 from the shoulder of the road?

21 A No, sir, they did not.

22 Q Did anyone attempt to come up with a specific location
23 for that phone in terms of measurements, a forensic
24 assessment of where that phone was?

25 A No, sir.

1 Q Okay, and the --

2 MR. HARPOOTLIAN: Where are those exhibits?

3 (Break in proceedings.)

4 MR. HARPOOTLIAN: For the record, this is State's
5 Exhibit Number 204.

6 Q It looks like the case and the phone are separated.

7 (Break in proceedings.)

8 Q So, this is the actual phone. Is that correct?

9 A Based off of this case. I remember seeing a camo and
10 orange labeled case.

11 Q Somebody has written on this. That's not you --

12 A No, sir, that's not.

13 Q -- because you never touched the phone.

14 A I did not, no, sir.

15 Q All right, and this is a SIM card. What is a SIM
16 card?

17 A It's stored within the device. It's a secondary form
18 of storage for a cellular device.

19 Q And so if you -- anything you do on the device is
20 stored on the SIM card?

21 A Not necessarily, no, sir.

22 Q What's stored on here?

23 A It depends on the network, depending on the provider
24 that you utilize. Different providers offer different
25 resources through your SIM card, but --

1 Q Did you ever examine the SIM card?

2 A I have never examined anything on that phone, no, sir.

3 Q You did a download but you didn't examine it.

4 A Not on Maggie's phone.

5 Q Oh, you didn't do Maggie's phone.

6 A No, sir.

7 Q I stand corrected. Okay, but somebody could look at
8 the SIM card and get perhaps information that's not on the
9 phone?

10 A Yeah. In some scenarios, yes, sir.

11 Q Okay. Now, what I'm going to try to figure out by
12 looking at these pictures while -- I'll bring this phone
13 back in just a minute -- is -- so that Exhibit Number 228,
14 and that's what you saw when you came on the phone,
15 correct?

16 A Yes, sir, that is.

17 Q And I think we see -- I think you pointed it out
18 awhile ago. There's a piece of straw and other things
19 around it, correct?

20 A Yes, sir.

21 Q So, you would agree with me, if someone had carefully
22 walked over and placed this phone, there wouldn't be
23 anything above it. Everything, including this straw, would
24 be under it, correct?

25 A It's possible, yes, sir.

1 Q And in addition to that, did you -- did they -- did
2 anybody forensically check the area around it to see if
3 there were footprints?

4 A No, sir. I mean, it was heavily treed, heavily
5 wooded. A lot of leaves there. You could not see the foot
6 impressions around that phone.

7 Q Okay. A lot of weeds.

8 A Yes, sir.

9 Q And so is this sitting -- I mean, it's sitting there
10 with straw over it. Is it sitting flat on the ground? Is
11 it tilted? What do you remember? Or if you don't --

12 A There was a slight tilt, probably centimeters.
13 Nothing major. Nothing out of the ordinary around the
14 phone. No holes, no pushed up leaves or anything like
15 that.

16 Q So, you couldn't, I mean -- strike that. Let's look
17 at --

18 (Break in proceedings.)

19 Q Okay. So, again, that's another picture taken by you
20 of the same phone and the same location, correct?

21 A Yes, sir, it is.

22 Q And it's heavily wooded in that area, correct?

23 A Around the edge, yes, sir.

24 Q And it's almost a thicket where you found this, right?
25 There was bushes around it?

1 A No bushes. There were a lot of trees.

2 Q A lot of trees and underbrush.

3 A And underbrush, yes, sir.

4 Q Okay. So, nobody actually took measurements of where
5 this was found. No one actually measured from the road,
6 nor did they measure -- I mean, there's no way to figure
7 out exactly -- if you had to go back today and find the
8 spot, could you find it, the exact spot?

9 A Within a couple of feet, yes, sir, I probably could,
10 based off the angles and photographs that were originally
11 taken.

12 Q Okay. You could give us the exact spot.

13 A I couldn't give you an exact step for step from the
14 actual device to where it was over in the woods.

15 Q And this is Exhibit Number 232, and that's a vehicle
16 on the same side of the road as where the phone was found.
17 Is that correct?

18 A Yes, sir, that's correct.

19 Q And so car window you see in this photo, the driver's
20 side --

21 (Break in proceedings.)

22 Q The driver's side window would be 15 to 20 feet from
23 where that phone was, correct?

24 A I would add a few more feet just because of the
25 roadway, yes, sir.

1 Q Okay. So, 28 -- 25 to 30 feet, fair?

2 A It would be fair, yes, sir.

3 Q But nobody measured it so we --

4 A No one measured it, no, sir.

5 Q And so if that car was going towards Alameda, do you
6 know where I'm talking about?

7 A Yes, sir, I do.

8 Q It would be on the other side of the road, right?

9 A On the right lane of the road, yes.

10 Q I mean, it would be on the right, but here it's
11 improperly parked, correct?

12 A Sure.

13 Q I mean, the driver's window is -- I mean, if there's a
14 car coming, they would hit head-on, would they not?

15 A Yes. You would be operating the vehicle on the right
16 side of the road -- or left in that image.

17 Q Okay. So, if someone was driving towards Alameda on
18 this road and they want to get rid of that phone, they
19 would either have to throw it 40 feet out the driver's side
20 window or pull over the car and throw it out, correct?

21 A It's a series of things that could have happened, the
22 reasons why that phone got there, but it's possible.

23 Q But it's -- just assume with me for a second if they
24 want to get rid of that phone by throwing it out the
25 window, they could either throw it from their lane of

1 traffic if they're going towards Alameda, or they could pull
2 over like that and throw it out. It would be easier -- and
3 when I say easier, it would be a much tougher toss that far
4 in from if they'd never left their lane of travel, correct?

5 A I gets it depends on who's throwing it. There's a
6 multitude of things.

7 Q It would be me and I don't throw very well.

8 A Well, I do, so I could 100 percent make that throw
9 from my vehicle.

10 Q You could throw it from -- okay. So, you wouldn't
11 even have to change lanes. You would just throw it out the
12 window.

13 A Yes, sir, 100 percent.

14 Q And you would throw it overhanded or underhanded?

15 A I would throw it sideways, flick it.

16 Q Sideways. Okay. So, there's no way to tell -- we
17 don't know if somebody threw it out the window -- I mean,
18 out of the driver's side window. Are you throwing with the
19 left hand or right hand out of the driver's side window? I
20 mean, you said you could toss it pretty far.

21 A I would throw it with my left hand from the driver's
22 side, and could easily land it to where it actually was
23 found and located in the woods.

24 Q But you could still be right handed or left handed?

25 A I'm right handed, yes, sir.

1 Q But you could still throw it with your left hand with
2 that much power?

3 A Yes, sir, 100 percent.

4 Q Okay. Now, let me ask you this. When you found it,
5 you wanted to put -- or somebody with you wanted it put in
6 airplane mode, right?

7 A Yes, sir. I wanted it to be placed in airplane mode
8 to preserve its contents.

9 Q Because in airplane mode there's less chance of any
10 data being overridden, right?

11 A That is correct, yes, sir.

12 Q Now, it doesn't prevent all data from being
13 overridden, but most data, correct?

14 A A lot -- 99 percent, I would say, prevent any issue
15 with the phone.

16 Q Does it prevent the GPS data from being overridden?

17 A From another device?

18 Q No. I mean just --

19 A Internally just automatically deleting itself?

20 Q Yeah.

21 A I've never seen that happen.

22 Q But you don't know whether it can happen or not.

23 A Presumably no.

24 Q So, you needed to put it in airplane mode to prevent
25 anything from being overridden, right?

1 A Any outside tampering from another device that had
2 access to its iCloud information.

3 Q And you told the agents with you to unlock it and put
4 it in airplane mode, correct?

5 A Yes, sir, I did.

6 Q And to do that, you have to have -- you have to be
7 able to open it. You need the pass code.

8 A No, sir, you do not.

9 Q You don't?

10 A Not on an iPhone, no, sir.

11 Q So, you can put it on airplane mode without opening
12 it.

13 A Yes, sir.

14 Q Well, but did something -- what did you need the pass
15 code for because somebody called and got the pass code.

16 A We did not get the pass code at that point in time. No
17 one knew we had located the phone, so there was no way to
18 ask for the pass code to do that.

19 MR. HARPOOTLIAN: Court's indulgence, Your Honor.

20 A Later on we received the pass code, but not at that
21 point.

22 Q When did you receive it?

23 A I was not present. I did not analyze the device,
24 so --

25 Q Was it at the scene or was it somewhere else?

1 A I do not recall. I was not there.

2 Q So, no one told you that Alex Murdaugh had provided
3 Maggie's --

4 A No, sir, no one told me that.

5 Q Now, if someone had the pass code, they could go in
6 that phone and eliminate -- delete text messages, phone
7 calls, just about any piece of data that was captured in
8 it, correct? Even apps, you could delete those, correct?

9 A They could have, but once the full file system
10 extraction was done by Lieutenant Britt Dove --

11 Q No, you misunderstood my question, I'm sorry. If you
12 had that phone -- and obviously Maggie Murdaugh had been
13 murdered. Somebody threw it on the side of the road.
14 During that period of time after her murder before it was
15 thrown on the side of the road, if you had the pass code,
16 right --

17 A Yes, sir.

18 Q -- to open it, without the pass code typically you
19 can't open it, correct?

20 A No, sir.

21 Q Do you agree?

22 A I do, yes, sir.

23 Q All right. So, if you had that pass code you could
24 open it, delete photos, delete phone messages, delete
25 texts, delete whatever you want, correct?

1 A Yes, sir.

2 Q Okay, and when you found that phone, it was locked.

3 A Yes, sir, it was.

4 Q Okay, and was there any evidence that you saw that
5 anything had been deleted by that -- from that phone in any
6 of your -- after your download extraction?

7 A Again, I did not download or extract the contents of
8 the device. The only thing that I saw was the home screen
9 and made sure the airplane mode was activated and applied
10 at that point, and then it was placed into an evidence bag.
11 We never got past that lock screen or home screen that
12 allows us to turn on the airplane mode. Obviously the
13 device was on because we were able to locate it from Find
14 My iPhone, and the battery level was significantly low.

15 Q Was significantly low.

16 A Yes, sir, it was.

17 MR. HARPOOTLIAN: Beg the Court's indulgence.

18 (Break in proceedings.)

19 MR. HARPOOTLIAN: Thank you, sir.

20 THE COURT: Anything further?

21 MR. CONRAD: Just a couple of things, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. CONRAD:

24 Q You testified -- you talked about call logs, and so
25 you downloaded Alex's phone on June 10th, correct?

1 A Yes, sir, that is correct.

2 Q Three days after the murders, correct?

3 A Yes, sir.

4 MR. HARPOOTLIAN: Your Honor, this is not responsive
5 to my cross-examination. I never mentioned Alex's phone,
6 not once.

7 THE COURT: Response.

8 MR. CONRAD: I'll proceed, Your Honor.

9 Q At some point after you were involved in the
10 investigation, you were informed by Solicitor Stone -- you
11 were informed by Solicitor Stone to stop it, correct?

12 A Yes, sir, I was.

13 Q And do you recall approximately when Solicitor
14 Stone --

15 MR. HARPOOTLIAN: Objection, Your Honor, again not in
16 response to a matter raised by me on cross.

17 THE COURT: I sustain the objection.

18 Q And Mr. Harpootlian asked about the crime scene and
19 the state of it, correct?

20 A Yes, sir, he did.

21 Q Did you notice any vandalism?

22 A No, sir, not at all.

23 Q Did you notice -- were you informed or did you notice
24 anything missing?

25 MR. HARPOOTLIAN: Objection, Your Honor. How would he

1 know it was missing?

2 THE COURT: Whatever the witness knows. Overruled.

3 A I knew Maggie's phone was missing and that's it.

4 Q Did you notice any vandalism or anything --

5 A No, sir, not at all.

6 Q Okay. All right, and when it comes to Maggie's phone,
7 at least her model, are you aware whether that can be
8 placed into airplane mode without the unlocked code being
9 entered while the phone is locked?

10 A You can place the phone -- that phone in airplane mode
11 while it's locked, yes.

12 Q Okay. So, you don't need a code to just simply put it
13 in airplane mode, correct?

14 A No, sir.

15 Q And did anybody manipulate anything -- any data on
16 that phone in your presence?

17 A No, sir, not at all.

18 Q Okay.

19 MR. CONRAD: Nothing further of this witness.

20 THE COURT: Anything further?

21 MR. HARPOOTLIAN: No, sir.

22 THE COURT: You may step down.

23 (The witness exited the stand.)

24 THE COURT: We'll take a 10 minute break, ladies and
25 gentlemen. Please do not discuss the case.

1 (The jury left the courtroom.)

2 (A break was taken.)

3 (The jury returned to the courtroom.)

4 THE BAILIFF: The jury is present, sir.

5 THE COURT: Thank you.

6 You may call your next witness.

7 MS. GOUDE: The State calls Katie McCallister.

8 The witness, KATIE MCCALLISTER, was first duly sworn
9 and testified as follows:

10 THE CLERK: Take a seat in the witness stand. State
11 your name again for the record and spell your last name.

12 THE WITNESS: It's Katie McCallister.

13 M-c-c-a-l-l-i-s-t-e-r.

14 DIRECT EXAMINATION

15 BY MS. GOUDE:

16 Q Good afternoon, Agent McCallister.

17 A Hello.

18 Q Could you please tell the jury where you work?

19 A I work for the South Carolina Law Enforcement
20 Division, more commonly known as SLED.

21 Q And how long have you worked for SLED?

22 A Ten years.

23 Q And what is your position there?

24 A I'm a senior special agent in the Lowcountry Region
25 Investigative Services.

1 Q And were you a senior special agent back in -- on
2 June 7th of 2021?

3 A I was just a regular special agent then.

4 Q Okay. Did you have a chance to respond to Moselle
5 Road in that capacity as a SLED agent?

6 A I did.

7 Q Can you tell us when you responded out there?

8 A I was told to -- late on the night of June 7th to be
9 at the office on June 8th. I was given some assignments,
10 and then I responded to the actual property around
11 lunchtime on June the 8, 2021.

12 Q So, June the 8th, the day after the murders.

13 A Yes.

14 Q And what did you do when you got out there?

15 A Myself and Special Agent Croft were almost to the
16 house. There were several people in the roadway; it
17 appeared to be blocked, so we stopped and got out.

18 Q Did you -- what were those people up to?

19 A There had been a phone located on the side of the
20 road.

21 Q Okay, and whose phone was that?

22 A It was Maggie Murdaugh's cell phone.

23 Q And can you tell us about your involvement in the
24 collection of Maggie Murdaugh's cell phone?

25 A Yes. So, once we got out of the car, I had gloves.

1 Captain Neill retrieved the phone from where it was
2 laying. I was standing right beside him when he got a
3 phone call. He handed me the phone with my gloved hands.
4 I held the phone for Investigator Hightower to take a
5 picture of it. The phone call was Captain Neill receiving
6 the pass code. He asked me to confirm it. I typed it in.
7 We confirmed that it was the right pass code. I locked
8 the phone. At that point, Investigator Hightower asked me
9 to put it in airplane mode, which I did.

10 Q And so what was the point of you putting the pass
11 code into the phone?

12 A To confirm that the pass code we were given matched
13 the actual phone that we had.

14 Q To confirm that was Maggie Murdaugh's phone?

15 A Yes.

16 Q Okay, and when you unlocked that phone, did you
17 delete any calls?

18 A I did not.

19 Q Did you delete any text messages?

20 A I did not.

21 Q Did you alter any data in that phone?

22 A I did not.

23 Q You locked that phone back immediately?

24 A Yeah. As soon as it opened, you know, the screen
25 clears to show that that is the right pass code, I

1 immediately locked it back.

2 Q And then what happened to the phone as far as you
3 know?

4 A Captain Neill, who was standing right beside me, took
5 the phone back.

6 Q All right, let's move on. What else did you do?

7 A So once I arrived on scene, I, myself, along with
8 Special Agent Croft, were asked to go up to the main house
9 to do a search of the property, or of the home.

10 Q Did you have a search warrant?

11 A There was a search warrant, yes.

12 Q Was that search warrant executed?

13 A It was not.

14 Q Why not?

15 A At the time of my arrival, multiple family, close
16 friends were at the house. Rather than executing the
17 search warrant and displacing all of those people, we
18 asked for consent and we were given it.

19 Q And were a lot of people at that residence at the
20 time?

21 A There were.

22 Q If you could give us kind a rough estimate of the
23 amount of people that were there?

24 A I would say maybe twenty or twenty-five people were
25 in the home.

1 Q And you didn't want to have so ask all of those
2 people to leave?

3 A Some of them were very upset, and we thought it was
4 better to simply ask for consent.

5 Q Tell us what you found in the search of the house.

6 A So upon consent, I walked through the residence. I
7 was looking for weapons and ammunition and observant to
8 anything else that may have been of value. I found
9 nothing. And once I came back downstairs to the gun room,
10 Agent Croft had located several items of interest, some
11 weapons and ammunition. He and I collected those. I
12 completed a property receipt.

13 Q Let's go back to your search a little bit. When you
14 walked through the house, were you alone?

15 A I was not.

16 Q Who was with you?

17 A I believe it was John Marvin Murdaugh and Lee Cope.

18 Q And who are those people?

19 A John Marvin Murdaugh is Alex Murdaugh's brother; Lee
20 Cope is an attorney from their law firm.

21 Q And what rooms of the house did you search?

22 A All of them.

23 Q And John Marvin and Lee Cope were with you when you
24 went into every room?

25 A They were.

1 Q Did you search any other places?

2 A We searched bathrooms, tubs. There were several
3 attic type spaces where different holiday decorations were
4 stored. We looked in there, or I looked in there, and we
5 didn't locate anything of value.

6 Q Did you look anywhere that you thought there could be
7 a long gun?

8 A Yes.

9 Q Did you observe any bloody clothing when you were
10 searching the residence?

11 A I did not.

12 Q And you said you were observant?

13 A I was.

14 Q You mentioned that Agent Croft had collected some
15 weapons and some ammunition?

16 A He did.

17 Q Would that be the three shotguns, a Mossberg, the
18 Browning, and a Benelli Super Eagle, along with a 300
19 Blackout rifle?

20 A Yes.

21 Q And then some various ammunition?

22 A Yes.

23 Q And what did you do with -- with those items?

24 A So, we gathered them together. I filled out the
25 property receipt. We took them back to the SLED office

1 here in Walterboro where we met with the crime scene
2 agent, Agent Worley, and I receipted those items to her.

3 Q So, Agent Worley took custody of those items.

4 A She did.

5 Q Do you recall at some point speaking or being present
6 in an interview with Buster Murdaugh?

7 A I was.

8 Q And was any evidence collected during that interview?

9 A Yes. We asked him for consent to do a buccal swab
10 and also consent to look at his cell phone.

11 Q I'm going to show you State's Exhibit 217. If you
12 could, tell me what that exhibit appears to be.

13 A This appears to be the buccal swab from Richard
14 Alexander Buster Murdaugh, Jr., collected June 10, 2021,
15 at 3:26 p.m.

16 Q Now, did you collect this buccal swab?

17 A I did not.

18 Q Who collected it?

19 A Lieutenant Charles Ghent with SLED.

20 Q Were you present when it was collected?

21 A I was.

22 Q How did Lieutenant Ghent collect this swab?

23 A A buccal swab is just two cotton swabs. He opened
24 them from the packaging, swabbed his mouth, sealed them
25 back up, placed them in the envelope you see there, sealed

1 it, initialed it, and dated it.

2 Q And he would have sealed that up so it was not
3 tampered with. Is that correct?

4 A Yes.

5 MS. GOUDE: Your Honor, at this time I would move
6 State's Exhibit 217 into evidence.

7 MR. HARPOOTLIAN: No objection.

8 THE COURT: It's admitted without objection.

9 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 217 WAS
10 RECEIVED INTO EVIDENCE.)

11 MS. GOUDE: Your Honor, I have no further questions
12 for this witness at this time.

13 THE COURT: Cross-examination?

14 MR. HARPOOTLIAN: Please the Court, Your Honor?

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. HARPOOTLIAN:

18 Q You were present when the phone, Maggie's phone, was
19 recovered, correct?

20 A Yes, sir, I was.

21 Q Matter of fact, is that -- if we look at one of these
22 pictures, the rubber glove, that's your hand, correct?

23 A Yes, sir, it is.

24 Q And are you aware when you got that call with the pass
25 code, that had been gotten by John Marvin? Was John Marvin

1 down there with you when you found the phone?

2 A I don't recall seeing him there, no, sir.

3 Q Are you aware that that pass code came from Alex
4 Murdaugh?

5 A No, sir, I was not aware of that.

6 Q And who gave it to you?

7 A Captain Neill.

8 Q Now, you searched the house on the morning of -- was
9 it the morning of the 8th?

10 A It would have been the afternoon.

11 Q Okay, and you went through the entire house?

12 A Yes, sir.

13 Q How many bedrooms in that house? You know how many --
14 well, how many bathrooms in that house?

15 A Three or four. I don't recall the exact number.

16 Q Yeah, but you went through every one of them.

17 A Yes, sir.

18 Q And you looked at the tub, you looked at the showers,
19 right?

20 A Yes, sir.

21 Q What were you looking for?

22 A Ammunition, weapons.

23 Q Blood?

24 A If it was there. I was observant; we were looking for
25 anything at that point.

1 Q Right. So, when you look at the drain in a shower, if
2 somebody has recently showered off blood, you would expect
3 to see some trace evidence there, would you not?

4 A I don't know that I'm qualified to answer that.

5 Q Do you know whether any -- I mean, there are trace
6 evidence forensics people that actually go in and swab with
7 those, right?

8 A There are, yes, sir.

9 Q Were they there?

10 A No, sir.

11 Q Did anyone ever ask them to come that you know of?

12 A Not that I'm aware of, no, sir.

13 Q Do you know whether any of those showers or tubs were
14 in any way swabbed or checked for blood or tissue or any
15 DNA, anything that would indicate somebody had washed off
16 evidence of a crime?

17 A Nothing that I'm aware of.

18 Q Okay, but you visually -- apparently you were the only
19 one that did this, correct?

20 A Yes, sir.

21 Q The only person that actually looked at the showers
22 and the tubs. You eyeballed them, right?

23 A I did.

24 Q You're the only person who SLED had examine these
25 showers and tubs, and you're telling this jury that you saw

1 no evidence of blood, tissue, anything that would indicate
2 somebody had showered or washed off or bathed to remove
3 evidence of a crime from that. Is that what you're telling
4 us?

5 A Yes, sir. There was nothing visible to me.

6 Q And you were the only one asked to do that by SLED.

7 A As far as I'm aware, yes, sir.

8 Q Did you search the bedrooms?

9 A I did.

10 Q Did you find any clothes anywhere, shirt, pants,
11 shoes, that would indicate --

12 MS. GOUDE: Objection, Your Honor. Could we ask one
13 question at a time, please?

14 MR. HARPOOTLIAN: I'm including a class rather than
15 asking it individually, I apologize. I can do it
16 individually. It will take a little longer.

17 THE COURT: The objection is overruled.

18 MR. HARPOOTLIAN: Thank you.

19 Q Any clothes, shoes, any evidence of clothing that had
20 blood on it, or indicated it had blood on it, or tissue,
21 anything that you saw in any of the bedrooms? How many
22 bedrooms?

23 A Several.

24 Q Several. You looked at all of them.

25 A Yes, sir, I did.

1 Q Looked under the beds?

2 A I did.

3 Q In the closet?

4 A I did.

5 Q Did you see any evidence of any clothes that had been
6 involved in any sort of altercation that would have left
7 blood or tissue or brains? Did you see anything like that
8 in any one of those rooms?

9 A No, sir. I didn't find anything like that.

10 MR. HARPOOTLIAN: Beg the Court's indulgence.

11 (Break in proceedings.)

12 MR. HARPOOTLIAN: Thank you. No further questions.

13 THE COURT: Any redirect?

14 MS. GOUDE: Not from the State, Your Honor.

15 THE COURT: Thank you. You can step down.

16 THE WITNESS: Thank you.

17 (The witness exited the stand.)

18 THE COURT: Ladies and gentlemen, we're going to have
19 you leave for the day and return tomorrow at --11:30 will
20 be our start time tomorrow, 11:30. So, you get a few extra
21 hours today and tomorrow.

22 Please remember not to discuss the case, to be exposed
23 to any information concerning the case, and we will see you
24 tomorrow. If you'll go to the jury room.

25 (The jury left the courtroom.)

1 THE COURT: If everyone will be seated.

2 Mr. Waters, you can continue with the 404.

3 MR. WATERS: Yes, sir, Your Honor. I might have
4 miscalculated by about 30 minutes. I apologize. The
5 witness is close by. He'll be here in a moment.

6 (Break in proceedings.)

7 MR. WATERS: Do you mind if I make a phone call real
8 quick, Your Honor?

9 THE COURT: Yes, sir.

10 MR. HARPOOTLIAN: Your Honor, may we be at ease while
11 he does that?

12 THE COURT: Yes. We'll be at ease for a few minutes.

13 MR. HARPOOTLIAN: Thank you, Your Honor.

14 (A break was taken.)

15 THE COURT: You may be seated. You may call your next
16 witness.

17 MR. WATER: Yes, sir. The State calls Michael Gunn
18 for the *in-camera* hearing.

19 *IN-CAMERA HEARING*

20 The witness, MICHAEL GUNN, was first duly sworn and
21 testified as follows:

22 THE CLERK: Speak loudly and take a seat in the
23 witness stand. State your whole name. Spell your last
24 name for the record.

25 THE WITNESS: Yes, ma'am. Michael Gunn, last name is

1 G-u-n-n.

2 DIRECT EXAMINATION

3 BY MR. WATERS:

4 Q All right, Mr. Gunn, this is obviously an *in-camera*
5 hearing to determine the admissibility of some of the
6 testimony. Do you understand that?

7 A Yes, sir.

8 Q All right, and so I'm not going to go into all of the
9 background and everything for purposes of this hearing, but
10 just very quickly, where do you work?

11 A I'm a principal at Forge Consulting, and also do some
12 lobbying work for the South Carolina Association for
13 Justice.

14 Q Okay, and just very quickly, tell us what Forge
15 Consulting is and what services they provide.

16 A Forge Consulting, we are a general insurance agency
17 but also offer financial services such as structured
18 settlements, regular annuities, deferral of attorney's
19 fees, trusts, we do lien resolution, back office trust
20 account reconciliation, all sorts of things for plaintiffs
21 primarily and the families.

22 Q And then if you could just very quickly, just for the
23 record, explain what a structure is and how that interfaces
24 with plaintiffs' lawyers.

25 A Sure. So, a traditional structured settlement is

1 between the parties, and that normally means between the
2 plaintiff and the defendant or their insurer. And so
3 usually -- it was set up in the 80's. it was can designed
4 to help plaintiffs protect their money and to keep their
5 money, and it can be earned tax free. Interest grows on
6 that tax free and it's a very good tool, especially for
7 minor children, for those that are incapacitated, disabled.
8 Because of that growth, it can provide a steady stream of
9 income hopefully for the rest of their lives.

10 THE WITNESS: Yes, ma'am.

11 Q You're talking faster than I do and --

12 A I've been accused of that before.

13 Q I know you just ran over here, so --

14 A That's -- no worries, no worries.

15 Q All right. Good deal. Okay. Just pick it up from
16 there, if you will.

17 A All right. So, essentially the structured settlement
18 that would come primarily usually, except in very
19 different -- very small circumstances, would come from the
20 defendant and/or its insured to fund the annuity for the
21 client.

22 Q Okay, and so the idea is instead of giving a
23 settlement in a lump sum, it's in an annuity so they get
24 regular payments over the course of the term of that
25 annuity.

1 A That's correct, yes, sir.

2 Q And so explain to me just very quickly, again for the
3 record, the concept of constructive receipt and how that
4 affects structures that you may do for a plaintiff's
5 attorney and their clients.

6 A Sure. So, constructive receipt by the IRS is deemed
7 when the money arrives in the plaintiff's trust account,
8 that would be considered they have received the funds and,
9 therefore, the ability to do a structure has been taken off
10 the table. The only way that you can do a structure after
11 that would be to return the funds to the defendant and/or
12 its insurer, and then therefore let the -- they would have
13 to agree to play ball and redo all of the documents because
14 there's so much language that's included in the documents
15 that specifies this.

16 Q All right. So, the settlement can't go to the law
17 firm and then to the annuity company. That will ruin the
18 constructive receipt and ruin the tax advantages of that.

19 A It is in very rare cases that we're able to do that.

20 Q But generally.

21 A But generally speaking, correct.

22 Q So, generally your services that you provide are
23 consulting to sort of match up the client with an annuity
24 company, and then that money is going to -- and the
25 settlement or whatever it is, verdict is going to go from

1 the defendant or the insurer that's paying whatever that
2 is, that verdict or settlement, directly to that annuity
3 company for the benefit of that client.

4 A That is correct.

5 Q It can't go to the law firm generally.

6 A Generally speaking.

7 Q All right. How long have you been with Forge
8 Consulting doing this work?

9 A It will be eighteen years this summer.

10 Q What is the actual full legal name of the entity that
11 you are a part of?

12 A Forge Consulting, LLC.

13 Q Okay. Over the course of your involvement with this
14 business, have you gotten to know the defendant, Alex
15 Murdaugh?

16 A I have.

17 Q All right, and just very quickly, tell me the capacity
18 in which you got to know him.

19 A It was born from a professional relationship doing
20 work with the trials lawyers, conventions, CLEs, things of
21 that nature, which ultimately turned into, you know, a
22 friendship from born out of business.

23 Q Okay, and when you say friendship, was it a close
24 friendship or more like a business relationship type of
25 friendship?

1 A I would say a business relationship type of
2 friendship, but one that, you know, you would text with and
3 call on occasion and things.

4 Q Okay. Did you ever do any structures for any clients
5 that were represented by Alex Murdaugh as a plaintiff's
6 lawyer?

7 A Yes, we did.

8 Q And just roughly, do you remember how many?

9 A I would probably say around five.

10 Q Okay. Is -- did you ever -- what's the last one you
11 remember at least having some discussion with him about
12 doing a structure?

13 A The last one that I remember having a discussion with,
14 I believe, was the Deon Martin case.

15 Q Okay, and tell me about that. Did that ever come to
16 fruition or not?

17 A It did not.

18 Q All right, and tell me what you mean.

19 A We sent over some quotes. We got some information
20 back from the defendant. He sent us information, a signed
21 option, which I would assume was Mr. Martin's, sent some
22 information back and -- annuities, you have to understand,
23 are priced on a daily market. Sometimes that rate is good
24 for a week or two. I sent several emails back saying hey,
25 this rate is going to expire. We need to move forward; we

1 need to move forward. And ultimately we ended up closing
2 the case because we never got a response.

3 Q All right, and when you say you sent emails asking for
4 a response, who were you sending those to?

5 A I was sending those to Mr. Murdaugh as well as his
6 paralegal, Annette Griswold.

7 Q Okay, and so -- provided by Forge Consulting?

8 A That is correct, yes, sir.

9 Q I'm going to show you very quickly what's been marked
10 as Exhibit 321 for this *in-camera* hearing and specifically
11 direct your attention to the fifth page of this exhibit and
12 just see if you recognize that, and then you can flip to
13 the next number of pages, please.

14 A Yes, sir, I do.

15 Q All right, and tell us what that is. Just kind of
16 flip through first.

17 A That's just an annuity -- it's just an annuitized
18 payment stream showing you when the payments will be made
19 and what the amount is.

20 Q Okay, and that's kind of the market rate thing you
21 were talking about?

22 A Yes, sir.

23 Q All right, and what are the next documents just --

24 A The next page is a disclosure page where we list all
25 of our disclosures, and it appears to have been signed by

1 Dean Martin.

2 Q Okay. Keep going.

3 A Okay.

4 Q That's the only Forge related documents you see?

5 A Well, I see this. That's the only Forge related
6 documents I see, yes, sir.

7 Q All right. Let me take that back.

8 A Yeah.

9 Q All right. I'll put these up on the screen real
10 quick. So, that's sort of the annuity schedule. Is that
11 correct?

12 A Yes, sir.

13 Q And this is the disclosure page you're talking about?

14 A Yes, sir.

15 Q And that is Forge generated paperwork typically?

16 A That's correct, yes.

17 Q But this particular structure was never done because
18 you never got a response from Alex --

19 A No, sir.

20 Q -- from his office. Is that correct?

21 A That is correct.

22 Q All right. Let those sirens pass. Are you aware
23 generally of what people call the boat wreck case, or the
24 boat case, as it relates to the defendant, Alex Murdaugh?

25 A Generally, yes.

1 Q All right, and just, without going into specific
2 facts, generally what was your understanding of that?

3 A There was a terrible accident that happened somewhere
4 in the Lowcountry involving Mr. Murdaugh's son and several
5 others, and a young girl passed away.

6 Q Were you aware that his son had been charged in that
7 particular case?

8 A I was.

9 Q And were you aware that Alex Murdaugh had been sued in
10 a civil matter relating to that case?

11 A I believe I was made aware through the news, yes.

12 Q Did you ever have any conversation -- well, let me ask
13 you this first. Is it possible for lawyers to structure
14 fees, not the client but the lawyer, if they're going to
15 get a big fee from a large recovery and they decide they
16 want the protection of an annuity? Can they do that?

17 A Yes, they can.

18 Q All right, and how does that work? Kind of the same
19 thing?

20 A It's the exact same manner as if the client were doing
21 it. The check would have to come from the insurance
22 carrier and/or the defendant to fund the structured
23 settlement annuity for the lawyer for their fee.

24 Q Did you ever have any discussion with Alex Murdaugh,
25 either before or after the boat case, about structuring any

1 fees that he had received in a case?

2 A We had general conversations about structuring fees,
3 but it would be the same conversation I would have with any
4 attorney like how you would do it, how you would go about
5 doing it, and how checks would be made payable, et cetera.

6 Q Did you ever have any specific discussion after the
7 boat case about the boat case and wanting to structure any
8 fees?

9 A Not that I recall.

10 Q I want to take you to September 2021. Did you around
11 that time receive a call from Lee Cope?

12 A I did.

13 Q All right. What did Mr. Cope ask you?

14 A He called and asked me if he could in confidence give
15 me a list of cases and see if we had any files on them, and
16 I told them that would be fine. I was standing in my
17 driveway. I wrote them down, got back with him later that
18 evening, and let him know that we did not have any of those
19 cases open.

20 Q Okay. He gave you a list of clients and asked if you
21 had any structures open for those -- or potential
22 structures --

23 A He had asked me if we had any files at all. Generally
24 what we will do is if an attorney calls, we will open the
25 case immediately just so we have a name associated with the

1 attorney.

2 Q And so he gave you a list of names. Did any of those
3 names have any files?

4 A No.

5 Q Did he ask you about any banking that Forge
6 Consulting, LLC, did?

7 A He did.

8 Q And what was his question to you?

9 A He asked me if we banked with Bank of America.

10 Q And what was your response?

11 A I told him that we had banked with Bank of America but
12 had not for the last three or four years.

13 Q So, you did not have an active account with Bank of
14 America --

15 A We did not, no.

16 Q -- in September of 2021?

17 A No, sir.

18 Q Did you have any subsequent conversations with
19 Mr. Cope about the issues that he had raised with you?

20 A I did. He called me the following day as well, which
21 I believe was a Thursday, with another list of cases.

22 Q All right, and what was his inquiry to you?

23 A Same inquiry. This time, the only one that popped up
24 was the one I mentioned earlier, which was the Deon Martin
25 case.

1 Q All right, and your response was there was a file but
2 it was never --

3 A There was a file but it was never completed and we
4 closed it out.

5 Q Did you ask him at this point or did -- what was going
6 on, or why these inquiries were being made?

7 A I did not.

8 Q Did you ultimately find out what was going on and why
9 these inquiries were being made?

10 A I found out on the Tuesday after Labor Day.

11 Q All right, and what did you find out?

12 A I spoke with Lee Cope, and he told me that Alex had
13 been using an account called Forge to process the checks.

14 Q Is that account that he had been using, is that a
15 legitimate Forge Consulting account?

16 A Absolutely not.

17 Q Did any of that money that went into that account go
18 to legitimate Forge?

19 A No, sir.

20 Q Did Forge Consulting have anything to do with that
21 particular account?

22 A No, sir.

23 Q All right. Let me show you a couple of things real
24 quick. I show you what's been marked as Exhibit 335 to
25 your testimony in this *in-camera* hearing and just have you

1 look at that. And look at that -- particular, look at the
2 name on that particular account.

3 A Yes, sir.

4 Q All right. What does that say?

5 A Richard A. Murdaugh, sole proprietor, DBA Forge.

6 Q All right. Is that account a legitimate Forge
7 account?

8 A It's not a legitimate Forge Consulting account, no,
9 sir.

10 Q Any money that went into that account, did it have any
11 legitimate relationships with services and business that
12 y'all provided plaintiffs' attorneys?

13 A No, sir, not at all.

14 Q I show you Exhibit 328. Do you see that check right
15 there?

16 A I do.

17 Q It's made out to Forge?

18 A Yes, sir.

19 Q Did that come through any legitimate Forge account?

20 A It did not.

21 MR. WATERS: Stand by for me one second.

22 (Break in proceedings.)

23 MR. WATERS: Your Honor, to save a little time, I
24 believe the defense is willing to concede that if we went
25 through all of these exhibits that we introduced through

1 Ms. Seckinger with all of those checks made out to Forge
2 from the PMPED trust account, they, for purposes of this
3 hearing only, they will stipulate that none of those went
4 to a legitimate Forge account and instead went to the Bank
5 of America DBA Richard Murdaugh DBA Forge account that he
6 just testified is not a legitimate Forge account.

7 THE COURT: Is that right?

8 MR. GRIFFIN: I want to be more careful with the
9 words. We are not contesting that issue for purposes of
10 this hearing, that's correct. I don't want anything coming
11 back --

12 THE COURT: Do you accept that stipulation as well?

13 MR. WATERS: They are not contesting that these checks
14 all went to this particular account and did not go to a
15 legitimate Forge for purposes of this hearing alone. I
16 think that's acceptable to the State, Your Honor.

17 THE COURT: Yes, sir. All right. It's so stipulated.

18 MR. GRIFFIN: Yeah. We're not contesting this.

19 THE COURT: Yes, sir.

20 MR. WATERS: Not contesting it.

21 Q I just want to be real quick. 327. Is that legit?

22 A No, sir.

23 Q 326. Is that legit?

24 A No, sir.

25 Q 325. Is that legit?

1 A No, sir.

2 Q 324. Is that legit?

3 A No, sir.

4 Q 323. Is that legit?

5 A No, sir.

6 Q 322. Is that legit?

7 A No, sir.

8 Q 321. Is that legit?

9 A No, sir.

10 Q 320. Is that legit?

11 A No, sir.

12 Q 319. Is that legit?

13 A No, sir.

14 Q 318. Is that legit?

15 A No, sir.

16 Q 317. Is that legit?

17 A No, sir.

18 Q 315. Is that legit?

19 A No, sir.

20 Q And finally, 311. Is that legit?

21 A No, sir.

22 Q And by asking you not legit, did you just look at the
23 checks in those various exhibits?

24 A I did.

25 Q And all of the ones that had Forge on them from client

1 trust accounts, those are not checks that went to any
2 legitimate Forge account. Is that correct?

3 A No, sir.

4 Q Is that correct?

5 A That is correct, yes.

6 MR. WATERS: Your Honor, I believe that's all of the
7 questions -- I'm sorry, excuse me.

8 (Break in proceedings.)

9 MR. WATERS: Thank you.

10 Q Just really quick. At any time did you ever hand
11 deliver any checks to Alex Murdaugh for Forge related
12 business?

13 A No, sir.

14 Q Would that work?

15 A I would never -- I would not be delivering any checks.
16 The only time that I would ever deliver a check would be
17 made out to someone other than Forge who would never make a
18 check payable to us.

19 Q But you never had any legitimate business where Alex
20 was like hey, I'm going to be in town. I'll come by and
21 pick up the annuity -- the check for the annuity, right?

22 A No.

23 Q Okay.

24 MR. WATERS: Nothing further for purposes of this
25 hearing at this time, Your Honor.

1 THE COURT: By the defense?

2 MR. GRIFFIN: Just very briefly, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. GRIFFIN:

5 Q Good afternoon, Mr. Gunn.

6 A Good afternoon.

7 Q I am sure that your Forge Consulting, LLC, has done a
8 full investigation into this matter?

9 A Yes, sir, we have.

10 Q And in that investigation, did you find in any record
11 of this account that Bank of America and Alex Murdaugh
12 doing business as Forge, did you see the name Maggie
13 Murdaugh or Paul Murdaugh as cosignatories to that account?

14 A No, sir.

15 Q Did you see any record, any document that Maggie
16 Murdaugh or Paul Murdaugh had anything to do with this
17 account?

18 A No, sir.

19 Q Your company is an insurance agent. Did you ever sell
20 any life insurance to Alex Murdaugh on the life of Maggie
21 Murdaugh?

22 A No, sir.

23 Q Did you ever sell any life insurance to Alex Murdaugh
24 on the life of Paul Murdaugh?

25 A No, sir.

1 MR. GRIFFIN: All right. That's all I have, Your
2 Honor.

3 THE COURT: Anything further?

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

5 THE COURT: Thank you.

6 (The witness exited the stand.)

7 THE COURT: Call your next witness.

8 MR. WATERS: Your Honor, the state calls Chris Wilson.
9 I'm sorry, Your Honor, he's downstairs. We'll get him
10 right away.

11 (Break in proceedings.)

12 The witness, JAMES CHRISTOPHER WILSON, was first duly
13 sworn and testified as follows:

14 THE CLERK: Have a seat in the witness stand. State
15 your name again for the record. Spell your last name,
16 please.

17 THE WITNESS: My name is James Christopher Wilson,
18 W-i-l-s-o-n. I go by Chris.

19 DIRECT EXAMINATION

20 BY MR. WATERS:

21 Q Mr. Wilson, do you understand that we're here for an
22 *in-camera* hearing to determine the admissibility of your
23 testimony?

24 A I do.

25 Q All right, and you're a lawyer, so you get that.

1 A Yes, sir.

2 Q So, I'm not going to go into a lot of everything that
3 I might cover with you in a trial, but I do want to focus
4 on particularly the *Faris* case.

5 A Sure.

6 Q You know what I'm referring to?

7 A Sure.

8 Q First of all, though, just very quickly, you're a
9 lawyer. Is that correct?

10 A I am, since 1998.

11 Q 1998, and describe very quickly your practice for the
12 record.

13 A Actually since 1995. I've had my own practice since
14 1998. In the last fifteen years I've done primarily
15 personal injury work, automobile accidents, people that are
16 injured at work, malpractice type cases, those things.

17 Q Okay, and where do you normally practice? Where is
18 your home base?

19 A My only office is in Bamberg.

20 Q You do a lot of plaintiff's work?

21 A That's all I do anymore. For the last fifteen years
22 that's really all I do.

23 Q And do you know the defendant?

24 A I do.

25 Q And when did you get to know the defendant?

1 A I've known Alex since we were in high school. Bamberg
2 and Hampton -- I grew up in Bamberg and they're only about
3 30 miles apart, and so I knew of Alex and had been around
4 him some growing up. We had some mutual friends. I was a
5 lot closer to some other guys in Hampton that I grew up
6 playing golf and things like that with, but I would cross
7 paths with Alex. We played on the same baseball team one
8 summer, I think, like our senior years in high school, or
9 somewhere around high school age. Didn't really keep in
10 touch with him or cross paths with him until we ended up
11 going to law school, and we started law school together at
12 Carolina. Three years there together at law school and
13 lived together part of the time.

14 Q Did y'all become friends?

15 A We did.

16 Q Did you become close friends?

17 A Very close.

18 Q Best friends?

19 A He was one of my best friends, yes. And I thought,
20 you know, he was and I thought he felt the same way about
21 me.

22 Q Do you feel that way now?

23 A I don't know how I feel now, Mr. Waters.

24 Q Over the years that you developed that close
25 friendship with Alex, did y'all also have a professional

1 relationship as well?

2 A We did. When I finished law school, I went to work in
3 Greenville for a judge for a year. Alex went to Beaufort
4 to work with a law firm there. So, we didn't -- we'd see
5 each other, but it was more socially then. When I moved
6 back to Bamberg to start practicing where I had grown up
7 and he moved back to Hampton a couple years later we
8 started doing a little bit more work together, and we've
9 done cases together really since 1998. I opened up my own
10 firm in '98. I think that's about the same time he had
11 moved back to his firm. I mean, it was a bigger firm with
12 resources that I didn't have starting out on my own, and so
13 we started working cases together and worked a lot
14 together.

15 Q Okay. Tell me for the record how that works with you.
16 You're in a different firm than the firm he was in,
17 correct?

18 A Yes.

19 Q So when two lawyers from different firms, or three,
20 however many it is, share a case, how do you handle the
21 payment of the fees if there's a successful recovery?

22 A Well, it really all depends on the agreement that's
23 reached up front between the lawyers and with the clients'
24 consent. But generally all of the cases that I work with
25 his firm and with most firms I do business with, it's a

1 50/50 split on the fee recovery, or at least a equal split.
2 Maybe if there are more than two lawyers it will be an
3 equal split across the board. But generally it was just my
4 firm and his firm with a 50/50 split on attorneys' fees
5 recovered, and each firm recovers whatever costs they've
6 advanced in the case. And sometimes his firm would advance
7 more of the costs because, you know, they had a larger
8 number of lawyers bringing in more money than I was and
9 could afford to handle some of the bigger costs. But it's
10 kind of whoever got the bill paid the bill, and then we
11 reimbursed at the end whoever had advanced the costs. The
12 client signs off on all of that.

13 Q Who ultimately in those situations were splitting a
14 fee. Is that a good way for us to call it?

15 A Yes, sir.

16 Q Who handles the ultimate disbursement? How does that
17 work?

18 A Whichever lawyer receives the settlement checks or the
19 checks to pay whatever verdict or judgment that was
20 received. I can't say in every single case with Alex's
21 firm, but -- and having gone back through my files and
22 audited my paperwork, it looks like in almost every single
23 case that we worked together my -- the disbursement, the
24 money would come through me and I would handle the
25 disbursement. They were generally clients where I would

1 associate his firm. They were my clients. They were
2 people that had come to me and I wanted them to, you know,
3 frankly know that I was the person that took care of them,
4 and if they need anything else they could come back, and so
5 I wanted to be the person handling that part of it also.

6 Q All right. So, if the money comes through you, then
7 just mechanically how do you go about paying Alex in a case
8 where y'all are splitting a fee or paying the firm?

9 A Money comes in. Client has to come sign the check or
10 whatever it is along with my firm if it's made payable --
11 it's generally made payable to Wilson Law Group or Wilson
12 Law Firm and the client. The client comes in and signs the
13 check. I endorse the check. We deposit that into my trust
14 account. If it has to sit -- under Supreme Court rules
15 sometimes it has to sit for ten days or more. Some smaller
16 checks don't. Once it's been in the account long enough to
17 be able to be disbursed pursuant to our rules, then my
18 bookkeeper does the checks that I instruct her to do, and I
19 sign the checks to make disbursements. If there are checks
20 to another law firm, then the money is disbursed to that
21 firm.

22 Q In the course of litigation, are there typically costs
23 and expenses that accrue during the course of that
24 litigation?

25 A Almost always.

1 Q And do those typically get paid out of whatever
2 settlement is reached, assuming a successful result?

3 A They do. All of my fee agreements and every lawyer
4 I've ever worked with have a provision in there that client
5 understands that the fees are advanced by the lawyer, but
6 upon recovery they're reimbursed, or recovered, by the
7 lawyer.

8 Q In a particular case where you're splitting a fee and
9 there were, in fact, fees and costs associated with the
10 successful recovery -- excuse me, costs and expenses
11 associated with a successful recovery, are those issued in
12 a separate check typically or a check together?

13 A When I first started, I think my firm was doing costs
14 and fees, not just for other firms but costs and fees that
15 were payable to my firm in the same check. But, I mean,
16 ten plus years ago, if not longer, we started doing
17 separate checks just to make the accounting and keeping up
18 with it easier. So, generally it's a fee check and a
19 separate cost check.

20 Q And in 2020 and 2021, were you issuing those separate
21 checks?

22 A Yes.

23 Q Very quickly without getting into the details, did you
24 have a case in Allendale where you split with Alex in the
25 early part of 2021?

1 A Yes, sir.

2 Q All right, and ultimately was there a recovery in that
3 case?

4 A There was.

5 Q And --

6 A It was actually three cases but they were similar
7 factually, and so we treated them as one case, but it was
8 three separate -- three separate plaintiffs, three separate
9 cases.

10 Q And ultimately did you, your office, disburse the fees
11 and the expense check to PMPED?

12 A On all three cases, yes, sir.

13 Q And those checks were made out to what when you
14 disbursed those?

15 A All three of the fee checks were made payable to -- I
16 don't know if we used the acronym PMPED or if we actually
17 spelled out Peters, Murdaugh, Parker, Detrick, and
18 Eltzroth, but PMPED.

19 Q And generally, except for the *Faris* case which we'll
20 talk about in a minute --

21 A Sure.

22 Q -- when you had those fee splits with Alex, were the
23 checks made out to PMPED?

24 A Yes, sir.

25 Q And signed by you?

1 A Yes, sir, and I'm the only person that can sign checks
2 in my office, so -- now. I had a partner at one time, but
3 now I'm the only person that can sign checks.

4 Q Okay. Did you have a case involving Mack Trucks that
5 involved Alex?

6 A Yes, sir.

7 Q And can you describe to the Court how you ended up
8 getting that case and how you ultimately associated Alex in
9 that case, please?

10 A Sure. And I've heard it referred to the as the *Faris*
11 case, the Mack Trucks and *Faris*. I would rather refer to
12 it as the Mack Trucks case.

13 Q That's fine.

14 A Another lawyer had contacted me about a case that he
15 was working on, felt like he had a wreck involving a
16 tractor trailer and an automobile in which a gentleman was
17 injured. I believe he had already filed suit against the
18 tractor trailer company and its driver and maybe another
19 party. Started looking at the case for and with him. It
20 involved a drive shaft that had fallen out of a Mack truck
21 into the interstate and this gentleman had -- and a number
22 of other cars had hit that drive shaft. And in looking at
23 it, in doing a little bit of research, I and he together
24 realized that there very likely could be a products
25 liability case involving a defect with the drive shaft of

1 the truck or something like that.

2 So, I reached out to Alex and asked him if he could
3 get involved in the case, or would get involved in the
4 case. That's what his firm specialized in a lot was
5 products liability cases. And we were pushing some
6 deadlines to bring in all of the parties that we needed to,
7 and so I reached out pretty quickly because I knew we
8 needed some help.

9 Q And he agreed to be a part of that case?

10 A He did.

11 Q As that litigation proceeded, did y'all have, as is
12 typical, some discovery hearings, discovery motions and
13 that sort of thing?

14 A Well, we had a number of them. I don't remember how
15 many -- I don't remember how many, but we had a number of
16 different motions and discovery that went back and forth,
17 documents being exchanged, things like that.

18 Q All right, and did that ultimately set up the prospect
19 of a trial in that case?

20 A It did, but it was unusual. It wasn't a jury trial
21 like is normally done in personal injury cases. It was a
22 nonjury trial tried before a circuit court judge with an
23 admission of liability. We waived punitive damages, and
24 there was an agreement between the parties that neither
25 party would appeal the result.

1 Q And in a case -- plaintiffs' case, civil plaintiffs
2 like, like this, if there is a large recovery let's say for
3 the plaintiff and the defendant decides to appeal, does
4 that typically delay payment of the recovery until that
5 appeal is heard and resolved?

6 A I mean, it can. The appeals -- you never know how
7 long an appeal is going to take, and so if the losing
8 party, the defendant, the company that you're suing,
9 whoever it might be, decides to appeal, they can tie the
10 verdict up for a while. If you win the appeal, you're
11 going to recover costs and interest. So, you know, that's
12 the remedy. But it can tie up money for people that are
13 injured that need that money.

14 Q Did y'all ultimately try that case in a bench trial?

15 A We did. We had --

16 Q What county was it?

17 A Excuse me?

18 Q What county?

19 A It was in Richland County, Columbia.

20 Q And when did y'all try that case?

21 A The first part of January of 2021.

22 Q And who did the closing argument in that case?

23 A Alex.

24 Q And did y'all ultimately -- there had been a
25 concession of liability so the amount was really what was

1 in question. Is that correct?

2 A Yes, sir.

3 Q And how many plaintiffs did you have?

4 A There were actually two cases. We call it *Faris* or
5 the Mack Trucks case throughout all of this, but there were
6 actually two cases. The gentleman that was injured, and
7 then his wife, we brought a loss of consortium claim for
8 her for the loss of companion services that she had lost
9 from him.

10 And just, not to get too detailed, Mr. Waters, that --
11 her case had gone into default. In other words, Mack
12 Trucks hadn't answered the papers like they should have,
13 and so they were in a really bad position in this case.
14 And in the gentleman's case, they had answered but we were
15 discovering some things -- when we were doing some
16 discovery, it was clear they didn't want us looking much,
17 much further, and so that's why this deal, everybody agreed
18 to a nonjury trial without appeal, with a waiver of
19 punitive damages, and an admission of liability is done.
20 And we were in Covid and it was going to take us awhile to
21 get to trial. So, it worked out well for both parties, and
22 the result worked out well for us.

23 Q And that's often how it goes in litigation, both sides
24 kind of decide what's best and sometimes they can have a
25 meeting of the minds.

1 A Yes, sir.

2 Q All right. Was there ultimately a verdict by the
3 judge in that case?

4 A There were two verdicts in two cases, yes, sir.

5 Q What were those amounts?

6 A I believe it was 4 million for the injured man and 1.5
7 for the wife. I remember it was 5.5 combined, but I think
8 it was 4 and 1.5.

9 Q All right, and so how did the fees break down, to the
10 best of your recollection, that were going to be split
11 among the three lawyers involved?

12 A There were --

13 Q Let me ask you this. Do you remember how much Alex's
14 share was?

15 A 792,000. There was a larger split to the attorney
16 that initiated the case, but I believe Alex was 792. The
17 math didn't work out perfectly. I was 791 and the other
18 attorney was higher than that, but I don't remember the
19 exact numbers.

20 Q In recognition of his origination?

21 A Yes, sir.

22 Q In March of 2021, did you ultimately receive the
23 monies and prepared for disbursement?

24 A Yes, sir. I believe they came in late February
25 because we disbursed in March, and I had to wait at least

1 ten days. Part of the money came by a wire, which would
2 have been kind of immediately available and accessible but
3 it was a smaller portion of the money. The larger portion
4 came in a check, and because it was such a sizable amount,
5 I waited maybe twelve or fifteen -- fifteen days or so. I
6 didn't disburse on the tenth day.

7 Q Okay, and did you have a conversation with the
8 defendant about disbursing those fees?

9 A I had a conversation with Alex and with the other
10 attorney I worked on the case with when the fees were ready
11 to be disbursed.

12 Q What about your specific conversation with Alex? Did
13 he make any requests of you or have any discussions with
14 you about how to handle his \$792,000 share of the fee?

15 A He did.

16 Q And tell me about that conversation, please.

17 A When I contacted him and told him we are getting ready
18 to disburse and we would have checks ready, he indicated to
19 me that he was looking to place his fees in an annuity. He
20 called it, like, a structure. I've never done one of those
21 before, so I didn't really know how it worked. I've never
22 done structure for my fees myself. I've structured client
23 money but not my fees. He indicated he was looking to do a
24 structure by putting the monies into annuities and that the
25 checks needed to be made payable directly to him, that he

1 had already cleared it with his firm, that the monies were
2 going to be put on the books and accounted for and he would
3 be credited as having received those monies.

4 Q Based on his representations to you that he had
5 cleared it with his firm, did you agree to do something
6 different and make the checks directly out to him?

7 A I did.

8 MR. WATERS: Hold on for me one second.

9 (Break in proceedings.)

10 (COPY OF CHECK MARKED AS STATE'S EXHIBIT NUMBER 345
11 FOR IDENTIFICATION.)

12 (COPY OF CHECKS MARKED AS STATE'S EXHIBIT NUMBER 346
13 FOR IDENTIFICATION.)

14 (COPY OF CHECKS MARKED AS STATE'S EXHIBIT NUMBER 347
15 FOR IDENTIFICATION.)

16 Q I'm going to show you very quickly what's been marked
17 as Exhibit 345, State's 345 for the purposes of this
18 *in-camera* hearing, and see if you recognize that particular
19 document.

20 A I do.

21 Q All right, and what is that?

22 A So, this is the initial check that was written per
23 Alex's instructions directly to him on the gentleman's case
24 for fees made payable to Richard Alexander Murdaugh,
25 Esquire, for \$600,000, but voided.

1 Q Why was it voided?

2 A Because he instructed me afterwards, and I don't
3 remember if it was in the same conversation or shortly
4 thereafter -- it must have been shortly thereafter -- that
5 the checks on that case needed to be made in two separate
6 check payments because he was doing two separate annuities.

7 MR. WATERS: Your Honor, I have a copy for you that I
8 was going to hand up. If I could approach?

9 THE COURT: Yes, sir.

10 Q All right, I'm going to show you what's been marked as
11 State's 346 for purposes of this *in-camera* hearing, and see
12 if you recognize these documents.

13 A Yes, sir. The first page is the check payable
14 directly to Richard Alexander Murdaugh, Esquire, for
15 \$192,000, and that is on the loss of consortium case for
16 the wife. And on the bottom, just like that \$600,000 check
17 that was voided, it indicates it was for fees. I guess the
18 other writing on here is maybe from my --

19 Q I'm just focusing just on the checks.

20 A The checks. It has something to do with the way we
21 recovered the checks.

22 Q All right.

23 A The back page looks like an endorsement, Bank of
24 America deposit only. It looks like a signature, Bank of
25 America.

1 Q Okay, and again, just -- I was just asking you to
2 identify and see if you recognize the checks.

3 A Yes, I do. I recognize all of them.

4 Q All right. Tell me the second check, the amount and
5 what that's for.

6 A The second check is for \$225,000 payable directly to
7 Richard Alexander Murdaugh, Esquire. It indicates on the
8 bottom it is for fees. This would be part of the rewrite
9 of that \$600,000 check that had been voided.

10 Q All right.

11 A And then the third check is a \$375,000 check payable
12 directly to Richard Alexander Murdaugh, Esquire, and it
13 indicates fees, and that would be the remainder of the
14 rewrite of that \$600,000 check initially written that was
15 voided.

16 Q And those second two were rewritten why?

17 A At Alex's request. He had indicated that he was
18 putting the money into two different vehicles, or
19 annuities, and needed the checks written that way.

20 Q All right. What did you do with those checks after
21 you -- the three checks after you finally cut them?

22 A Obviously I signed them, and at some point in time I
23 think Alex sent somebody up to my office to pick them up.
24 I don't think I delivered them. Often times I put checks
25 in the mail. Sometimes when they're larger, I either offer

1 to have them picked up or delivered, and I think he had
2 somebody come pick those up from my office.

3 Q Like a law firm runner or somebody like that?

4 A Something like that, yes, sir. I don't even think I
5 was in the office when they picked it up.

6 Q All right. You've known Alex for a long time, right?

7 A Since our -- yeah, since the mid-80's or earlier.
8 Yeah, mid-80's, yes, sir.

9 Q Worked with him for a long time?

10 A Many times.

11 Q And his explanation to you about what he was going to
12 do, did that raise any suspicions with you to your friend
13 that you've known for such a long time?

14 A No, sir. It was different but it didn't raise any red
15 flags or suspicions to me that anything wrong was going on.

16 Q Because you trusted your friend, right?

17 A Very much.

18 Q Was your -- what was your perception of Alex's general
19 wealth and success?

20 A I thought he made a lot more money than I did. Always
21 seemed to do well in his practice. All I ever heard is
22 that he was one of the biggest producers in the firm.
23 He -- you know, it's his family name on the firm but they
24 acted like it was his name on the firm, too. He and I
25 handled big cases together. When I talked to the partners

1 and other members of that firm, they were talking about big
2 cases that they were handling with him. I felt like he did
3 really well.

4 There were -- we never got into direct discussions
5 about the amount of money he made or the amount of money I
6 made. We talked about, you know, sometimes business and
7 sometimes money and sometimes things, but I never -- I
8 always thought he made a lot of money.

9 Q Is that part of the reason why your suspicions
10 weren't -- didn't arise when you were asked to do this
11 request by Alex?

12 A I guess so. Not so much as just -- I had never had
13 any dealings with him that I had any reason to distrust
14 what he was telling me. I mean, he was a partner in that
15 firm. He had the authority, as far as I knew, to make
16 decisions. I mean, if he would have wanted to reduce the
17 fee and take less and it was payable to the firm, I
18 wouldn't have questioned that. I didn't feel like he had
19 to have his authority -- his partners' approvals to make
20 those type decisions.

21 Q All right. I'm going to show you what's been marked
22 as 347 and see if you recognize that document.

23 A Yes, sir. The first check is a check that was made in
24 May of 2021, May 13th, to Peters, Parker, Murdaugh,
25 Eltzroth, and Detrick, for \$14,619.13. I don't think on

1 the bottom it says anything, but this was a cost
2 reimbursement check on one of those two cases. And then
3 the second check is a check made payable on the same day,
4 May 13th, for the same amount of money plus 1 cent, so for
5 14 cents, and it was cost reimbursement in the other case.

6 Q All right.

7 A And that's made payable to the law firm, also.

8 Q Who was your assistant, or paralegal, at this point in
9 time?

10 A Vickie. I mean, she's one of several, but Vickie is
11 my primary paralegal.

12 Q At some point in May of 2021, did Vickie advise you
13 of any inquiry coming from PMPED about where these fees
14 were?

15 A No, she didn't advise me in May about any inquiry
16 about where the fees were. She had received an email in
17 May from Alex's paralegal, Annette, that said hey, we got
18 the cost check but we don't have the fees. Where are the
19 fees? And she replied to that email to Annette and said
20 your boss has already been paid the fees, just like mine
21 and the other lawyer. Vickie replied to that email.

22 I didn't know about that email until all of this came
23 out in September of what was going on. I didn't know about
24 that reply email to Annette. Vickie did receive an email,
25 another email from Annette and as I recall, it was an email

1 that Annette had received from Jeannie Seckinger that
2 Vickie did forward to me sometime towards the end of May.
3 I think she had gotten it but she was out on vacation for a
4 couple of days, and when she got back she forwarded it to
5 me.

6 And there was an email from Jeannie Seckinger that
7 said something to the effect of Alex thought he was owed
8 more costs in the case had some questions about costs, and
9 they were trying to get some information so they could
10 determine if they were owed more costs.

11 Q Okay.

12 A She did forward me that email.

13 MR. WATERS: All right. Stand by for me real quick.

14 (Break in proceedings.)

15 (EMAILS MARKED AS STATE'S EXHIBIT NUMBER 348 FOR
16 IDENTIFICATION.)

17 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 349 FOR
18 IDENTIFICATION.)

19 (PROMISSORY NOTE MARKED AS STATE'S EXHIBIT NUMBER 350
20 FOR IDENTIFICATION.)

21 (TEXT MESSAGE MARKED AS STATE'S EXHIBIT NUMBER 351 FOR
22 IDENTIFICATION.)

23 (DISBURSEMENT DOCUMENTS MARKED AS STATE'S EXHIBIT
24 NUMBER 353 FOR IDENTIFICATION.)

25 Q I'm going to show you what's been marked as 348 for

1 purposes of this hearing, State's 348, and see if you
2 recognize that document.

3 A Yes, sir. This looks like the email string where
4 Jeannie Seckinger, the Chief Financial Officer at PMPED,
5 emailed Annette Griswold, which was Alex's primary
6 paralegal. It basically says that Nicole -- I don't even
7 know who that is -- brought them the expense check and that
8 didn't match their records. Alex thinks he has more
9 outstanding costs but can't say what, and they want to see
10 if they can get some information concerning expenses and
11 disbursements. It looks like Annette forwarded that to my
12 paralegal, Vickie, on May the 27th. Vickie was out. It
13 looks like Annette asked her again on June the 2nd if she
14 could get her some information, and Vickie replied to
15 Annette that she didn't deal with some of the documentation
16 they were requesting, and so she would forward that to me.

17 Q And that's June the 2nd when?

18 A 2021, June 2nd.

19 Q June 2, 2021.

20 A Yes, sir.

21 Q At this point in time are Alex's fees still in your
22 trust account?

23 A No, sir, they were disbursed. The check was March, so
24 I don't know the exact date, but they were disbursed in
25 three separate checks in March.

1 Q At some point in time around this June 2nd,
2 thereabouts, did you receive any call from Lee Cope?

3 A I believe I had a conversation with Lee Cope. I was
4 trying a case in Hampton the week before that and I was in
5 and out of their office, and I believe I had a conversation
6 with Lee. That would have been, like, the week of May the
7 24th or some of those days in there, and I believe I had a
8 conversation with Lee. He asked me if all of the money had
9 been disbursed in the *Faris* case, and I told him that it
10 had not been, that we had some liens outstanding, medical
11 bills and liens outstanding, and we were holding money for
12 some additional costs in case things came in, and he didn't
13 ask me any further questions. He did not mention that
14 there were any issues or concerns about fees.

15 Q After you received that call from Lee Cope -- well,
16 what did you tell Lee Cope?

17 A I told him I would have to check into it.

18 Q After that, did you reach out to the defendant?

19 A I did.

20 Q And what was your conversation with him?

21 A I reached out to Alex and I said Alex, you know, hey
22 -- I mean, I don't know what all we talked about in that
23 call, but at some point in time we talked about -- I said
24 hey, I've got this email that's been forwarded to me by
25 Vickie where your firm is saying that you believe you're

1 owed more costs. I put the cost down on the cost -- on the
2 disbursement sheet that you had given me, but if you've got
3 more costs, just figure out what it is and get it to me.
4 We're holding some money to deal with some medical bills
5 and liens, and with the clients' consent we were holding
6 some money in case additional costs come in. Sometimes
7 costs are slow coming in and that's normal, and if there's
8 an issue, just let me know.

9 He said, you know, I'll check on it or there's not an issue
10 or I'll check on it. And I said hey, this is the case that
11 I disbursed the fees to you, you know, per your request.
12 Is everything all right? And he said yeah. I've just got
13 to make sure they know it's on the books the right way, and
14 that this is the case that we've already worked out the --
15 put it on the books.

16 Q And did he tell you he had structured those fees in
17 annuities as he had told you before?

18 A Yeah, that he had put them in the annuities.

19 Q Put them in the annuities. The firm is going to make
20 sure they're on the books.

21 A As far as I knew, the firm was aware that the monies
22 had been paid to him, that he was putting them into
23 annuities, that they would credit him as already having
24 been paid, and they would account for that whenever or
25 however they split up money.

1 Q And just to be clear, those funds were not in your
2 trust account. They were gone at that point.

3 A Yes, sir. They had been gone since March, or whenever
4 those checks were cashed after I wrote them in March.

5 Q \$792,000.

6 A Yes, sir.

7 Q For purposes of this hearing, I'm not going to go into
8 the night that Maggie and Paul were killed, but just very
9 quickly, you did have some texts and calls with Alex that
10 night. Is that correct?

11 A Yes, sir.

12 Q And you were at the residence and responding as
13 friends and family did in the aftermath of that event. Is
14 that correct?

15 A Yes, sir.

16 Q After the -- few weeks after the murders, did you --
17 let me get you some tissues.

18 A I've got one; I've got one. I'm fine. Yes, sir, I'm
19 fine.

20 Q A few weeks after the murders, did you have another
21 conversation with Alex asking him if everything had been
22 handled with the firm and those fees?

23 A Yes, sir. I don't remember if it was two weeks or
24 three weeks or what it was. I mean, everybody was
25 destroyed and I don't think anybody was focusing on that.

1 I know I wasn't. But at some point in time after that I
2 just said hey, is everything all right with the contact I
3 had gotten with those fees, and he said it was.

4 Q At some point in mid-July of 2021, and over a month
5 after the murders, did Alex call you up and ask you
6 anything about these fees?

7 A He did.

8 Q And tell me what the conversation with Alex was about
9 these fees.

10 A He contacted me and said that he was not able to
11 structure the fees the way that he thought he was going to
12 be able to do, that he had messed that up, and that the
13 fees needed to be paid to the firm, and they needed to go
14 back through my trust account.

15 Q Okay, and what did you say at that point?

16 A I didn't -- I didn't see anything that caused me any
17 red flags or anything and felt like if that's what had to
18 be done, that the fees had to be paid to his firm and
19 needed to go back through my trust account, he could send
20 me the money and I could run it back through my trust
21 account and then pay it to his firm.

22 Q So he's promising, he's saying I will send you the
23 money back. Is that correct?

24 A Yes, sir.

25 Q Did you ultimately receive any funds?

1 A 600,000 of the 792.

2 Q You only received 600,000?

3 A Yes, sir.

4 Q And how did you receive that? Do you recall?

5 A I think it came in two different wires -- wires,
6 excuse me, that it either came on the same day or on back-
7 to-back days.

8 Q Did one of those wires come from Palmetto State Bank
9 for \$350,000?

10 A I believe so, yes, sir.

11 Q And that was on or about July 15th?

12 A That sounds right, yes, sir.

13 Q And the other was about \$250,000 on July 16th of 2021?

14 A I believe from Bank of America, yes, sir.

15 Q And that was only \$600,000?

16 A Yes, sir.

17 Q So, you were short on what you had already given to
18 Alex, correct?

19 A Yes, sir.

20 Q How much are you short?

21 A \$192,000.

22 Q \$192,000.

23 A Yes, sir.

24 Q Did you have a conversation with Alex about being
25 short?

1 A I did.

2 Q And what was your conversation with Alex?

3 A He told me that he wasn't able to access the 192,000
4 immediately, that he had already put it into the annuity,
5 but he couldn't do it the way he wanted to, but he couldn't
6 access it because it would be penalized if it was
7 withdrawn, and that he would get me the money.

8 Q So, what did you do in response to what your friend
9 told you to do -- or told you about the reason why he was
10 short \$192,000?

11 A I mean, at that point I had an indication that I was
12 supposed to have \$792,000 in my trust account that was
13 supposed to have been paid to his firm. I'm responsible
14 for that trust account. I put \$192,000 of my own money in
15 that trust account to cover the shortfall.

16 Q Based on his representation that he'd get you back.

17 A Yes, sir.

18 Q I'm going to show you what's been marked as
19 Exhibit 349, State's 349 for this *in-camera* hearing. And
20 do you recognize that?

21 A I do.

22 Q Tell me what that is, please.

23 A This is an email that I sent to Alex at his request.
24 He said he needed to be able to provide it to his firm so
25 they would know the money was being held, and it was dated

1 July 19th of 2021. It says:

2 Alex, as discussed, I'm confirming that I'm
3 holding in trust \$600,000 in the gentleman's case
4 and \$192,000 in the lady's case, which represents
5 attorneys' fees. I'll continue to hold these
6 monies in trust until I'm instructed by you --

7 Excuse me.

8 -- by you or your firm regarding payment.

9 Q You sent that email at that point in time. Did you
10 receive any further inquiry at that point in time, at least
11 from the law firm, saying all right, go ahead and send us
12 the 792?

13 A Mr. Waters, I didn't hear anything else from the law
14 firm at all until September the 3rd, 2021, about 3:00 in
15 the afternoon when Mr. Lee Cope called me. The first
16 question he asked me was I still holding \$792,000 in my
17 firm -- that seemed to be his first concern -- and I said
18 yes, I am. And he said, well, we need to get that money
19 paid to us. And then he told me that they had done -- they
20 had discovered a check that -- I think I remember him
21 telling me that was from me to Alex and the firm, and that
22 they had discovered that Alex was stealing money from the
23 firm and from clients, and that he could not talk very long
24 and asked me not to say anything to anybody until the
25 following Tuesday when they could issue a press release.

1 Q And let me slow you down just real quick before we get
2 there. At some point in time in August, did you attend any
3 event or any conference where you saw Alex?

4 A I did.

5 Q And when was that?

6 A It's called South Carolina Association of Justice now.
7 I still call it the Trial Lawyers' Association. We have an
8 annual convention in Hilton Head every August the first
9 weekend, and I usually attend and was there and Alex was
10 there.

11 Q You saw him there?

12 A I did.

13 Q And did you have any conversation with him at that
14 conference about the \$192,000 that you covered for him and
15 when he was going to pay that back?

16 A I believe I asked him about it, and he indicated he
17 was working on it, something -- you know, something -- some
18 discussion about his father's estate. You know, his father
19 had just passed and there would be money coming from the
20 estate, and then with Maggie's estate being tied up also.

21 Q Did he say he might could sell some property or
22 something like that?

23 A I think he did mention that he was working towards
24 selling some property.

25 Q At this point in time, still a couple of months after

1 the tragic murders of Maggie and Paul, were you still very
2 sensitive to your friend's emotional health and well being?

3 A Sure. I mean, I didn't push him.

4 Q You didn't push him.

5 A No, sir.

6 Q At some point after that conference where you asked
7 him about it and didn't want to push him, did you have
8 another conversation with him about when that money might
9 be paid?

10 A I believe I did, yes, sir.

11 Q All right. I'm going to show you what's been marked
12 as State's 350 for this hearing and see if you recognize
13 that.

14 A I do.

15 Q And tell me what that is.

16 A It is a very rudimentary handwritten scratched out
17 promissory note that I asked Alex to sign for me, which he
18 did August 17th of 2021, acknowledging that I had loaned
19 him \$192,000 that he would repay within sixty days I think
20 is what it says.

21 Q And tell me how the circumstances of how you came to
22 get essentially on a folded piece of paper -- this is a
23 copy of it, right?

24 A It is, yes, sir.

25 Q Tell me about this.

1 A That was more about -- I mean, I wanted to get repaid
2 my money as quickly as possible, but that was more about I
3 was concerned, just like everybody else, everybody in his
4 firm and everybody in his family, that he was going to do
5 something to himself, you know, that he was going to kill
6 himself. And, I mean, I knew enough to know that if he --
7 I couldn't make a claim against his estate if there wasn't
8 something in writing, and so that was more -- I went to him
9 and said Alex, look, I hate to even ask this, but I need to
10 ask you to do this in case something happens to you, and I
11 phrased it like if you get hit by a car or something. But
12 it was more about -- worried about what he might do, and I
13 need to ask you to do this so that if there's a problem, I
14 can deal with it, and he did. He didn't have a problem
15 with it.

16 Q You already said this part, but at some point a few
17 weeks later you get a call from Lee Cope asking about those
18 fees and saying that Alex had been stealing money, right?

19 A Yes, sir.

20 Q Did it hit you like a thunderbolt?

21 A It knocked me down. I mean, I was with a group of
22 guys. I could not talk. Lee told me he could not talk
23 very long. I mean, I didn't know how to react.

24 Q Were you trying to get in touch with Alex?

25 A I did. I mean, I couldn't do it immediately. I think

1 I spoke to Lee for just a minute. He told me I needed to
2 call him right back. I called him back. We talked for
3 just a minute. He couldn't talk long; he said he had other
4 things to take care of to deal with all of what was going
5 on.

6 Q Do you remember what day this is?

7 A September 3rd, Friday, 3:00 in the afternoon.

8 Q 2021?

9 A 2021, yes, sir.

10 Q And you remember it like it was yesterday?

11 A I can tell you exactly where I was and who I was with.

12 Q Tell me more about what happened.

13 A I finished up what I was doing with that group. I
14 think I tried to call Alex, or I know I texted him, and I
15 believe I tried to call also and I couldn't get him.

16 Q Did you continue to try to contact him?

17 A I did. I think he did respond maybe that afternoon
18 later and said I'm in a -- I forget what it was. I was in
19 a meeting or something and I can't -- I'll call you back as
20 soon as I can. But as some point in time, I kept trying to
21 get him and we did talk later.

22 Q What did you talk about? What day was that when you
23 finally were able to talk with him?

24 A I think I spoke -- I did speak to him that evening,
25 the Friday, September the 3rd, by phone. I don't remember

1 exactly the conversation, but I said look, Lee has called
2 me and told me what's going on. What is going on? And he
3 said I really can't talk about it much right now. I said I
4 need to talk to you and I want it to be in person. I need
5 to know what's going on and --

6 Q What happened next?

7 A Well, he said he would try to meet with me the next
8 morning and that he was sorry, and -- and I don't remember
9 all of the gist of that conversation. But the next morning
10 I tried to call him, I woke up and I started driving
11 towards Beaufort because I thought he was staying at John
12 Marvin's house down that way. And I started calling him
13 and driving his direction, and eventually he called me back
14 and said he would meet me in Alameda at his mama and daddy's
15 house.

16 Q Did you meet him there?

17 A I did.

18 Q Was that in the morning of September 4th?

19 A Probably a little bit before lunchtime, kind of late
20 morning, yes, sir.

21 Q Did y'all have a conversation?

22 A We did.

23 Q Where was the conversation?

24 A I got there before he did. I don't think I pulled in
25 the driveway. I kind of waited out on the road, pulled in

1 the driveway. We went in the side door. The caregiver was
2 there. She -- we went out onto the front porch, and we
3 talked on the front porch.

4 Q And what did he say to you?

5 A I mean, the first thing I asked him is, you know,
6 Alex, what the F or what the H is going on here? You know,
7 what is going on? And have you done something else to me
8 or that involves me that I don't know about because I know
9 about this and I've got to deal with this, but is there
10 something else you've done that I don't know about that I
11 need to be concerned with?

12 Q What happened next?

13 A He broke down crying, said I can't -- I can't right
14 this second. He went inside, came back out with some paper
15 towels and told me that he had had a drug problem, that he
16 was addicted to opioids, and that he'd been addicted for --
17 I don't remember if he said twenty or twenty-plus years,
18 but, you know, for twenty years or so.

19 Q Did he say anything about the money?

20 A He told me that he had -- that he had been stealing
21 money.

22 Q Did he have a particular phrase about what he had done
23 to you?

24 A Shit me up.

25 Q He said he shit you up?

1 A Shit me up or shit me up or shit me off or something
2 like that, but I think it was he shit me up.

3 Q And he said that -- he admitted to you he had been
4 stealing client money?

5 A Yes, sir.

6 Q So, he confessed that to you. Is that correct?

7 A He said that he had shit a lot of people up.

8 Q I'm going to show you what's been marked as State's
9 313 in this *in-camera* hearing. Do you recognize that?

10 A Yes, sir.

11 Q What is that?

12 A I think this is the original of that \$225,000 fee
13 check written in the gentleman's case directly to Richard
14 Alexander Murdaugh, Esquire.

15 Q Is that your signature on it?

16 A It is.

17 Q How did that conversation end?

18 A I don't remember exactly how it ended, Mr. Waters. I
19 was so mad. I mean, I had loved the guy for so long, and I
20 probably still love him a little bit, but I was so mad
21 and -- I don't remember how it ended. I left. I mean, I
22 asked him, you know, how did I not know these things or see
23 these things, you know? And we talked. I don't
24 remember -- I mean, he was concerned about me getting my
25 \$192,000 back, seemed concerned. I told him I wasn't

1 worried about that at that point. I wanted to make sure
2 there wasn't something else.

3 Q This was a little bit before lunch on September 4th?

4 A Yes, sir. I mean, we didn't leave -- we didn't -- I'm
5 sure we -- I'm sure I yelled at the beginning, or at least
6 raised my voice, but I didn't leave yelling and screaming
7 and hollering. We didn't fight, but I left and I wasn't
8 happy.

9 Q Where did you go after you left? Do you remember?

10 A I rode through Hampton, actually through Hardee's and
11 grabbed something for a bite of lunch on the road, and
12 headed back to Columbia where I live.

13 Q That day, did you hear anything else about Alex?

14 A I did.

15 Q About how long after you left Alex did you hear
16 something?

17 A I had stopped in my office in Bamberg, or at the post
18 office to pick something up, and I was somewhere between
19 Bamberg and Columbia when I got a call. It was either from
20 Randy or Lee Cope, but I believe it was Lee Cope.

21 Q What were you informed?

22 A That Alex had been shot in the head, and that he was
23 on a helicopter going to the hospital in Savannah. And I
24 think it was Savannah Hospital, but they said the hospital,
25 but I believe they said Savannah Hospital.

1 Q What did you do in response to that information?

2 A What the devil is going on. I thought he'd tried to
3 kill himself. I didn't think he was suicidal when I left,
4 but when I heard that, I thought he'd tried to kill
5 himself.

6 Q Did you go to the scene or did you return back home?

7 A I went back home.

8 Q Did you try to reach out to Alex after that?

9 A I did not. I talked to his brother Randy, I think,
10 some that same day and some on the next day. But by that
11 time frankly all of this had, for lack of a better term,
12 blown up to where I didn't think I would be able to talk to
13 Alex, and I don't know that I wanted to.

14 Q Have you had a conversation with him since?

15 A I have not spoken to him since that morning at Alameda.

16 Q Have you had any other communication with him?

17 A He's texted me once or twice to which I responded
18 something very generic like I'm thinking about your family.
19 And I think he may have written a letter, some short letter
20 that frankly I turned over to my lawyers.

21 Q I'm going to show you what's been marked as State's
22 351 and see if you recognize that.

23 A I do.

24 Q And what is that?

25 A This is one of the texts that I received from Alex and

1 my response.

2 Q Is that a number you previously had recognized being
3 Alex's?

4 A I don't know if I had ever seen that number before,
5 but it's not the normal cell phone number that I would have
6 used to contact him, or he would have to contact me. I
7 mean, there were -- sometimes he would tell me he's calling
8 me from the phone in his car. Sometimes it would be a
9 number I didn't recognize.

10 Q Is that the text on the screen there?

11 A Yes, sir.

12 Q Does it say:

13 So sorry for all the havoc I created for you. I
14 would do anything to make it right.

15 A Yes, sir.

16 MR. WATERS: Thank you, Mr. Wilson. That's all of the
17 questions for this *in-camera* hearing.

18 THE COURT: By the defense?

19 MR. GRIFFIN: We have no questions, Your Honor.

20 THE COURT: All right, Mr. Wilson. Thank you.

21 THE WITNESS: Thank you, Judge.

22 (The witness exited the stand.)

23 THE COURT: How many more witnesses do you anticipate
24 on this, on this matter?

25 END OF *IN-CAMERA* HEARING

1 MR. WATERS: There's a lot of moving parts, Your
2 Honor. I do have a law firm witness that I would like to
3 call on this particular matter, along with the partners.
4 We have the *Satterfield* matter, there is a confession of
5 judgment, or we can present testimony on that as well. And
6 we have a bank witness to establish a -- the financial
7 condition of Alex at the time these murders happened.

8 THE COURT: Which was what?

9 MR. WATERS: Which was he was burning through cash
10 like crazy. He was out of options. This 793 -- 2 thousand
11 dollars was gone in no time at all. And I think the
12 evidence is very compelling that for an extended period of
13 time, he had been living in a velocity of money that is
14 really quite stunning, and he constantly had to achieve
15 more money to avoid the reckoning that was happening. And
16 so it will show on that particular day that -- and on
17 June 7, 2021, when he's being asked about these Faris fees,
18 the financial condition is not good. There's not that
19 money there. He's extremely leveraged in the debt that he
20 has, and it will be part of a history where he is forced to
21 do all of these things that we've been showing through
22 Ms. Seckinger to stay afloat and to stay one step ahead.
23 For the jury to understand the reality of what he was
24 facing, they have to understand the extent of what is being
25 potentially exposed; they have to understand why he would

1 be doing these things and why he was out of time. This is
2 not the kind of case where -- and I don't know if you want
3 legal argument at this point, but --

4 THE COURT: Well, I asked the question and you're -- I
5 guess this is still your answer. I don't know.

6 MR. WATERS: Yes, sir, thank you, Judge. So, anyway,
7 this is the kind case where -- for example, he mentions the
8 boat case out of the gate. The boat case, the hearing was
9 going to be that week. We will establish evidence that the
10 hearing was to get access -- or get the identification of
11 his accounts. Once that happens, that he would be unable
12 to -- there would be not long before what had been going on
13 would be exposed. And what we're talking about, and this
14 is really how it's different from some of the other res
15 gestae and other cases that you're looking at, is it's
16 really about the fear of what is about to be exposed. And
17 what we're talking about, again, is a decade of malfeasance
18 and misappropriation that ultimately would result in the
19 charges that it's resulted in, as well as loss of his
20 livelihood and loss of his law degree, and that's the real
21 fear that was there. And when we look at June 7th in
22 particular, at that point in time he's out of options.

23 We've heard from Ms. Seckinger that in the past if
24 he's been able to pay that money or repay that money, then
25 he would kick that can down the road. But on this

1 particular day, the State believes we have evidence, and we
2 believe it's a reasonable inference from those evidence --
3 that evidence that he was out of options. But for the jury
4 to really understand what's going on, they have to
5 understand the full picture of what this man has been doing
6 and what he's been trying to hide, and frankly what he was
7 able to successfully hide in the wake of these murders.

8 The bank witnesses will also establish relevant --
9 specifically to this particular witness and the events that
10 you've heard about -- is that one of the first things that
11 Mr. Murdaugh did business related was to secure \$600,000.
12 He got a loan from PSB, Palmetto State Bank, that wasn't
13 even on the books. They just wired the money. Russell
14 Laffitte wired the money, 350 bucks (sic). He borrowed
15 250,000 from another person, and that's the 600 that he
16 gave to Chris that he used to talk Chris into telling PMPED
17 that all 792 was back in the account. And so, again,
18 that's one of the first things he did to stave off the
19 inquiry of that very morning, 6/7/21, was to get that money
20 in there, and it did, it staved off the inquiry.

21 The fact that Ms. Seckinger -- there had been a number
22 of things that had been occurring there for awhile --
23 ultimately turned her attention back to Alex. It doesn't
24 change the fact that it did effectively delay that time
25 period and delay the ultimate detection of that. And he

1 was able to put that money in, much as he was able to do
2 when he stole the \$125,000 from his brother, or he used the
3 firm credit card, or what we'll see throughout this --
4 throughout the extent of this financial matter.

5 So, the bank witness ultimately will establish two
6 things. Number one is the financial condition at the time,
7 and number two, his efforts in the wake of the murders to
8 secure that additional money so that he could get enough
9 back to Chris Wilson to talk him into telling the law firm
10 that there was nothing to see here and that everything was
11 okay.

12 And, frankly, it worked until two things happened.
13 Number one, Ms. Seckinger started to look back at the
14 Hershberger matter, and then more importantly we have
15 another law firm witness -- don't know if I can put the
16 checks up on the screen. Stand by for me, Your Honor.
17 They found this check right here, this very one, in his
18 office right around that same time in early September, and
19 at that point in time they knew that he had been lying to
20 them about these particular fees, and that's what caused
21 everything to unravel.

22 And then just like you'll see, Your Honor, with what
23 happened on June 7, 2021, within a short period of time the
24 side of the road happens, and Alex immediately claims that
25 he was the victim of a horrible attack, and everyone

1 immediately assumes that the bad guys are back. There's a
2 symmetry, Your Honor, between what happens on the side of
3 the road and what happens on June 7th because when the
4 hounds are at the door, Hannibal is at the gates for Alex
5 Murdaugh, violence happens. And the same thing happened on
6 the side of the road that happened on June 7th.

7 And for this jury to understand the real picture of
8 this man that -- I would remind Your Honor, I know you're
9 well aware of that. They had already repeatedly put in the
10 issue his character and what a loving father he was and all
11 the rest of it. They need to understand really what this
12 man was hiding, and he was hiding something we've never
13 seen before. And the pressures of that are important for
14 the jury to understand why this man might be a murderer.

15 THE COURT: Mr. Griffin, any comment you would like to
16 make?

17 MR. GRIFFIN: Yes, Your Honor, I would like to
18 respond. The -- what you've heard thus far today does not
19 establish that Hannibal is at the gate in any form or
20 fashion. What you heard from Ms. Seck -- Seckinger, excuse
21 me, is that -- what's the language she used? Hang on, I've
22 got it right here. There's a history of trust and
23 brotherhood in that firm, and that some similar events have
24 happened in the past where Alex had been overdrawn with the
25 firm through, you know, loan checks or expense checks, and

1 that eventually the money was paid back and everyone goes
2 about their merry way. I mean, that is basically what
3 she's -- she testified to, Your Honor.

4 And the -- and this sort of concept that Alex
5 committed the murders to cause a delay in the firm
6 investigating this conversion of fees was debunked by her
7 own testimony where she said, number one, Mr. Randolph
8 Murdaugh was going back in the hospital to die and that I
9 stopped in my tracks and I became a friend and stopped
10 looking, and that Mr. Murdaugh did die. I mean, that's
11 what stopped her conversation, and that's what stopped her
12 inquiry on June the 7th by her own testimony. And then you
13 go forward, and then she says she passed it off to Lee
14 Cope, and that Lee Cope kept following up, and he
15 communicated with Mr. Wilson, and Mr. Wilson sent an email
16 Alex had got the money back into the account. And frankly,
17 Your Honor, if this plays out as we attached to our
18 response, the draft transcript and the trial testimony in
19 the Russell Laffitte case, that Mr. Murdaugh had in
20 progress at Palmetto State Bank a loan application to get
21 refinancing, and that Maggie's murder stopped and delayed
22 that, and it had the complete opposite of that effect.

23 He wasn't at the end of his rope. The murder of
24 Maggie -- we have play out, you know, this -- I mean, the
25 murder of Maggie actually caused the delay in the

1 refinancing of the Edisto house, and it precluded getting
2 additional loans from Moselle, and so those are the facts.
3 And how murdering Maggie Murdaugh and murdering Paul
4 Murdaugh eased his financial stress, it didn't. There's no
5 financial gain is what he said. There's no life insurance.
6 There's nothing to be gained by it, and so there's no
7 logical connection from his, you know, disastrous financial
8 house and potentially having to be -- answer to financial
9 misconduct within the firm, losing his law license, being
10 criminally prosecuted -- and so to -- and it's all just a
11 theory. There's no facts. It's all just a theory.

12 But the theory is the best way out is for him to
13 murder his wife and son, and put himself bulls eye in that
14 circle that you heard about in the testimony of this case,
15 and that he is the prime suspect, number one, because he's
16 the father, he's the husband, he finds bodies. They show
17 up and he's holding a shotgun. And he does that to get out
18 from under scrutiny of a \$700,000 diversion of fees with a
19 history of trust and brotherhood in that law firm.

20 Your Honor, that's -- there is no logical connection
21 whatsoever, and it does not lead to evidence of motive.
22 And it -- you know, we can have more testimony, but
23 frankly, Your Honor, it doesn't meet -- and then if we go
24 to 403 and unfair prejudice, I mean, you heard a lot of
25 unfair prejudice here, but the undue delay, confusion of

1 the issues to the jury, I mean, they've got a whole lot
2 more evidence about financial misconduct than they have
3 about a murder and evidence of guilt in the murders, and
4 that's what this is all about.

5 THE COURT: Well, with regard to the list of other
6 witnesses Mr. Waters indicates that the State has for
7 purposes of the Court being able to do an analysis as to
8 whether there's clear and convincing evidence, you have
9 indicated with regard to some of the witnesses, some of the
10 files you do not -- or did not contest them. But if you
11 have the few employees from the law firm, including Lee
12 Cope, Mr. Murdaugh's secretary or administrative assistant,
13 including someone from the bank -- who is the other person
14 you mentioned?

15 MR. WATERS: Well, we have also the Satterfields,
16 which, of course, we have a confession of judgment, again
17 for purposes of hearing that might be sufficient for the
18 Court's analysis, although the circumstances, I think, are
19 never relevant. And then with the boat case, the one
20 they're going to want to add, and that would be Mark
21 Tinsley in the boat case, is to understand the context of
22 the boat case and understand how this all relates to
23 everything, is not only was the discovery there, you know,
24 being sought by Mr. Tinsley, but there will be testimony --
25 and again, this is all in transcripts, which they have and,

1 you know, I don't know. We've talked to the defense about,
2 you know, obviously they don't have to concede and they'll
3 be able to cross on all the rest of it, but, you know, it
4 is in transcripts. They've had a chance to review it, and
5 whether or not that's sufficient at least for an *in-camera*
6 determination.

7 But one of the things that Mark Tinsley will say was
8 the very aggressive posture in which they were taking in
9 the boat case, which meant that Alex Murdaugh was not a
10 defendant of convenience. That the goal of the litigation,
11 at least as it related to him, was a personal recovery, and
12 that is why he was proceeding so aggressively in that
13 particular case.

14 Mark Tinsley will also say that -- and will talk about
15 how that litigation was going. He will also say that after
16 the crimes of June 7, 2021, that landscape completely
17 changed. This was an extremely significant liability, and
18 the testimony will be that that aggressive posture, seeking
19 a personal recovery from Alex Murdaugh actually of
20 \$10 million, that they weren't coming off that, and that
21 that was the manner in which that litigation was going.
22 Once the murders happened, that was done, and Mr. Tinsley
23 will testify to that, at least the posture that they were
24 taking.

25 THE COURT: All right. Well, the Court has heard

1 sufficient amount of evidence -- received sufficient amount
2 of evidence to make a determination regarding clear and
3 convincing evidence involving the law firm and do not need
4 to hear from Mr. Cope or the other witness --what's her
5 name, Ms. Griswold -- in order to make that determination
6 of there being clear and convincing evidence.

7 With regard to the Satterfields, you do have a
8 confession of judgment, which the Court has not seen and
9 reviewed. With regard to the boat case, there's been no
10 testimony in the record regarding the impact of that on
11 Mr. Murdaugh's state of mind or the like. So Mr. Tinsley,
12 and particularly considering the representation by counsel
13 that the plaintiffs in that case were just seeking a
14 financial statement basically. And so the Court can hear
15 from Mr. Tinsley, review the confession of judgment, then
16 hear arguments from the parties once again regarding the
17 admissibility of all of this as it relates to these other
18 bad acts, or bad acts, and also limitation on this, if any.

19 MR. WATERS: Yes, Your Honor. I have two matters
20 right now. I do have the confession of judgment, which I
21 can mark, as well as the disbarment.

22 THE COURT: I don't believe the rule requires a full
23 blown trial on these matters for the Court to make a
24 determination of clear and convincing evidence.

25 MR. WATERS: I do have two issues, though. Of course,

1 we have the bank witnesses to establish that financial
2 condition.

3 THE COURT: Okay.

4 MR. WATERS: There's that.

5 THE COURT: Yeah. The bank witness is also included.
6 I overlooked mentioning the bank witness.

7 MR. WATERS: I do have a -- we can definitely do that
8 in the morning. I do have a problem, unfortunately, that
9 Mr. Tinsley is not available in the morning but can be here
10 first thing Monday morning, Your Honor. We can handle the
11 bank witnesses in the morning.

12 THE COURT: All right.

13 MR. WATERS: And, again, we do have a transcript.

14 MR. GRIFFIN: It's your case.

15 THE COURT: Yes, sir, Mr. Griffin.

16 MR. GRIFFIN: Your Honor, we have filed a separate
17 motion with the Court on the admissibility of essentially
18 Mr. Tinsley's testimony given any consideration by the
19 Court because he's giving, you know, a legal opinion. It's
20 just a judicial decision. It's not Mr. Tinsley's decision,
21 and we've submitted that to the Court. So, we don't think
22 that anything Mr. Tinsley has to say will be relevant if
23 we're be prepared to argue that tomorrow as well as --

24 THE COURT: Well, I haven't -- I don't -- I haven't
25 received that motion.

1 MR. GRIFFIN: Well, here is a clocked-in copy --

2 THE COURT: When was it clocked in?

3 MR. GRIFFIN: January 24, 2023.

4 THE COURT: January 24th. Last Tuesday? When was
5 that, last Tuesday?

6 MR. GRIFFIN: A long time ago.

7 THE COURT: Okay. Yeah. I did see it but I didn't
8 realize that that was pertaining to Mr. Tinsley.

9 MR. GRIFFIN: Yes, sir.

10 THE COURT: Well, we'll address Mr. Tinsley's issue
11 when Mr. Tinsley is available. I cannot conclude based on
12 argument that his testimony will only be related a question
13 of law.

14 MR. GRIFFIN: Yes, sir.

15 THE COURT: So we'll defer anything, or any
16 presentation until Mr. Tinsley is available, and then we
17 can press on with the other witnesses tomorrow morning
18 before the jury gets here at 11:30. We'll start at 9:30.
19 Hopefully that two hour window will be sufficient with a
20 break in there somewhere.

21 Regarding the Satterfield matter, what is the
22 defense's position with it?

23 MR. GRIFFIN: Your Honor, we agree that they have a
24 confession of judgment. We agree that there's the order
25 disbarring him for that conduct, and they concluded that

1 that confession of judgment, even though it has a
2 disclaimer -- anyway, the Supreme Court concluded that it
3 was an admission, so for purposes of disbarment I would be
4 hard pressed to argue against that satisfying clear and
5 convincing standard.

6 THE COURT: All right, and what year was that, the
7 wrongful conduct?

8 MR. GRIFFIN: Yeah. Well, the Satterfield matter, I
9 don't have it off the top of my head, but it was quite some
10 time ago.

11 THE COURT: We'll address the Satterfield issue
12 separately on -- aside from the Court determining just the
13 issues in general regarding whether or not this testimony
14 should be admitted on motive, identity, common scheme, *res*
15 *gestae*. There's a separate issue regarding the remoteness.
16 And, of course, I know that the State believes that this is
17 a thread that was woven through all of one thing to the
18 other to the other that culminates in the conduct on
19 June 7th. We'll hear arguments on that later.

20 MR. WATERS: Your Honor, not to belabor the point, the
21 initial ground would be consciousness of guilt, which is a
22 basis for admissibility, and again that's kind of what
23 we're talking about. I mean, that goes under 404. But the
24 case law involving consciousness of guilt is fear of
25 detection, is --

1 THE COURT: Have you submitted something on that?

2 MR. WATERS: I'll get you some additional cases on
3 that, Your Honor, and we'll have that for you by tomorrow.

4 THE COURT: All right.

5 MR. GRIFFIN: I'm not sure what act he is going under
6 the consciousness of guilt prong, so --

7 THE COURT: I don't know either. We'll see.

8 MR. WATERS: Again, he's, he's trying to avoid facing
9 life without parole and the loss of his livelihood, and for
10 the jury to understand that it's more than just \$792,000,
11 it's this entire time period, and that is really the issue
12 is avoiding that detection.

13 THE COURT: Okay. Well, we've done enough on this
14 day. We'll resume at 9:30.

15 MR. WATERS: Thank you, Your Honor.

16 MR. HARPOOTLIAN: Thank you, Your Honor.

17 (Whereupon, the case was at ease.)

18 *FRIDAY, FEBRUARY 3, 2023*

19 (Court resumed at 9:39 a.m.)

20 (PSB DOCUMENTS MARKED AS STATE'S EXHIBIT NUMBER 354
21 FOR IDENTIFICATION.)

22 THE COURT: Good morning.

23 (A response of good morning.)

24 THE COURT: Next witness.

25 MR. WATERS: Thank you, Your Honor. The State would

1 call Jan Malinowski.

2 *IN-CAMERA HEARING*

3 The witness, JAN MALINOWSKI, was first duly sworn and
4 testified as follows:

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

7 THE WITNESS: Jan Malinowski.

8 DIRECT EXAMINATION

9 BY MR. WATERS:

10 Q Mr. Malinowski, how are you doing today?

11 A Very well, thank you.

12 Q Good. If you would, introduce yourself to the Court
13 just a little bit. Obviously we're not in front of a jury
14 but just so that the Court knows who you are, tell us just
15 a very quick history of how you got to your current
16 position.

17 A I'm currently the president and CEO of Palmetto State
18 Bank headquartered in Hampton. Started my banking career
19 out of the Citadel in 1977, went on to graduate school at
20 the university. Upon completion of a master's program in
21 Columbia joined the Wachovia Bank and Trust Company, went
22 to Zurich, Switzerland. From there went to Barnett Bank in
23 Miami, Florida, and subsequently I traveled Europe with the
24 old Barnett. Moved to First Union National Bank in
25 Savannah for a brief period of time, and then in February

1 of 1991 joined Palmetto State Bank.

2 Q All right, and you currently serve as the CEO. Is
3 that right?

4 A That's correct.

5 Q And how long have you been the CEO?

6 A Since August of last year.

7 Q August of 2021?

8 A Yes, sir.

9 Q And who was the CEO prior to you?

10 A Russell Laffitte.

11 Q And was he terminated not long before you became CEO?

12 A Yes, he was.

13 Q Back in June of 2021, what was your role at that time?

14 A I was executive vice president and responsible for
15 branches in Beaufort; we have two branches in Beaufort.

16 Q All right, and were you also a member of the board of
17 directors with Palmetto State Bank?

18 A At that time, yes.

19 Q Okay, and you mentioned that you were in charge of
20 some branches in Beaufort. Could you explain just a little
21 bit to the Court about sort of how it operated then with
22 the branches in Beaufort and the branches perhaps in
23 Hampton or elsewhere?

24 A Yes, sir. At the time we were about a \$700 million
25 asset bank. We have seven branches, operated somewhat

1 decentralized. I was given responsibility in '91 for the
2 two offices in Beaufort, as I said, one in Burton location
3 and one in Lady's Island. Other officers of the bank would
4 be responsible for the other branches, Hampton being the
5 main office, and then with Allendale, Fairfax, Estill, and
6 Bluffton.

7 Q All right. When you say y'all were a little bit
8 decentralized, is it fair to say that for the most part,
9 you were primarily responsible for the operations in
10 Beaufort and someone else was primarily responsible for the
11 operations in the Hampton area?

12 A Correct.

13 Q And who was primarily responsible for the operations
14 in the Hampton area?

15 A Russell Laffitte and his father, Charlie Laffitte.

16 Q And when you say somewhat decentralized, obviously
17 there was a board of directors that looked at the
18 institution as a whole.

19 A Yes.

20 Q But in practice, there was kind of a deference to the
21 local folks on scene, you being in Beaufort and the
22 Laffittes being in Hampton. Is that correct?

23 A Yes.

24 Q All right. I'm going to ask you to explain just a
25 little bit, though, about the board of directors and the

1 executive committee. And, again, if you could briefly
2 describe to the Court what those two entities are and how
3 they operate so that we can understand the next set of
4 questions.

5 A Well, the board of directors of the bank has the
6 absolute authority and responsibility to run the bank, but
7 they delegate the day-to-day managerial responsibilities to
8 officers. Charlie Laffitte was long serving CEO and
9 chairman, Russell COO, subsequently became the CEO. I was
10 executive vice president and ran the two branches. But the
11 board of directors would delegate, as I said, the day-to-
12 day control to the executive committee, and certain senior
13 officers.

14 Q All right, and when it came to authorizing loans, what
15 was the role of the executive committee in authorizing
16 certain loans? Was there a threshold, and how did that
17 work?

18 A There is a threshold. The board of directors would
19 authorize individual loan officers, loan authorities on an
20 annual basis, branch managers having a certain level of
21 authority, and then executive officers having higher loan
22 authority. And then organizationally two executive
23 officers could approve a single loan or a -- up to
24 X-million dollars, and then once it got beyond the
25 threshold for two executive officers it would go on to the

1 executive committee, which would review the loan requests
2 and either approve or deny any loan that exceeded a million
3 and a half dollars.

4 Q At the time in June of 2021 or thereabouts in that
5 area of the year, were you the secretary of the executive
6 committee?

7 A I was.

8 Q All right, and I'm going to show you what's been
9 marked as Exhibit 354 to your testimony and see if you
10 recognize that document.

11 MR. WATERS: And, Your Honor, I have a copy for you
12 I've provided one to the defense.

13 Q Would you mind handing that to the judge for me?

14 A Yes, sir.

15 Q All right. Do you recognize that document?

16 A I do.

17 Q And tell me what that is, please.

18 A It's the minutes of the executive committee of
19 August 12th of 2021.

20 Q All right.

21 A And a number of topics were discussed, but primarily
22 the relationship of Richard Alexander, Alex, Murdaugh and
23 his total relationship with the bank.

24 Q All right, and this is on August 12, 2021?

25 A Correct.

1 MR. WATERS: Can I get the ELMO, please? Thank you.

2 (Break in proceedings.)

3 (TRACE SUMMARY/MEMO MARKED AS STATE'S EXHIBIT NUMBER
4 385 FOR IDENTIFICATION.)

5 Q All right. So, these are the minutes that you were
6 referring to. Is that correct?

7 A That's correct.

8 Q And there's a discussion right there, including
9 reference to a memo that was distributed outlining the
10 bank's relationship with Mr. Alex Murdaugh. Is that
11 correct?

12 A Yes, sir.

13 Q And there's a reference also to the total indebtedness
14 that Alex Murdaugh had to the bank at that point in time?

15 A Yes, sir. As of the day of that memo that was
16 presented to the executive committee, Mr. Murdaugh owed
17 directly or indirectly \$4.2 million.

18 Q \$4.2 million. Is that correct?

19 A Yes, sir.

20 Q All right. I forgot to ask you this, but tell me real
21 quick. When did the board typically meet, and when does
22 the executive committee typically meet?

23 A The executive committee typically meets the second
24 Tuesday of every month, and the board meets on the third
25 Tuesday of every month.

1 Q I'm going to show you what's been marked as
2 Exhibit 385 to -- for the purposes of this *in-camera*
3 hearing and see if you recognize that document.

4 A This is a copy of the minutes of the directors of
5 Palmetto State Bank describing what took place at a board
6 meeting on Tuesday, July 20, 2021.

7 Q All right, and who's the secretary that authored those
8 minutes?

9 A Gray Henderson.

10 Q And you were present as a board member for the -- for
11 this discussion?

12 A I was.

13 Q All right, and what's the date again on this
14 particular one?

15 A July 20, 2021.

16 Q July 20, 2021. At that time, was there any discussion
17 or any record of a discussion of any loan to Alex Murdaugh
18 for \$750,000?

19 A No, sir, there is not.

20 Q And again, that's July 20th of 2021?

21 A That's correct.

22 Q All right. Going back to this August 12, 2021,
23 executive committee notes, I want to walk back just a
24 little bit, and tell me. Was there -- did Alex Murdaugh
25 come up in any discussion of the board members prior to

1 August 12, 2021?

2 A Yes.

3 Q And tell me about that, how that happened, please.

4 A On August 9th, Norris Laffitte, a board member, sent
5 an email to members of the executive committee and the
6 board asking for a full accounting of Mr. Murdaugh's
7 relationship with the bank.

8 Q All right. Can you pull this mic just a little bit
9 closer?

10 A Yes, sir.

11 Q Thank you. All right, and what happened after that?
12 Did that spark any particular activity?

13 A Sparked quite a bit of activity, conversation, and
14 then activity inside the bank.

15 Q All right, and explain that to the Court. What
16 happened?

17 A Shortly after Mr. Laffitte, Norris Laffitte, sent his
18 email to members of the executive committee and the board,
19 the -- a deposit was made to Mr. Murdaugh's account in the
20 amount of \$400,000 which cleared up an overdraft, a large
21 overdraft which had been in his account that day.

22 Q All right. Who caused that deposit to happen?

23 A Russell Laffitte.

24 Q All right. So, there was a significant overdraft in
25 Alex Murdaugh's account?

1 A On that day, yes, sir.

2 Q Was it over \$350,000 overdraft?

3 A Yes, sir.

4 Q And so Russell Laffitte caused a -- \$400,000 to be
5 deposited into his account?

6 A Yes, sir.

7 Q And that was after the email from Norris Laffitte
8 asking about Alex Murdaugh on August 9, 2021.

9 A Yes, sir.

10 Q All right. At that time that Russell Laffitte caused
11 \$400,000 to be put into Alex's account to cover a over
12 \$350,000 overdraft, were there any loan documents or any
13 sort of application or anything in existence supporting any
14 such disbursement?

15 A No, sir.

16 Q Just put the money in there.

17 A Yes, sir.

18 Q You mentioned other activity. What other activity was
19 sparked by that August 9th email?

20 A There was some activity to create an application to go
21 through our typical loan approval process through one of
22 our software underwriting pro -- one of our underwriting
23 programs software driven.

24 Q Okay, and we're going to look at those documents here
25 in a minute.

1 (Break in proceedings.)

2 (ACCOUNT STATEMENT MARKED AS STATE'S EXHIBIT NUMBER
3 356 FOR IDENTIFICATION.)

4 (PSB MINUTES MARKED AS STATE'S EXHIBIT NUMBER 357 FOR
5 IDENTIFICATION.)

6 Q All right, I'm going to show you what's been marked as
7 State's 356 and see if you recognize that.

8 A This is a photocopy of a page 2 of a deposit checking
9 account statement in the name of Richard Alexander
10 Murdaugh.

11 Q All right, and what does that reflect on August 6th of
12 2021? What balance was in his account?

13 A A overdraft balance of \$347,784.67.

14 Q And what happens on August 9, 2021?

15 A A deposit of 400,000 is made to this account.

16 Q All right. We see after that there's a transfer to
17 checking of \$20,000 that's done as well?

18 A Yes, sir.

19 Q And do you know what the purpose of that transfer was?

20 A No, sir, I don't.

21 Q So, right there on August 6, 2021, Alex's account was
22 negative \$347,000. Is that correct?

23 A Yes, sir.

24 Q And then off the books, Russell Laffitte caused
25 \$400,000 to be put into his account. Is that right?

1 A Yes, sir.

2 Q All right. Let's talk more about that.

3 MR. WATERS: Your Honor, may I approach?

4 THE COURT: Yes.

5 Q I'm going to show you what's been marked as
6 Exhibit 357 to your testimony and see if you recognize
7 that.

8 A It's a copy of minutes of the directors of Palmetto
9 State Bank dated August 17, 2021.

10 Q Okay, and who was the secretary for these? Do you
11 know?

12 A Gray Henderson.

13 Q All right, and were you present for those board
14 meetings?

15 A I was.

16 Q All right, and these minutes accurately reflect what
17 was discussed with the board?

18 A Yes, sir.

19 Q I'm going to turn over to the second page. And was
20 there a discussion at that time about -- and again, this is
21 on August 17th of 2021. Was there a discussion about loans
22 to Richard Alexander Murdaugh?

23 A There was.

24 Q All right, and is there a reference there of Alex's
25 intention to sell the farm?

1 A Yes, there is.

2 Q All right, and is there a reference in there to the
3 extent of Alex's liability in total loans?

4 A Yes, there is, \$3,544,897.

5 Q All right, and was there then a discussion of
6 additional loans that Alex had that had been charged off?

7 A Yes, there were.

8 Q And very quickly, are you familiar with two entities
9 called Zero United and Red Beard?

10 A I am.

11 Q Are those entities associated with Alex Murdaugh?

12 A They are.

13 Q And are those loans that, in fact, the bank had
14 charged off?

15 A That's correct.

16 Q All right, and explain very quickly what a charge off
17 is without too much detail for these purposes.

18 A Certainly. In a situation where a loan is deemed not
19 performing to the point where the bank's executive
20 committee and/or senior management decides it's time to
21 take it off the books, you charge it off. It's an
22 accounting treatment, but it doesn't remove the obligation
23 of the borrower, or in this case members of the LLC, any
24 legal obligation to repay the loan.

25 Q So, Alex Murdaugh was still on the hook required to

1 pay those loans. Is that correct?

2 A Yes, sir.

3 Q And were there real properties associated with both of
4 those loans?

5 A Yes, sir.

6 Q And in the event Alex Murdaugh had tried to sell those
7 properties, would the bank expect to be paid any
8 outstanding balance plus interest and all of the rest of
9 it?

10 A Yes, sir.

11 Q And, in fact, was Alex still paying on those notes
12 even though they were charged off?

13 A He had periodically, yes.

14 Q So, the ultimate liability to the bank for Alex was
15 somewhat larger with those included. Is that correct?

16 A Yes, sir.

17 Q There's a discussion in here about a \$750,000 loan in
18 this particular board discussion. Is that correct?

19 A Yes, there is.

20 Q And this is on August 12, 2021, I believe. Is that
21 right?

22 A The day --

23 Q I might have got the date wrong, I'm sorry.

24 A It was the 17th.

25 Q 17th, excuse me. Had you been aware of any sort of

1 \$750,000 loan to Alex Murdaugh prior to these discussions
2 coming up as you moved to the board meeting on August 17th
3 of 2021?

4 A Only to the extent that a \$750,000 loan had been
5 referenced in -- by -- in -- during the executive committee
6 in the memo that was referred to in my executive committee
7 minutes.

8 Q Which would have been shortly -- or a couple of days
9 before this. Is that correct?

10 A Yes, sir, the preceding week.

11 Q All right, and at the time that the \$400,000 had been
12 disbursed back on August 9th, there was no loan paperwork
13 in existence at that time. Is that correct?

14 A No, there was not.

15 Q All right. Was that the only disbursement made
16 pursuant to this supposed \$750,000 loan?

17 A It was not the only disbursement.

18 Q All right. Stand by for me.

19 (Break in proceedings.)

20 (PSB WIRE REQUEST MARKED AS STATE'S EXHIBIT NUMBER 358
21 FOR IDENTIFICATION.)

22 (COPY OF CHECK MARKED AS STATE'S EXHIBIT NUMBER 359
23 FOR IDENTIFICATION.)

24 (COPY OF CHECK MARKED AS STATE'S EXHIBIT NUMBER 360
25 FOR IDENTIFICATION.)

1 (ACCOUNT DOCUMENT MARKED AS STATE'S EXHIBIT NUMBER 361
2 FOR IDENTIFICATION.)

3 (PROMISSORY NOTE MARKED AS STATE'S EXHIBIT NUMBER 362
4 FOR IDENTIFICATION.)

5 (BUSINESS PURPOSE STATEMENT MARKED AS STATE'S EXHIBIT
6 NUMBER 363 FOR IDENTIFICATION.)

7 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 364 FOR
8 IDENTIFICATION.)

9 MR. WATERS: Your Honor, this is in that first packet
10 I gave you.

11 Q I show you what's been marked as State's 358 and see
12 if you recognize that.

13 A It's a wire request form on our standard documentation
14 dated July 15, 2021. Palmetto State is going to wire funds
15 to South State Bank. The beneficiary of the wire is the
16 Wilson Law Group, LLC, to their IOLTA account in the amount
17 of \$350,000.

18 Q \$350,000 to the Wilson Law Group?

19 A Yes, sir.

20 Q All right, and then what's the next page on this
21 document?

22 A Are the wiring instructions to the Wilson Law Group.

23 Q And does it have contact information?

24 A Contact information is to Chris,
25 Chris@WilsonlawgroupSCcom.

1 Q All right, and is that Chris Wilson the lawyer in
2 South Carolina in Barnwell -- in Bamberg, South Carolina,
3 excuse me?

4 A As I currently understand, yes, sir.

5 Q This is on July 15, 2021.

6 A Yes, sir.

7 Q \$350,000 is wired to Chris Wilson.

8 A Yes, sir.

9 Q Was there any documentation, loan documentation, loan
10 application, any sort of papers whatsoever justifying
11 Palmetto State Bank sending \$350,000 to Chris Wilson?

12 A No, sir.

13 Q And whose benefit was this sent for?

14 A Alex Murdaugh's.

15 Q Alex Murdaugh's. All right. Let me ask you about
16 this, and I'm going to put it up on the screen. Right
17 there it says sender information, and what does that say
18 right there, please?

19 A Palmetto State Bank LNOS.

20 Q And can you explain very quickly what LNOS is, what
21 that is?

22 A It's an account the bank maintains. It's called Loans
23 Not On System.

24 Q Okay, and should that -- should this wire have listed
25 that as the sender?

1 A No.

2 Q And explain that to the Court, please.

3 A Had loan documents been signed that day, the sender
4 would have been the borrower on the loan. In this case, it
5 would have been Alex Murdaugh.

6 Q That's not what was listed, is it?

7 A No, sir.

8 Q I'm going to show you what's been marked as 359 to
9 your testimony and see if you recognize this document.

10 A This is a -- the customer copy of the cashier's check
11 in the amount of \$400,000 that was deposited to Alex
12 Murdaugh's checking account.

13 Q All right, and is there a sticky note on there, a copy
14 of a sticky note?

15 A Yes, sir, there is.

16 Q And what does it say, if you would, please?

17 A It says: Alex Murdaugh, \$750,000, one share of Green
18 Swamp, Inc. stock. And the date is 7/15/21.

19 Q We're going to talk more about that more in a minute.
20 We've got State's 360 and 361. Just real quick I'm going
21 to show you those and see if you recognize those.

22 A The top document is the checking deposit slip for --
23 credited to -- 400,000 to be credited to account 69406092.
24 The account holder name is Alex Murdaugh. The date is
25 8/9/2021, and then we see a copy of the cashier's check

1 dated 8/9/2021 in the amount of \$400,000.

2 Q All right, and then the next exhibit, 361?

3 A Next exhibit is the debit to the Loans Not On System
4 account in the amount of \$400,000, which was the source for
5 the cashier's check in the same amount.

6 Q And the date on those again?

7 A 8/9/2021.

8 Q And that was the same day that Norris Laffitte sent an
9 email to the board of directors asking -- making an inquiry
10 about the bank's relationship with Alex Murdaugh.

11 A That's correct.

12 Q Just a couple more. You've already testified that
13 there was no loan application or loan paperwork or anything
14 like that supporting the bank's disbursement already of a
15 total of \$750,000. Is that right?

16 A That's correct.

17 Q And that was a wire on July 15th for \$350,000 that
18 went to Chris Wilson, correct?

19 A Yes, sir.

20 Q And then a \$400,000 disbursement on August 9th after
21 Norris Laffitte sent his email to the board of directors.

22 A Yes, sir.

23 Q That covered a negative 400 -- \$347,000 overdraft in
24 Alex's account?

25 A That's correct.

1 Q Little bit extra for some walking around money,
2 another 50K or so, correct?

3 A I can't answer that.

4 Q All right. I'm going to show you what's been marked
5 as State's 362 and see if you recognize that.

6 A This is a copy of a promissory note commercial single
7 advance, loan number 6996048, in the amount of \$750,750,
8 note dated 7/15/2021.

9 Q Just real quick, what's the \$750 for?

10 A That's a note fee we charge.

11 Q A note fee?

12 A Yes, sir.

13 Q 750 bucks for \$750,000 loan?

14 A Yes, sir.

15 Q Is that typical?

16 A Possibly in the Hampton office, yes, sir.

17 Q Okay. All right. Now, I'm going to let you hold that
18 one for a second. Look at the back page and tell me. Is
19 that application signed?

20 A Yes, it is signed.

21 Q All right, and who was it purportedly signed by?

22 A Richard Alexander Murdaugh.

23 Q And what is the date on that application?

24 A Date on the note is July 15, 2021.

25 Q All right, and is that the same day as that wire to

1 Chris Wilson?

2 A Yes, sir.

3 Q Have you had a chance to examine that document and
4 look at the records of the entity for which you are the
5 chief executive officer?

6 A I have.

7 Q Have you had a chance to look at the loan number?

8 A I have.

9 Q And are those loan numbers sequentially generated by
10 your system?

11 A They are.

12 Q And in looking at that loan number, is there any way
13 that document could have even been in existence in July of
14 2021?

15 A No, sir.

16 Q And, in fact, it had to have been generated after the
17 August 9th email and after these disbursements. Is that
18 correct?

19 A That's correct.

20 Q I show you 363. Just give me one second while I put
21 this on the screen. Just real quick, can you see that on
22 the screen?

23 A Yes, sir.

24 Q And is that the loan number, the sequential loan
25 number that you're talking about?

1 A Yes, sir.

2 Q And that's the signature and date at the top.

3 A That's correct.

4 Q All right. That last exhibit I just handed to you,
5 can you tell me the number on the back of it?

6 A 6996048.

7 Q I'm sorry, I was talking about that number. 363.

8 A I'm sorry.

9 Q State's 363. No, that was my job. I was asking you
10 to do my job. All right, tell me what that document is,
11 please.

12 A It's a business purpose statement.

13 Q All right, and --

14 A It accompanied the loan, 6996048.

15 Q And what is the supposed purpose for the loan that's
16 listed on that?

17 A Business expenses.

18 Q Okay, and, again, this document is also dated 7/15/21?

19 A That's correct.

20 Q All right, but is this the kind of document that also
21 would be generated along with the application that we just
22 saw?

23 A It would in the note documentation system, yes, sir.

24 Q All right. The application that you said could not
25 have existed in July of 2021.

1 A That's correct.

2 Q All right. Let me go back. We had a reference to the
3 board minutes from August 17, 2021, and there was some
4 discussion of this particular loan at that board hearing --
5 board meeting. Is that correct?

6 A Yes, there was.

7 Q And there had been a discussion at the executive
8 committee meeting a little bit prior to that. Is that
9 correct?

10 A That's correct.

11 Q What was your understanding at that time from those
12 meetings what the collateral was supposedly for this new
13 \$750,000 loan?

14 A It would be a mortgage on Edisto Beach house and a
15 share of the Green Swamp stock.

16 Q And is that the Green Swamp that was referred to on
17 the sticky note that we saw earlier?

18 A Yes, sir.

19 Q And what is your understanding, though, as things
20 developed as to whether or not that collateral was actually
21 able to be used for this particular loan?

22 A Certainly the second mortgage did not exist or was not
23 placed on the property; the property was in the name of
24 Ms. Murdaugh.

25 Q Okay, and what about the Green Swamp? Was that

1 already collateralized?

2 A It was cross collateralized with other loans.

3 Q So, this loan was heavily uncollateralized. Is that
4 correct?

5 A Yes, sir.

6 Q Okay. Give me one second.

7 (Break in proceedings.)

8 (PSB MEMO MARKED AS STATE'S EXHIBIT NUMBER 365 FOR
9 IDENTIFICATION.)

10 (PSB NOTE MARKED AS STATE'S EXHIBIT NUMBER 366 FOR
11 IDENTIFICATION.)

12 Q There's been some discussion about whether or not an
13 appraisal had been ordered prior to June of 2021 for this
14 supposed \$750,000 loan. Was there an appraisal that had
15 been ordered prior to June of 2021 on the Edisto property?

16 A There was.

17 Q Did that have anything at all to do with some sort of
18 loan for an additional \$750,000?

19 A No, sir.

20 Q And I want to show you what's been marked as State's
21 364 and see if you recognize that document. It's an email
22 but there's an attachment.

23 A Email from Chastity Malphrus to Charles Laffitte, III,
24 who's the bank's appraisal officer referencing 3606 Big Bay
25 Drive, Edisto, and it's an appraisal request form dated

1 April 22, 2021. The intended use of the appraisal is for a
2 refinance, and the balance is \$200,000.

3 Q All right, and so it's for a refinance. Explain what
4 the refinance was for, if you could, to the Court.

5 A At the time the mortgage had matured, or the mortgage
6 loan had matured, and we needed to renew it.

7 Q All right. It had already matured. Is that correct?

8 A Yes, sir.

9 Q So this was an existing debt, not any sort of new
10 debt, and so the appraisal was because you have to renew
11 this note that had already matured, correct?

12 A Yes, sir.

13 Q Or it has to be paid off or one or the two.

14 A Correct.

15 Q All right.

16 MR. WATERS: Your Honor, may I approach?

17 THE COURT: Yes.

18 Q I'm going to show you what's been marked as State's
19 365 and see if you recognize that document.

20 A This was the memo summarizing -- or this is a copy of
21 the memo that summarizes the relationship of Alex Murdaugh
22 with the bank. It was prepared and presented at the
23 executive committee meeting.

24 Q Okay, and then I'll put that up on the screen. But
25 this lists some of the indebtedness that Alex had with the

1 bank that you previously described earlier?

2 A Yes, sir.

3 Q And including the Zero United with outstanding
4 \$307,761?

5 A Yes, sir.

6 Q And then outstanding and charged off, not only Zero
7 United, but also \$362,896 for Red Beard?

8 A Yes, sir.

9 Q I'm going to show you what's been marked State's 366
10 and see if you recognize that document.

11 A It's a document produced from our loan accounting
12 system, and it lists all the notes -- outstanding notes in
13 the name of Alex Murdaugh and also co-borrower with his
14 father, Randolph Murdaugh, III.

15 Q And that -- it lists the balances on those particular
16 loans as of June 7, 2021?

17 A That's correct.

18 Q It does not include, though, the charged off loans
19 Zero United and Red Beard. Is that correct?

20 A That's correct.

21 Q So on the first one, is that the balance right there,
22 \$104,198.80?

23 A That's the principal owed, yes, sir.

24 Q That is the principal owed. These are not deposits,
25 correct?

1 A That's correct.

2 Q Owed by who?

3 A I think for the 104,000 was Williams Islands.

4 Q I mean what borrower are those?

5 A That would have been Mr. Murdaugh, Alex Murdaugh, yes.

6 Q All right, and then this next one, what's the balance
7 on that, and how much is owed for this loan?

8 A \$806,666.26.

9 Q The next one, how much is owed for this loan?

10 A \$195,171.64.

11 Q How much is owed for this loan?

12 A 999,650.94.

13 Q And this is actually a million dollar line of credit.

14 Is that correct?

15 A Yes, sir.

16 Q It's pretty much maxed out, isn't it?

17 A Yes, sir.

18 Q And then finally this one right here, what is the
19 balance on that?

20 A \$91,368.90.

21 Q Last set of documents here. I'm going to show you
22 what's been marked-- stand by for me real quick.

23 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 367
24 FOR IDENTIFICATION.)

25 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 368

1 FOR IDENTIFICATION.)

2 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 369
3 FOR IDENTIFICATION.)

4 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 370
5 FOR IDENTIFICATION.)

6 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 371
7 FOR IDENTIFICATION.)

8 (COVERSHEET MARKED AS STATE'S EXHIBIT NUMBER 372 FOR
9 IDENTIFICATION.)

10 Q All right, I'll show you State's 367 and see if you
11 recognize that document.

12 A It's a copy of the bank statement, Alex Murdaugh farm
13 account.

14 Q And what is the balance of that on June 7, 2021?

15 A June 7, 2021, shows a deficit balance of \$2,458.23.

16 Q All right. Negative balance?

17 A Yes, sir.

18 Q I show you what's been marked as 368, and do you
19 recognize that?

20 A Again, it's a checking account statement, account
21 Richard Alexander Murdaugh for account 602.

22 Q All right, and can you tell me what the balance was on
23 June 7th of 2021?

24 A \$2,185.23.

25 Q All right. I'm going to show you what's been marked

1 as State's 369 and see if you recognize that.

2 A This is, again, a statement for a health savings
3 account, 3094, in the name of Richard Alexander Murdaugh.

4 Q All right, and what's the balance on that?

5 A \$7,540.61.

6 Q And that's a health savings account?

7 A Yes, sir.

8 Q Can that be used for any purpose or only for
9 legitimate medical purposes?

10 A I think the latter, medical purposes.

11 Q I'll show you what's been marked as State's 370 and
12 see if you recognize that.

13 A Again, a bank statement -- copy of a bank statement in
14 the name of Alex Murdaugh, account number 6649, and the
15 balance on 6/7 would have been \$62,115.06.

16 Q All right, and then finally 371. If you could, tell
17 me if you recognize that.

18 A This is an account statement, interest checking
19 account in the name of Margaret Maggie Murdaugh and Alex
20 Murdaugh, number 5109, and the balance on 6/7 \$3,900.04.

21 Q I just have a couple of more questions for you for
22 purposes of this hearing at least. It's fair to say that
23 as of June of 2021 and the months after, the indebtedness
24 to Palmetto State Bank from Alex Murdaugh was very large.

25 A Yes, sir.

1 Q And it's fair to say he also had charged off loans in
2 the past. Is that correct?

3 A Yes, sir.

4 Q If it had come out at any particular time from, let's
5 say, 2010 on up to June of 2021 or at any time that Alex
6 Murdaugh had been stealing money from his partners or
7 stealing money from his clients, would this bank have
8 continued to loan him money?

9 A No, sir.

10 MR. WATERS: Nothing further at this time, Your Honor.

11 THE COURT: By the defense?

12 MR. GRIFFIN: Yes, Your Honor, briefly.

13 CROSS-EXAMINATION BY MR. GRIFFIN:

14 Q Just to be clear, Mr. Malinowski, on June 7, 2021,
15 Mr. Murdaugh was not overdrawn at Palmetto State Bank,
16 correct?

17 A No, sir. Well, June 7th?

18 Q Yes, sir.

19 A Do you have his bank statement?

20 Q Well, we just went through them.

21 A Right.

22 Q Well, there was one statement in a farm account that
23 was minus \$2,045. There was another account that was plus
24 \$2,185 according to Exhibit 368. His health savings
25 account, Exhibit 369, had \$7,540. Exhibit 370 had a

1 positive balance of \$62,000 and some change. And then
2 Maggie's account, Exhibit 371, had \$3,904. So --

3 A Yes, sir.

4 Q -- so there was one account that was --

5 A Overdrawn --

6 Q -- overdrawn for 2,000 but positive balances in all of
7 the others.

8 A Yes, sir.

9 Q And Alex Murdaugh had been a customer of Palmetto
10 State Bank for many, many years. Is that correct?

11 A That's correct.

12 Q And had he ever, ever been denied a request from
13 Palmetto State Bank for a line of credit or a loan up until
14 September of 2021?

15 A To my knowledge, no.

16 Q And in July of 2021, apparently he got a \$750,000 loan
17 that was approved, according to the documents here, by
18 three members of the board of directors. Do you remember
19 that? Let me see if I can find that.

20 (Break in proceedings.)

21 Q Can you see the highlighted language there?

22 A I can see the highlighted language, yes, sir.

23 Q Yes, sir, and this is from -- minutes of the board of
24 directors' meeting August 17, 2021. Is that correct?

25 A Yes, sir.

1 Q And here there's -- it says Charles:

2 Chairman Laffitte reviewed the loans to Richard
3 Alexander Murdaugh. Russell Laffitte stated that
4 his intention is to sell the farm. We had
5 mortgages on the properties that superceded the
6 properties being transferred into Maggie's name.

7 Now, what does that mean? Tell me about that. You
8 have a mortgage on the property that superceded the
9 property being transferred into Maggie's name. Do you
10 remember that?

11 A I guess it would reference the mortgages -- the date
12 of the mortgage and the date they were recorded on previous
13 loans.

14 Q But at some point in time, Alex transferred the
15 Moselle property into Maggie's name.

16 A It's my understanding, yes.

17 Q And before that date, your bank already had a mortgage
18 on the property.

19 A Yes, sir.

20 Q Is that the Moselle property? Are we talking about
21 the Moselle property here?

22 A If you're referring to the farm, I'm assuming it's
23 referring to Moselle, yes, sir.

24 Q Then at the last sentence of this paragraph it says:

25 Elizabeth Malinowski commented that the \$750,000

1 did not appear to have been approved by the
2 executive committee. Russell Laffitte explained
3 that three of the five members approved the loan.

4 Do you recall that?

5 A I recall it, yes, sir.

6 Q And who are the three of the five members of the
7 executive committee that approved the loan?

8 A It would have been Charlie Laffitte, Gray Henderson,
9 and Russell Laffitte.

10 Q And do you recall Charlie Laffitte telling you at some
11 point in time, maybe around in here or even before, that if
12 Alex Murdaugh wanted to receive a loan from the bank that
13 he would get it?

14 A That was Mr. Laffitte's opinion, yes.

15 Q And who was Mr. Laffitte in relation to the bank in
16 June of 2007?

17 A 2007?

18 Q Excuse me, June 7th of 2021.

19 A He was chairman of the bank.

20 Q And was Russell Laffitte related to Mr. Laffitte?

21 A His son.

22 Q And who are the members of the executive committee?

23 A The executive committee was Charlie Laffitte, Gray
24 Henderson, Russell Laffitte, Scott Swain, and myself.

25 Q And so Mr. Laffitte, Mr. Charlie Laffitte's opinion

1 was if Alex Murdaugh wanted a loan from the bank that he
2 would get it. Is that correct?

3 A That was his opinion.

4 Q And on the 750,000 loan he was providing apparently
5 without a lot of paperwork done on the front end, but it
6 was approved by Mr. Laffitte, his son, Russell Laffitte.
7 Is that correct?

8 A Yes, sir.

9 Q And his daughter, Gray Henderson. Is that right?

10 A Yes, sir.

11 Q And you mentioned that there was some -- in June of
12 2021 there was some \$4.2 million or something outstanding.
13 I don't have the exact number, but if I can find that -- do
14 you know how much was secured and unsecured when you
15 reviewed the indebtedness?

16 A Do you have a document I can refer to?

17 Q I'm going to put it on the screen here and see if
18 we're talking about the same document we looked at that had
19 the highlighted language. It says here -- well, let's just
20 refer to the -- it says:

21 Norris Laffitte had found a mathematical error,
22 which will be corrected at \$3,544,897 total loans
23 and other total loans to Mr. Murdaugh.

24 Is that correct?

25 A According to another memo that came.

1 Q And I'm -- so as to this amount, how much of -- was it
2 all secured?

3 A Without seeing the memo, I couldn't tell. If you've
4 got the memo, I will certainly go down the loans.

5 Q I don't have the memo. I only have what I was
6 provided.

7 (Break in proceedings.)

8 MR. GRIFFIN: Thank you.

9 Q Does this memo set forth the collateral for the
10 indebtedness of Mr. Murdaugh?

11 MR. WATERS: Can you refer to the exhibit?

12 Q And I am referring to Exhibit Number 365.

13 A Can you pull down that memo -- there you go, thank
14 you.

15 Q Can you read that?

16 A Yes, sir.

17 Q And so we went through that. Is that the collateral
18 for those loans?

19 A As stated in the memo, yes.

20 Q Okay. Now, you mentioned that some loans had been
21 written off. Are you aware that Mr. Murdaugh was still
22 paying on the loans that had been written off?

23 A Yes, sir, I was.

24 Q And you mentioned that -- had Mr. Murdaugh always paid
25 the bank interest, monies he owed, and did he ever go in

1 default? Well, let's put it like -- did he ever go into
2 default on any notes issued to him by Palmetto State Bank?

3 A Read Beard and Zero United.

4 Q And those were the ones that were written off?

5 A Yes, sir.

6 Q But he continued to pay those, right?

7 A He periodically made payments, yes, sir.

8 Q And are you aware that on the day that Maggie
9 Murdaugh -- well, Maggie Murdaugh was murdered some time on
10 the night of June 7th. Are you aware that she was
11 scheduled to meet her appraiser at Edisto on June the 8th?

12 A No, sir.

13 Q The Moselle property was titled in Maggie Murdaugh's
14 name in June of 2021, correct?

15 A I believe that's correct.

16 Q The bank had filed mortgages on property that predated
17 whenever that was transferred to Ms. Murdaugh, right?

18 A Yes, sir.

19 Q The Edisto Beach house was titled in -- jointly in
20 Alex Murdaugh's and Maggie Murdaugh's name, correct?

21 A At one point.

22 Q Before her death.

23 A I believe it was in her name solely at the time of her
24 death.

25 Q You do? Are you sure about that?

1 A I believe so.

2 Q And what information are you relying upon to say that?

3 A Looking at the Colleton County deed records.

4 MR. GRIFFIN: One second.

5 (Break in proceedings.)

6 Q Did the bank undergo routine FDIC audits, Palmetto
7 State Bank?

8 A Yes, sir.

9 Q And had Mr. Murdaugh's relationship with the bank ever
10 been flagged in any audit conducted by FDIC or their
11 contract auditors?

12 A To my knowledge, no.

13 MR. GRIFFIN: That's all of the questions I have.

14 MR. WATERS: Mr. Malinowski, just a few more
15 questions.

16 May it please the Court?

17 REDIRECT-EXAMINATION

18 BY MR. WATERS:

19 Q If I can get 365 back that we were just looking at?
20 This was that memo that was prepared for the board
21 meetings, correct?

22 A This was the one that was prepared for the executive
23 committee.

24 Q And what does it say right there at the bottom, the
25 purpose that's being recorded that the \$750,000 is for?

1 A To remodel of the house in Edisto.

2 Q Does it say anything about sending \$350,000 to Chris
3 Wilson to try to make up the funds that he had diverted
4 from his law firm?

5 A No, sir.

6 Q Does it say anything about \$400,000 to cover a 347,000
7 overdraft?

8 A No, sir.

9 Q After June 7th, was the first significant activity
10 from the bank to Alex to provide that \$350,000 off the
11 books with no application whatsoever?

12 A Yes, sir.

13 Q And after June the 7th, did his account run to
14 negative \$347,000?

15 A Yes, sir.

16 Q And the bank kept paying?

17 A Yes, sir.

18 Q Perhaps the most generous overdraft policy I've ever
19 seen.

20 A Quite possibly.

21 Q You were asked a little bit about Zero United and Red
22 Beard, which are up on the screen. The bank did not
23 foreclose on those properties. Is that correct?

24 A That's correct.

25 Q So, Alex Murdaugh still owned those properties,

1 correct?

2 A He and partners, yes, sir.

3 Q All right, but if he were to try to sell them, could
4 he have sold them without having to account to the bank?

5 A He would have had to pay back the monies he owed --
6 borrowed from the bank.

7 Q And we see up on that screen --

8 MR. WATERS: What happened to my exhibit?

9 Q Back to 365. If he had tried to sell those
10 properties, would he have just had to pay the bank those
11 amounts listed there, or could it potentially be much
12 higher than that?

13 A Potentially much higher.

14 Q And explain to the Court very quickly why it could be
15 much higher than that that he would have to satisfy before
16 he could sell those properties.

17 A It would be accrued interest and any late charges and
18 fees that accumulated since the date of the charge off.

19 Q Once y'all charged it off, it no longer was accruing
20 interest and penalties and fees on the books at least,
21 correct?

22 A Yes, sir.

23 Q But if you were to -- if he was to try to sell that
24 property and the buyer came to you to see how much that
25 they needed to pay y'all out of the proceeds before title

1 could transfer, y'all would go look back and look at all
2 that interest that hadn't been paid over that time.

3 A Yes. We would provide a payoff statement which would
4 have included principal, accrued interest or lost interest
5 to that date and any late fees and charges.

6 Q And he would be unable to sell those properties and
7 transfer title until some arrangement was reached with the
8 bank.

9 A Yes, sir.

10 Q We just -- you were just asked about whether or not
11 Maggie was going to be meeting an appraisal (sic) at the
12 Edisto property, but you testified in no uncertain terms
13 that that appraisal was to renew the mortgage that was
14 already in existence that had matured, correct?

15 A Yes, sir.

16 Q It had nothing to do with the a new 750.

17 A Yes, sir.

18 Q We just talked about the negative \$347,000 overdraft
19 policy, correct?

20 A Yes, sir.

21 Q In two months, his account had went to negative
22 \$347,000.

23 A Yes, sir.

24 Q If it had come out that Alex Murdaugh had been
25 diverting fees from his law firm, if Alex Murdaugh had been

1 forced to resign from his law firm, if it had come out that
2 that he had been misappropriating money from his clients,
3 would the bank have continued to pay charges coming in on
4 that account?

5 A No, sir.

6 Q Nothing?

7 A No, sir.

8 Q No uncertain terms about that?

9 A No uncertain terms.

10 Q So, all of this testimony about the relationship and
11 the bank, if the truth had come out, it's a new ballgame,
12 correct?

13 A Yes, sir.

14 Q And in the wake of all of this, Russell Laffitte was
15 terminated and you became CEO. Is that correct?

16 A Yes, sir.

17 Q And now there's a new sheriff in town at Palmetto
18 State Bank, correct?

19 A Yes, sir.

20 MR. WATERS: Thank you.

21 THE COURT: Anything further?

22 MR. GRIFFIN: Just briefly.

23 RECROSS-EXAMINATION

24 BY MR. GRIFFIN:

25 Q Mr. Malinowski, how much in interest did Alex Murdaugh

1 pay Palmetto State Bank over the years?

2 A I don't know.

3 Q It's in excess of \$4 million, isn't it?

4 A I don't have a figure.

5 MR. GRIFFIN: Thank you.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you.

8 (The witness exited the stand.)

9 THE COURT: You may call your next witness.

10 MR. WATERS: Thank you, Your Honor.

11 THE COURT: We will stand while that next witness is
12 coming.

13 (Break in proceedings.)

14 THE COURT: All right. Be in order.

15 You may call your next witness.

16 MR. WATERS: Thank you, Your Honor. State calls Tony
17 Satterfield.

18 *IN-CAMERA HEARING*

19 MR. WATERS: Thank you, Your Honor. State calls Tony
20 Satterfield.

21 The witness, MICHAEL TONY SATTERFIELD, was first duly
22 sworn

23 and testified as follows:

24 THE CLERK: Take a seat in the witness stand. State
25 your name again for the record and spell your last name.

1 THE WITNESS: My name is Michael Satterfield. My last
2 name is spelled S-a-t-t-e-r-f-i-e-l-d.

3 DIRECT EXAMINATION

4 BY MR. WATERS:

5 Q How are you doing today?

6 A Good. How are you?

7 Q All right. Pull that mic to you just a little bit
8 closer so we can hear you good. How old are you?

9 A I'm thirty-three.

10 Q All right, and where do you work?

11 A I work at Beaufort Memorial Hospital.

12 Q Okay, and where did you grow up?

13 A In Hampton.

14 Q Okay. For the purposes of this hearing we're just on
15 a hearing in front of the judge to determine the
16 admissibility of some testimony, so I'm just going to ask
17 you a few questions, not everything that I might ask you
18 will be in front of the jury. Do you understand that?

19 A Yes, sir.

20 Q Speak up for us because the court reporter and
21 everybody needs to hear you.

22 A Okay.

23 Q Who was your mother?

24 A Gloria Satterfield.

25 Q Gloria Satterfield?

1 A Yes.

2 Q And is Gloria still with us?

3 A She is not.

4 Q And when did she pass?

5 A February 26th, 2018.

6 Q 2018?

7 A Yes, sir.

8 Q And who did she work for when she passed?

9 A Alex and Maggie Murdaugh.

10 Q Okay, and do you know Alex Murdaugh?

11 A I do.

12 Q Do you see him here in the courtroom today?

13 A I do.

14 Q Can you point him out?

15 A Yes, right there.

16 MR. WATERS: Your Honor, can the record reflect that
17 he identified the defendant? I mean, it's in-camera.

18 THE COURT: Yeah. Where is he? Where is he?

19 THE WITNESS: What was that sir? I'm sorry.

20 THE COURT: Pardon?

21 Q Point him out again.

22 A Oh, he's right there.

23 Q Can you tell me what jacket he's wearing?

24 A A navy blue jacket.

25 THE COURT: It does.

1 MR. WATERS: Thank you, Your Honor.

2 Q Over -- how long did your mom, roughly how long did
3 she work for Alex, do you know?

4 A If I had to make an estimated guess 20 something years
5 maybe give and take. I don't know the exact years.

6 Q Okay, and slide up just a little bit more and talk
7 right into that mic. There you go. I'm going to aim it
8 just a little bit -- you need to get up on the mic so we
9 can hear you back here. All right. What did your mom do
10 for Alex?

11 A She was their housekeeper, she babysat for them, she
12 cleaned their house, and kind of anything else they kind of
13 needed.

14 Q All right. Had she been doing that for a long time?

15 A Yes.

16 Q During the course of that, you got to know Alex and
17 his family to some extent as well?

18 A Yes.

19 Q Did you trust Mr. Murdaugh?

20 A Yes.

21 Q What happened to your mom?

22 A She fell and hit her head.

23 Q And where was she when she fell?

24 A She was at Alex's house at Moselle.

25 Q At Moselle?

1 A Yes.

2 Q Did she pass right away or did she live for awhile?

3 A She lived for a few weeks.

4 Q Was she ever able to say to you what happened, how she
5 fell?

6 A No, she was not.

7 Q After she passed, did you have any conversation with
8 Alex about what to do about it?

9 A I did.

10 Q And what was the conversation you had with Alex?

11 A I vaguely --

12 Q Go ahead.

13 A I vaguely remember, but it was, like, you know, let me
14 go after my insurance company for this or whatever, you
15 know, kind of get these medical bills and stuff paid.

16 Q Okay. So, he said he was going to go after his
17 insurance company?

18 A Yes.

19 Q And get medical bills for your mom paid?

20 A Yes.

21 Q Did he say he might could get money for you and your
22 brother?

23 A Yes.

24 Q All right. Did he say how much that might be?

25 A No.

1 Q Ultimately was there a lawsuit filed?

2 A Yes.

3 Q And he -- who did you consider your lawyer was in all
4 of this?

5 A Alex.

6 Q At some point in time, did he bring another lawyer in?

7 A Yes.

8 Q And what did he tell you about that?

9 A He said if I understood him correctly, you know, I
10 can't do it myself because there's a conflict of interest.
11 I'm going to send you to my buddy Cory Fleming.

12 Q Cory Fleming?

13 A Yes.

14 Q Did he tell you anything about his relationship with
15 Cory Fleming other than they were buddies?

16 A Can you repeat the question? I'm sorry. I didn't
17 hear you.

18 Q Did he tell you anything more about his relationship
19 with Cory Fleming?

20 A No.

21 Q After he brought in Cory Fleming, were you still
22 communicating directly with Alex about the case?

23 A Yes.

24 Q Who did you think your lawyer was?

25 A Alex.

1 Q The whole time?

2 A Yes.

3 Q Did he ever bring in a person, or did they ever bring
4 in a person by the name of Chad?

5 A Yes.

6 Q Do you remember Chad's last name?

7 A Westendorf.

8 Q And what did they tell you about Chad?

9 A That he should be my PR.

10 Q Your PR?

11 A Yes.

12 Q Did you ever meet with Chad?

13 A Yes.

14 Q Did you meet with him a lot or just --

15 A One time I can think of.

16 Q Alex told you that he was going after his insurance
17 company. Did he say how much that insurance was?

18 A One of them that I know of was, like, \$500,000, and
19 that's the only one.

20 Q That's the only one he told you about?

21 A Yes.

22 Q Did he ever tell you there was also an umbrella policy
23 worth upwards of \$5 million?

24 A No.

25 Q Never mentioned that to you, did he?

1 A No.

2 MR. WATERS: Court's indulgence one moment.

3 (Break in proceedings.)

4 Q I want to show you what's been marked as State's 372
5 to your testimony and just have you take a look at that,
6 and do you recognize that document?

7 A Yes.

8 Q Tell me what that is.

9 A That is a coversheet of a fax that I sent him, Alex.

10 Q And what is -- what's the reason that you sent that to
11 Alex?

12 A I got something from the trailer company and a medical
13 bill, I believe, and I just wanted to be sure what I needed
14 to do with it.

15 Q You had received some paperwork about your mom?

16 A It was a bill.

17 Q It was a bill?

18 A Yeah.

19 Q And who did you send that to?

20 A Alex Murdaugh or the law firm.

21 Q All right, and why did you send it to Alex Murdaugh?

22 A Because he said if we had any medical bills, just
23 forward them to him, and I didn't know if I needed to do
24 anything with it.

25 Q Because you thought he was your lawyer.

1 A Yes.

2 Q And this had your phone number on there but we blacked
3 it out, correct?

4 A Yes.

5 Q As time went on, did you have conversations with Alex
6 asking him about the case and what was going on with the
7 case or anything like that?

8 A Yes. Not very rarely, but every few months or so.

9 Q And what would he tell you just generally?

10 A First it was hard, hard, you know. Like, I was making
11 progress and kind of left it at that.

12 Q He said it was hard and they were making progress?

13 A Yes.

14 Q Did he tell you anything about whether or not you and
15 your brother would get any money so the medical bills are
16 paid?

17 A He said he was hoping.

18 Q Did he give you any idea of the amount?

19 A If I remember correctly, one time he said he would try
20 to get each of you at least \$100,000 apiece.

21 Q Each of you, you and your brother?

22 A Yes.

23 Q At some point in time, did your family advise you that
24 there were some media reporting about a settlement in the
25 case?

1 A Yes.

2 Q And at that time, had you heard anything from Alex, or
3 Cory or Chad or anybody about a settlement in the case?

4 A No.

5 Q All right, and what, if anything, did you do after
6 your family -- did they ask you to do anything?

7 A Yeah. They said you might want to kind of follow up
8 on it and kind of see.

9 Q And did you make a phone call to Alex?

10 A Yes.

11 Q All right, and what month was that in?

12 A I believe the last time I talked to him would have
13 been June of '21.

14 Q June of '21?

15 A Yes.

16 Q Around the time of the murders?

17 A Yes.

18 Q Well, what did you ask him?

19 A I can't remember what I asked him, but it was still
20 making progress and be ready to settle, you know, by the
21 end of year.

22 Q He told you it was still making progress and he was
23 hoping to settle by the end of the year?

24 A Yes.

25 Q Did he tell you that they had already gotten a

1 settlement for \$505,000?

2 A No.

3 Q Did he tell you that they had already gotten a
4 settlement for \$3.8 million?

5 A No.

6 Q Had he ever told you that there was an umbrella policy
7 for \$5 million?

8 A No.

9 Q Did he ever mention to you anything about Forge?

10 A No.

11 Q Did he mention anything to you about structuring any
12 settlement?

13 A No.

14 Q Did you give him permission to steal your money?

15 A No.

16 Q Ultimately in the wake with of all of this, you've
17 come to find out that there was a settlement of \$505,000,
18 correct?

19 A Yes.

20 Q And it was diverted by Alex Murdaugh, correct?

21 A Yes.

22 Q And ultimately you've come to find out that there was
23 a settlement under the umbrella police for \$3.8 million, is
24 that correct, or thereabouts, correct?

25 A Yes.

1 Q And a large portion of that was diverted by Alex
2 Murdaugh. Is that right?

3 A Yes.

4 Q Did you ever get one cent from Alex Murdaugh when he
5 was still -- before all of this happened?

6 A No.

7 Q And it took after this happening and it took a legal
8 process for that to happen. Is that right?

9 A Yes.

10 Q And ultimately is it your understanding that he
11 confessed judgment to taking money for both of those? Is
12 that right?

13 A Yes.

14 Q In June of 2021, you made a call to him asking the
15 status of this case. Is that correct?

16 A I can't remember if he called me or I called him, but
17 yes, I talked to him in June of 2021.

18 Q You talked to him in June of 2021.

19 A Yes.

20 Q And there were reports in the media about that
21 settlement, correct?

22 A Yes.

23 MR. WATERS: Thank you. Thank you. Please answer any
24 questions that the defense has, okay?

25 THE COURT: By the defense?

1 CROSS-EXAMINATION BY MR. GRIFFIN:

2 Q Good afternoon, or morning, I'm sorry.

3 A Morning.

4 Q Been a long week. You had a family member who saw an
5 article in -- somewhere. Do you remember where the article
6 was?

7 A I don't remember exactly where they found it at or
8 seen it at.

9 Q But after that article was published, that's when you
10 started making inquiries and made contact with
11 Mr. Murdaugh?

12 A Yes. Once they seen the article or whatever, they
13 were, like, you need to follow up on it, yes. And I can't
14 remember if he called me or if I called him.

15 Q And do you know whether you called him on his cell
16 phone?

17 A It was on his cell phone. Normally that's how I
18 called him, yes.

19 Q You called him on a cell phone.

20 A Yes.

21 Q And his cell phone records would reflect --

22 A What was that?

23 Q How many times did you call him?

24 A Like once, twice, or three -- we talked, like, three
25 or four times, you know, throughout the whole year if I

1 remember correctly.

2 Q And when you called him after reading some article
3 about a settlement, do you know if that was before or after
4 Maggie and Paul were murdered?

5 A It was around the time, but I don't remember if it was
6 before or after.

7 MR. GRIFFIN: Thank you.

8 MR. WATERS: Nothing further, Your Honor.

9 THE COURT: Thank you. You may step down.

10 (The witness exited the stand.)

11 THE COURT: You may call your next witness.

12 MR. WATERS: Your Honor, can we have just a quick
13 break to get the exhibits ready for that?

14 THE COURT: Yes, sir, take 5 minutes or so.

15 MR. WATERS: Thank you.

16 (A break was taken.)

17 THE COURT: Call your next witness.

18 MR. JAMES: The State calls Carson Burney.

19 The witness, CARSON BURNEY, was first duly sworn and
20 testified as follows:

21 THE CLERK: State your name again for the record.

22 Spell your last name, please.

23 THE WITNESS: Carson Burney, B-u-r-n-e-y.

24 DIRECT EXAMINATION BY MR. JAMES:

25 Q Good morning, Mr. Burney.

1 A Good morning.

2 Q It's still morning, just barely.

3 A It is.

4 Q Where do you work, Mr. Burney?

5 A I work for the South Carolina Attorney General's
6 Office.

7 Q And what does your job entitle at the South Carolina
8 Attorney General's Office?

9 A I am the forensic accountant in the State Grand Jury
10 Division.

11 Q And how long have you been a forensic accountant?

12 A Approximately a year and a half.

13 Q All right, and what do you do as a forensic accountant
14 for the State Grand Jury?

15 A As a forensic accountant I identify, compile, analyze
16 different financial records to include bank statements,
17 credit card statements, loan documents. I also trace
18 assets from source to ultimate disposition.

19 Q And what did you do prior to serving as a forensic
20 accountant for the State Grand jury?

21 A In 2019 I joined the South Carolina Department of
22 Revenue as a sales tax auditor, and I was there for a
23 little over two years.

24 Q There are a variety of other niceties, but because
25 it's an *in-camera* hearing we'll cut straight to the chase.

1 As a forensic accountant for the State Grand Jury Division,
2 have you reviewed any documents in relation to a Richard
3 Alexander Murdaugh?

4 A I have.

5 Q And what sorts of documents have you reviewed in
6 relation to that gentleman?

7 A Similar documents, as I mentioned earlier, that would
8 include bank statements, loan documents, wire information,
9 money orders, and other various things.

10 Q And what were you asked to do in relation to those
11 documents?

12 A I was asked to trace the alleged stolen funds and
13 ultimately show where the disposition of those funds ended
14 up.

15 Q Now, you said trace. What is tracing from a 10,000
16 foot view?

17 A Tracing is simply just following the fund. In this
18 example, these are the alleged stolen checks. Primarily I
19 went to the Forge account and following the money through
20 to see where exactly it was ultimately spent out of those
21 accounts.

22 Q And so in analyzing records and in coordination with
23 law enforcement, were specific instruments identified and
24 asked of you to trace where their ultimate disposition was?

25 A I was.

1 Q Now when we say ultimate disposition, can you follow
2 that same dollar forever and ever on to eternity, or is
3 there sort of a line where you have to draw it and stop and
4 say that's as far as we can go?

5 A You have to draw a line. Obviously you could follow
6 money forever, forever, and forever, but for the purposes
7 of my analysis, I looked at when they ultimately went out
8 of an account controlled by Alex Murdaugh.

9 Q Did you also draw any lines when they went into any
10 sort of loan statement or credit card statement or anything
11 like that?

12 A That's correct. If there was a credit card payment, a
13 payment, or a loan payment, I would stop there for that
14 particular trace.

15 Q And have you prepared documents reflecting the
16 conclusions that you reached upon tracing of those funds?

17 A I have.

18 Q All right, and just very briefly, there's a variety of
19 different ways to trace money. Is that correct?

20 A That is correct.

21 Q And just very quickly, which methodology did you apply
22 in tracing the funds?

23 A Right. So, you do have to have some rules when you
24 are tracing funds to stay consistent, so the method I used
25 was a first in, first out method.

1 Q And what is the first in, first out method?

2 A It's exactly like the name implies: the first money
3 into an account would be the first money out of an account.

4 Q I'm showing you a document that's been labeled for the
5 purposes of this *in-camera* proceeding as State's Exhibit
6 373. Very briefly, do you recognize this document?

7 A I do.

8 Q What is it?

9 A This is a tracing of funds regarding the \$792,000 with
10 the *Faris* case.

11 Q And, Mr. Burney, can you see that?

12 A I can.

13 Q All right, and so explain very briefly here at the
14 top, what is this green table at the top?

15 A The green table at the top indicates the three
16 instruments I was tracing. So, the first being a check in
17 the amount of \$192,000, with a date, or a negotiated date
18 of March 10, 2021. Second, a \$375,000 instrument that was
19 ultimately negotiated on March 23, 2021. And the last is
20 an instrument in the amount of \$225,000 that was ultimately
21 negotiated on April 20, 2021. And there you can see the
22 bank number, account number that it was deposited into.

23 Q And what were the last four digits of that bank
24 account that it was deposited into?

25 A 6779.

1 Q And what was the descriptive holder of that account?

2 A Alex Murdaugh.

3 Q And what's that next column, the front column?

4 A The front column is where the check was from, and you
5 can see it was the Wilson Law Group IOLTA account.

6 Q And in preparing this document, did you have to review
7 a considerable amount of bank records in order to prepare?

8 A A lot of bank records, yes, sir.

9 Q A lot of bank records.

10 A Yes, sir.

11 Q And specific instruments, correct?

12 A That is correct.

13 Q And down here below, what is this blue table?

14 A The blue table is a pivot table, which is just a
15 summary in Excel that shows the ultimate disposition of
16 where that money went. And you can see at the bottom it
17 will total out to the initial amount of money that went in.

18 Q All right, and not to pile on any -- too many specific
19 transactions because we are in an *in-camera* hearing, but we
20 have here for example, C.E. Smith \$507,561.63, and then the
21 number 26 next to that. Can you briefly explain what those
22 columns stand for?

23 A So the first column, you can see where it came out of
24 the bank account. Those descriptors are what was written
25 on the check, or what was done with the check as you can

1 see with cash withdrawal. And then the total amount is in
2 the total column, and then finally you have the number of
3 checks in the last column.

4 Q And then another name that we have here is what
5 appears to be the name of an attorney in the amount of
6 \$150,000. Am I reading that correctly?

7 A That is correct.

8 Q And then we have it broken down into two separate
9 subsections. What is the distinction between those two
10 different subsections?

11 A Just different bank accounts where the money was
12 ultimately disposed. Money would transfer from one bank
13 account to another bank account, so I would try to
14 differentiate those two different accounts.

15 Q And I jumped ahead of myself a little bit getting into
16 this first tracing exhibit, but generally speaking, upon
17 your review of all of the different bank accounts
18 associated with Alex Murdaugh, what was the general flow of
19 funds? Did they primarily go into one bank account, or did
20 they go into one bank account and then into others? Or how
21 did it work?

22 A So with the Forge checks, typically they would
23 transfer out to other accounts. Alex Murdaugh had a few
24 different Bank of America accounts in addition to the
25 Palmetto State Bank accounts; they would go over there as

1 well.

2 Q So, he had a bank account at Bank of America that was
3 labeled Richard Alexander Murdaugh Forge. Is that correct?

4 A That is correct.

5 Q And did he also have another bank account at Bank of
6 America that didn't have any mention of Forge? Is that
7 correct?

8 A That's correct. The second bank account you're
9 talking about seemed -- appeared to be a personal checking
10 account just in his name.

11 Q And so would money go into one account and then into
12 that checking account, or would money go into directly that
13 checking account, or both?

14 A So, it depends on the instrument. For example, these
15 three checks went into his personal checking account
16 because they were named to Richard Alexander Murdaugh.

17 Q So, here coming out of that Bank of America account
18 ending 6779 -- it is the checking account -- ultimately
19 747,000 out of the \$792,000 was disbursed. Is that
20 correct?

21 A That is correct.

22 Q And then am I -- and how much was disbursed after
23 being transferred into Palmetto State Bank account 6092?

24 A \$42,000.

25 Q 6092, is that a particularly active account for Mr.

1 Murdaugh?

2 A It is. It's one of his most active accounts at
3 Palmetto State Bank.

4 Q And then a little bit further down here we have
5 something that's labeled PSB 1646, Alex Murdaugh farm.
6 What was that account?

7 A That was -- it's just labeled a farm account and it --
8 from just looking at account records, it seems to primarily
9 deal with the farm being Moselle property.

10 Q And how much money of these Faris fees was disbursed
11 out of that farm account?

12 A \$3,000.

13 Q And in looking behind that facial summary page --
14 we're not going to go through line by line here, but we
15 have every single individual transaction that is summarized
16 in that coverage -- that pivot table. Is that correct?

17 A That is correct. Some of the details I would include
18 on those pivot tables: if there's a date on the check, the
19 date it was negotiated, the amount, and the account number.

20 Q And then what we're looking at here, the \$192,000, is
21 that one of the instruments you were tracing?

22 A Yes, sir.

23 Q And then this next case, 375,000, is that one of the
24 instruments?

25 A Yes.

1 Q And then the next page, the \$225,000, is that one of
2 the instruments?

3 A Yes, sir.

4 Q Mr. Burney, I'm showing you a document labeled at this
5 time as State's Exhibit 374. Do you recognize this
6 document?

7 A I do.

8 Q What is it?

9 A This is a tracing summary for a check in the amount of
10 \$403,500 from the Moss, Kuhn, and Fleming client trust
11 account.

12 Q Is this identified in common parlance as Satterfield
13 money?

14 A Yes.

15 Q It's a little bit tiny; let's see if I can zoom in
16 just a bit. Oh never mind, we'll just stick with this.
17 All right. So, on what date was that \$403,000 deposited?

18 A January 9, 2019.

19 Q And I said the number, but how much money are we
20 talking here?

21 A \$403,500.

22 Q All right, and then how much was ultimately -- into
23 what account was it deposited?

24 A It was deposited into the Forge account ending in
25 7625.

1 Q And in descriptive terms, which account is that?

2 A The Forge account.

3 Q The fake Forge Account?

4 A That was DB -- yes, sir.

5 Q All right, and from that account was any -- were any
6 funds ultimately disbursed?

7 A Yes.

8 Q How much?

9 A 7625. You can see a cash withdrawal in the amount of
10 \$12,500 over two different transactions.

11 Q But otherwise was that money moved into other
12 accounts?

13 A Yes. Primarily, yes.

14 Q And from the Bank of America checking account, how
15 much money was ultimately disbursed?

16 A \$3,970.07.

17 Q And then was that money further transferred into other
18 accounts?

19 A It was.

20 Q Which account was that primarily transferred into?

21 A Into the account ending in 6092 at Palmetto State
22 Bank.

23 Q And out of that Palmetto State Bank account, how much
24 money was ultimately disbursed?

25 A If you could move it down a little bit. There we go.

1 It looks like \$387,029.93.

2 Q I'm not going to go through all of these payments that
3 were made, but there's a cluster of payments here at the
4 top: payment to loan, payment to loan, payment to loan.
5 What are those, generally speaking?

6 A Those are loans that were held at Palmetto State Bank
7 that were under Alex's name, at least some of them in part,
8 some of them in -- in -- solely him.

9 Q And these items in parenthesis, are those just sort of
10 descriptors of those particular loans?

11 A Yes. They're from my notes so I could identify which
12 loan number went to which loan.

13 Q And you specifically reviewed the loan documents in
14 relation to each of these loans, correct?

15 A Yes, sir.

16 Q So, you're familiar with the supporting
17 documentation for what the required collateral --

18 A Yes.

19 Q So, here at the top we have a loan for Red Beard,
20 correct?

21 A That is correct.

22 Q And a payment on that in the amount of 47,000 and some
23 odd dollars?

24 A Yes, sir.

25 Q And then for Zero United in the amount of \$55,684 and

1 some change. Is that correct?

2 A That is correct.

3 Q And then a payment on a Moselle loan. Is that
4 correct?

5 A Yes, sir.

6 Q And how much was that loan?

7 A \$65,238.92.

8 Q And then a payment on a GMC Yukon, how much was that
9 payment?

10 A \$75,099.35.

11 Q And how much was paid on this Moselle note?

12 A \$104,056.51.

13 Q And then once again as before in these yellow tables,
14 you have the specific transactions that you traced using
15 that percent for a stop method, correct?

16 A Yes, sir.

17 Q And is this the instrument that you traced?

18 A Yes, sir.

19 Q I'm showing you a document labeled as State's
20 Exhibit 375. Do you recognize this document?

21 A I do.

22 Q And what is it?

23 A This is a tracing summary of a check from the Moss,
24 Kuhn, and Fleming client trust account roughly in the
25 amount of \$2.9 million.

1 Q And when was the -- this instrument deposited?

2 A That was May 15, 2019.

3 Q And you indicated it was roughly \$2.9 million?

4 A Yes, sir.

5 Q And into what account was it deposited?

6 A Into a Forge account ending in 7625.

7 Q And here we have a summary table of all of the various
8 expenses of that \$2.9 million funded and the sum total.

9 This first account appears to be the farm account. How
10 much money was ultimately disbursed from the farm account?

11 A \$147,247.

12 Q And this next one would be for the checking account.
13 Is that correct?

14 A That is correct, ending in 6092.

15 Q And how much money -- those are long ones. We have to
16 flip over. How much money was ultimately disbursed from
17 that checking account?

18 A \$1,429,753.

19 Q And this next one says 6649. Is that an additional
20 account at Palmetto State Bank?

21 A That is another checking account under the name of
22 Alex Murdaugh.

23 Q And how much ultimately was disbursed from that
24 account?

25 A \$13,000.

1 Q And then we have 6779, OPA. Is that a checking
2 account at the Bank of America?

3 A That is a personal checking account at Bank of
4 America.

5 Q And how much was ultimately disbursed from that
6 account?

7 A If you scoot it up just a hair.

8 Q I keep looking down and you keep looking up, my bad.

9 A \$1,208,449.89.

10 Q All right, and to identify just a handful of specific
11 transactions, or specific individuals who received some of
12 them here, we have a C.E. Smith. Is -- we actually have a
13 variety of names here. In reviewing the instruments, did
14 you see any sort of pattern of differentiation of checks
15 all going to the same person?

16 A I did. I saw different names. Just off the top of my
17 head, it was over ten different variations of that name.

18 Q Okay, but all of those different variations, to your
19 understanding and working with law enforcement, who is your
20 understanding all of those checks refer to?

21 A Curtis Edward Smith.

22 Q So, here we have one that says C.E. Smith, and then
23 how much coming out of this money to him?

24 A So under the name C.E. Smith, \$132,687.03.

25 Q And over how many instruments was that money

1 effectuated?

2 A Twenty-four different instruments.

3 Q And then a little bit further down we have a Curtis E.
4 Smith, and if I can read the lines correctly, how much
5 money was disbursed under that name?

6 A \$56,765.48.

7 Q And over how many instruments?

8 A Your highlighter is covering it, but twelve.

9 Q And the next name down, Curtis Eddie Smith?

10 A \$6,404.

11 Q And that was a single instrument?

12 A Yes, sir.

13 Q Curtis Edward Smith.

14 A \$4,725 over one instrument.

15 Q Okay, and Curtis Smith?

16 A Curtis Smith, \$23,823.03, over four different
17 instruments.

18 Q We additionally had a payment to a credit card here in
19 the amount of how much?

20 A \$7,570.50.

21 Q And did you ultimately get the records of that credit
22 card?

23 A I did.

24 Q Did you attempt to trace any further specific purposes
25 that money went to?

1 A I did not. I just ended at the payment to the credit
2 card for my own sanity primarily.

3 Q And here we have Randolph Murdaugh, III. How much
4 money went to Mr. Murdaugh?

5 A It was \$385,000 in one instrument.

6 Q And then additionally right below that we have the
7 name Scott Harriott. How much money went to Mr. Harriott?

8 A \$84 over one instrument.

9 THE COURT: Would counsel approach?

10 (A bench conference was held with the judge and
11 attorneys off the record.)

12 MR. JAMES: Your Honor, we'll see if we can accelerate
13 this process a little bit.

14 Q Mr. Burney, I have handed you a series of exhibits
15 starting with State's 376 and ending in State's 397. Do
16 you recognize these documents?

17 A I do.

18 Q And are all of these exhibits from 376 to 397
19 documents that you prepared tracing the flow of funds from
20 instruments involving money going through the Forge account
21 through checks negotiated in the name of Palmetto State
22 Bank, and from the Faris fees from the *Mack Truck* case?

23 A Yes, sir.

24 Q And I think we actually already got through the Faris
25 fees in the *Mack Truck* case, so these would be what went

1 through the Forge account, correct?

2 A Through the Forge account. There's some Palmetto
3 State Bank checks in there as well in addition to -- I
4 believe there might be a check or two in the name of Alex
5 Murdaugh in there.

6 Q And throughout all of these tracings and all of these
7 summaries, did they reflect that the money that
8 Mr. Murdaugh took went to his personal use and benefit?

9 A They do.

10 Q And these are ordered in, roughly speaking, reverse
11 chronological order, correct?

12 A Correct.

13 Q Going from 2021 all the way back to a date of deposit
14 on December 20, 2011. Is that correct?

15 A That is correct.

16 MR. JAMES: Your Honor, if I understood correctly
17 after briefly conferring with counsel for the defendant,
18 that they would be willing for the purposes of this hearing
19 to stipulate to the admissibility of these documents for
20 the Court's *in-camera* review.

21 Have I stated that correctly?

22 MR. GRIFFIN: You have.

23 THE COURT: All right. So, stipulated.

24 MR. JAMES: Your Honor, in the interest of time, I
25 would present these documents to the Court as admitted.

1 THE COURT: Can you give the -- provide the original
2 to the court reporters and provide the Court a copy of
3 them?

4 MR. JAMES: Yes, Your Honor.

5 THE COURT: All right. Very good.

6 MR. JAMES: And that would be no further questions.

7 MR. GRIFFIN: We have no questions, Your Honor.

8 THE COURT: All right. Thank you, sir.

9 (The witness exited the stand.)

10 (TRACE SUMMARY MARKED AS STATE'S EXHIBIT NUMBER 373
11 FOR *IN-CAMERA* PURPOSES ONLY.)

12 (TRACE DOCUMENTS INDIVIDUALLY MARKED AS STATE'S
13 EXHIBIT NUMBERS 374 THROUGH 397 FOR *IN-CAMERA* PURPOSES
14 ONLY.)

15 *IN-CAMERA* HEARING CONCLUDED

16 THE COURT: Is the State ready for the jury, the State
17 and the defense?

18 MR. WATERS: Your Honor, one moment, please.

19 (Break in proceedings.)

20 MR. WATERS: He's on his way right now, Your Honor.

21 THE COURT: All right.

22 (Break in proceedings.)

23 THE COURT: Are we ready for the jury?

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

25 MR. GRIFFIN: Yes, Your Honor.

1 THE COURT: All right. If you'll bring the jury. And
2 in anticipation for the jury, we will stand for a minute.

3 (Break in proceedings.)

4 (The jury returned to the courtroom.)

5 THE BAILIFF: The jury is present, sir.

6 THE COURT: Thank you.

7 Be seated. All right. Good morning.

8 (The jury responded good morning.)

9 THE COURT: All right. Welcome back. Day number ten,
10 the State's case.

11 Next witness.

12 MS. GOUDE: The State calls Tom Darnell.

13 The witness, THOMAS EDWARD DARNELL, was first duly
14 sworn and 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 THE WITNESS: My name is Thomas Edward Darnell. Last
18 name is spelled D-a-r-n-e-l-l.

19 VOIR DIRE EXAMINATION

20 BY MS. GOUDE:

21 Q Good morning, Agent Darnell.

22 A Good morning.

23 Q Could you tell the jurors where you work?

24 A I am a fingerprint examiner at the State Law
25 Enforcement Division Forensic Crime Lab.

1 Q And how long have you been a fingerprint examiner for
2 SLED?

3 A For approximately thirty years.

4 Q Can you tell us some of your training, education that
5 you've had?

6 A Yes, ma'am. To begin with, I have a Bachelor of
7 Science degree in criminal justice from the University of
8 South Carolina where I graduated in 1982. I started my
9 employment with the Richland County Sheriff's Office in
10 Columbia where I was employed for about eight years. I
11 started my career at SLED in 1990 in the Latent Print Crime
12 Scene Department. During that time I completed an in-house
13 training program that dealt with all aspects of fingerprint
14 and fingerprint science. I've attended a number of courses
15 across the state, as well as out of state courses that
16 deal -- that dealt with all the areas of fingerprint
17 science to include how to process evidence for fingerprints
18 and how to compare fingerprints. And I also trained under
19 the FBI Academy in Quantico, Virginia, in the same area of
20 fingerprints. I have -- I've also trained other examiners
21 to do the same job that I'm doing today.

22 MS. GOUDE: Your Honor, at this time the State would
23 move to qualify Agent Tom Darnell as an expert in
24 fingerprint analysis.

25 THE COURT: What says the defense?

1 MR. HARPOOTLIAN: No objection.

2 THE COURT: He's so qualified.

3 MS. GOUDE: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. GOUDE:

6 Q All right, Agent Darnell, could you just kind of tell
7 us in general about fingerprint evidence?

8 A Well, basically fingerprint evidence can be most
9 anything. It can be items that are porous, items that are
10 nonporous, items that come to SLED and where we get
11 requested to process and see if we can identify any
12 fingerprints that might on the surface. Fingerprints are
13 primarily moisture. About 98 percent of the fingerprint
14 that may be left on the surface is nothing more than
15 moisture, perspiration, or sweat, if you want to call it
16 sweat. And then once we determine the type of evidence
17 that we have, then we try to develop it. We try to enhance
18 any impressions that might be there.

19 One thing to keep in mind is that in most cases, the
20 fingerprints that we're trying to develop are invisible,
21 basically latents. A latent print means just that, hidden
22 or invisible, so it would require some enhancement.

23 Q And how or what is the process of finding these hidden
24 fingerprints?

25 A Well, we have several different techniques that we can

1 use, everything from Superglue fuming to alternate light
2 sources, to fluorescent dye stains, to different chemicals
3 that we can use. There's also the black fingerprint
4 pattern which is still being used. We don't use a whole
5 lot of that in our laboratory today, but we tend to go with
6 the fluorescent dye stains and the different light sources.
7 It just depends on the type of evidence that we're trying
8 to process.

9 Q Now, you mentioned -- did you say Superglue fuming?

10 A Yes, ma'am.

11 Q Could you describe how that works?

12 A Superglue, what we do is we take the evidence -- first
13 of all, it has to be a nonporous surface, that evidence --

14 Q And if you could give us an example a nonporous
15 surface versus a porous.

16 A Nonporous would be like a can, a gun, a cartridge
17 case. Porous would be like paper: a paper cup, a paper
18 plate, a piece of -- like a handwritten note, or a check,
19 or something like along that line. But the Superglue is a
20 commonly used process across the country. In fact, across
21 the world. And the Superglue is simply heated and it
22 creates a vapor, or a fume, and that vapor will affix
23 itself to any impressions that might be present on the
24 surface. It enables us to see it better, and it also
25 enables us to use a different technique, or a different

1 step of the process when it comes to trying to enhance the
2 impression.

3 Q And then that print, I guess, is revealed in the
4 process. What do you do to analyze that print?

5 A Well, once we get the print developed, we photograph
6 -- have it photographed. We have the luxury of having a
7 photo studio within our laboratory, and we have a
8 photographer that will document that for us
9 photographically so that we can then compare it to any
10 known standards that we may be asked to compare it to.

11 Q So, you would use the photograph for comparison
12 purposes.

13 A Yes, ma'am.

14 Q You don't do any kind of lifts of the print or
15 anything like that.

16 A I have -- I've done lots of lifts over my career with
17 the black powder and the clear tape, which is what most of
18 you are probably familiar with. But in this case it was --
19 black powder was not used. This was -- I was working
20 strictly off of the photograph.

21 Q So, you did receive some items to test in this case
22 for fingerprints?

23 A I did.

24 Q I'm going to have you take a look at State's Exhibits
25 63, 64, 65, 66, 67, and 68. Are those 300 Blackout shell

1 casings that you received to process for fingerprint
2 evidence?

3 A It is.

4 Q And did you find any evidence on those cases?

5 A Actually I did not. There was what we call -- the
6 result that I used with these items was that there was no
7 fingerprint evidence was observed.

8 Q Would you expect to find fingerprint evidence on fired
9 cases?

10 A We don't find a lot of developed prints on cartridge
11 cases. It does happen we do find fingerprints on cartridge
12 cases but just not a great deal. A lot of that has to do
13 with the fact that the cartridge cases are -- they're
14 exposed to heat, they're exposed to friction, and since
15 fingerprints are so fragile, a lot of times that is
16 probably a couple of reasons why we don't find a lot of
17 prints on cartridge cases.

18 Q All right. Did you also receive State's Exhibit 33
19 and 34 to test for or examine for fingerprint evidence?

20 A I did.

21 Q Did you find any fingerprint evidence on those
22 shotshells?

23 A I did not.

24 Q Again, would you expect to find fingerprint evidence
25 on items of that nature?

1 A You know, we always make the attempt. Sometimes we're
2 surprised when we process evidence that something will
3 develop. We -- I personally don't have a -- I've not had a
4 lot of success with getting prints on shotshells, not to
5 say that it hasn't happened.

6 Q And you said you've been doing this for about thirty
7 years?

8 A Yes, ma'am.

9 Q And in that time, have you ever found yourself a
10 fingerprint on a fired case or shotshell?

11 A I can't recall that I have developed anything that I
12 could identify. I have developed ridge detail, or I have
13 developed fingerprints on cartridge cases, but I can't
14 recall honestly having a case where I was able to actually
15 identify it.

16 Q Did you also receive a shotgun to collect for
17 fingerprint evidence?

18 A I did.

19 Q That being State's Exhibit 4, a Benelli Super Black
20 Eagle 3. Did you find any fingerprint evidence on that
21 weapon?

22 A I did not.

23 Q What else did you do with that weapon while you had
24 it?

25 A One of the -- there was an additional request to have

1 it swabbed for touch DNA, which I did. I swabbed various
2 areas of the shotgun for DNA purposes.

3 Q And I'll hand you State's Exhibit 307. Are those the
4 swabs that you collected from that shotgun?

5 A Yes, ma'am. It has the date that I collected it, it
6 has my name and my initials, and -- on the envelopes, as
7 well as on the CD.

8 MS. GOUDE: Your Honor, at this time we would move
9 State's 307 into evidence, the swabs from the shotgun.

10 THE COURT: What says the defense?

11 MR. HARPOOTLIAN: I'm not sure which shotgun.

12 MS. GOUDE: From the Benelli that was recovered at the
13 scene.

14 MR. HARPOOTLIAN: That Mr. Murdaugh had?

15 MS. GOUDE: Yes.

16 MR. HARPOOTLIAN: No objection.

17 THE COURT: It's admitted.

18 (BENELLI SHOTGUN MARKED AS STATE'S EXHIBIT NUMBER 307
19 WAS RECEIVED INTO EVIDENCE.)

20 Q And do you recall where on that gun that you collected
21 those swabs?

22 A Yes, ma'am.

23 Q Could you tell the jury?

24 A If I could look at my notes real quick? I swabbed the
25 trigger, I swabbed the rear stock, front stock, and the

1 ejection leaver on the shotgun. Yes, that's the two areas
2 that I swabbed.

3 Q And why would you have swabbed those particular areas?

4 A Well, typically in a case involving guns, shotguns,
5 pistols, we typically swab the trigger separately to
6 possibly get a print on the trigger as to who might have
7 last had their finger on the trigger. And then we swab
8 other areas of the gun that might be more conducive for
9 touch DNA versus latent prints. Any time we get something
10 that we have a latent print request and a DNA request, we
11 have to try to determine which area to swab, which area is
12 typically handled by someone that might give us the best
13 chance for any type of forensic evidence, whether it be DNA
14 or latent prints.

15 Q Did you also swab the head stamps of those two
16 shotshells?

17 A Yes, I did.

18 Q And those swabs are in State's 307 up there, the other
19 swabs. Is that correct?

20 A That's correct.

21 Q Did you have an occasion to also examine Paul's cell
22 phone?

23 A I did.

24 Q I'm going to hand you State's Exhibit 309. Are those
25 the swabs that you collected from Paul Murdaugh's cell

1 phone?

2 A These are swabs I took from a cell phone. I don't
3 know for sure whose phone it was, but these are swabs that
4 I took from the phone, which was my Item 25.

5 Q And could you refer to your report to tell us what
6 Item 25 is listed as?

7 A Item 25 is listed as a -- one iPhone cell phone black
8 in color with a clear case.

9 MS. GOUDE: Your Honor, at this time the State would
10 move to admit State's Exhibit 309.

11 MR. HARPOOTLIAN: No objection.

12 THE COURT: It's admitted.

13 (SWABS MARKED AS STATE'S EXHIBIT NUMBER 309 WERE
14 RECEIVED INTO EVIDENCE.)

15 Q Did you also examine that cell phone for fingerprints?

16 A I did.

17 Q Did you find any fingerprints on the phone?

18 A I did not find anything that I could identify. I
19 found a very small amount of fingerprint evidence on the
20 phone. The result that I had to render was what we refer
21 to as no value for comparison, which what that simply means
22 is that there was the evidence of someone's fingers having
23 come in contact with the phone, but it just was not enough
24 detail or not enough clarity for me to be able to compare
25 it to anyone.

1 Q Do you recall examining some other shotguns or rifles
2 in this case?

3 A Yes, ma'am.

4 Q That would be a 300 Blackout rifle, a Mossberg
5 shotgun, a Browning shotgun, and another Benelli shotgun?

6 A That's correct.

7 Q Did you find any fingerprints on any of those guns?

8 A Nothing that I could identify. Again, the result of
9 no value for comparison was the result that I reported.

10 Q And if a gun is -- has a camouflaged print, for
11 example, would that make it harder to find fingerprints on
12 that weapon?

13 A Well, not necessarily. We have different -- we have
14 some very bright lights that we would use to help us pick
15 up anything that might be on the camouflage type surface.
16 Keep in mind, we're spraying a fluorescent dye stain prior
17 to using the light source, so that does help us see the
18 prints much better. There are some areas on these shotguns
19 that were, like, textured, which would not be very
20 conducive to prints, but as far as a camouflaged area, it
21 makes it a little harder to see, but we do have the means
22 to be able to analyze it thoroughly.

23 Q And these items that we've been talking about, when
24 you process them for fingerprint evidence, do you use the
25 Superglue fuming method?

1 A Yes, ma'am.

2 Q While you were processing those guns, did you collect
3 swabs from each gun?

4 A Yes, ma'am.

5 Q I'm going to hand you State's Exhibit 308. If you
6 could, take a look at that.

7 A Yes, ma'am. These are the envelopes that I placed the
8 swab from the shotguns. It's got my date, initials, and
9 where it came from on the shotgun.

10 MS. GOUDE: Your Honor, at this time the State would
11 move State's Exhibit 308 into evidence.

12 MR. HARPOOTLIAN: No objection.

13 THE COURT: Admitted.

14 (SWABS MARKED AS STATE'S EXHIBIT NUMBER 308 WERE
15 RECEIVED INTO EVIDENCE.)

16 Q Now, did you receive a 30 round magazine that was full
17 of 300 Blackout cartridges?

18 A I did.

19 Q Did you test that item for fingerprint evidence?

20 A I did.

21 Q Did you find any fingerprints on that magazine?

22 A It was, again, as the shotguns, it was all no value
23 for comparison.

24 Q What about each of the bullets that was in that
25 magazine? Did you examine them in any way?

1 A Yes, ma'am. I took each one of them out of the
2 magazine and processed all of them individually.

3 Q Did you find any fingerprint evidence on those
4 bullets?

5 A No, ma'am, I did not.

6 Q And what did you do with these swabs that you
7 collected?

8 A Once I collected swabs, I allow them to air dry, and
9 then once I secured them in the envelopes, I seal them, put
10 my date, initials, and then I package them up accordingly,
11 and they ultimately wind up with the DNA department. I
12 believe in this case I took them down to our Evidence
13 Control department, and then DNA will pick them up from
14 there.

15 Q All right. One moment, Mr. Darnell.

16 (Break in proceedings.)

17 MS. GOUDE: No further questions from the State at
18 this time. If you'll answer any questions from the
19 defense.

20 THE COURT: By the defense?

21 MR. HARPOOTLIAN: Please the Court, Your Honor?

22 CROSS-EXAMINATION

23 BY MR. HARPOOTLIAN:

24 Q All these items were processed in the lab. Is that
25 correct?

1 A That's correct, yes, sir.

2 Q And help me to understand this. You processed three
3 shotguns?

4 A I believe that was right, yes, sir.

5 Q You processed -- were any of them loaded with shotgun
6 shells?

7 A I don't recall them being loaded.

8 Q So, you did not process any of the -- if they were
9 loaded, you didn't process any of the shells then.

10 A I -- normally when a weapon comes into the laboratory,
11 it's cleared and unloaded prior to it getting to our
12 laboratory. So, had they been unloaded I would have -- or
13 had they been loaded, they would have been unloaded prior
14 to me receiving them, and I would have processed what had
15 been inside the weapon at that time.

16 Q So, the weapon we identified earlier as -- and I
17 apologize -- Number 22, Item Number 22, the camo Benelli
18 Super -- I'm sorry -- yeah, the Benelli Black Eagle with
19 two unfired shotgun shells, you processed that at the lab?

20 A Yes, sir.

21 Q Was the gun loaded when it came to you?

22 A My notes do not indicate that it was loaded. And as I
23 said, normally when a weapon, a shotgun, comes into the
24 laboratory, it's unloaded prior to it coming to me. My
25 notes indicate that it was not loaded.

1 Q And the other shotguns, I mean, I've looked at your
2 analysis on them. There were no fingerprints of
3 evidentiary value on the three other shotguns, right?

4 A That's correct.

5 Q But there's no indication that you processed the -- if
6 they had been loaded and unloaded, any of those shotgun
7 shells, correct?

8 A That's correct. I only processed what was given --
9 what was brought into the laboratory.

10 Q And you processed those on June 9th. Is that correct?

11 A That sounds right, yes, sir, June 9th.

12 Q Now, the cartridges, there's the bullet, and then
13 there's the cases that are typical within a semiautomatic
14 weapon. Were you ever asked to -- you were asked to
15 process the ejected cartridges that were involved in the
16 murder, correct, the 308s -- I mean, the 300 Blackouts?

17 A Yes, sir.

18 Q And those had been fired, and what you indicated was
19 once a bullet or a shotgun shell has been fired, it heats
20 up. Is that why you can't get a fingerprint off of it?

21 A Well, that would be one possible explanation, heat,
22 friction. They're on the ground and the weather can have
23 an affect sometimes if it's raining, or if it's hot or
24 cold. There are lots of things that could have an affect
25 on whether or not a print would be left.

1 Q And I think your testimony is it's not -- rarely never
2 found fingerprints on an expended casing. Is that correct?

3 A Well, I wouldn't say rarely never. I know of cases in
4 our laboratory that have been where they have been able to
5 identify prints on cartridge cases. It just doesn't happen
6 very often, but it does happen.

7 Q Okay, but then you processed a number of -- there was
8 a magazine with the number of 308 -- I mean, 300 Blackout
9 shells that had never been fired, correct?

10 A Yes, sir.

11 Q Bullets, I'm sorry.

12 A That's correct.

13 Q And that's a brass -- piece of brass, right?

14 A Yes, sir.

15 Q I mean, is a piece of brass conducive to fingerprints?

16 A Yes, sir. It can be, yes, sir.

17 Q Any evidence these bullets in the -- the bullets had
18 been wiped or something, or just give the -- please explain
19 to the jury why you would normally get fingerprints off of
20 a piece of brass, an unspent bullet. Why is that?

21 A Well, you've got to keep in mind that a latent print
22 is nothing more than -- or mostly moisture. They are very
23 fragile. It doesn't take much to wipe a print off of a
24 surface. These -- the cartridges, I think, that you're
25 speaking of were in the magazine, so they've been shoved

1 into a magazine, and then they -- then -- you know, then
2 you've got to get them out. So, so you've, you've got
3 friction there going on, but most any -- you know, anything
4 that -- any surface that's smooth and fairly clean and not
5 corrugated or textured can be conducive to prints. I have
6 developed prints on cartridges before; it just doesn't
7 happen very often.

8 Q But, again, it's a brass surface. It's almost a
9 polished brass surface. But you say because it's mostly
10 moisture -- isn't there some oil involved in there, or am I
11 wrong about that?

12 A Well, you would have -- as far as the -- coming from
13 the fingerprint, from the fingers or from --

14 Q Well, I mean, the fingers is always just moisture?

15 A It's mostly 98 to 99 percent moisture, and then you
16 might have some other substances mixed in there, but it's
17 mostly just sweat is what's left behind.

18 Q You do retrieve fingerprints occasionally. Do you not
19 find -- do you find fingerprints on things?

20 A Oh, yes, sir. I find -- I've developed quite a few
21 prints in my thirty years of doing this.

22 Q Okay, and once you develop a print, you can compare it
23 based on -- how many points do you have to have to do a
24 comparison to make them match?

25 A Well, there's no set number in this country where you

1 have to have a certain minimum number of points. You just
2 have to have a sufficient amount of clarity and -- to be
3 able to determine that an impression was made by a certain
4 individual.

5 Q Okay. Did you ever go to the scene of these murders?

6 A No, sir, I did not.

7 Q You were not called out that night?

8 A No, sir.

9 Q So the forensic folks that went out there, to your
10 knowledge, did they throw any powder down? Did they do
11 anything to find any fingerprints that night?

12 A I honestly don't know. I did not look at their notes
13 from their crime scene or what have you. I really had no
14 real reason to. I was just asked to process the things
15 that they brought me.

16 Q Let me ask you this. You've got a doorknob right
17 here, a doorknob. I just grabbed it to open it. It's
18 brass. Would that leave a fingerprint?

19 A It's possible. You have -- again, you have to
20 consider how much someone perspires when they touch
21 something. You have to consider how soon after the
22 doorknob was touched that someone else grabbed the
23 doorknob. Because the latent print is extremely fragile,
24 it doesn't take much to obliterate the print.

25 Q But you would check. If you were on the scene, you

1 would look.

2 A If I was on the scene and I felt like that area was
3 accessed by someone, I probably would have checked, yes,
4 sir.

5 Q I mean, if the -- it appeared that there had been a
6 shotgun blast to the victim inside a room behind that door
7 and you didn't know whether the door was opened or closed
8 before that person was shepherded in there or walked in
9 there, you would want to at least look at the knob, right?

10 A Yes, sir. I probably would, but I was not on this
11 scene, so I don't really know exactly what all they had
12 going on. So -- but it could -- with your scenario that
13 you're speaking of, yes, sir, I probably would have
14 checked.

15 Q And you would expect to see notes somewhere from the
16 crime scene folks that they looked at the doorknob. You
17 can't just eyeball it. Don't you have to put some powder
18 on it, or don't you have to put something on it to raise
19 the visibility of the fingerprint?

20 A Well, yes, sir. In some cases you can actually see a
21 print if it's more of what we call a patent print. A
22 patent print is a print that might left behind with a --
23 you know, in a residue. It could be in grease, it could be
24 in blood, it could be in dirt, anything such as that.
25 So -- but ordinarily when you go to look for prints, you've

1 got to do some sort of processing to a surface, depending
2 on the surface and depending on just what you're trying
3 to -- what you're trying to do.

4 Q So, if you had a relatively small room where
5 somebody's head had exploded and blood and all kinds of
6 bodily fluids were sprayed over the inside of that room,
7 you would want to take a meticulous examination of that
8 room to see if there were any fingerprints in blood or
9 other bodily fluids, would you not? Would you?

10 A I would, yes, sir.

11 Q Okay, and you would expect to see something in some
12 report by the crime scene folks where they actually did
13 such an examination, would you not? Would you expect to
14 see notes detailing if they at least looked at it?

15 A Yes, sir. I mean, you know, I -- again, this is --
16 you know, I wasn't at this scene. I can -- but if you're
17 describing this type of a scene, if it was me, I would take
18 notes, you know, detailed notes, you know, because, you
19 know, photographs, notes, sketches, all of that kind of
20 goes hand in hand.

21 Q But there should have been -- well, strike that. You
22 would also expect to see any surface that could have come
23 into contact with the perpetrator to have been processed,
24 either photographed or processed in some way. You would
25 expect to see that in the notes of the crime scene

1 investigators, correct?

2 A I would think in the notes or in their, you know,
3 testimony, or anything such as that. You know, there
4 should be something to explain what was done, yes, sir.

5 Q Okay. Do you know if there was a fingerprint person
6 or somebody that was skilled in the crime scene team that
7 came out there?

8 A I don't know. I know that there was no one from the
9 Latent Print Department where I work at the scene that day.

10 Q Do you go out to crime scenes? Do you go to crime
11 scenes?

12 A I've done plenty in my earlier days, but I have -- I
13 have not been on crime scenes for quite some time.

14 Q You have people in your latent print unit that do go
15 to crime scenes.

16 A Not really. The Latent Print Department, the way it
17 was set up, we pretty much are in the laboratory setting
18 and we process evidence that comes in from crime scenes.
19 We don't typically go to the crime scene.

20 Q And so -- and I guess I'm summarizing this.
21 Everything they had you look at you looked in the lab.

22 A Yes, sir.

23 Q And you found no -- when I say identifiable prints, it
24 sounds to me like you found no evidence of any prints.

25 A Well, I found -- any time I report something as no

1 value for comparison, that means that I did find evidence
2 of fingerprints. It just wasn't enough to compare it to
3 anyone. Any time I say nothing was observed, that means
4 there was nothing observed.

5 Q So -- and they listed all of these, other than the no
6 value for comparison on the cell phone. That would mean
7 you saw something but you didn't have enough to compare.

8 A Yes, sir. And, you know, it was no value. You know,
9 keep in mind again: latents are fragile. You've got
10 weather involved, you know, water, rain. That sort of
11 thing certainly is detrimental to fingerprint evidence
12 being left behind.

13 Q Other than the cell phone, everyone else says no
14 fingerprint evidence was observed. That would mean there
15 was nothing, not even a partial, right?

16 A Yes, sir. Any time that result is in the report,
17 that's what that means, yes, sir.

18 Q But other than the cell phone, you didn't even find
19 any evidence of fingerprints, not a partial, not a smudge,
20 not anything.

21 A Well, I believe there were some additional long guns
22 that came in to me where I did get no value for comparison,
23 but the initial shotgun that came in to me, nothing was
24 observed, yes, sir.

25 Q The initial shotgun would have been Number 22.

1 A Yes, sir, that's correct.

2 Q Would it surprise you to know that Mr. Murdaugh was
3 seen holding that shotgun and actually retrieved it from
4 his house?

5 MS. GOUDE: Objection, Your Honor. Counsel is
6 testifying.

7 THE COURT: Response.

8 MR. HARPOOTLIAN: I'm just citing evidence that the
9 State has already put into evidence. I'm not testifying to
10 it because these are facts that have already been
11 established by the State. He's an expert; he can opine.

12 THE COURT: Pardon?

13 MR. HARPOOTLIAN: He is an expert; therefore, he can
14 give an opinion.

15 THE COURT: The objection is overruled.

16 Q Would it surprise you to know that Mr. Murdaugh was
17 seen that evening when the first responder came holding
18 that shotgun, and the State has indicated -- I mean, that's
19 not in conflict. No one is challenging that, and yet there
20 were no -- I mean, you found no evidence of fingerprints.
21 Is that correct?

22 A Right. Yes, sir. And, you know, that's -- you know,
23 prints aren't always left on surfaces when you touch them.
24 You know, just because you touch something does not mean
25 you're going to leave a print, and there are all kind of

1 variables as to why.

2 Q But you would agree with me you found no prints on any
3 of the items you were asked to examine. Cartridge cases,
4 fired, unfired, shotguns, the shells in the shotguns, you
5 just found no prints whatsoever.

6 A I found none of value for comparison, which tells me
7 that there was something there but it just wasn't of value.

8 Q And it's only on the cell phone.

9 A The cell phone, and then the additional long guns that
10 came in to me later, yes, sir.

11 MR. HARPOOTLIAN: Beg the Court's indulgence.

12 (Break in proceedings.)

13 MR. HARPOOTLIAN: Thank you, sir. No more questions.

14 THE COURT: Any redirect?

15 MS. GOUDE: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. GOUDE:

18 Q Agent Darnell, you were previously lieutenant of Crime
19 Scene?

20 A Yes, ma'am. I was actually promoted to lieutenant
21 over the Latent Print Crime Scene Department in 1998, where
22 I was in that role for about six years.

23 Q And in your experience in that position, are crime
24 scene personnel trained to look for latent prints at a
25 crime scene?

1 A Yes, ma'am. Back when I was a lieutenant over the
2 crime scene department, we used to do the crime scene. We
3 did the printing; we did everything. Now it's two separate
4 departments. We have a latent print department, and we
5 have a crime scene department. The crime scene department,
6 as I understand it, they are trained in how to process
7 crime scenes, which would include how to process certain
8 things on scene for fingerprints. In other words, if it
9 was something that was large and not, not, not able to
10 transport back to the laboratory, they are -- they do
11 have -- they do get some training in how to process for
12 prints.

13 Q And with such a bloody scene, did you get any bloody
14 prints in this case?

15 A I was not submitted any bloody prints in this case.

16 MS. GOUDE: Thank you. Nothing further.

17 THE COURT: Anything further?

18 MR. HARPOOTLIAN: Nothing further, Your Honor.

19 THE COURT: Thank you. You may step down.

20 THE WITNESS: Thank you, sir.

21 (The witness exited the stand.)

22 THE COURT: You may call your next witness.

23 MS. GOUDE: The state calls Blake Johnson.

24 The witness, BLAKE JOHNSON, was first duly sworn and
25 testified as follows:

1 THE CLERK: And if you can take a seat on the witness
2 stand, repeat your name, and spell your last name for
3 everybody.

4 THE WITNESS: Blake Johnson, last name J-o-h-n-s-o-n.

5 DIRECT EXAMINATION

6 BY MS. GOUDE:

7 Q Hi, Mr. Johnson.

8 A Hello.

9 Q Could you tell the jury where you work?

10 A I work for the South Carolina Law Enforcement
11 Division.

12 Q And how long have you been with SLED?

13 A I've been with SLED a little over five years.

14 Q And what are some of the duties of your position?

15 A At SLED I work for the Investigative Services in the
16 Lowcountry Region, and as part of that I investigate crimes
17 within the lower twelve counties to include homicides,
18 officer involved shootings, cases such as that.

19 Q And with your involvement in the investigation of Paul
20 and Maggie Murdaugh's murders, did you have a chance to
21 collect some buccal swabs in that case?

22 A I did.

23 Q I'm going to show you what's been marked as State's
24 Exhibit 338 and State's Exhibit 339.

25 A This one is the buccal swab that I took from Claude

1 Rowe, C.B. Rowe, and --

2 Q That's State's Exhibit 338.

3 A And this is a buccal swab that I took from Connor
4 Cook.

5 Q Okay, and how do you know you took those two buccal
6 swabs?

7 A Because of the writing on the outside. This is the
8 exterior envelope. If I open them, the one on that I have
9 signed would be at the top.

10 Q All right, and how did you collect these buccal swabs?

11 A I was provided buccal swabs. They come two to a pack,
12 in a sterile pack. They're opened, and the inside of
13 between the cheek and gum of both subjects are swabbed, and
14 they're put back in the envelope and sealed.

15 Q And sealed?

16 A Yeah.

17 Q Okay. They're sealed so nobody can tamper or alter
18 those buccal swabs?

19 A Yes. Evidence tape was placed on the seal and then
20 signed and initialed, or initialed and dated.

21 MS. GOUDE: Your Honor, at this time the State would
22 move State's Exhibit 338 and 339 into evidence.

23 MR. HARPOOTLIAN: No objection, Your Honor.

24 THE COURT: They're admitted.

25 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 338 WAS

1 RECEIVED INTO EVIDENCE.)

2 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 339 WAS
3 RECEIVED INTO EVIDENCE.)

4 MS. GOUDE: And, Your Honor, I have no further
5 questions for this witness.

6 THE COURT: By the defense?

7 MR. HARPOOTLIAN: No questions.

8 THE COURT: Thank you. You may step down.

9 (The witness exited the stand.)

10 THE COURT: Your next witness.

11 MS. GOUDE: Lawrence Wiggins.

12 The witness, LAWRENCE WIGGINS, was first duly sworn
13 and testified as follows:

14 THE CLERK: If you will, have a seat on the witness
15 stand. Repeat your name, and spell your last name for the
16 record.

17 THE WITNESS: Lawrence Wiggins, W-i-g-g-i-n-s.

18 DIRECT EXAMINATION

19 BY MS. GOUDE:

20 Q I believe it's Chief Wiggins now. Is that correct?

21 A That is correct.

22 Q Are you the chief of Allendale? Is it sheriff's
23 office, police department?

24 A Yes. So, I'm currently employed as the Chief of
25 Police for the town of Allendale.

1 Q And -- but back in 2021, where were you employed?

2 A I was employed with the South Carolina Law Enforcement
3 Division. I was assigned to the Investigative Services,
4 and I worked out of the regional office in Walterboro.

5 Q And at that time, were you involved in the
6 investigation of the deaths of Maggie and Paul Murdaugh?

7 A I was preliminarily.

8 Q Did you have an occasion to collect some buccal swabs?

9 A I did.

10 Q I'm going to hand you State's Exhibit 336 and 337. If
11 you could, take a look at those and tell us what we have
12 there.

13 A We have a buccal swabs taken from Mr. Roger Davis and
14 Anthony Cook.

15 Q And you collected those swabs?

16 A I did.

17 Q How do you know you collected them?

18 A My initials and --

19 MR. HARPOOTLIAN: We consent to -- I'll consent to the
20 admission of these rather than going through the process of
21 how he identified them and collected them. She's welcome
22 to do that, but I'm just trying to save a little time here.

23 THE COURT: All right. Madame Prosecutor?

24 MS. GOUDE: So, State's Exhibit 336 and 337 into
25 evidence.

1 THE COURT: All right. They're admitted without
2 objection.

3 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 336 WAS
4 RECEIVED INTO EVIDENCE.)

5 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 337 WAS
6 RECEIVED INTO EVIDENCE.)

7 MS. GOUDE: And, Your Honor, we would have no further
8 questions for this witness then.

9 MR. HARPOOTLIAN: No questions, Your Honor.

10 THE COURT: All right. Thank you, sir.

11 (The witness exited the stand.)

12 MS. GOUDE: Beg the Court's indulgence, Your Honor.

13 (Break in proceedings.)

14 MS. GOUDE: May it please the Court, Your Honor?

15 THE COURT: Yes.

16 MS. GOUDE: State would next call Chandler Horney.

17 The witness, CHANDLER HORNEY, was first duly sworn and
18 testified as follows:

19 THE CLERK: Have a seat on the witness stand. Please
20 repeat your name, and spell your last name for the record.

21 THE WITNESS: My name is Chandler Horney, H-o-r-n-e-y.

22 DIRECT EXAMINATION

23 BY MS. GOUDE:

24 Q And, Agent Horney, can you tell the jury who you work
25 for?

1 A I work for the South Carolina Law Enforcement
2 Division.

3 Q Okay, and what is your position there?

4 A I'm a special agent with the Vice Services Unit.

5 Q And were you involved in the murder investigation of
6 Paul and Maggie Murdaugh?

7 A I was.

8 Q Did you collect some buccal swabs in this case?

9 A I did.

10 Q I'm going to hand you State's Exhibit 340. If you
11 will, tell us what those are.

12 A These are the collected buccal swabs from Morgan
13 Doughty and Miley Altman.

14 Q Okay, and how were those collected?

15 A They were actually collected by a coworker, Special
16 Agent Anthony Sampson, in my presence. He took the swabs
17 of the inside of both of these individual's cheeks.

18 Q And then when he took the swabs, he placed them in --

19 A This envelope.

20 Q And they were placed in bags that were sealed not to
21 be tampered with?

22 A Yes, ma'am.

23 MS. GOUDE: Your Honor, at this time the State would
24 move State's Exhibit 340 into evidence.

25 MR. HARPOOTLIAN: No objection.

1 THE COURT: It's admitted.

2 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 340 WAS
3 RECEIVED INTO EVIDENCE.)

4 MS. GOUDE: We have no further questions for this
5 agent.

6 THE COURT: By the defense?

7 MR. HARPOOTLIAN: I'm sorry, Your Honor?

8 THE COURT: Any questions?

9 MR. HARPOOTLIAN: No, sir. Thank you.

10 THE COURT: You may step down.

11 THE WITNESS: Thank you.

12 (The witness exited the stand.)

13 THE COURT: The State next calls Jomar Albayalde.

14 The witness, JOMAR ALBAYALDE, was first duly sworn
15 And testified as follows:

16 THE CLERK: Have a seat on the witness stand. Please
17 repeat your name, and spell your last name for the record.

18 THE WITNESS: Jomar Albayalde. Spelling of the last
19 name is A-l-b as in Bravo-a-y-a-l-d-e. Albayalde. If it
20 makes it any easier, my peers call me Jo.

21 DIRECT EXAMINATION

22 BY MS. GOUDE:

23 Q Thank you, Jo. And you did tell me a little trick to
24 pronouncing that last name there?

25 A Yes, ma'am.

1 Q And what was that?

2 A If you remember the phrase I'll be here all day and
3 drop the here, Albayalde, you've got it.

4 Q Thank you so much more sharing that with me.

5 A Yes, ma'am.

6 Q And you work for SLED. Is that right?

7 A I do.

8 Q And did you have the chance to collect some buccal
9 swabs in the investigation of the murders of Paul and
10 Maggie Murdaugh?

11 A I did.

12 Q I'm going to hand you State's Exhibit 342, 343, and
13 344. If you'll take a look, please.

14 A Yes, ma'am.

15 Q Okay, and State's Exhibit 342 is a buccal swab you
16 collected from who?

17 A All right, This Exhibit 342 is from Mr. Randy
18 Murdaugh.

19 Q Okay, and then 343?

20 A 343 is the DNA sample collected from a Hipolito
21 Torres.

22 Q And 344?

23 A This final buccal sample is collected from his son,
24 Allen Gonzalez.

25 Q And how did you collect these buccal swabs?

1 A Yes, ma'am. These were collected via a DNA or buccal
2 swab kit, which essentially is a swab as Special Agent
3 Johnson explained to you earlier. So, it's simply a swab
4 from each side of -- in their cheek, placed into a secured
5 envelope, and then sealed in a evidence envelope such as
6 this one.

7 Q It would be sealed so it was not tampered with. Is
8 that right?

9 A That's correct, ma'am.

10 Q Okay.

11 MS. GOUDE: At this time, the State would move State's
12 342, 343, and 344 into evidence.

13 THE COURT: What says the defense?

14 MR. HARPOOTLIAN: No objection.

15 THE COURT: Any objection?

16 MR. HARPOOTLIAN: No, sir.

17 THE COURT: They're admitted without objection.

18 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 342 WAS
19 RECEIVED INTO EVIDENCE.)

20 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 343 WAS
21 RECEIVED INTO EVIDENCE.)

22 (BUCCAL MARKED AS STATE'S EXHIBIT NUMBER 344 WAS
23 RECEIVED INTO EVIDENCE.)

24 MS. GOUDE: Thank you, Your Honor. The State has no
25 further questions for Jo. Thank you.

1 THE COURT: Any cross-examination?

2 MR. HARPOOTLIAN: Beg the Court's indulgence one
3 moment.

4 (Break in proceedings.)

5 MR. HARPOOTLIAN: No questions, Your Honor.

6 THE COURT: Thank you. You may step down.

7 THE WITNESS: Thank you, Your Honor.

8 (The witness exited the stand.)

9 THE COURT: Call your next witness.

10 MR. WATERS: Your Honor, our next witness will be
11 fairly lengthy, and Mr. Hernandez is going to call him, and
12 we would ask for just a moment to get the exhibits out that
13 he needs and get them in order so it moves orderly before
14 the jury, if we could.

15 THE COURT: All right, ladies and gentlemen, we'll
16 take a brief break.

17 (The jury left the courtroom.)

18 (A break was taken.)

19 (The jury returned to the courtroom.)

20 THE BAILIFF: The jury is present, sir.

21 THE COURT: Thank you.

22 You may call your next witness.

23 MR. FERNANDEZ: Thank you, Your Honor. May it please
24 the Court?

25 THE COURT: Yes, sir.

1 MR. FERNANDEZ: The State calls Paul Greer.

2 THE witness, PAUL GREER, was first duly sworn and
3 testified as follows:

4 THE CLERK: Please have a seat in the witness stand,
5 repeat your name, and then spell your last name for the
6 record.

7 THE WITNESS: My name is Paul Greer, G-r-e-e-r.

8 VOIR DIRE EXAMINATION

9 BY MR. FERNANDEZ:

10 Q Paul, how are you doing today?

11 A I'm great, thank you.

12 Q Take a moment to unpack yourself.

13 A Thank you.

14 (Break in proceedings.)

15 Q Paul, if you would, please introduce yourself to the
16 jury and tell us a little bit when you graduated high
17 school and where you went for --

18 A Sure. My name is Paul Greer. I'm originally from the
19 Upstate of South Carolina. Went to school and graduated
20 high school in 2009. Upon graduating high school I
21 attended the University of South Carolina and received a
22 Bachelor's of Science in biological sciences from the
23 University of South Carolina.

24 Q Thank you, Paul. I'm going to ask you, if you would,
25 to pull that microphone a little closer so we can all hear

1 you.

2 A Yes, sir.

3 Q Thank you. All right, Paul, walk us through a little
4 bit about your career. With whom are you currently
5 employed?

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

8 Q All right. Tell us a little bit about your
9 professional career. How did you get started at SLED, and
10 what it is that you do there?

11 A Yes, sir. After completing my Bachelor of Science at
12 USC, I began an internship at SLED in the Forensic Services
13 Laboratory. I specifically did that internship with our
14 firearm and tool marks department. I interned there for
15 several months and ultimately achieved a position there in
16 that unit. I began my employment officially at SLED in
17 March of 2014 in the firearms department, where I began
18 training to become a firearms examiner.

19 Q All right, and are you currently employed as a
20 firearms examiner with SLED?

21 A Yes, sir.

22 Q All right. Paul -- Mr. Greer, if you would, walk us
23 through what that required in order to become a firearms
24 examiner.

25 A Sure. In order to become a firearms examiner, there's

1 a lot of extensive training on the job that must be
2 conducted. At SLED I began an in-house training program
3 that we refer to as the firearm and tool mark course of
4 instruction. During this time -- again, it was extensive,
5 approximately three years or so -- I assisted other
6 examiners who were qualified on the job. Prepped their
7 cases. I learned how to work those cases. I looked at
8 thousands of fired ammunition components on the microscope
9 and did many comparisons of those. During that time, I
10 also completed multiple written and practical examinations.

11 At the conclusion of that training program, I was
12 given a comprehensive final exam that included some mock
13 casework within our laboratory. I successfully completed
14 all of that training in that mock casework and was able to
15 begin working cases on my own.

16 Q In addition to the comprehensive qualifications and
17 testing required to become a forensic examiner, are
18 forensic examiners at SLED also subject to yearly testing
19 as well?

20 A Yes, sir. We do a competency at the conclusion of our
21 training program, but we also participate in proficiency
22 testing each year within an area in our discipline, so that
23 is completed. I completed a proficiency test each year,
24 and that just assures that we're maintaining our
25 competency.

1 Q And, Paul, are you a member of any professional
2 organizations?

3 A Yes, sir, I am.

4 Q And which ones would those be?

5 A I'm a member of the Association of Firearms and Tool
6 Mark Examiners, which is also known as AFTE.

7 Q Have you had any opportunity to attend additional
8 trainings or conferences under the umbrella of firearms and
9 tool mark examination?

10 A Yes, sir, I have.

11 Q Would you please explain a couple of those, or any of
12 those, if you would?

13 A Yes, sir. AFTE hosts an annual conference each year.
14 And AFTE, I might add, is an international organization.
15 It's a group of firearms and tool mark examiners around the
16 world, as well as other scientists and members from
17 academic worlds. We get together each year, and I attend
18 that when I'm able in order to share information and see
19 what's happening within the field of firearm and tool mark
20 examination. I attended several of those conferences, and
21 I've also attended some regional conferences that have been
22 hosted by the FBI Laboratory in Quantico.

23 Q And speaking about the laboratory, is your laboratory
24 accredited?

25 A Yes, sir, it is.

1 Q And what is the accreditation it operates under?

2 A The SLED laboratory is accredited under ANAB. That is
3 a national organization that follows ISO 17025 standards,
4 and those are international standards. So, our laboratory
5 is operating at -- within the same set of standards as
6 other labs in the United States that are accredited with
7 ANAB, and also those who follow the ISO 17025.

8 Q In order to maintain accreditation, are there -- is
9 there an inspection process that ANAB requires?

10 A Yes, sir.

11 Q All right. Explain, if you would, kind of a couple of
12 inspections that are typically required.

13 A In order to maintain our accreditation, we have a
14 visit approximately every four years. Auditors come into
15 the laboratory to check our casework, review our files,
16 make sure that we're operating within those standards, and
17 they watch us perform casework -- that's a big, huge
18 component -- and they do this for all of the disciplines
19 within the laboratory. And that audit every four years
20 within that cycle helps to ensure that we are -- we're
21 meeting those standards. Internally at SLED we also have
22 internal audits each year. So, even though the ANAB
23 inspector that comes every four years, we may not see them
24 every year. There's some type of audit being performed
25 within our departments and in our casework each year.

1 Q Thank you. Does the SLED laboratory operate under a
2 policies and procedures guideline for the overall agency?

3 A Yes, sir, we do.

4 Q All right. Can you explain a little bit about how
5 that involves the lab?

6 A Okay. SLED in general has a large set of policies
7 that we must adhere to. Within the laboratory, each
8 department has a manual that they must follow that gives
9 them information on how to conduct their everyday work and
10 how to perform casework. Additionally, and following the
11 ANAB accreditation, we have a SLED quality manual that is
12 specifically for the laboratory. We must follow that as
13 well, and those are all guidelines to help us within to
14 conduct casework.

15 Q And in addition to the SLED quality assurance manual,
16 there is -- would there additionally be a SLED Firearms
17 Department manual that you had to comply with?

18 A Yes, sir. There is a firearms -- excuse me, a
19 firearms manual that we must follow.

20 Q Okay. Just very briefly, please explain what that
21 involves.

22 A Yes, sir. That, again, is just a document that gives
23 us information on how to conduct our day to day casework,
24 what to do with evidence, how we should examine that. It
25 also gives us information into our training program, any

1 type of calibration or measurement references that we need
2 to consult for our equipment that we use. All of that
3 information is contained within that manual that we have to
4 follow and reference.

5 Q All right. If you would, please explain to the jury
6 what firearms identification, generally the subject matter,
7 what that is.

8 A Sure. Firearms identification is a discipline in
9 forensic science where our main objective each day is to
10 examine those fired ammunition components. So, imagine a
11 fired cartridge case or a fired bullet, and we're looking
12 at those in order to determine if they were fired by a
13 specific firearm.

14 Q How long -- and how long, again, have you -- have you
15 been working in SLED -- in this SLED laboratory?

16 A I've been employed in the firearms department at SLED
17 for almost nine years.

18 Q Have you had an opportunity to testify in court such
19 as this?

20 A I have.

21 Q Would that be both state and federal courts?

22 A I have testified in state and federal courts, yes,
23 sir.

24 Q Approximately how many times, or do you know how many
25 times?

1 A Approximately twenty-seven times, yes, sir.

2 MR. FERNANDEZ: Your Honor, at this point the State
3 moves to admit Mr. Greer as a firearms and tool mark
4 examination expert.

5 MR. GRIFFIN: Your Honor, no objection to his
6 qualifications.

7 THE COURT: He's so qualified.

8 MR. FERNANDEZ: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MR. FERNANDEZ:

11 Q All right, Mr. Greer, I would like to take a moment to
12 kind of educate the jury a little bit on firearms.

13 A Yes, sir.

14 Q And if you would please, please tell us a little bit
15 about the -- well, first of all, are you familiar with the
16 two kind of cartridge rounds we're going to primarily be
17 talking about today?

18 A Yes, sir.

19 Q And are you familiar with the two kind of firearms
20 we're going to generally be talking about today?

21 A Yes, sir, I am.

22 Q All right. If you would, please give us a little --
23 an intro into firearms, beginning with perhaps shotguns,
24 and tell us what makes that unique type of firearm and how
25 it generally operates.

1 A Yes, sir. In general a firearm is a mechanism that
2 propels projectiles through a combustion of gunpowder. As
3 he was stating, there are several different types of
4 firearms, and one of them is a shotgun. A shotgun, if you
5 imagine, is a long gun typically that is designed to be
6 fired from the shoulder, and that has a smooth bore. And
7 what the bore is, is just the inside of that barrel, so
8 there's no rifling inside that barrel typically. A shotgun
9 is also different than maybe a handgun that you may be
10 familiar with, and it fires shotshells. And a shotshell is
11 a cartridge, if you will, that could be plastic or metal
12 that can contain multiple projectiles or a single
13 projectile.

14 Q When you said barrel smooth bore and rifling, would
15 rifling mean sort of the interior of the barrel where the
16 bullet exits is spiraled inside?

17 A Correct. That rifling is in barrels in order to give
18 a bullet that's traveling down that barrel its rotary twist
19 and spin so that way it can travel to a target or its
20 destination.

21 Q And does that rifling assist in the bullet traveling a
22 straight line continuously?

23 A I'm sorry, can you repeat the question?

24 Q The rifling spinning the bullet and making it go on,
25 does that allow it to travel in a straight line?

1 A Yes. That rifling that's inserted into that barrel,
2 if you'll think of like a quarterback throwing a football,
3 it helps it give it that nice spiral so that it can
4 follow -- travel more efficiently.

5 Q And then kind of the opposite of that would be the
6 smooth bore of a shotgun. How does that affect the pellets
7 or the BBs inside the shotgun?

8 A So in a typical shotgun, you don't have that rifling
9 that gives it that spin or twist, but that's not the design
10 of the shotgun. So when those pellets, or a slug, or
11 whatever is traveling down the bore of that shotgun, it is
12 just traveling out the barrel based on the combustion from
13 it firing.

14 Q And if you would, please describe to us what type of
15 ammunition a shotgun will shoot.

16 A Typically you use a shotshell. That can be made of
17 some type of plastic. Typically we see that with some type
18 of metal head. Inside that shotshell there can be multiple
19 projectiles. You hear of pellets. We think of birdshot,
20 buckshot. That's what would be inside of a shotshell.

21 Also in there there may be other components that could
22 be plastic or some type of paper material, and that would
23 be a wad, and those have different jobs within a shotshell.
24 Those can be to protect the pellets, to keep them together
25 as they travel, to provide some type of cushioning between

1 those pellets and the powder. So, they all have different,
2 various purposes within -- inside that shotshell.

3 Q Mr. Greer, did you bring with you some demonstrative
4 items to kind of just demonstrate generically what you're
5 talking about in shotshells?

6 A Yes, sir.

7 Q Can I see that real quick?

8 A Yes, sir.

9 (Break in proceedings.)

10 Q I'll give these back to you. All right, Mr. Greer, if
11 you would, beginning with the shotshells, you brought some
12 demonstrative exhibits. Is that correct?

13 A That's correct.

14 Q If you would just please hold them up, show them to
15 the jury, and explain what it is that we see -- what we're
16 looking at and what the components are there.

17 A Sure. Again, these are just two examples of a
18 shotshell. Here you have a plastic body there of the shell
19 with the metal head. On this end of it, that is the end
20 that's going to be up against the breech face of the
21 firearm, and in the middle you'll see a small circle.
22 That's the primer area, and that's what's going to be
23 struck by a firing pin in a firearm so that it will fire.
24 That's what's going to detonate inside the shotshell to
25 cause it to be fired. On this end, you see it's kinked on

1 this end. This is the end that the projectiles or the
2 pellets that are inside of the shotshell will exit and
3 travel down the barrel of the shotgun.

4 Q Thank you. All right, Mr. Greer, the second firearm
5 would be -- if you would, talk about -- a little bit what
6 the AR platform is.

7 A Sure. An AR platform is something that is commonly
8 seen throughout America. Originally it was designed by
9 Armalite, and it's just a modular platform, and it's a
10 rifle, a semiautomatic rifle in it's normal state, and
11 that's what we have here today.

12 Q And what would be the more common caliber that you
13 might find on the AR platform?

14 A Yes, sir. Typically what is very common that we see
15 in the laboratory and that you may be more familiar with is
16 it's chambered in 223 Remington caliber or 5.56 NATO, that
17 is a very common caliber for an AR15 type firearm.

18 Q And what were some of the items that you examined in
19 the case as far as rifle calibers?

20 A In this case I received one rifle, and it was
21 chambered in 300 Blackout caliber.

22 Q All right. Explain to us what the 300 Blackout round
23 is and maybe how it is similar and/or different from a 556
24 round.

25 A Sure. Again, you may be familiar with a 223 Remington

1 or 5.56 NATO caliber. The 300 Blackout cartridge is sort
2 of similar to that. When that was designed, it was
3 designed so that it could be used with a lot of the
4 original features of an AR15. So, the overall dimensions
5 of those cartridges are very similar, with the exception of
6 a shorter case length and a much heavier or larger bullet.

7 Q And 300 Blackout being a relatively -- at least
8 compared to 556 NATO round -- were some of the components
9 interchangeable in an AR platform?

10 A It's my understanding that when that 300 Blackout
11 caliber was developed, it was designed so that some of the
12 components from the original AR15 type that were chambered
13 in the 5.56 NATO, or the 223 Remington, could be used with
14 a 300 Blackout.

15 Q And it is possible, maybe not ideal, but possible to
16 use a magazine that would be formatted for the 223, 556
17 round in a 300 Blackout rifle?

18 A Yes, sir, I would say it's possible.

19 Q And did you bring any 223 or 556, and 300 Blackout
20 rounds with you today for demonstrative purposes?

21 A Yes, sir, I have two.

22 Q All Right. Would you please identify the two, and
23 tell us what we're looking at and what the similarities and
24 differences would be.

25 A Sure. To start off, this is an example of a 223

1 Remington. This is the one that you may be more familiar
2 with. I will show you now side by side. This is the 300
3 Blackout, and I'm trying to do this so you can see. You
4 can see that their overall dimensions are a little
5 larger -- excuse me -- or about the same except some --
6 with the exception of the larger bullet. And I'll give you
7 a little bit of anatomy here of the cartridge.

8 What we would refer to as this item right here is an
9 unfired cartridge. Terminology in our firearms department
10 is very key to us in being accurate in what we do, so when
11 we refer to this as an unfired cartridge, that contains a
12 bullet, which is this portion right here, this copper
13 colored projectile, and that's what's going to travel down
14 the barrel of the firearm towards the target. Again, on
15 this end, just like the shotshell, there's a primer there
16 in the middle. You see the circle object there, and that's
17 what the firing pin is going to strike so that way it can
18 detonate and cause the cartridge to be fired. When it's
19 fired we'll have a cartridge case, which is just the brass
20 colored portion here, and that is the cylindrical component
21 there that holds it all together. It holds the primer, the
22 bullet, and the gunpowder inside of it.

23 Q Thank you, Mr. Greer.

24 MR. FERNANDEZ: Permission to approach?

25 THE COURT: Yes, sir.

1 Q Just for demonstrative purposes, I'm going to put it
2 on the -- Mr. Greer, if you would just pay attention, you
3 have a little video screen there. All right, Mr. Greer,
4 can you see these two bullets on the screen?

5 A Yes, sir, I can see the items.

6 Q This is not going to work. All right. Can you see
7 them clearly?

8 A Yes, sir, I can.

9 Q All right. What's the big black thing on the screen?

10 A It appears to be a phone.

11 Q In your expertise that's a phone. The two rounds we
12 see there, the top round, can you identify which one that
13 is?

14 A The one that is up against the phone there would be
15 the 300 Blackout caliber cartridge.

16 Q And then as you said before, the below -- the round
17 below, that would be the 223/556 round?

18 A Yes, sir.

19 Q And seeing the actual projectile, meaning the item
20 that exits the barrel of the rifle, would that be that
21 tip -- the cylindrical tip on the top?

22 A Yes, sir. And I believe, if I remember correctly,
23 both of the those projectiles were copper in color if you
24 can distinguish that on the screen.

25 Q I don't know if you mentioned it but I'll ask. Did

1 the -- as compared to each other, does the 55 -- the 300
2 Blackout have a higher grain typically than the 556?

3 A It's possible. The bullets come in different grain
4 weight, so that is a much larger bullet. So, I would
5 expect it to be heavier.

6 Q And we're going to hear about the grain weights.
7 Could you explain what that means also?

8 A Sure. Grain is a term that we use in firearms, and
9 it's just a unit measurement. So, when we measure our
10 projectiles, we're going to measure those in grains. And
11 just as a common way to relate to that, if you imagine
12 7,000 grains, that's equivalent to approximately a pound.

13 Q Okay. So, measurements and bullets are done in grains
14 basically.

15 A Yes, sir, that's what we refer to them.

16 Q Going back to shotgun shells very briefly, are there
17 various types of shotgun shells and gauges and calibers?

18 A Yes, sir, there are.

19 Q Would you explain a couple of the types that you might
20 commonly find and then some of the calibers so we'll know
21 what we're talking about?

22 A Sure. Some of the more common gauges in shotshell --
23 and gauge is just referring to the size and how we are able
24 to determine what that firearm is chambered in. So, a 12
25 gauge is something that's very common and that's a very

1 common shotgun that I would expect to encounter. You may
2 have also heard of or be familiar with a 20 gauge; that's
3 another one that may be common. A 410 Bore, which is a
4 type of shotshell as well. Those are some of the more
5 common ones that we would see in our laboratory setting and
6 that you may be familiar with. Again, throughout those
7 there are all different kinds of shotshells loaded with
8 different projectiles -- loaded with birdshot, loaded with
9 buckshot -- and they all serve a purpose within our own
10 respect. But those can have multiple projectiles, hundreds
11 of projectiles. It could have just one large projectile,
12 which we refer to as a slug. So there's lots of options,
13 if you will, within a shotshell.

14 Q And although this may be obvious, a buckshot is
15 typically used to hunt what type of game?

16 A I'm not hunting often, but I would expect a buckshot
17 could be used for something, you know, as they suggest, a
18 buck. You would expect maybe a larger animal. Again, I'm
19 not a hunter, but that's where I could imagine it.

20 Q Thank you, Mr. Greer. Before we move on, and speaking
21 about the area of forensic science of firearm examination,
22 is that an area that is subject to peer review?

23 A Yes, sir.

24 Q And could you explain to us what that means? What's
25 the peer review process and why that's important in

1 forensic science?

2 A Sure. Within firearm and tool mark examination, this
3 is something that's been around for years. Firearms
4 examiners have been learning about the firearms
5 identification process, building studies, and designs and
6 experiments throughout many years. And part of that
7 process in designing those studies and doing this research
8 within firearm and tool mark, they're going to draft an
9 experiment, conduct an experiment, publish an article on
10 their findings, and during that process there can be a
11 review. There will be a review of the article, of the
12 experiment with other scientists within our field, or other
13 scientists or researchers can examine that and see what was
14 going on during that process and say whether they agree
15 with it and share their comments, and that's part of that
16 peer review process. We as -- and as an AFTE member, I
17 have access to our AFTE journal, where a lot of these peer
18 review articles are published and they're able for other
19 examiners to look at, for other scientists and researchers
20 to look at, and help bolster their opinions and thoughts on
21 firearms identification.

22 Q And personally, do you know how many exams you've
23 done, you've conducted?

24 A I do not have a number of examinations that I've
25 conducted while at SLED; however, at this point I would say

1 it's somewhere in the thousands.

2 Q All right, Mr. Greer, I'm going to ask you, did you
3 receive a volume of items concerning this case for review?

4 A Yes, sir. I did receive several items to examine in
5 this case.

6 Q And generally did you have an opportunity -- we're
7 going to go through those items very shortly, but did you
8 have an opportunity in general to review a significant
9 amount of items for identification, possible
10 identification?

11 A Yes, sir.

12 Q Okay. Did you prepare a report after conducting these
13 examinations?

14 A Yes, sir, I did prepare a report.

15 Q All right. I'm going to ask us, if we would, go
16 through a number of items very shortly. Do you have a copy
17 of your report, and is it needed in order to refresh your
18 memory and be able to specifically recall each of the
19 individual items?

20 A Yes, sir. I do have a copy and I would appreciate
21 being able to refer to it.

22 Q All right, very good, and prior to your testimony
23 today, have you had an opportunity to -- well, first of
24 all, generally when items are submitted, do you know
25 anything about the case?

1 A Generally when items were submitted to the SLED
2 laboratory, I do not have information about the case.

3 Q Prior to today's testimony, have you familiarized
4 yourself, at least very briefly, with the layout of the
5 scene of the crime?

6 A Yes, sir, I have.

7 Q And what -- specifically paying attention to what on
8 that crime scene layout?

9 A I reviewed a crime scene layout in relation to where
10 some of the marker numbers were that are listed in my
11 report -- those just reference numbers -- and I reviewed
12 where those were in relation to the crime scene that
13 evening where the two bodies were.

14 Q And is that just to assist us when we reference items
15 number X, Y or 1, 2, or 3, it allows us to then use that to
16 testify where that was located?

17 A Yes, sir, it can.

18 Q All right. Agent Greer, I'm going to go down the list
19 of items and I would like you to identify the item that was
20 received for me, beginning with Item Numbers 2 through 5,
21 SLED Item 2 through 5.

22 A Yes, sir.

23 Q On your Items 2 through 5, did you conduct a review of
24 that item?

25 A Yes, sir. I did look at SLED Items 2 through 5.

1 Q And while I find those items, if you would, please
2 explain how you received items -- in general how you
3 receive items in the lab, and what the condition is before
4 you review them, and then what you do ultimately with that
5 item.

6 A Yes, sir. So as items are submitted to the SLED
7 laboratory, those can come from agencies all over the state
8 to include our own SLED Crime Scene Department. Those
9 items are given assignments for multiple departments
10 depending on what the requesting agency is asking to have
11 completed. We are a full service laboratory, so sometimes
12 the evidence has to travel through to other departments
13 before it arrives to me in the firearms department.
14 Typically if you want something like latent prints or DNA
15 to be processed on those items, it would go there first
16 because when I get that, I may decontaminate it or touch
17 it, and those prints or DNA may not be relevant anymore
18 because you would find my -- me on it. Evidence travels
19 throughout the laboratory to those departments and through
20 our evidence control department. I receive those items
21 either from those analysts or from our evidence control
22 technicians.

23 And when I receive that item and before I begin my
24 examination, I want to make sure that the item is submitted
25 to me in a manner that I can tell that it's not been

1 tampered with. So, we use a lot of heat-sealed pouches, so
2 I'll make sure those are sealed, or a cardboard box, that
3 it's sealed up, and I can tell that there's evidence tape
4 or initials of that sealing examiner prior to me, so that
5 way the evidence has been preserved in a manner that I know
6 no one has altered with it.

7 Q And just so we're clear -- and thank you, Mr. Greer.
8 Just so we're clear, whether I refer to items -- sometimes
9 I will say Items 2. Does that refer to the items that you
10 received as a SLED designation?

11 A Yes, sir. One other thing about the SLED laboratory.
12 When evidence is submitted to the lab, it receives its own
13 unique lab number that's specific to our laboratory. And
14 it also receives new item numbers, and that's so we can
15 track it throughout laboratory and our analysts throughout
16 the lab can report and identify those clearly.

17 Q Thank you, Mr. Greer. I'm going to hand you what's
18 been entered into evidence already as State's Exhibits 63
19 through 68, and I believe they correlate to Items 2 through
20 7 on your report. Will you please take a moment to look at
21 these items and let me know if you're familiar with them?

22 (Break in proceedings.)

23 A When we receive these items, I do mark the packaging,
24 and I'm also looking for my heat-sealed pouch, and this is
25 how I package the evidence after I examined it, so I'm just

1 confirming that I see some of that information on these
2 items. Yes, sir, this appears to be what was submitted to
3 the SLED laboratory as Items 2 through 7 and your State's
4 Exhibits 63 through 68.

5 Q Thank you, and would you have an -- I'll take those
6 from you. Did you have an opportunity to examine these
7 items?

8 A Yes, sir, I did.

9 Q If you would, please tell us what your findings were
10 for those items.

11 A I determined that each of those items, they were all
12 fired S&B --

13 MR. GRIFFIN: Your Honor, excuse me, Your Honor. I'm
14 going to renew my prior objection to the opinion testimony
15 based upon the hearing we had just for the record.

16 THE COURT: Yes, sir.

17 You may continue.

18 Q Please continue.

19 A I determined that each of those were one fired S&B
20 head stamp 300 Blackout caliber cartridge case, and that
21 was Items 2 through 7. That's what each of those items
22 were.

23 Q Thank you, Mr. Greer. The item on the screen in front
24 of you would be what's marked as State's Exhibit 63. Is
25 that representative of the collection of items that you

1 reviewed in that batch?

2 A Yes, sir.

3 Q All right. 300 Blackout round, do you -- were you
4 able to see the head stamp on it? And I can give you back
5 one of the items. If you would, were you able to identify
6 the head stamp and who the manufacturer of that round was?

7 A Yes, sir, I was.

8 Q All right. Who was that?

9 A The manufacturer of Items 2 through 7 was Sellier and
10 Bellot, and you may hear that referred to as S&B.

11 Q 300?

12 A Yes, sir, and head stamped 300 Blackout.

13 Q All right. Mr. Greer, I'm handing you what's been
14 marked and entered into evidence already as State's
15 Exhibits 33 and 34 -- 33 and 34, which I believe correlates
16 with 9 and 10 on your report. Would you please take a look
17 at these items and let me know if you recognize them?

18 (Break in proceedings.)

19 A Yes, sir, I do.

20 Q Okay. Can you please tell us what they are.

21 A SLED Item 9, which is State's Exhibit 34, is a fired
22 Federal Premium Double-ought Buck three inch magnum
23 shotshell. And SLED Item 10, which is State's Exhibit 33,
24 is one fired Winchester Drylok Number 2 12 gauge shotshell.

25 Q And after your review of the scene, where were

1 items -- your Items 2 through 7 located?

2 A After reviewing the crime scene diagram, I was aware
3 of the marker numbers that those were recovered from, and
4 in reviewing that diagram it's my understanding that those
5 Items 2 through 7, the 300 Blackout caliber cartridge
6 cases, were located around or near the body of Margaret
7 Murdaugh.

8 Q All right, and I'm referring now to your Items 9, 10,
9 State's 33 and 34. Where were those -- after review of the
10 crime scene photo -- diagram, where were those identified
11 and retrieved from?

12 A Those appear to be in or around the storage room area
13 near the kennels.

14 Q Thank you, and I'm putting these two up on the screen,
15 Mr. Greer. Are these just items that you just testified to
16 having examined?

17 A Yes, sir, they are.

18 Q Okay. Now, after -- right now we're identifying a
19 number of items. Is it -- would it be fair to say that
20 we're going to go over your results then at the conclusion
21 of the identification?

22 A Yes, sir.

23 Q All right. Referring to item -- State's Exhibit
24 Number 4, your Item Number 22, would you please direct your
25 attention to that?

1 A Yes, sir.

2 (Break in proceedings.)

3 Q All right, I'm handing you what's been marked as --
4 I'm handing you what's been marked as and entered into
5 evidence as State's Exhibit 4. Please take a look at this
6 firearm. Let me know if you're familiar with it.

7 A Ladies and gentlemen, this firearm is unloaded and
8 it's safe for me to handle. I will keep it pointed in a
9 safe direction here. I'm going to look for some of those
10 identifying marks that I placed on this shotgun. Yes, sir,
11 I do recognize this shotgun.

12 Q All right. Tell us what that gun is.

13 A This shotgun was determined to be one Benelli Model
14 Super Black Eagle 3 semiautomatic shotgun in 12 gauge with
15 a serial number of U573210E17.

16 Q Thank you. Was there anything that accompanied
17 State's Exhibit Number 4?

18 A Yes, sir.

19 Q What was submitted with that?

20 A Also submitted with that firearm was an accessory,
21 which was the sling, and one unfired Federal Premium
22 Double-ought Buck three inch 12 gauge shotshell, and one
23 unfired Winchester Super X Game load 16 gauge shotshell.

24 Q And I think you just testified that 12 gauge is --
25 this shotgun is what gauge?

1 A That is a 12 gauge shotgun.

2 Q And you just mentioned that loaded in it was a 16
3 gauge. Would you explain what the process was -- is that
4 the proper gauge for that shotgun?

5 A No, sir. That -- the unfired ammunition as it was
6 submitted to me was received in another package. I did not
7 remove it from that firearm. However, a 16 gauge would not
8 be correct for use in that firearm.

9 Q Did you have to manually remove it from the shotgun?

10 A It was already removed when I received it.

11 Q All right. I'm handing you what has been marked as
12 State's Exhibit -- and entered into evidence as State's
13 Exhibit 250, SLED Item 8. So Item 8, SLED Item 8 but
14 State's Item 250. Take a moment to review it and let me
15 know if you are aware of what it is.

16 (Break in proceedings.)

17 A Yes, sir. I recognize this as SLED Item 8.

18 Q Okay. Did you have an opportunity to examine and
19 review that item?

20 A I did.

21 Q What did you determine that it was, or is?

22 A SLED Item 8, State's Exhibit Number 250, was
23 determined to be one fired bullet, and that was listed as
24 near tire impression as Marker 8.

25 Q And you were able to do further analysis which will

1 give you results to determine its weight?

2 A Yes, sir.

3 Q Very good. So as you testified before, this would be
4 the bullet minus the casing that it originally came in. Is
5 that correct?

6 A Yes, sir, that is just one fired bullet.

7 Q And that's what it looks like when it doesn't have the
8 back part on it?

9 A Yes, sir. That's just a bullet without any cartridge
10 case attached to it.

11 Q All right. Mr. Greer, I'm going to direct your
12 attention to State's Exhibit Number 20, SLED Item 14, and
13 this is entered into evidence already. I'm going to hand
14 it to you and ask if you conducted an exam of this item.

15 A Yes, sir, I did.

16 Q All right. What were the results?

17 A SLED Item 14, which was State's Exhibit 20, was
18 determined to be 24 birdshot pellets listed as in front of
19 dog food storage room.

20 Q And can you repeat it for my purposes? These are
21 pellets for what?

22 A Yes, sir. 24 birdshot pellets listed as from dog food
23 storage room.

24 Q And you testified before you presented what a shotgun
25 shell looks like. Would that be what's inside a shotgun

1 shell ultimately?

2 A Yes, sir. That would be an examples of birdshot
3 pellets that would be loaded into a shotgun shell.

4 Q All right. Mr. Greer, I'm going to direct your
5 attention to what's been entered into evidence as State's
6 Exhibit 76, SLED Item Number 12. Did you have an
7 opportunity to -- well, first of all let me look at it.
8 Did you have an opportunity to review this item? And I'll
9 have you take a look at it.

10 (Break in proceedings.)

11 A Yes, sir.

12 Q All right. Tell us what it is, please.

13 A SLED Item 12, State's Exhibit 76, was determined to be
14 one fired bullet listed as from bedding inside dog house.

15 Q I'm going to direct your attention to State's Exhibit
16 102, SLED Item Number 11. It's already entered in
17 evidence. Please take a look at this item and let me know
18 if you're familiar with its contents.

19 (Break in proceedings.)

20 A Yes, sir. This is SLED Item 11, State's Exhibit 102,
21 and that was determined to be one fired bullet jacket
22 fragment, three bullet jacket fragments, and one piece of
23 lead listed as defect in ground gravel, Marker 13.

24 Q Thank you. All right. I'm going to refer to what's
25 been identified as State's Exhibit 109, SLED Item 137. If

1 you will, please, review this item and let me know if you
2 recognize it and if you performed an examination of it.

3 A Yes, sir. This is SLED Item 137, State's Exhibit 109,
4 and it was determined to be one piece of lead listed as
5 from hair on the Item 92 dress.

6 MR. FERNANDEZ: At this point the State would move for
7 Number 109 to be admitted into evidence?

8 THE COURT: What says the defense?

9 MR. GRIFFIN: No objection, Your Honor.

10 THE COURT: It's admitted.

11 (PIECE OF LEAD MARKED AS STATE'S EXHIBIT NUMBER 109
12 WAS RECEIVED INTO EVIDENCE.)

13 Q Moving on to State's Exhibit 110, which is SLED Items
14 67 and 68, I'll direct your attention to that, what's been
15 marked for identification purposes as State's Item 110.

16 MR. GRIFFIN: No objection.

17 THE COURT: It's admitted.

18 (PELLETS MARKED AS STATE'S EXHIBIT NUMBER 110 WERE
19 RECEIVED INTO EVIDENCE.)

20 Q All right. Mr. Greer, I'm going to show you what's
21 what has been admitted as evidence as 110. If you would,
22 please, take a look at it and let me know if you recognize
23 it and have performed an examination on it.

24 A Yes, sir. State's Exhibit 110 represents two SLED
25 items. SLED Item 6, which I examined, determined to be 48

1 birdshot pellets listed as from left shoulder and head of
2 Paul Murdaugh at autopsy. And SLED Item 68 was one piece
3 of plastic listed as from left shoulder and head of Paul
4 Murdaugh at autopsy.

5 Q And when you say where it's from, that's because
6 that's what was identified on the item that was submitted
7 to your -- to you for review?

8 A Yes, sir. That's solely based on how it was logged
9 into our system by the submitting personnel.

10 Q All right. I'm going to refer your attention now to
11 three items -- this will speed up the process a little bit
12 -- State's 111, 112, and 113 marked as identification
13 purposes SLED Items 69, 66, and 104. Go ahead and take a
14 look at those in your items in your report.

15 (Break in proceedings.)

16 THE COURT: All right, ladies and gentlemen, we're
17 going to break for lunch. We will resume in one hour and
18 15 minutes, 2:45.

19 (The jury left the courtroom.)

20 (A lunch break was taken.)

21 THE COURT: You may bring the jury.

22 (The jury returned to the courtroom.)

23 THE BAILIFF: The jury is present, sir.

24 THE COURT: Thank you. You may continue.

25 MR. FERNANDEZ: Thank you, Your Honor. May it please

1 the Court?

2 THE COURT: Yes, sir.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. FERNANDEZ:

5 Q Continuing with items State's Exhibit 11 -- 111, 112,
6 113.

7 MR. FERNANDEZ: -- I believe right before we broke, I
8 presented counsel and was going to offer it to the witness,
9 and I believe it was without objection and it will be
10 offered into evidence.

11 THE COURT: Is that correct?

12 MR. GRIFFIN: Without objection.

13 THE COURT: Admitted without objection.

14 (WADDING MARKED AS STATE'S EXHIBIT NUMBER 111 WAS
15 RECEIVED INTO EVIDENCE.)

16 (PELLETS AND WADDING MARKED AS STATE'S EXHIBIT NUMBER
17 112 WERE RECEIVED INTO EVIDENCE.)

18 (PELLETS MARKED AS STATE'S EXHIBIT NUMBER 113 WERE
19 RECEIVED INTO EVIDENCE.)

20 Q All right. Agent -- or Mr. Greer, please review
21 what's been marked as State's Exhibit 111, 112, and 113,
22 which would align with SLED Items 66, 69, and 104. If you
23 would, please let us know if you've had an opportunity to
24 inspect those items and analyze them.

25 A Yes, sir, I did. State's Exhibit 112 is SLED Item 66,

1 and that was determined to be three fired bullet jacket
2 fragments and seven pieces of lead listed as from Margaret
3 Murdaugh at autopsy. State's Exhibit 11 --

4 Q 111?

5 A Yes, sir, excuse me, I apologize. 111 is SLED Item
6 69, and that is one combination wad listed as from left
7 axilla of Paul Murdaugh at autopsy. And State's Exhibit
8 113 is SLED Item 104, and that was one birdshot pellets
9 listed as found in Paul Murdaugh's clothing.

10 Q Thank you. All right, Mr. Greer, I'm going to direct
11 your attention to State's Exhibit 90, SLED Item 31. Did
12 you have an opportunity to inspect this item?

13 A I did inspect SLED Item 31.

14 Q Is this the item you inspected?

15 A This firearm is unloaded and safe to handle. Yes,
16 sir, I see my identifying marks as SLED Item 31 on this
17 firearm.

18 Q Can you tell us what this is?

19 A That was determined to be one Browning Model Auto 5
20 Light 12 semiautomatic shotgun 12 gauge with serial number
21 03867NV211.

22 Q And did you conduct further examinations on that
23 firearm that we'll discuss in a little bit?

24 A Yes, sir, I did.

25 Q I'm going show you what's been marked as State's

1 Exhibit -- and entered into evidence State's Exhibit 89,
2 Item 30 on your report. Did you have an opportunity to
3 inspect that firearm?

4 A This firearm is also unloaded. Yes, sir, I did.

5 Q And how do you know that?

6 A When I'm looking at these firearms, we ascribe our
7 evidence, if possible, in multiple location, so I'm looking
8 for those identifying features: that SLED lab number, and
9 that item number, as well as my initials on some of these
10 items that I was able to mark that. So, I see that on this
11 firearm.

12 Q Thank you, and for purposes of our results that we'll
13 discuss shortly, did you conduct additional testing on that
14 firearm?

15 A Yes, sir.

16 Q I'm handing you what's been marked and entered into
17 evidence as State's Exhibit 91; that would be your SLED
18 Item Number 32. Tell me if you recognize that firearm and
19 if you, in fact, were the one that received it and
20 conducted examinations on it.

21 A This firearm is also unloaded. I'm going to look
22 again for those identifying marks. Yes, sir, I identified
23 this as my SLED Item 32.

24 Q And lastly I'll direct your attention to what's been
25 entered into evidence as State's Exhibit 91 -- I'm sorry,

1 State's Exhibit 88 and SLED Item 33. Are you familiar with
2 that item?

3 A This firearm is also unloaded. Yes, sir, I am
4 familiar with this item.

5 Q Is that the item that you conducted tests on?

6 A Yes, sir, this is the SLED Item 33.

7 Q If I could direct your attention then to State's
8 Exhibit 210, which would be SLED Item 34, that's been
9 entered into evidence collectively as item -- State's Item
10 210. Are you familiar with the contents of that evidence
11 package?

12 A Yes, sir, I am.

13 Q And what are they?

14 A SLED Item 34, State's Exhibit 210, was determined to
15 be one magazine and 26 unfired Sellier and Bellot 300
16 Blackout caliber cartridges.

17 Q And was SLED Item 34, State's Exhibit 210, included
18 with the rifle we just took a look at?

19 A Yes, sir. It was submitted in the same package as the
20 rifle.

21 Q All right. Moving on to State's Exhibit 143
22 through -- sorry, State's Exhibit 143, 144, 150, and 148
23 and entered into evidence already, that would be SLED Items
24 166, 167, 168, and 169?

25 A Yes, sir.

1 Q I'm handing you what's been marked as those exhibits.
2 Would you please take an opportunity -- a chance to review
3 those and let me know if you're familiar with them and if
4 you had an opportunity to analyze them.

5 A Yes, sir. I believe I have seen these items.

6 Q All right. Tell us what they are, if you would.

7 A Each of these four items are 12 gauge Federal
8 shotshells, and they each all have the markings that are
9 consistent with each other, a Federal Premium Double-ought
10 Buck 3 inch Magnum.

11 Q Do your notes indicate where they were located?

12 A I have an indication based on the packaging.

13 Q Okay. What did the packaging indicate?

14 A The packaging for State's Exhibit 150, from what I can
15 tell, it says from red bin on workshop bench. For State's
16 Exhibit 144, says from red bin on workshop bench. State's
17 Exhibit 143 says from red bin on workshop bench. And
18 State's Exhibit 148 also says from red bin on workshop
19 bench.

20 Q All right. I'm now going to hand you what's been
21 previously entered into evidence as State's Exhibits 145,
22 146, 147, and 149; that would be SLED's Number 162, 163,
23 164, and 165. Same as before, if you wouldn't mind, please
24 take a look at those and let me know if you are familiar
25 with their contents.

1 A Yes, sir.

2 Q Okay. Just tell us what they are.

3 A All four of these items are Winchester 12 gauge
4 shotshells, and they all appear to have the same
5 information on the shotshell Drylok 3 inch with the number
6 two.

7 Q I'm going to hand you what's been previously entered
8 into evidence as State's Exhibit 213, SLED Item 45. Please
9 take a look at that piece of evidence and let me know if
10 you are aware of what it is.

11 A Yes, sir. This appears to be a box for ammunition in
12 the 300 Blackout caliber.

13 Q And does -- did that box indicate the maker of that
14 300 Blackout ammunition?

15 A It does.

16 Q Who is the manufacturer?

17 A Sellier and Bellot.

18 Q S&B?

19 A Yes, sir.

20 Q All right. This is State's Exhibit 260, which was
21 previously marked for identification purposes only.

22 State's Exhibit 260 contains SLED Items 35, 36, 37, 38, and
23 39.

24 MR. GRIFFIN: No objection Your Honor.

25 THE COURT: Admitted without objection.

1 (CARTRIDGES MARKED AS STATE'S EXHIBIT NUMBER 260 WERE
2 RECEIVED INTO EVIDENCE.)

3 Q Mr. Greer, I'm handing you what has now been admitted
4 into evidence as State's Exhibit 260. If you would, please
5 take a moment to review those items, and let me know if you
6 are familiar with them.

7 A Yes, sir. I am familiar with these items.

8 Q And what are they?

9 A These are SLED items 35 through 39. These were each
10 fired 300 Blackout caliber cartridge cases with the head
11 stamp of Sellier and Bellot.

12 Q Thank you. I'm handing you what's been marked
13 previously as State's Exhibit 261 for identification
14 purposes only which reference SLED Items Numbers 108 to 135
15 collectively.

16 MR. GRIFFIN: No objection, Your Honor.

17 THE COURT: It's admitted.

18 (CARTRIDGE CASES MARKED AS STATE'S EXHIBIT NUMBER 261
19 WERE RECEIVED INTO EVIDENCE.)

20 Q Agent, these items are now admitted under State's
21 Exhibit -- as State's Exhibit 261. Please take a moment to
22 review those items and any notes or information you might
23 have on them, and let me know if you're aware of what they
24 are.

25 (Break in proceedings.)

1 A Yes. Container AB was submitted to the laboratory and
2 it is to contain SLED Items 108 through 135. I am familiar
3 with these items, and this package appears to not have been
4 tampered with since I sealed it last, as I see my initials
5 and seal date there at the bottom.

6 Q And what's inside that package?

7 A Inside this package there are 300 Blackout caliber
8 cartridge cases, as well as 12 gauge shotshells.

9 Q And did you have an opportunity to perform an analysis
10 on these items?

11 A Yes, sir, I did.

12 Q Mr. Greer, I'm offering you what's been marked as
13 State's Exhibit 398. That would reference SLED Item 22.4.

14 MR. FERNANDEZ: And I believe without objection I'll
15 offer it into evidence.

16 MR. GRIFFIN: That's correct, no objection.

17 THE COURT: It's admitted.

18 (SWAB MARKED AS STATE'S EXHIBIT NUMBER 398 WAS
19 RECEIVED INTO EVIDENCE.)

20 Q If you would, please take a look at that item and
21 cross reference with your report, and let me know if you're
22 familiar with what it is.

23 A Yes, sir. This container contains two SLED items.
24 That's SLED Item 22.4, which is a swab of debris that I
25 took, a reddish/brown debris swab from the right side of

1 the Item 22 receiver.

2 Q Which item is 22?

3 A Item 22 was the camouflage Benelli Model Super Black
4 Eagle 3 semiautomatic shotgun. And it also contains SLED
5 Item 22.5, which was another swab from that same shotgun,
6 and that was reddish/brown debris swabbed from the left
7 side of the Item 22 receiver above manufacturer
8 information.

9 Q And tell us a little bit about the swabs and what
10 you're looking for with that.

11 A Yes, sir. When I receive items of evidence, part of
12 my process in documenting the evidence and opening the
13 evidence is to look to see if there's any foreign or trace
14 material on that item. When I was examining this firearm
15 and opening it for the first time I took note of that, and
16 when I did that I noticed two -- those two areas that I saw
17 reddish/brown debris. In order to preserve that prior to
18 my examination, I swabbed those items so that way they
19 could be collected and maintained.

20 Q All right. Mr. Greer, I'm handing you what's been
21 marked as State's Exhibit 399, which references SLED Item
22 22.7.

23 Q The State would offer that into evidence after you
24 identify it, I believe, without objection.

25 A Yes, sir, I do recognize this. And this package is

1 still sealed with my initials and seal date. Item 22.7 was
2 the unfired 12 gauge shotshell that was submitted with the
3 Item 22 camouflage Benelli Super Black Eagle 3 shotgun.
4 During my testing I used that submitted ammunition that
5 came with the firearm to test fire the weapon with, and
6 that is represented here as SLED Item 22.7, State's Exhibit
7 399.

8 MR. GRIFFIN: No objection.

9 THE COURT: It's admitted.

10 (UNFIRED SHOTSHELLS MARKED AS STATE'S EXHIBIT NUMBER
11 399 WERE RECEIVED INTO EVIDENCE.)

12 Q All right. Mr. Greer, before we move on to your
13 analysis and your results, if you would, please tell me a
14 little bit about the firearms identification process and
15 the number of ways that you use to identify whether a
16 firearm shot a particular projectile.

17 A Sure. As we were discussing earlier, when I receive
18 evidence into the laboratory and I begin my examination,
19 there's a lot of documentation that has to happen. First,
20 as we're opening the evidence, we're going to, one, make
21 sure to preserve any of that trace of foreign material. We
22 take the -- use photography to document the evidence as
23 we're opening it and to photograph the actual item itself
24 and that trace material, foreign material. We also use a
25 lot of departmental worksheets where I take notes on the

1 firearm, the magazine, the fired component, such as the
2 cartridge case or the bullet, and also any other thing that
3 we need to document throughout the process, or unfired
4 cartridges. We take note of all of that, writing down all
5 of these characteristics that we're seeing on the evidence.

6 In order to do our examination, though, we have to
7 look at these fired ammunition components, these cartridge
8 cases and these fired bullets, and look at their, their
9 class characteristics. So, we're going to count -- on a
10 bullet we're going to look at its rifling, trying to
11 determine its caliber through weight and measuring it, and
12 counting those number of lands and grooves that comprise
13 that rifling. Like we spoke earlier, that's what gives
14 that bullet that twist. We document that. We may also
15 look at those cartridge cases and look at those that have
16 same class characteristic. That could be the caliber of
17 that cartridge case, the shape of that firing pin, and any
18 overall features. Items that share the same class
19 characteristics we'll compare together.

20 It's kind of like climbing a ladder at this point.
21 Those items that share the same class characteristics, we
22 climb to the next step on that ladder and we compare those
23 items. We're going to look at those fired bullets with
24 each other, those fired cartridge cases with each other,
25 and we're going to look at all that under high

1 magnification. We use a comparison microscope in our
2 laboratory to look at these items.

3 And basically if you think back to a biology lab that
4 you may have had in school, or some kind of science lab,
5 when you look through a microscope, that's what we're
6 doing, but we're using this comparison microscope to look
7 at two things at one time. And we use -- it uses an ocular
8 bridge so we can look through, like, a set of binoculars to
9 look at these things. We can change the angles that we're
10 looking at all of these tiny little scratches and
11 striations and impressions on the evidence that you can't
12 really see with the naked eye. We're going to look at it
13 under that magnification and compare all of that to each
14 other to help us reach our final goal, which is a
15 conclusion.

16 If we have firearms that are submitted, we'll also
17 have that documented. Those firearms that have the same
18 class characteristics, for instance if we have a gun that's
19 the same caliber as our fired bullet and it shares the same
20 rifling specifications, then that means we compare that
21 bullet with test fires from the firearm. So, I'll make
22 sure that the firearm is safe to fire, and we'll shoot that
23 firearm within our laboratory. We have several different
24 ways to do that with a water recovery tank and a tunnel
25 that we're able to shoot and recover those test specimens

1 that I physically shot from the firearm. I'll compare
2 those tests specimens with each other to look at how those
3 marks that I was looking for under the microscope that we
4 were talking about, to see how they're reproducing on those
5 test fires, and whether that be a bullet or cartridge case,
6 compare that under the microscope, and then compare that
7 where necessary to the submitted evidence.

8 After looking at all of that, I reach a conclusion
9 about whether this was fired by this item or not, or
10 whatever that conclusion may be I arrive at that, and I
11 write that conclusion down. At that point in time, another
12 qualified examiner within our firearms department will
13 review the evidence themselves. They'll look at all the
14 submitted evidence and compare that with each other and
15 with those test specimens that I fired and arrive at their
16 own conclusion. If they're in agreement, then they'll sign
17 off on my conclusions, and a report can be drafted, and
18 that's how we get the information out to our customers
19 through our report.

20 At SLED we have the 100 percent micro verification
21 process where everything that we're issuing a conclusion on
22 is reviewed by another examiner. So, that case file, all
23 that documentation that I generate, goes to that examiner
24 or reviewer. It goes -- undergoes a technical review and
25 an administrative review before a report can be released.

1 And in a nutshell, that's how we work each case.

2 There are different parts, there's different items of
3 evidence that we get in each case, but that's a quick
4 overview of how each case is worked, and those -- that
5 process was applied to this case.

6 Q Thank you, Mr. Greer. Speaking of the peer review
7 process that goes on in the lab, is that conducted blindly,
8 meaning the person reviewing your report doesn't even know
9 what your findings are?

10 A That's correct.

11 Q Okay. Could you explain -- so, the subsequent
12 reviewer doesn't know what you decided in your first prime
13 opinion. Is that right?

14 A Right. I'll look at the evidence myself, arrive at a
15 conclusion, and the second examiner will look at it and
16 come to their conclusion on their own. If -- once they
17 have arrived at their own conclusion looking at the
18 evidence with their own eyes under the microscope, they'll
19 read my results to see if they're in agreement with what I
20 have determined or not.

21 Q And I think you just testified, but was that done in
22 this case?

23 A Yes, sir, it was.

24 Q Tell -- before we move on, please tell me what it
25 means for a cartridge casing to be cycled through a weapon.

1 What does that mean?

2 A Sure. If you think back when we were looking at the
3 cartridge earlier, an unfired cartridge, when we're
4 going -- when we look at these items under magnification on
5 the microscope, there are several different areas that
6 we're going to be concerned with and looking at for those
7 microscopic scratches and impressions, those little
8 striations. One of those would be a firing pin, and that's
9 what comes through the breech face of the gun to detonate
10 the primer. Also the breech face marks on that primer from
11 the gun. Ejector marks, that's what kicks that cartridge
12 out of the gun, or the cartridge case. Extractor marks,
13 that's what pulls it out of the chamber of the firearm so
14 that can be kicked out. And also chambers marks, and
15 that's on the body of the cartridge case, that cylindrical
16 portion.

17 So when we're looking at evidence, our ultimate goal
18 is to say something was fired by this gun, or they were
19 fired by the same gun. And we do that, and we can rely on
20 that firing -- those firing pin marks and those breech face
21 marks because that's what struck the primer and caused it
22 to detonate and fire that cartridge. There's other things
23 that we can look at just to single out, like extractor
24 marks and ejector marks and chamber marks of such that we
25 can look at to say that a cartridge has traveled through a

1 gun.

2 For example, if you were to load a magazine, insert it
3 into a semiautomatic firearm, pull the slide back, load
4 that cartridge into the chamber, and then you decide you're
5 not going to shoot, or you need to remove that cartridge
6 for any reason, you would pull back on that slide of the
7 handgun and the cartridge would be extracted out of the
8 chamber and ejected. Through that process there can be
9 marks left on the cartridge. That also would happen when
10 you're firing it, but that's not what detonated that primer
11 and set that off, these ejectors marks, those extractor
12 marks. And that just means that that cartridge we can say
13 has traveled through that firearm at one point in time.
14 That's not to say it was fired by, but the cycling marks
15 that we're seeing as it's cycled through that gun.

16 Q So, so, is it accurate to say then that the cycling
17 marks are separate and distinct from the actual firing pin
18 marks when you're reviewing these under a microscope?

19 A Yes, sir. As far as what we're looking at
20 geographically on the cartridge case, those would be in a
21 different location. Where we're looking for those ejector
22 marks or extractor marks or chamber marks, that's not
23 something that we typically would be seeing on the primer
24 area that detonated that cartridge.

25 Q Thank you. If I could -- beginning with your results,

1 if you could begin with your examination of all of the
2 shotgun shells? So, the actual shells that were retrieved
3 as part of your analysis beginning with items -- SLED Items
4 9 and 10, which would be State's Item 33 and 34, could you
5 tell me where these items were retrieved? Remind us where
6 these items were retrieved from, first of all.

7 A SLED Items 9 and 10, that is State's Exhibit 33 and
8 34. Item 9 was from Marker 9, and Item 10 was from Marker
9 10, which is, my understanding, that it was at the feet of
10 storage room.

11 Q And I'm going to put these on the ELMO, but if you
12 would, tell us what your analysis of these items revealed.

13 A Yes, sir.

14 MR. GRIFFIN: Excuse me, objection Your Honor. I just
15 renew my earlier objection to these opinions based on this
16 testimony.

17 THE COURT: Yes, sir.

18 Q Please proceed, Mr. Greer.

19 A Yes, sir. When I compared and examined those two
20 shotshells with each other, I determined that those two
21 shotshells had been fired by the same firearm.

22 Q Do you know the make and model of -- or the make and
23 manufacturer of those two weapons? Sorry, projectiles with
24 shells?

25 A Yes, sir, I do.

1 Q All right.

2 A SLED Item 9 -- yes, sir.

3 Q Item 9 is which item?

4 A Item 9 is the red in color shotshell, which is State's
5 Exhibit 34.

6 Q Okay.

7 A That was a Federal Premium Double-ought Buck 3 inch
8 Magnum shotshell, and SLED Item 10 was -- is just the black
9 in color shotshell, State's Exhibit 33, and that is a fired
10 12 gauge Winchester Drylok Number 2 shotshell.

11 Q Now, Mr. Greer, moving on to -- referencing Item 22
12 collectively --

13 A Yes, sir.

14 Q -- State's Exhibit 399, 22.7 on your report --

15 A Yes, sir.

16 Q -- which will be State's Exhibit 399, did you have an
17 opportunity -- or could you tell us what that is?

18 A Yes, sir. That was the unfired 12 gauge shotshell
19 that was submitted originally with the Item 22 shotgun,
20 which is the camouflage color Benelli shotgun.

21 Q Would you go ahead and open that package for us,
22 please?

23 A Yes, sir. Do you have scissors or just --

24 (Break in proceedings.)

25 Q Remind us again where that item was retrieved from.

1 A This item was originally submitted with the Item 22
2 camouflage Benelli shotgun that was submitted to the
3 laboratory.

4 Q Meaning it was actually loaded into the shotgun?

5 A When I received it, it was not loaded in the shotgun,
6 but this was an unfired shotshell as it was submitted.
7 This is the shotshell that I test fired in that shotgun.

8 Q Mr. Greer, can you tell us -- I'll put it on the
9 ELMO -- can you tell us what the make and manufacturer of
10 this item is?

11 A Yes, sir. This is also a 12 gauge Federal shotshell,
12 and on the shotshell itself it also says Federal Premium
13 Double-ought Buck 3 inch Magnum.

14 Q I'm going to direct your attention back to State's
15 Item 34. Are those two items consistent with each other?

16 A Yes, sir. It does appear that they are consistent in
17 construction and their head stamped information.

18 (Break in proceedings.)

19 Q If you would since -- let's work through the number of
20 firearms that were identified by you. Did you have an
21 opportunity to test those firearms projectiles retrieved?

22 A Yes, sir, I did.

23 Q What were your results for Item 30, the Mossberg pump
24 action shotgun?

25 A In regards the two shotshells?

1 Q Correct.

2 A My results after examining that, it was determined
3 that the Item 30 shotgun did not fire the Items 9 and 10
4 shotshells.

5 Q And could you move on to item -- your Item 31, State's
6 Item -- one moment, I'm sorry. And the item you just
7 referenced was State's Item 89, the Mossberg Shotgun,
8 State's Item -- State's Exhibit 90, SLED Item 31. Can you
9 please tell us about that item?

10 A Yes, sir. Based on my examination it was -- I was
11 able to determine that Item 31 was not fired by -- excuse
12 me, that Item 31 did not fire Items 9 and 10.

13 Q All right. Concerning State's Exhibit 91, your SLED
14 Item 32, that would be a Benelli Super Black Eagle 2, black
15 in color. Could you tell us the results of that?

16 A Yes, sir. Based on my examination, it was determined
17 that Item 32 did not fire Items 9 and 10.

18 Q Item 32 was, however, recovered with a number of
19 rounds in it. Is that correct?

20 A Yes, sir, that is correct.

21 Q And what were those rounds?

22 A Item 32, the Benelli model Super Black Eagle 2
23 shotgun, was submitted with two unfired 12 gauge
24 shotshells, Federal and Winchester.

25 Q All right. Did you have an opportunity to compare the

1 shotshells with Item 22, the camouflage colored Benelli
2 Super Black Eagle 3?

3 A Yes, sir, I did.

4 Q All right. If you would, please tell us your findings
5 concerning Item 22.

6 A Sure. When I compared SLED Items 9 and 10 with those
7 test shotshells that I fired through the Item 22 camouflage
8 shotgun, the results of those comparisons were
9 inconclusive. I was unable to determine whether or not
10 Items 9 and 10 were fired by Item 22, or if they'd been
11 fired by another firearm with similar characteristics.

12 Q And were you able to eliminate Item, Item Number 33
13 from this round of testing concerning the shotgun shells?

14 A That's correct. The shotgun shells were not fired by
15 the Item 33 rifle.

16 Q Moving on to your results -- sorry, moving on to your
17 testing, did you conduct additional testing of 300 Blackout
18 rounds?

19 A Yes, sir, I did.

20 Q And of the cases -- of the ammunition both fired and
21 spent, so shell casings or unfired ammunition, were -- the
22 ones we examined today that were retrieved from the scene,
23 what make and manufacturer were they?

24 A The cartridge cases were head stamped with S&B logo
25 and 300 Blackout caliber.

1 Q Did you have an opportunity to test fire and examine
2 SLED Item 33, State's Item -- State's Exhibit 88, the 300
3 Blackout rifle black in color?

4 A Yes, sir, I did.

5 Q All right, and would you please tell us your results
6 from that examination for that weapon?

7 A In regards to test firing the weapon?

8 Q Correct.

9 A Yes, sir. When I examined the Item 33, I test fired
10 it using the Item 34 magazine. That was the magazine that
11 was packaged along side the rifle. During that test
12 firing, the first available cartridge in the magazine, as I
13 inserted the magazine into the firearm, it was fed and
14 chambered into the rifle correctly and as I expected. The
15 cartridge was successfully test fired, and then it
16 extracted and ejected from the rifle again as I expected it
17 to. However, as the firearm cycled, meaning when that bolt
18 was coming back forward to load the next available
19 cartridge in the magazine, it failed to feed that cartridge
20 into the chamber, and I had to manually cycle it to load
21 the next cartridge into the chamber. That issue did not
22 prevent me from test firing the firearm, and no further
23 analysis to determine that cause was conducted.

24 Q Referencing your results of SLED Item 128 in your
25 exam, were you able to identify any cartridge casings that

1 would have been fired by Item 33 rifle -- your Item 33,
2 State's Exhibit 90 -- State's Exhibit 88?

3 A Yes, sir, I was.

4 Q And just to be clear, we're talking about this 300
5 Blackout rifle, is that correct, that we're talking about,
6 your Item 33?

7 A Yes, sir. That is SLED Item 33 that I examined and
8 test fired.

9 Q What were you able to identify with the rounds
10 recovered, the 300 Blackout rounds recovered? Please list
11 their item numbers as well.

12 A Yes, sir. So I compared all of the 300 Blackout
13 cartridges that I received, and based on my examinations
14 and comparisons, I was able to determine that SLED Item 38,
15 109, 110, 121, 126, and 127 were fired by the Item 33
16 rifle.

17 Q And those were the various items that were recovered
18 that we've been through and identified in State's exhibits.
19 Is that correct?

20 A Yes, sir, that's correct.

21 Q So, some of them you would say were fired by Item 33.

22 A That is correct.

23 Q I know you mentioned before with Item 33 -- or sorry,
24 State's Exhibit 89 -- I'm sorry, State's Exhibit 88, I know
25 you'd mentioned before that it wasn't working properly.

1 Does that inhibit your ability to test it in any way?

2 A No, sir. I was able to test fire that firearm and
3 recovered those test specimens that I needed in order to
4 make those comparisons.

5 Q Do malfunctions occur in firearms from time to time?

6 A Yes, sir, they can occur.

7 Q All right, but nevertheless you were able to simulate
8 the fire -- you were able to fire the weapon though.

9 A Yes, sir. I was able to test fire the weapon and
10 recover those test specimens that I used.

11 Q All right. I'm going to reference SLED Items 2
12 through 7, 35 through 37, 39, 108, 111 through 120. Do you
13 understand which items I'm referencing?

14 A Yes, sir, I do.

15 Q And how did you compare those -- or how did the
16 analysis go when compared with Item 33, State's Item 88?

17 A Yes, sir. When I compared those SLED -- those items
18 that was Items 2 through 7, 35 through 37, 39, 108, 111
19 through 120, and 122 through 124, and 128 with each other,
20 and when I compared those with those test specimens that I
21 fired through Item 33, the results of those comparisons
22 were inconclusive. Again, that means I was unable to
23 determine if they had been fired by Item 33, or they had
24 been fired by another firearm or firearms with similar
25 characteristics.

1 Q Still on Item 33, State's Item -- State's Exhibit 88,
2 the recovered 300 Blackout rifle, were you able to compare
3 the ejection and extraction marks of various 300 Blackout
4 rounds recovered and casings recovered?

5 A Yes, sir.

6 Q And what was your findings concerning some of those
7 items? And please list the items and we will go back and
8 identify as soon as the exhibits are admitted.

9 A Yes, sir. In looking at the mechanism marks on items
10 111, 114 through 115, 118 through 119, 123, and 128, I was
11 able to determine that those items had all been loaded
12 into, extracted, and ejected from the Item 3 rifle --
13 excuse me, the Item 33 rifle at some previous time.

14 Q All right, Mr. Greer, I'm going to ask you --

15 MR. GRIFFIN: Your Honor, I'm going to renew my
16 objection to the next opinion that he's about to offer
17 based on prior rulings, just for the record.

18 THE COURT: Yes, sir, it's --

19 MR. GRIFFIN: And my prior arguments and the Court's
20 ruling.

21 THE COURT: Yes, sir.

22 Q Mr. Greer, I'm going to real quick reference from your
23 chart on your list items marked as SLED Items 2 through 7,
24 35, 36, and 37, and SLED Item 39, and that would be State's
25 Exhibits 63 through 68. If you would, just please verify

1 that I handed you State's Exhibits 63 through 68, and
2 identify if they correlate to Items 2 through 7 on your
3 chart.

4 A Yes, sir. These State's Exhibits 63 through 68 are
5 SLED Items 2 through 7.

6 Q And I'm going to show you what's been marked as --
7 MR. FERNANDEZ: Court's indulgence.

8 (Break in proceedings.)

9 Q State's Exhibit 260.

10 (Break in proceedings.)

11 Q State's Exhibit 250, which correlates to SLED items 35
12 through 39, please verify that for me.

13 A Yes, sir. This is State's Exhibit 260, which is a
14 container that is to contain SLED Items 35 through 39.

15 Q Okay. SLED Items 2 through 7, State's Exhibit 63
16 through 68, after review of the crime scene, where were
17 those items -- where were those located?

18 A After reviewing the crime scene diagram, it's my
19 understanding that those cartridge cases were at marker
20 numbers that were near or around the body of Margaret
21 Murdaugh.

22 Q And those would be 300 Blackout rounds. Is that
23 right?

24 A That's correct, they're 300 Blackout caliber.

25 Q Or they were spent casings.

1 A Yes, sir. Those are fired cartridge cases.

2 Q And State's Exhibit 260, Items 35 through 39, what are
3 those again?

4 A Those were all fired 300 Blackout caliber cartridge
5 cases head stamped with the S&B logo with the -- and 300
6 Blackout caliber.

7 Q And where were those items recovered?

8 A Listed on our submission documents, those were from
9 the ground at side entrance door.

10 Q Have you physically been there to the Moselle
11 property?

12 A Yes, sir, I have.

13 Q Are you familiar with the ground at the side entrance
14 door?

15 A Yes, sir, I believe so.

16 Q Is that the side entrance that leads into the pool
17 table and the gun room?

18 A Based on my understanding of the scene, yes, sir. I
19 believe that is where those were collected from, near that
20 door that goes into that room.

21 Q We have 3000 Blackout round casings from -- collected
22 from around Maggie's body, and we have 300 casings
23 collected from the house. Is that correct?

24 A That's correct.

25 Q And do we have -- do you have any notes? Did you take

1 any contemporaneous notes on the condition of items -- your
2 Items 35 through 39, those collected at the side entrance?

3 A Yes, sir, I do believe so. I'm going to reference my
4 case file here to confirm.

5 Q Would referencing your file help you refresh your
6 memory on that matter?

7 A Yes, sir, it would. During my examination when I
8 looked at Items 35 through 39, which were -- those were
9 recovered near that door area, I did note that they were
10 tarnished and weathered in my case file.

11 Q Mr. Greer, tell us what you found concerning those
12 items.

13 A Based on my examination, it was determined that Items
14 2 through 7, 35 through 37, and 39, have matching mechanism
15 marks, and it was concluded that those items had been
16 loaded into, extracted, and ejected from the same firearm
17 at some previous time.

18 Q All right. If I understand it correctly, the items
19 collected right by Maggie had been extracted to -- loaded
20 into, extracted to, and ejected by the same firearm that
21 were identified -- that -- items were picked up by the side
22 of the house.

23 A Yes, sir, that is correct.

24 Q All right.

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

1 (Break in proceedings.)

2 Q Additional items were collected as well, and did you
3 have an opportunity to analyze those?

4 A Yes, sir, I did.

5 Q And identify the SLED item numbers and then we'll
6 identify the State's exhibit numbers.

7 A Those were SLED Items Number 108, 113, 116, 117, and
8 122.

9 Q I'm handing you what's been marked as State's Exhibit
10 261, which includes various items. And what are they
11 again?

12 A Yes, sir. This is a container that contains multiple
13 300 Blackout caliber cartridge cases and fired 12 gauge
14 shotshells.

15 Q And in that -- in that collective bin include 300
16 Blackout rounds of the items you just listed?

17 A Yes, sir, that's correct.

18 Q And tell us what your findings were for those items.
19 Where were these collected?

20 A Based on the submission documentation, those were
21 collected from areas such as from -- to the left of the
22 shooting chair near field, from a right corner near field,
23 from in front of the shooter's chair, under a table. Would
24 you like me to identify each location?

25 Q For those items, have you had an opportunity to review

1 some body worn camera footage in evidence and kind of
2 identify what that actually meant?

3 A Yes, sir.

4 Q What -- and generally when it says left leg and right
5 leg and near the front or the back, what is it talking
6 about?

7 A It appears that there's some type of a shooting area
8 that those were collected from.

9 Q Okay. What were your findings concerning those items?

10 A It was determined that those items, and to include
11 Items 108, 113, 116, 117, and 122, also had the same
12 matching mechanisms marks to conclude that they had been
13 loaded into, extracted, and ejected from the same firearm
14 as those at the crime scene around Margaret Murdaugh's
15 body, and those several recovered from the home.

16 Q So, the items collected around Maggie -- Margaret
17 Murdaugh's body matched the items collected outside the
18 house, which matched items that were collected in the field
19 at the shooting range.

20 A Yes, sir. I wasn't able to identify the cartridge
21 cases recovered Items 2 through 7 near the body. I did
22 have matching mechanism marks with several of the items
23 from the area around the home and those in the shooting
24 field, and several of those in the shooting field, to
25 conclude that some of those had been -- or, excuse me, that

1 those had been loaded into, extracted, and ejected from the
2 same firearm at some previous time.

3 Q Similar reference SLED Item 8, that would be State's
4 Item 250 -- State's Exhibit 250. I'll put it on the
5 screen. What is that item again, remind us, please?

6 A SLED Item 8 was one fired bullet determined to be 300
7 Blackout caliber listed as near tire impression at Marker
8 8.

9 Q Recovered from the scene?

10 A Yes, sir, at Marker 8.

11 Q Is that a fired projectile?

12 A Yes, sir, that is a fired bullet.

13 Q Is that -- how much does that bullet weigh?

14 A According to my notes, when I weighed that projectile
15 it weighed approximately 147.4 grains.

16 Q I'm handing you what's marked as Exhibit 213. Remind
17 us again what that is.

18 A State's Exhibit 213 appears to be an ammunition box
19 marked Sellier and Bellot in and 300 Blackout caliber.

20 Q What are the gains indicated on that box?

21 A On the side of this box it has information about the
22 projectile, and it says 147 grains on the side.

23 Q Is item -- is State's Exhibit up on the ELMO, is that
24 consistent with a 147 grain projectile?

25 A Yes, sir. That bullet appears to be intact. Based on

1 my examination and looking at these fired bullets as a part
2 of an examination, I would say that would be consistent
3 with having -- being 147 grains.

4 Q Did you have an opportunity to inspect SLED Item 12?

5 A Yes, sir, I did.

6 Q Tell us your results of that.

7 A SLED Item 12 was one fired bullet determined to also
8 be -- most consistent with being 300 Blackout caliber, and
9 it was listed as from bedding inside dog house.

10 Q And did you have an opportunity to weigh that
11 projectile?

12 A Yes, sir, I did.

13 Q And what was the results of that?

14 A When I weighed that projectile, it was approximately
15 146.8 grains.

16 Q Is that consistent with the 147 grain unfired
17 ammunition?

18 A Yes, sir. I would say that would be consistent with
19 147 grains.

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

21 (Break in proceedings.)

22 Q Agent Greer, lastly I'm going to show you what's been
23 marked as State -- and entered into evidence as State's
24 Exhibit 143, 144, 148, and 150. Can you please remove
25 those collectively and let me know if you are familiar with

1 the make and manufacture of those items?

2 A State's Exhibit 143 is a 12 gauge Federal shotshell.
3 It says Federal Premium Double-ought Buck 3 inch Magnum on
4 the shell, on the side of the shell. State's Exhibit 144
5 is also a 12 gauge Federal shotshell. On the side of it it
6 says Federal Premium Double-ought Buck 3 inch Magnum.
7 State's Exhibit 148 is also a 12 gauge federal shotshell.
8 On the side of it it says Federal Premium Double-ought Buck
9 3 inch Magnum. And State's Exhibit 150 is also a 12 gauge
10 Federal shotshell with the same information, a Federal
11 Premium Double-ought Buck 3 inch Magnum.

12 Q Are all of those four exhibits that you just reviewed
13 of the same manufacture and the same make and model?

14 A Yes, sir. They appear to have the same information
15 and also in their case -- excuse me, in their construction
16 as well.

17 Q If I use one for demonstrative purposes, all the rest
18 are the same?

19 A Yes, sir. They appear to be all consistent.

20 Q I'm showing you what you just identified. This would
21 be State's 123. Is this the item you just looked at,
22 Mr. Greer?

23 A Yes, sir.

24 Q I'm showing you what's been marked as State's Exhibit
25 34. Remind me again which item that is. SLED Item 9?

1 A State's Exhibit 34 was SLED Item 9, that's correct.

2 Q And what's the make and model of that?

3 A SLED Item 9, State's Exhibit 34, was a fired 12 gauge
4 shotshell with the Federal Premium Double-ought Buck 3 inch
5 Magnum, red in color.

6 Q I'm showing what's been marked as State's Exhibit 399.
7 This would be -- again, where is Item 9 from?

8 A Item 9 is listed as from Marker 9. And, again, based
9 on my understanding of the crime scene document, that was
10 near or around the feed room.

11 Q And what's marked as State's Exhibit 389, SLED Item
12 22.7, where is that item from?

13 A SLED Item 22.7, State's Exhibit 399, was the unfired
14 12 gauge shotshell that was originally submitted as Item 22
15 with a camouflage Benelli shotgun.

16 Q State's Item 24. And you've already reviewed this,
17 Exhibit 4 for the State, 22 for you. Is that the shotgun
18 that you're referring to?

19 A Yes, sir, this is my Item 22 shotgun.

20 Q Camouflage Benelli Super Black Eagle 3. Is that
21 right?

22 A Yes, sir, that's correct.

23 Q And all of those items are of the same model and
24 manufacturer. Is that correct?

25 A Yes, sir. They all appear to have the same head stamp

1 information and information on the side of the shell, and
2 their case construction all appears to be consistent.

3 Q Reference your Item 10 now. But first let me
4 collectively hand you what's been marked as State's Exhibit
5 144, State's Exhibits 145, 146, 147, and 149 collectively.
6 Please take them out individually, review them, and let me
7 know if you recall what they are. Make and manufacturer is
8 what I'm interested in.

9 A State's Exhibit 145, it's head stamped Winchester 12
10 gauge with Drylok 3 inch and then 2 on the shell. State's
11 Exhibit 146 is head stamped Winchester 12 gauge; on the
12 shell it says Drylok 3 inch number two. State's Exhibit
13 147 is head stamped Winchester 12 gauge on the shell,
14 Drylok 3 inch Number 2. And State's Exhibit 149, head
15 stamped Winchester 12 gauge on the shell Drylok 3 inch
16 Number 2.

17 Q Do your notes indicate where those items were
18 recovered?

19 A Based on the packaging.

20 Q Where does the package -- where does the packaging
21 indicate those items were recovered?

22 A The packaging for State's Exhibit 145 says from estate
23 box on book shelf in gun room. State's Exhibit 146 says
24 from kent box on book shelf in gun room. State's Exhibit
25 147 says from nightstand in Paul's room. And State's

1 Exhibit 149 says from estate box on book shelf in gun room.

2 Q Thank you. I'm going to hand you what's been marked
3 and identified as State's Exhibit 33, SLED Item 10. Where
4 was that located?

5 A SLED Item 10, again, was a fired 12 gauge shotshell
6 head stamped Winchester 12 gauge, on the side Drylok 3 inch
7 Number 2. And that was located at Marker 10, which, again,
8 based on my understanding, was near that feed room.

9 Q Identify, please, the make and manufacture of that
10 item.

11 A Yes, sir. It was head stamped Winchester 12 gauge,
12 and on the shell it says Drylok 3 inch 2.

13 Q Is that consistent with the make and manufacturer of
14 all the other items you just reviewed?

15 A Yes, sir, it is.

16 Q Are those all the items that you just reviewed,
17 Mr. Greer?

18 A Yes, sir.

19 MR. FERNANDEZ: No further questions from the State.

20 THE COURT: We'll take a 10 minute break, ladies and
21 gentlemen. Do not discuss the case.

22 (The jury left the courtroom.)

23 (A break was taken.)

24 THE COURT: Let's bring the jury.

25 (The jury returned to the courtroom.)

1 THE BAILIFF: The jury is present, Your Honor.

2 THE COURT: Yes, sir.

3 Cross-examination.

4 MR. GRIFFIN: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. GRIFFIN:

7 Q Good afternoon, Agent Greer.

8 A Good afternoon.

9 Q I just want to see if we can agree on one thing, and
10 that is you're not here to tell this jury that any of the
11 weapons in this room were used, in your opinion, to murder
12 Maggie or Paul, correct?

13 A Based on my examination of the evidence I had, was
14 able to identify that there were matching mechanisms marks
15 in items around, it's my understanding, the body of Maggie
16 Murdaugh and other areas of the property. And in regards
17 to the two shotshells in comparison with those shotguns,
18 Items 9 and 10 were inconclusive with the Item 22 shotgun.

19 Q So that means you cannot, and you did not, and you are
20 not offering opinion that Item 22 shotgun was used to
21 murder Paul Murdaugh, correct?

22 A My result was inconclusive, and what that ultimately
23 means is I'm not able to determine that. It's a
24 possibility that it could have been fired by that shotgun,
25 and it also could have been another firearm with similar

1 characteristics.

2 Q Meaning just equally possible that it wasn't that gun.

3 A That's possible.

4 Q And this 300 Blackout -- we know 300 Blackout was used
5 to murder Maggie Murdaugh, correct?

6 A Based on the evidence that I received, I did have
7 several projectiles that were 300 Blackout caliber that --
8 most consistent with that, as well as several cartridge
9 cases that were head stamped that caliber.

10 Q And you're not here to tell this jury in your opinion
11 that this 300 Blackout that's laying on the floor here was
12 used to murder Maggie Murdaugh, correct?

13 A The results of the comparisons of those cartridge
14 cases, Items 2 through 7, with test fires from that Item 33
15 rifle were also inconclusive, meaning it's -- I was unable
16 to determine if those cartridge cases were fired by Item 33
17 or they'd been fired by another firearm.

18 Q Well, how many shot -- how many cartridges were found
19 at the murder scene of 300 Blackouts? Do you remember?

20 A Based on my understanding of the crime scene, I
21 believe I was only submitted Items 2 through 7, so that
22 would be six fired 300 Blackout caliber cartridge cases.
23 And again, I was not at the scene to recover those. That's
24 just what was submitted to me and based on my understanding
25 of the evidence.

1 Q Okay. I'm going to -- I want to stay on the 300
2 Blackout for a moment. And I'm going to show you what
3 we've marked as Defendant's Exhibit 69.

4 (Break in proceedings.)

5 Q And you have your file there, but take a look at
6 Defendant's 69 and tell us if you recognize that document
7 as coming from your firearms file -- report, excuse me,
8 extended report.

9 (Break in proceedings.)

10 A Yes, sir. This State's Exhibit --

11 Q Defendant's Exhibit.

12 A Excuse me, yes, sir, Defendant's Exhibit 69 does
13 appear to be a copy of two pages from my case file.

14 Q Thank you.

15 MR. GRIFFIN: Your Honor, we would move Defendant's
16 Exhibit 69 into evidence, I believe without objection.

17 MR. FERNANDEZ: Without objection.

18 THE COURT: It's admitted.

19 (EXCERPT OF REPORT MARKED AS DEFENDANT'S EXHIBIT
20 NUMBER 69 WAS RECEIVED INTO EVIDENCE.)

21 MR. GRIFFIN: Doug, this is page number 67 and 68, I'm
22 going to put them up on the screen.

23 Q And while we're doing that, Agent Greer, is this your
24 worksheet for the 300 Blackout that's here in the courtroom
25 and SLED Item 33 which bears State's Exhibit Number 88?

1 A Yes, sir. That would be a copy of my worksheet for
2 SLED Item 33.

3 Q Okay, and this is the -- this is the item that you're
4 not prepared to tell the jury here that in your opinion was
5 not used to murder Maggie Murdaugh.

6 A Based on my examination of the cartridge cases, or
7 several of those cartridge cases that were recovered from
8 all of the locations, the results of those comparisons were
9 inconclusive. I am unable to determine if they were fired
10 by that firearm or by another firearm or firearms with
11 those similar characteristics.

12 Q But you did test fire this Item 33, correct?

13 A Yes, sir, I did.

14 Q And on the second page of Exhibit 69 --

15 MR. GRIFFIN: Doug, if you'll pull up the description
16 of what happened.

17 Q And if you'll tell the jury what problems you
18 encountered when you test fired Item 33, which is State's
19 Exhibit 88?

20 A Yes, sir. During the test firing, I loaded the
21 magazine with cartridges that was SLED Item 34, and I
22 inserted that into the magazine well of the SLED Item 33,
23 the rifle. I chambered the first available cartridge into
24 the firearm and fired it. That went as expected. The
25 cartridge was fired; it extracted and ejected from that

1 firearm properly. However, as that bolt was going back
2 forward, I would have expected it to pick up the next
3 available cartridge from the magazine. However, it didn't
4 and I had to manually cycle that bolt again to load the
5 next available cartridge from the magazine. That issue did
6 not prevent me from test firing it, and I was able to
7 collect those test specimens that I needed, and no further
8 analysis to determine the cause of that was conducted.

9 Q So, when you say you had to manually -- it says: As
10 the firearms cycled the next available cartridge and the
11 magazine failed to feed the chamber. So, then you had to
12 manually do it. How do you manually do it?

13 A Yes, sir. On the top of the firearm there's a
14 charging handle. I had to pull back on that charging
15 handle, which in turn pulls that bolt backwards, and when I
16 did that and released it, it was able to then go forward on
17 its own and pick up the next cartridge from that magazine
18 that was inserted into the firearm.

19 Q And you had to do that every time you fired Exhibit
20 88. Is that correct?

21 A Yes, sir, I believe so. During my test firing, I did
22 have that phenomena occur.

23 Q So, is it fair to say Exhibit 88, Item 33, was
24 malfunctioning when you tested it?

25 A It did not work as I expected it to. I would have

1 expected it to fire and load that next cartridge as it
2 should. However, when we're test firing these firearms,
3 we're holding them in different ways because we're test
4 firing them in a bullet recovery tank, which at the time
5 was a vertical tank filled with water. So, I had to hold
6 it in kind of a strange position. But through all of my
7 test firing, I did have this situation occur, but again no
8 other testing to determine why that was happening was
9 conducted, and I was able to test fire that gun and collect
10 those test specimens.

11 Q And is it fair to say you were not able to rapid fire,
12 pull the trigger, pull the trigger, pull the trigger, and
13 shoot bullets in immediate succession?

14 A During my testing, I had to manually load that next
15 cartridge in, so it just took the amount of time that it
16 would take me to do that step, if you will. Instead of the
17 firearm performing that function for me, I had to do it,
18 and that's what I did in this case.

19 Q Okay, and then -- all right. Were you able to get the
20 projectile out of the water tank and compare it to the two
21 projectiles found at the murder scene? Were you -- I don't
22 know if it's Item 8 or -- as part of your analysis, did you
23 compare the projectiles from Item 33 to the projectiles
24 found at the scene?

25 A Yes, sir, that is correct. I did collect those test

1 fired bullets from our water tank, and I did compare that
2 where appropriate with the fired projectiles that were
3 submitted.

4 Q And did you reach any conclusions based upon that
5 projectile comparison?

6 A Yes, sir, I did.

7 Q And what were those conclusions?

8 A Based on the observable physical characteristics of
9 Items 8 and 12 -- those are SLED Items 8 and 12 -- I
10 determined those to be most consistent with 300 Blackout
11 caliber. Item 8 may be suitable for identification with
12 other evidence, and Item 12 sustained damage and it was
13 unsuitable for identification with other evidence. And
14 that means that due to the damage that it had sustained,
15 there were no identifying features that I saw under the
16 microscope that I would use for identification purposes.

17 I also received several other projectiles and
18 fragments that I compared to the Item 33 rifle. Due to
19 damage and their size, the caliber -- calibers, Items 11,
20 66, and 137 could not be determined. They were just too
21 small for me to make any determination about their caliber.
22 Due to damage and the limited marks of value that I saw on
23 Item 11, specifically the fired bullet jacket fragment and
24 the Item 66 fired bullet jacket fragments, it was concluded
25 that those may or may not be suitable for identification

1 and used and compared later on to the rifle. Based on the
2 no marks of value that were displayed on the Item 11 bullet
3 jacket fragments, Item 11 piece of lead, Item 66 piece of
4 lead, I determined those were unsuitable. So again, due to
5 there being no marks of value for me to compare, I was
6 unable to compare those with those test bullets. Item 137
7 bore some type of striated marking; however, I was able to
8 determine the origin of those marks and use those for an
9 identification purpose, and it was determined that it was
10 also unsuitable.

11 Lastly, the three items that I did compare with those
12 test specimens that fired from those rifles, which were
13 Item 8, the Item 11 fired bullet jacket fragment, and the
14 Item 66 fired bullet jacket fragments, the results of those
15 comparisons were also inconclusive with each other and with
16 those test specimens. And that was due to damage and just
17 insufficient markings for us to base our opinion on. It
18 could not be determined where -- whether those items were
19 fired by Item 33 or by another firearm or firearms with
20 similar characteristics.

21 Q So, Exhibit 250 is the projectile that was found by
22 Marker 8, I believe. Confirm that for me, please, sir.

23 (Break in proceedings.)

24 Q Is that right?

25 A Yes, sir, that's correct. State's Exhibit 250 was

1 SLED Item 8 near tire impression at Marker 8, that's
2 correct.

3 Q And I believe you just, if you read from your report,
4 told the jury that you couldn't make any conclusions about
5 the projectile seized at the scene from the projectiles
6 fired in the water tank from this 300 Blackout laying on
7 the floor here. Is that right?

8 A That's correct. The results of those comparisons were
9 inconclusive, so I'm unable to determine if Item 8 was
10 fired by the rifle or by another firearm with similar
11 rifling characteristics.

12 Q Well, aren't the rifling marks on a projectile as it
13 goes through the barrel more reliable when making firearm
14 identifications than most any other tool marks that you
15 rely upon?

16 A I wouldn't say they're more reliable. We do rely on
17 the rifling in that barrel to mark those projectiles, and
18 that's what gives those markings on the -- or puts those
19 markings on those bullets, so we're able to look at them
20 and do a firearms identification examination on them.
21 Tools, firearms, all mark evidence, again, I was unable to
22 do that in this case, and my results were inconclusive. I
23 mean, that's due to the damage that these may have
24 sustained and to just insufficient markings that were on
25 the bullet when I looked at it. There was not enough of

1 those markings on there for me to determine if they were
2 fired by Item 33.

3 Q But Item 8, Exhibit 250 there, do you recall whether
4 there was human organic matter on that projectile when it
5 was recovered?

6 A Let me refer to my notes. I don't have documented in
7 my notes that there was any foreign material or trace on it
8 as I received it.

9 Q But we know that that projectile was recovered at the
10 murder scene at Marker 8, is that right, near the tire?

11 A Yes, sir. Near the tire impression at Marker 8,
12 that's correct.

13 Q And you made comparisons of projectiles -- excuse me,
14 of shell cartridges, the back end of the full bullet that
15 were collected at the shooting house of the property at
16 Moselle, did you not? I don't have the numbers, but we
17 went through them a moment ago, you did. Do you
18 remember -- well, let me ask you to take a look at the
19 projectiles that were found. I believe they're items --
20 they're items 108 through 125. I'm not sure what their
21 State exhibit numbers are. But if you'll look at 108
22 through 125 in your report, those are spent 300 Blackout
23 caliber cartridge cases?

24 A SLED Items 108 through 125 was determined all to be
25 fired 300 Blackout caliber cartridge cases.

1 Q And in your report, it references left of shooting
2 chair near field, right front corner, et cetera. You said
3 you don't know, but -- well, are you aware those were
4 collected at a gun house at a firing range on the property?

5 A Yes, sir. And let -- I'm going to back up. I
6 misspoke earlier. It's 108 through 124 are the 300
7 Blackout caliber cartridge cases. But based on my
8 understanding of everything, yeah, there was some type of
9 shooting field or stand that I believe those were collected
10 from, and that kind of seems to coincide with the item
11 description, which is what I'm familiar with.

12 Q Okay, and were you aware that when you're sitting in a
13 shooting house and you're target practicing that there was
14 a earthen berm that the shots were fired into?

15 A No, sir, I've never seen this area.

16 Q Would it have been helpful to your analysis if the
17 investigators had dug out items from that earthen berm, the
18 projectiles, such as what's sitting in front of you as
19 State's Exhibit 250?

20 A We're able to look at bullets that are submitted. We
21 don't have any type of restraint. It may have been
22 helpful. Bullets, as we've seen here, come to us in all
23 shapes and sizes due to their damage that may have -- they
24 may have sustained, so I'm unable to really answer that
25 question without seeing the evidence and determining if it

1 could be helpful.

2 Q Okay. I want to ask you a little bit more about the
3 conclusions that you reached as documented in your report,
4 and I'm particularly focused on Item 128, and I'm still
5 talking about the Buster's 300 Blackout that's laying on
6 the floor here in the courtroom. And just so we're clear,
7 there were items, the cartridges that we talked about, the
8 back end of the bullet, that you were able to conclude that
9 they were fired, they were fired by this gun, right?

10 A Yes, sir. I was able to determine in looking at the
11 totality of the marks on those cartridge cases that there
12 were items submitted to me had been fired by that firearm.

13 Q And your conclusion that, that they had been fired by
14 this gun, and we're talking about the cartridges. One is
15 Cartridge 38, which is up by the residence, correct?

16 A Yes, sir, SLED Item 38, that's my understanding. And
17 it was submitted as being recovered from near a door.

18 Q Well -- and that's the door that you testified that
19 you saw when you went on the property.

20 A Yes, sir, I believe so. That's my understanding.

21 Q And so -- it's been a long week, two weeks, but there
22 was a SLED agent early in the case who had body cams going
23 around picking up spent shell cartridges adjacent to that
24 door, and you believe this is one of those, correct?

25 A That's my understanding, that those items came from

1 the area outside that gun room door.

2 Q And you concluded that Item 38, along with some other
3 items found at the shooting house, which would be -- well,
4 109 to 110, you concluded -- and where were 109 and 110
5 found -- yeah, that's the shooting range, correct?

6 A Yes, sir. As submitted to the lab and collected Item
7 109 was collected from right front corner near field, and
8 Item 110 was in front of shooter's chair under table near
9 field.

10 Q Okay, and so one spent cartridge found next to the
11 door up at the house -- main residence at Moselle, and then
12 you've got five are found at the shooting range that you
13 say in your opinion were fired by this gun.

14 A Yes, sir, that is my opinion.

15 Q But then you've also, also matched other cartridges,
16 according to your report, Items 111, 114, 115, 18, 19, 123,
17 and it says 128, in the report that you say were loaded
18 into, extracted, and ejected from this rifle.

19 A That's correct.

20 Q But you don't say they were fired from this rifle.

21 A That's correct.

22 Q But they were spent shell casings found at the
23 shooting range, correct?

24 A Yes, sir. And those were fired cartridge cases. In
25 its just plain term, they had been fired. When I'm looking

1 at the totality of all of these markings, again, we go back
2 to those -- those five areas that we're really going to
3 look at, the marks that I saw that were in agreement that I
4 made that conclusion and based my opinion on, where those
5 ejector, or lug and extractor marks, and that's not what
6 detonated that primer, so that's the difference here. So,
7 we know those marks can occur when that cartridge or fired
8 cartridge case is cycling through there, but that's not
9 what detonated that cartridge, and that's the difference in
10 that result, yes, sir.

11 Q Well, let's look at it from the other side of the
12 coin. So, you're saying the breech marks on a primer where
13 the firing pin at the primer did not match up items --
14 rifle 33 -- that the breech marks on the firing pin didn't
15 match up on these spent cartridges 111, 114, 15, 118, 119,
16 123, and 128.

17 A No, sir. When I -- I did compare all of these
18 cartridge cases to each other and with those test cartridge
19 cases fired from it. Those items, 111, 114, 115, 118, 119,
20 123, and 128, due to insufficient corresponding markings on
21 those -- on that primer and on those breech face marks, I
22 was unable to determine if they were all fired by Item 33
23 or by another firearm or firearms with similar
24 characteristics. I did examine those and the results of
25 those comparisons were inconclusive.

1 Q So, you're saying you didn't -- you're not telling the
2 jury they don't match. It's just you couldn't match them.
3 They're inconclusive.

4 A My results of those comparisons were inconclusive,
5 yes, sir.

6 Q Okay, and then you also in your report reached the
7 same -- you conclude that it's inconclusive on whether Item
8 33, State's Exhibit 88 -- are you saying it's inconclusive
9 whether Item 33, Exhibit 88, fired 2 through 7?

10 A That's correct.

11 Q Are you saying it's inconclusive as to whether Item
12 33, which is Exhibit State's 88, at some point in time
13 loaded and ejected -- extracted from Item 33?

14 A I'm sorry, can you repeat the question?

15 Q Well, we just talked about there was a difference
16 between firing and then cycling and extracting tool marks.

17 A Yes, sir.

18 Q Did you look at -- did you look at State's Exhibit 88
19 to see if the extraction marks matched up to Items 2
20 through 7?

21 A Based on the evidence that I received, I was able to
22 determine that Items 2 through 7 had those matching
23 mechanism marks with Items 35 through 37, 39, 108, 113, 116
24 through 117, and 122, to conclude that those items had been
25 loaded into and extracted into --

1 Q Sorry, about that.

2 A -- from the same firearm at some previous time.

3 Q But you can't identify the firearm -- the firing --
4 the firearm, the gun.

5 A Correct. In terms of being fired by, I was able to
6 determine that several items had been fired by that rifle,
7 and the results of those comparisons with the other items,
8 SLED Items 2 through 7, 35 through 37, 39, 108, 111 through
9 120, 122 through 124, and 128, those comparisons with each
10 other and the test cartridge cases fired by the Item 33
11 rifle were inconclusive.

12 Q So, let's see if I can understand what you're talking
13 about with regard to your conclusions on that Items 2
14 through 7, which were shell casings found near Maggie's
15 body, and other spent cartridges found around the Moselle
16 house and at the shooting range. You conclude that they
17 were loaded into, extracted, and ejected from the same
18 firearm at some previous time.

19 A That's correct.

20 Q And for those, I guess we have the same issue. You
21 looked at the primer, the breech marks on the primer, and
22 you couldn't make any conclusions on those, correct?

23 A When I looked at the primer area where those breech
24 face and firing pin impressions are, the results
25 of including that in a fired by result were inconclusive.

1 And that is the results for Items 2 through 7 and 35
2 through 37, 39, 108, 111 through 120, 122 through 124, and
3 128.

4 Q And, again, aren't the breech marks in the firing pin,
5 aren't those more reliable than extractor marks when you're
6 doing your analysis?

7 A During the marking of these specimens, if you will,
8 through firing, the machine processed to create those
9 firearms, we see tool marks on fired cartridge cases and
10 fired bullets from multiple different processes. I can't
11 say that one is more reliable to mark than the other. It's
12 all due to the machine processing. Also due to the
13 individual wear and tear of that firearm through use of it
14 in repetitive use or abuse of the firearm, that can also
15 add to the markings in each of those locations that we're
16 looking at. Whether it be something from the breech face
17 from the firing pin, those extractors and ejectors, or even
18 the rifling in the barrel, all of those variables can play
19 into those markings and how we see those and how they
20 reproduce on our evidence, and how individual they are to
21 each other.

22 Q That does brings me to another point. Isn't your
23 opinion based upon the conclusion that every 300 Blackout
24 manufactured in the world, whether it was put together by
25 John Bedingfield or mass assembled at Palmetto State Armory

1 or anywhere in the world, that each one when they cycle a
2 bullet through and eject, it will produce its own unique,
3 like no other in the world, some unique tool mark? Isn't
4 that what your opinion is based on?

5 A Again, during the manufacturing of these components --

6 Q Is that a yes or no?

7 A I would like to explain it a little more.

8 MR. GRIFFIN: Your Honor, can I get a yes or no and
9 then an explanation?

10 MR. FERNANDEZ: Your Honor, I'm objecting. He can
11 answer the question.

12 THE COURT: Restate the question.

13 Q Isn't your opinion based upon the presumption, or the
14 basis of your opinion is that every 300 Blackout
15 manufactured in the world produces its own unique set of
16 tool marks when it cycles a bullet through? Yes or no.

17 A I would like to answer that with a little bit of an
18 explanation if possible.

19 MR. GRIFFIN: Your Honor, I would appreciate a yes or
20 no and he can explain all day long.

21 THE COURT: If you can answer yes or no you must
22 answer yes or no, then explain.

23 A Can you repeat the question one more time? I
24 apologize.

25 Q Isn't your opinion in this case about the shell

1 cartridges being fired from the same 300 Blackout, isn't
2 that based upon your presumption that each 300 Blackout
3 manufacturer in the world makes unique tool marks when it
4 cycles a bullet and ejects it?

5 A It's hard to say -- I have not looked at every 300
6 Blackout that's in the world, so it's hard to answer that
7 question. But again, based on my knowledge of that process
8 and how they're made, I'm able to support my answer without
9 answering it in a yes or no manner, I suppose.

10 Q But you're saying you found shells here, shells --
11 cartridges here, cartridges there, cartridges at the murder
12 scene, and they all have very -- and not all of the marks
13 are identical, but enough marks are close enough to being
14 identical, and in your opinion they were fired by one
15 weapon in the world.

16 A It's my understand that those had all been cycled
17 through the same firearm at one point in time, yes, sir.

18 Q But not fired by the same firearm.

19 A No, sir, that's not what my conclusions say. But as
20 far as being fired by that firearm, or by the same gun,
21 those results are inconclusive.

22 Q So, that means that the markings on the breech,
23 because they were all fired -- they all have a fire pin
24 hitting the primer and you call that a breech mark,
25 correct?

1 A Yes, sir. Those are breech face markings that we
2 would see on the primer.

3 Q And they were dissimilar to similarities between those
4 where you couldn't reach a conclusion.

5 A That's correct. Those shared, again, those same class
6 characteristics. So, we were -- we compared those to each
7 other. Based on our comparisons, that's correct, there
8 were not enough -- there was not enough agreement, there
9 was insufficient agreement there for me to reach a
10 conclusion based on my training and experience in looking
11 at all of these cartridge cases that I can say that they
12 were fired by the same firearm, and that's how we arrived
13 at that conclusion.

14 Q And can you say when those tool markings were made on
15 the -- or when the -- scratch that. Is there any way to
16 determine -- for you to determine when the shell casings,
17 cartridges, were cycled and ejected in this one firearm
18 that's unique to all others in the world?

19 A I could not state when those were fired or when those
20 were loaded into, extracted, and ejected from a firearm,
21 no, sir. I could not put a timestamp, if you will, on
22 that, no, sir.

23 Q And you can't say whether it was a 300 Blackout
24 assembled in 2016 and given for a Christmas gift, or if it
25 was a replacement given in 2017 or 2018? I mean, you don't

1 know what year the gun was that cycled and ejected --

2 A That's correct. I do not have knowledge on the year
3 of manufacture of these firearms.

4 Q Okay. Now, let's move on to the shotguns. And you
5 were -- let's clear a few things up. You were shown a lot
6 of items that were taken under fired shotshells, and this
7 is 12 gauge. I'm going to show you Exhibit 143, 144, 145,
8 6, 7, 8, 9, 10, all the way to 50. I'm not going to ask
9 you to take these out, but I want you to take a look at all
10 of those and tell me when those were seized or taken into
11 evidence in this case.

12 (Break in proceedings.)

13 A I do see a date on the packaging. Some of these
14 packages ripped right through it -- State's 9/13/21.

15 Q Okay, and so you understand that as June, July, July,
16 August, three month after these murders, correct?

17 A Yes, sir. That -- September 13th will be several
18 months after the murders, yes, sir.

19 Q And that those were seized at different places around
20 the property?

21 A Yes, sir. According to the information here, it
22 appears they were from different locations that -- where
23 they were collected from, yes, sir.

24 Q And I guess you don't know whether -- I mean, the
25 property at Moselle was open to Alex Murdaugh from June

1 until September as far as you know, right?

2 A I have no knowledge of that, no, sir.

3 Q And if he had the mind to, he could go out and remove
4 every shotgun shell on the whole property, right?

5 A I have no knowledge of how the scene was maintained.

6 Q Well, it would appear that no one removed any shotgun
7 shells since you have them there in your lap, right?

8 A It does appear that these were collected from these
9 areas listed on the package on September -- or I assume
10 September 13th as it's dated and labeled by the person who
11 collected these.

12 Q Okay. I show you Exhibit 63 and -- what I've marked
13 as Exhibit 63 and 64. I believe they're pages 51 and 55 in
14 the report. And will you just confirm this for me 63 and
15 64 are pages 51 and 55 from your report?

16 A Yes, sir. I do recognize Defendant's Exhibit 63. It
17 appears to be a copy of an item 10 worksheet for the fired
18 shotshell. And Defendant's Exhibit 64 appears to be a copy
19 of my worksheet for SLED Item 14, which were 24 birdshot
20 pellets.

21 Q Thank you.

22 MR. GRIFFIN: Your Honor, I would like to introduce
23 into evidence Defendant's 63 and 64 at this time.

24 MR. FERNANDEZ: No objection.

25 THE COURT: It's admitted.

1 (EXCERPT OF REPORT MARKED AS DEFENDANT'S EXHIBIT
2 NUMBER 63 WAS RECEIVED INTO EVIDENCE.)

3 (EXCERPT OF REPORT MARKED AS DEFENDANT'S EXHIBIT
4 NUMBER 64 WAS RECEIVED INTO EVIDENCE.)

5 MR. GRIFFIN: And just, Doug, if would you, pull up
6 63, which is page 51 of the report.

7 Q And, Agent Greer, will you tell the jury what this is?

8 A Yes. This is just a copy of one of our standard
9 worksheets that we use to document evidence in the
10 laboratory. So, this is an ammunition and cartridge case
11 worksheet, which is why I utilized it when I was
12 documenting the Item 10 fired shotshell, and this contains
13 my notes that I took on that item.

14 Q Okay, and just so that we're clear, are we talking
15 about Exhibit 33? This is the black colored shotshell that
16 was found in the feed room where Paul Murdaugh was
17 murdered.

18 A Yes, sir, that is correct. State's Exhibit 33 is the
19 item that we're discussing.

20 Q And you have a name under notes that says -- under
21 shotshell says Drylok 3 inch 2. Do you see that?

22 A Yes, sir, I do.

23 MR. GRIFFIN: Do you see that, Doug? Can you
24 highlight that? Thank you.

25 Q And, again, the exhibit there that -- and that's what

1 you're talking about, right?

2 A Yes, sir, that's correct.

3 Q And number 2 is the size of the pellets?

4 A Yes, sir. That would refer to the size of the pellets
5 or birdshot that was -- that we would believe to have been
6 loaded into that cartridge, or that shotshell, excuse me.

7 Q Okay.

8 MR. GRIFFIN: And then if you'll go to Exhibit 64,
9 page 55, Doug.

10 Q And it's 55 in your report, Agent Greer. And are
11 these the pellets that were provided to you to analyze, the
12 number 2 size pellets?

13 A Yes, sir. SLED Item 14 I determined to be 24 birdshot
14 pellets, and those were listed as being from dog food
15 storage room.

16 Q And if you'll look under the caliber, it says number 2
17 and it says steel. These were steel pellets, were they
18 not?

19 A Based on my examination and based on my observation
20 yes, sir, they were magnetic, so that would provide that
21 they had some steel in them, yes, sir.

22 Q And birdshot can either be steel or lead, I suspect.
23 Maybe there's a third kind?

24 A There can be multiple different metals used in making
25 pellets. Lead is one; steel is one. There's -- there are

1 also other metals that can be used in making pellets, yes,
2 sir.

3 Q Have you analyzed any of the Winchester Dryloks that
4 were seized in September of 2021 to see whether they're
5 steel or lead?

6 A No, sir. I have not analyzed their contents.

7 Q Now, here you've got Exhibit 64. You've got grain
8 weight, and I want you to explain what you're referring to.
9 I guess I needed -- I'm missing a page for that. So, if
10 you'll look at your page 54 in your file because I -- it
11 says continued from weight, and I guess that's on page 54.
12 Is that right?

13 A No, sir. That's just referencing from the category
14 that's kind of at the top portion of page.

15 Q Okay.

16 A I just continued my thoughts down below.

17 Q Well, so help me out here. You say there's five
18 pellets weighed 3.4 grams, and then eighteen pellets only
19 weighed 3.6 grams. How does that work?

20 A I weighed each of those pellets individually, and
21 again, we're weighing in grains, and when I weighed those
22 on our scale, that is what I documented. Five of them
23 weighed 3.4, and that should be apiece, eighteen of them
24 each weighed 3.6 grains, and one pellet weighed 3.8 grains.

25 Q Okay.

1 A So, the total of them altogether was approximately
2 86.4 grains.

3 Q Great. Thank you for explaining that. You also
4 weighed the grains of the 300 Blackout projectiles, and you
5 don't have that in front of us right here, but did you not
6 weigh the grains there?

7 A Yes, sir, I did.

8 Q And if you've got it, can you tell us what they were?
9 I have my notes here. I believe you said 147 grains,
10 State's Exhibit 50 (sic), which is your Item 8 on your
11 report?

12 A Yes, sir. When I weighed SLED Item 8, which is one
13 fired bullet, it was approximately 147.4 grains.

14 Q And are you familiar with how 300 Blackout ammunition
15 is sold, what weight classes there are?

16 A I don't know all of the different weights that are
17 within that caliber, no, sir.

18 Q Did you know there's, like, a subsonic and then
19 supersonic?

20 A Again, I don't know everything about that caliber.
21 There are various weights that bullets are sold in for each
22 caliber, so I would not be surprised at other grain
23 weights, but I don't know all of them off the top of my
24 head today.

25 Q So as far as you know, the only weight you could ever

1 get is 147 grains, right?

2 A Of -- when I weighed these items, Item 8 and Item 12,
3 they weighed approximately 147.

4 Q You mentioned in your testimony that Item 32, which is
5 Exhibit 91, had a Winchester and a Federal 12 gauge shotgun
6 shells in here. Do you remember that?

7 A Yes, sir. They did have two unfired 12 gauge
8 shotshells submitted with it, that's correct.

9 Q But you did more than that when you testified shortly
10 ago. You said one was a Winchester and one was a Federal,
11 I believe.

12 A Yes, sir. One is a Federal Premium Heavyweight TSS,
13 and one is a 12 gauge Winchester Long Beard XR, I believe.

14 Q Okay. The Winchester is not a Drylok, correct?

15 A No, sir. The markings on that shell said a Long Beard
16 XR.

17 Q Okay, and the Winchester found at the murder scene is
18 a Drylok, correct?

19 A The Item 10 shotshell, which was recovered from Marker
20 10, which I do believe from my understanding was around the
21 body of Margaret Murdaugh, was a Winchester 12 gauge shell,
22 and it says Drylok on it, yes, sir.

23 Q Thank you, and then Item 22, which is the gun that
24 Alex Murdaugh -- Murdaugh was holding or was leaning up
25 against his Suburban when Deputy Daniel Greene arrived,

1 that was, did you understand, loaded with a 12 gauge and a
2 16 gauge shell, correct?

3 A When I received it, it was unloaded, but I did receive
4 a 12 gauge shell and a 16 gauge shell, that's correct.

5 Q And if you fire a 16 gauge shell in a 12 gauge
6 shotgun, what's likely to happen?

7 A That's something that I have not done, so I'm unable
8 to answer that question.

9 Q Is it dangerous to do such a thing?

10 A As a firearms examiner, I would recommend shooting the
11 ammo that your firearm is chambered for. I can't predict
12 what would happen if you shot that shotshell or attempted
13 to.

14 Q All right. You spoke of this review process at SLED
15 with regard to your tool mark analysis, and you said you do
16 your analysis, you look at things under a microscope, and
17 you type up a report.

18 A Yes, sir. I look at the evidence, reach a conclusion,
19 and write or type those conclusions, yes, sir.

20 Q And then a reviewer, someone -- and in this case what
21 was the name, initials CW?

22 A The reviewer was Chad Smith, another examiner within
23 our department.

24 Q Is he on the same level to review at SLED?

25 A He is also an examiner. I don't know his

1 classification, but he has been employed in the department
2 longer than I have completing firearms examinations.

3 Q And then he looks at it, but does he prepare an
4 independent report and then flips the two over and see if
5 they match, or does he just take a look at it, come up with
6 his thoughts, and then look at your document to see if he
7 agrees with it?

8 A He does not prepare an independent report, no. He
9 does look at the evidence and arrive at those conclusions,
10 and then he would read my results. If he agrees with them,
11 then he will sign off on those conclusion. If he disagrees
12 with them, then there's also a procedure for that to, to
13 happen.

14 Q Now, you mentioned that in order to make an
15 identification or match or -- you have to have a certain
16 number of similar or -- is it similar or identical
17 characteristics?

18 A In order to make an identification, we want to see
19 sufficient agreement between the individual
20 characteristics. There's not a certain number that I use,
21 as we use a series -- or excuse me, a method called pattern
22 matching. We're look at under the microscope all of these
23 tiny striations and impressions, and looking at the surface
24 contours of those two tool marks with each other, and we're
25 looking at those individual peaks and ridges and comparing

1 those under high magnification in order to make an
2 identification. And based on that -- through our training
3 and experience at doing this job, we look at thousands of
4 comparisons, and -- excuse me, conduct thousands of
5 comparisons. During that time, we look at things that
6 match each other that we know have been fired from the same
7 gun or made by the same tool, and we look at things that
8 have been fired by separate guns and see if there's any
9 agreement or disagreement. And we look at thousands of
10 these cartridge cases and bullets and tool marks in order
11 to learn what that sufficient agreement is to make our
12 identification.

13 Q Okay, and you gave the jury an analogy like a ladder,
14 and then you have to get up so many steps as you reach --
15 the first step, I guess, would be a rifle or shotgun,
16 right? And then the second step would be the caliber of
17 rifle, if we're talking about a rifle, and you keep going
18 up the ladder.

19 A Yes, sir. We're going to look at those class
20 characteristics. So, we're going to determine if, you
21 know, one, if they are the same caliber. Do they share the
22 same rifling specifications if they're a fired bullet? If
23 they are, then we can compare those. If -- for instance,
24 if a bullet has five lands and grooves and it's going to
25 the right, then we compare that to another bullet that has

1 six lands and grooves and it's going to the left, then we
2 know those did not come out of the same barrel, so there's
3 no need to do any type of comparison there. However, if we
4 look at two that have those same lands and grooves, those
5 five lands and grooves and they're all going to the right
6 and they're the same caliber, then we'll go up that ladder,
7 if you will, and compare those individual characteristics
8 to see if they were fired by the same firearm and all.

9 Q Tell this jury how many steps of that ladder you have
10 to go up before you can make an identification.

11 A As far as making an identification, it's based on the
12 marks that -- what we've seen under the microscope. When
13 we're looking at all of these marks, we want to see that
14 sufficient agreement. Again, we want to see enough
15 agreement so that what is there is better than anything --
16 any agreement that we've seen in tool marks that have been
17 created by different tools. And that's a learned-on-the-
18 job doing this, doing practicals that I did in training,
19 looking at thousands of comparisons of things that I've
20 test fired that I know are from the same gun, looking at
21 things that I have test fired from different guns and
22 looking at that. It's also done through studies that I
23 participated in training, and looking at things that help
24 us know what that sufficient agreement is within all of
25 those features in looking at the totality of those

1 markings.

2 So, we're not going to base our opinion just on one
3 little mark. We're going to look at the entire surface
4 area of that bullet, the entire surface area of that
5 cartridge case in order to make our conclusion. We're
6 not -- we're not looking at one little mark and making an
7 identification. We have to think of the totality of all
8 the markings that we see under the microscope.

9 Q So the short answer to my question, there is no set
10 number of steps on the ladder you have to reach before you
11 can make your decision.

12 A We use a pattern -- excuse me, a method of pattern
13 matching, again, and that's how we do it. And that's a
14 widely accepted method throughout all firearms examiners in
15 the United States and the world, really. That's what we've
16 been using for years to complete firearms identification,
17 and that's what's been widely accepted, looking at these
18 patterns and comparing them in order to make our
19 identification and reach our conclusion.

20 Q Well, now you say it's been widely accepted, but isn't
21 it true that your field of expertise has come under
22 criticism by the scientific community?

23 A There has been criticism. But, again, there's been
24 research completed to, to support firearms identification,
25 if you will.

1 Q Well, I mean, the National Academy of Scientists
2 issued a report and it was pretty critical of the
3 objectivity of your work, that it is more subjective
4 because you don't have a set number of ladders, rings on a
5 ladder you've got to reach. It's based on your experience,
6 your training, and your opinion, but that there's no
7 objective criteria by which to measure whether something
8 matches or not. Isn't that -- you're aware of that
9 criticism by the National Academy of Sciences, right?

10 A I'm aware of some of the criticism, yes, sir.
11 However, the process of making the identification is
12 subjective in nature, but it's based on some objective data
13 that we're looking at. So there's, again, lots of
14 information that we are looking at. Those -- the contours
15 of those tool marks, the individual peaks and ridges of
16 those tool marks, in looking at it, it's not just look to
17 see, like, if that -- is this a match that looks good.
18 We're really looking under high magnification at all of
19 these features to see what agreement or disagreement that
20 we can determine. And again, that's based on some
21 objectivity, you know, of how we arrived to that situation.

22 Q But you agree that your chosen field is part art as
23 much as science, right?

24 A Our field is an applied science really. We do use
25 lighting and angles to look at these features under the

1 microscope, and it's important to know how to move those
2 items around and move those lighting and those different
3 stages on our microscope in order to see some of these
4 markings. It can be difficult to do. And there is a
5 special technique that, you know, you have to learn in
6 looking at this in doing it and using that microscope to
7 really become familiar and efficient.

8 Q Did you agree with me previously in this courtroom
9 under oath that this profession you're in is part art?

10 A There is some art to it, and that's just the lighting
11 thing. For example, you know, we have to look at that and
12 we have to use that oblique lighting in order to make some
13 of those striations show up. Again, these are tiny little
14 marks that we're looking at that we're looking at under
15 magnification. But the field itself is not art, it's an
16 applied science, and we're using scientific processes to
17 reach these conclusions -- excuse me, these conclusions
18 with years of research to support it.

19 Q You first examined -- you first examined Item 22 back
20 in June of 2021, correct?

21 A Yes.

22 Q Which is the shotgun that Alex Murdaugh had and was
23 taken by Deputy Greene, right?

24 A Yes, sir. Item 22 was a Benelli Model Super Black
25 Eagle, and I did receive that item in June, yes, sir.

1 Q And when did you receive -- I'm not going to pick it
2 up again because I dropped it, and it's almost past 5:00 on
3 a Friday and I don't want to create a bit more of a delay,
4 but when did you receive the 300 Blackout?

5 A Is that the Item 33 rifle?

6 Q Yes, sir.

7 A I received Item 33, which was inside SLED Container K,
8 on June 10th.

9 Q And when did you issue your preliminary opinions to --
10 on Item 33 and Item 22 to your agency, SLED?

11 A I released some results to our agents and
12 investigators on June 10th, yes, sir.

13 Q Are you aware after June 10th that SLED dive teams had
14 been going out to Colleton County diving the waters trying
15 to find the murder weapon?

16 A I'm not aware of what all our dive teams were doing,
17 no, sir.

18 Q Well, you certainly didn't report to the folks who
19 were relying on your work that we found the murder weapon,
20 did you?

21 A I'm sorry, can you repeat that?

22 Q You didn't report to the folks at SLED who rely upon
23 your analysis that, hey, eureka we've got the murder
24 weapons.

25 A No, sir, that's not what I reported.

1 Q And you've never received any projectiles from the
2 shooting range at Moselle to compare --

3 MR. FERNANDEZ: Objection, Your Honor, asked and
4 answered.

5 MR. GRIFFIN: I haven't asked my question yet.

6 THE COURT: I've got to hear the question.

7 Q Have you ever received any projectiles from the
8 shooting range at Moselle to compare to the projectile,
9 Item Number 8?

10 MR. FERNANDEZ: Objection. It's been asked and
11 answered.

12 THE COURT: Possibly, but you can answer it again if
13 you've answered it before.

14 THE WITNESS: Yes, sir.

15 A Based on my understanding of the scene, I do not
16 believe I received any projectiles from that shooting area,
17 and that's based on my understanding of where I believe the
18 other projectiles were recovered from.

19 Q When you got Item 22, the shotgun, do you know whether
20 it had been swabbed on the inside of the barrel?

21 A I believe it had been processed by other departments;
22 however, I do not know what those swabs entailed.

23 Q If a shotgun has been recently fired, does it leave
24 evidence in the barrel, soot and stuff?

25 A Yes, sir. It's possible that we would see some type

1 of residue from firing in that barrel.

2 Q And are you aware that Agent Worley swabbed the top
3 before she removed the 16 gauge shell from it?

4 A No, sir. I do not know what Agent Worley did in this
5 investigation.

6 Q Can you see residue with the naked eye on a shotgun
7 that's just recently been fired?

8 A Sometimes, yes, sir. And that is something that we
9 also document as part of our examination of the firearm.
10 And when I looked into the barrel and looked down the bore
11 of that Item 22 shotgun, I do have in my case file circled
12 that I noticed the some fouling or residue in the barrel.

13 Q All right. Was it recent fouling of residue or was it
14 just a dirty gun?

15 A I do not -- I can't date when that fouling was placed
16 there or that was residue -- that residue was placed there,
17 no, sir, I can't put a time on that.

18 Q What about the 300 Blackout, was it -- and I think you
19 have a note there was some fouling there but maybe I'm
20 confusing --

21 A Yes, sir, that's correct. On the Item 33 rifle, I did
22 note that there were some fouling of residues in that
23 barrel.

24 Q The opinion that you have provided this Court as to
25 the shell casings from the murder scene, which are Items --

1 SLED Items 2 through 7, and that your opinion is that they
2 were loaded into, extracted, and ejected from the same
3 firearm at some previous time with Items 35 through 37, 39,
4 108, 113, 116, 17, and 122, and those are shell casings
5 that were found around the house and at the shooting range,
6 your opinion that they were loaded into, extracted, and
7 ejected from the same firearm, are you -- do you hold that
8 opinion with 100 percent certainty?

9 A Yes, sir, that is my opinion; that is the conclusion
10 that I reached.

11 Q Did you ever tell Agent Owen that you could not
12 forensically state with 100 percent certainty?

13 A No, sir. When I arrived at that conclusion, that was
14 my conclusion, and it was also agreed upon by the reviewing
15 examiner.

16 Q So, if there's a note in Agent Owen's report that you
17 couldn't reach it with 100 percent certainty, then someone
18 has made a mistake?

19 A I don't know the contents of Agent Owen's report.

20 MR. GRIFFIN: That's all I have, Your Honor.

21 THE COURT: Any redirect?

22 MR. FERNANDEZ: Yes, Your Honor.

23 THE COURT: Let's all stand for a moment.

24 (Break in proceedings.)

25 THE COURT: Okay. Yes, sir.

REDIRECT EXAMINATION

BY MR. FERNANDEZ:

Q Mr. Greer, I'm handing you what's been marked as State's Exhibit 400. Could you kindly review that very quickly and let me know if you're familiar with what it is?

(Break in proceedings.)

A Yes, sir.

Q What is that?

A This appears to be a copy of my report.

Q Is it an accurate and complete copy of your report?

A Yes, sir, it does appear to be.

Q All of the things we've just discussed today?

A Yes, sir.

MR. FERNANDEZ: The State would move to admit State's Exhibit 400, I believe without objection.

MR. GRIFFIN: No objection.

THE COURT: It's admitted.

(GREER REPORT MARKED AS STATE'S EXHIBIT NUMBER 400 WAS RECEIVED INTO EVIDENCE.)

Q Mr. Greer, would you please, you know, because some of the questions concerned your field, please tell us. How long has firearms identification and tool mark identification, how long has it been around?

A In its current form, I would say the early 1900s is when this really became popular and firearms identification

1 was born with several important cases. It was as early as
2 the 1900s that they started looking at this evidence and
3 looking at those individual characteristics through a
4 microscopy. So ever since that time, it's just evolved and
5 grew with further research and support, advances in
6 technology, and -- but it's been around for several years.

7 Q And are you familiar with any studies that were done
8 utilizing what would be called consecutive barrels of
9 firearms?

10 A Yes, sir.

11 Q Explain to us what those consecutive studies would be
12 and what they -- what's done in those?

13 A Sure. When we're looking at those characteristics
14 under the microscope that were imparted onto a fired bullet
15 or -- excuse me, a fired bullet or cartridge case, we're
16 looking at all those tiny little features. A consecutively
17 manufactured study takes into the account of the
18 manufacturing process. So, all of those marks, as we
19 discussed, are coming from that gun being produced by a
20 manufacturer, metal scraping and removing metal, so we have
21 tools cutting and tools stamping, and really working on
22 hard metal surfaces.

23 So, when we look at a study that has consecutively
24 manufactured things, that presents an opportunity for a
25 worse case scenario for us as examiners. If those tools

1 were going to leave markings on other firearms -- so, if
2 you had this breech face being made by the tool and it made
3 the next one and it made the next one, those are
4 consecutively manufactured. If there's any carryover of
5 those characteristics from one to another, that's what that
6 study does, it highlights that. It puts that as an
7 emphasis as part of that study. And we as examiners are
8 looking at that. That's our worse case scenario. If we're
9 going to see any carryover of that tool making that, that
10 item or that breech face, we would expect to see marks.

11 There's several studies that are out there, and I've
12 participated in several of those as part of my training
13 where we're given samples that have been fired by
14 consecutively manufactured barrels. So, if we see any
15 agreement between each of those barrels, we should see it
16 there, or studies where we have consecutively manufactured
17 breech faces. Again, those are breech faces made by the
18 same tool, one right after another, and if we see agreement
19 in there we should see it in that study. I've participated
20 in those -- excuse me, in those research projects, some of
21 them have been studies, prior to me becoming an examiner,
22 and I was able to clearly distinguish, and accurately
23 distinguish, between those projectiles. So, I was able to
24 determine those projectiles were fired by this barrel, this
25 barrel, this barrel, and this barrel, or that cartridge

1 case was fired by this gun with that breech face, this gun
2 with that breech face, and this gun with that breech face.
3 So, we are aware of that in our community, and we do things
4 to be proactive on that, and that's just an example.
5 And then that's something that I participated in and was
6 able to successfully pass as part of my competency in
7 determining what was fired by what in those consecutively
8 manufactured studies.

9 Q And those were -- and you were able to compare
10 firearms that you know were consecutively manufactured one
11 after the other right after the other.

12 A That is correct.

13 Q And just for clarity, you were talking about Item --
14 I'm referring to Items 33 and 22 on your report. That
15 would be the -- Item 33 being the Blackout rifle and then
16 Item 22 on the camouflage Black Eagle 3?

17 A Yes, sir.

18 Q Your results for some of those were -- when you say
19 inconclusive, what does that mean? Does that mean that
20 they could have been fired or that they -- you just can't
21 determine it?

22 A That's correct. Inconclusive is one of our
23 conclusions that we can issue when there's not enough
24 agreement or disagreement there in those tiny microscopic
25 characteristics. So, what inconclusive means, it's

1 possible it could have been fired by that gun, and it's
2 possible that it may not have been fired by that gun.

3 Q I'm going to refer your attention to State's -- to
4 your Item Number 165, State's Exhibit 147, and remind us
5 again what that item is.

6 A Could I see Item 165?

7 Q We may can find it.

8 A Sorry.

9 Q Would you be able to find it in your report if you
10 have it?

11 A No, sir. I'm not sure that I would be able to find
12 it.

13 (Break in proceedings.)

14 Q All right, I'm handing you what's been entered into
15 evidence as State's 147. That would be SLED Item 165.

16 A Yes, sir.

17 Q Would you identify what this is again and where it was
18 located when it was found more importantly?

19 A Yes, sir. This was a Winchester 12 gauge shotshell,
20 and on the side of the shotshell it's stamped Drylok 3 inch
21 2. On the packaging for State's Exhibit 147 it says from
22 nightstand in Paul's room.

23 Q Okay, and I know counsel asked you a question about,
24 you know, your field being applied science. Just so we
25 understand what an applied science is, are there any other

1 examples of fields that are applied in that general realm
2 of applied sciences?

3 A Yes, sir. A lot of what we do as firearms examiner is
4 learned through our process of training and looking at
5 samples and learning the job. It's kind of like, if you
6 will, a physician. They go to school, they learn a lot in
7 their medical school, but they still do a residency
8 program, if you will. So, they're on the job doing on the
9 job training --

10 MR. GRIFFIN: Your Honor, I'm going to object to
11 comparing what he does to --

12 THE COURT: The objection is overruled.

13 MR. GRIFFIN: -- the practice of medicine.

14 THE COURT: You may continue.

15 THE WITNESS: Yes, sir.

16 A So, they learn things in school. Firearms
17 identification is not something that you can necessarily go
18 to a school and learn to do. You can't get a four year
19 degree and become a firearms examiner the next day. There
20 are universities across the nation that have firearms
21 identification as part of their firearms program, and
22 they're teaching that component. But in order to achieve
23 your competency at this, you need on the job training. You
24 need the experience in looking at these samples and knowing
25 how to evaluate the markings that we're looking at on these

1 ammunition components.

2 Q Lastly, Agent Greer, I want refer you to State's
3 Exhibit 400, and I will put that on the screen. I'm going
4 to direct your attention to Item 128. Can you see that on
5 your screen, Mr. Greer?

6 A Yes, sir, I can.

7 Q Specifically your findings concerning 2 through 7, do
8 you see where my pen is pointed?

9 A Yes, sir, I do.

10 Q Which items were from 2 through 7?

11 A Those were from Markers 2, 3, 4, 5, 6, and 7
12 respectively, and from my understanding of the crime scene
13 those were the ones that were located around Margaret
14 Murdaugh's body.

15 Q Okay, and again, we're on what page now, Mr. Greer?

16 A That's on page 7, yes, sir.

17 Q Okay. Items 2 through 7 found on Maggie's body.

18 Items 35 through 37 and 39, where were those located?

19 A Those were from the side entrance door, which would be
20 the door, I believe, coming out of the gun room area.

21 Q And items 108, 113, 116 through 17, and 122, where
22 were those located?

23 A Those were from various areas thought to be from the
24 shoot field, or from the field.

25 Q And tell me again what they -- what your conclusion

1 was.

2 A I was able to determine that, based on matching
3 characteristics and the mechanism marks, that Items 2
4 through 7, 35 through 37, 39, 108, 113, 116 through 117,
5 and 122, had all been loaded into, extracted, and ejected
6 from the same firearm at some previous time.

7 MR. FERNANDEZ: Nothing further. Thank you.

8 THE COURT: Further examination?

9 MR. GRIFFIN: No, Your Honor.

10 THE COURT: All right. Thank you. You may step down.

11 While he's preparing to step down, ladies and
12 gentlemen, we will recess for the remainder of the day and
13 the weekend, and I need you back at 11:30 on Monday
14 morning. 11:30. Please do not discuss the case.

15 (The jury left the courtroom.)

16 (The witness exited the stand.)

17 THE COURT: If everyone will be seated.

18 So when we reconvene at 9:30 Monday morning, which
19 witnesses will you have?

20 MR. WATERS: Your Honor, if we're talking about the
21 *in-camera* hearing --

22 THE COURT: Yes.

23 MR. WATERS: -- we'll have Mark Tinsley. And we do
24 have another issue, which I had indicated to Your Honor
25 perhaps in pretrial conversation as to a conversation that

1 took place a few days after the crimes occurred in which
2 there were a number of individuals present and Mr. Murdaugh
3 was present. I don't know the contents of that meeting
4 because I've been -- out of an abundance of caution have
5 stayed away from that, and I believe that we may have a
6 little bit of testimony just on whether or not there was
7 any attorney/client privilege to that conversation. I've
8 been careful throughout this investigation preparation not
9 to be privy to that, but I do believe that it is not an
10 attorney/client privileged conversation, but I would like
11 the Court's ruling on that before I became privy to the
12 contents of that. That's the only other issue at this time
13 that I think would be addressed *in camera* that morning.

14 MR. HARPOOTLIAN: Your Honor, if I might?

15 THE COURT: Yes, sir.

16 MR. HARPOOTLIAN: I'm sort of surprised here. Were
17 those conversations recorded?

18 (Break in proceedings.)

19 MR. HARPOOTLIAN: Neither one of us knows what the
20 contents of those conversations are.

21 MR. WATERS: I believe Mr. Griffin was present at this
22 meeting, which is exactly why I wanted the Court's ruling
23 before I am made privy to the contents of the defendant's
24 statements at that meeting.

25 MR. HARPOOTLIAN: We're not quite sure -- we'll wait

1 with bated breath to hear whatever it is.

2 THE COURT: Can you be more specific as to what you're
3 talking about, Mr. Waters?

4 MR. WATERS: Well, my understanding there was a
5 meeting or some sort of gathering in which Mr. Griffin and
6 Mr. Murdaugh and then a number of other individuals were
7 present in which the defendant made some statements that --

8 THE COURT: Law enforcement individuals?

9 MR. WATERS: No, no. We think some of his partners
10 and some other individuals, maybe some family, to which I
11 have never been privy to the contents. However, I would
12 like to know the contents, but I've been careful out of an
13 abundance of caution not to ever become privy until I have
14 a ruling from the Court that there was no attorney/client
15 privilege because of the presence of third parties to that
16 conversation. So, I would like to address that with the
17 Court, and if the Court believes that in the rules that
18 there is no attorney/client privilege, then I may, you
19 know, at the appropriate time examine people who were
20 present at that conversation as to what the defendant said.

21 THE COURT: And is that any relation to financial
22 crimes or --

23 MR. WATERS: No, sir. That would be in relation to
24 the murders of Maggie and Paul. But it is an *in-camera*
25 matter that I -- if we have the time available I wanted to

1 raise that with the Court and maybe we can go ahead and
2 knock that one out as well.

3 THE COURT: All right. Any thoughts by the defense?

4 MR. GRIFFIN: Your Honor, what he's referring to is --
5 and maybe -- it was on Thursday, June 10th, when SLED came
6 to John Marvin Murdaugh's hunting property to interview
7 Alex, to interview John Marvin Murdaugh, Randy Murdaugh,
8 Buster Murdaugh, and before the -- and I was there to
9 represent Alex for the purpose of that. Before SLED got
10 there, we were all in the house. I have no idea what
11 beyond that he's talking about. I mean, what was
12 supposedly said or heard, I have no idea beyond that. I
13 don't know any conversations that he is trying to find the
14 substance of and who he's going to get them from.

15 MR. WATERS: And, Your Honor, I think that's just it.
16 I mean, we would have a witness as to the circumstances and
17 who was present, and in the event that Your Honor rules
18 that because of the presence of third parties it's not a
19 protected conversation, then I would then, you know, become
20 privy, or ask to become privy to the contents of that,
21 and --

22 THE COURT: By asking -- by inquiring of who?

23 MR. WATERS: Well, the witnesses who were present, and
24 so I'm going to call one of those --

25 THE COURT: The law partners?

1 MR. WATERS: Exactly. And, again, I wouldn't have to
2 do that on the stand. I would just want Your Honor's
3 blessing before I did that because of an abundance of
4 caution and protection of the attorney/client privilege.
5 At that point I could, you know, offline become privy to
6 the content of it. It may be nothing. I've just been told
7 that there was that meeting and the circumstances of it,
8 and I don't believe it's protected, and so I would like to
9 know, you know, what the defendant said.

10 THE COURT: Yes, sir.

11 MR. GRIFFIN: It sounds like he's asking for a
12 deposition, Your Honor. He's got no right to an
13 evidentiary hearing about what happened at a meeting in the
14 course of a trial. He's got no right to compel people to
15 come testify so he can find out what was said. That's
16 discovery. I mean, the State Grand Jury allows him to do
17 that, but there's no rule that permits him to conduct a
18 deposition, whether in court or out of court, and that's
19 what he's trying to do.

20 MR. WATERS: I'm not asking to conduct a deposition,
21 Your Honor. I have actually been doing this out of an
22 abundance of caution and the protection of the defendant's
23 rights and making sure that we didn't cross a line without
24 the Court's input. And again, the content may be something
25 that's useful or not.

1 THE COURT: All right. Well, if you would like to
2 brief or send a memo of cases to the Court regarding
3 statements made in the presence of counsel and third
4 parties, whether that's protected by attorney/client
5 privilege or not, then the Court can address the issue.

6 MR. WATERS: Yes, sir, Your Honor, and I'll be happy
7 to address that Monday morning. I will -- I do have a
8 case, *Marshall v. Marshall*, 326 Southeastern 2nd 44, which
9 just generally, of course, states the rule that if
10 attorney/client privilege communications are related in the
11 presence of third parties then the protection is lost, and
12 I can go ahead and hand it up to Your Honor.

13 THE COURT: Yes, sir.

14 MR. WATERS: And I certainly will be prepared to
15 address that in any greater detail Monday morning. I will
16 hand up this case, and obviously if we prepare additional
17 ones over the weekend, I'll provide those to Your Honor and
18 counsel.

19 THE COURT: All right. Anything further?

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

21 MR. HARPOOTLIAN: Nothing from the defense, Your
22 Honor.

23 THE COURT: All right. We'll be in recess until 9:30.

24 (Whereupon, the case was at ease.)

25 MONDAY, FEBRUARY 6, 2023

1 (Court resumed at 9:39 a.m.)

2 THE COURT: Good morning. Ready to proceed? All
3 right, you may proceed.

4 MR. WATERS: I believe we're again here on *in-camera*
5 matters, and the State would call Mark Tinsley to the
6 stand.

7 *IN-CAMERA* HEARING RESUMED

8 The witness, MARK TINSLEY, was first duly sworn and
9 testified as follows:

10 THE CLERK: Take a seat in the witness stand, state
11 your name again for the record, and spell your last name.

12 THE WITNESS: My name is Mark Tinsley.

13 DIRECT EXAMINATION

14 BY MR. WATERS:

15 Q Mr. Tinsley, how are you doing today?

16 A Good.

17 Q Very quickly, you understand -- obviously you're a
18 lawyer and you understand we're here for some *in-camera*
19 proceedings, so we're not going to go into every bit of
20 background and detail that we would were you testifying
21 before the jury. Do you understand that?

22 A I do.

23 Q I do want to, though, kind of move through quickly
24 some of the subject matter that the State proposes to put
25 before the jury. But very quickly if you would, just

1 quickly tell us what you do for a living and what kind of
2 practice that you have.

3 A My name is Mark Tinsley. I practice law in Allendale.
4 I have a fairly statewide practice, primarily personal
5 injury plaintiffs' work.

6 Q All right, and how long have you been practicing in
7 Allendale?

8 A Since 2000, so twenty-two, twenty-three years.

9 Q Do you have a statewide practice or is it primarily --

10 A To the extent I want it statewide. I mean, I handle
11 cases statewide if I'm inclined to handle those.

12 Q Okay. Primarily focused to the 14th Circuit. Is that
13 fair?

14 A Fourteenth and the 1st.

15 Q And the 1st? Okay. Do you know the defendant, Alex
16 Murdaugh?

17 A I do.

18 Q And how did you know him?

19 A He practiced law in the adjoining county. I had a
20 number of cases with his firm, small bars in the two
21 counties, and I've known him since shortly after I came to
22 Allendale.

23 Q And do you know other lawyers in the what used to be
24 known as PMPED firm?

25 A All of them.

1 Q And are those individuals that you may have had cases
2 with or just generally in the same line of work with over
3 the years?

4 A Yes.

5 Q I want to take you to February 19. And are you
6 familiar with the boat case?

7 A Unfortunately.

8 Q Okay, and do you represent the Beach family in the
9 lawsuit related to the death of Ms. Mallory Beach?

10 A I do.

11 Q And ultimately you ended up accepting that
12 representation and filing suit against a number of
13 defendants, including the criminal defendant here, Alex
14 Murdaugh. Is that correct?

15 A I did.

16 Q Okay. Tell the Court just very quickly who the
17 defendants that you sued at least initially when this case
18 started.

19 A Mr. Waters, my recollection is is that I sued Alex
20 Murdaugh. I know I sued Luther's, which is a bar downtown
21 in Beaufort. I sued The Woods, which was where the kids
22 had gone for an oyster roast. I sued the Murdaugh family
23 trust, which owned the property where the boat was launched
24 from, and we believe there could have been some drinking
25 that went on there. I'm not 100 percent certain in the

1 first lawsuit if I sued Buster Murdaugh, which is Alex's
2 son, but I think those were the defendants initially. And
3 maybe Randolph Murdaugh personally as well.

4 Q Okay. Not long after you started the boat case and --
5 well, let me ask you this. Did your client, Renee Beach,
6 have any particular experience at the scene that informed
7 how you were handling this particular case as you went
8 forward?

9 A She certainly had an experience that prompted the call
10 to me.

11 Q Okay, and can you explain that to the Court, please?

12 A She wanted to go down to the bridge where the boat
13 crash had occurred. I don't believe -- I think this was
14 either Monday or Tuesday, so the crash happens early Sunday
15 morning. The scene is cordoned off and she's told she
16 can't go down there, and just a few minutes later Alex's
17 father and his wife pull up in a car, and they're waved
18 under the tape and they go down to the bridge, and she was
19 very upset by that.

20 Q Okay, and did she -- in your discussions with her, did
21 she give you any particular instructions about proceeding
22 forward in this particular case as partly based on that
23 experience?

24 A No. Nobody really gives me instructions.

25 Q I understand. All right. The -- not long after you

1 get involved in this case, did you have any chance to
2 review and look at any insurance coverages that were made
3 immediately available to the defendant?

4 A My recollection is within a week certainly, a two week
5 kind of time frame after the boat crash, Danny Henderson,
6 who was handling the boat crash as Alex's personal lawyer,
7 brought me all of Alex's insurance policies, and so I
8 reviewed them at that time before I filed the lawsuit.

9 Q And what was the purpose of you reviewing those
10 policies?

11 A You know, in a civil case the only thing that we can
12 do to try to, under the law, make a party whole is recover
13 money damages. And often times when we are drafting
14 lawsuits, we will try to draft the initial lawsuit to make
15 sure that there's insurance coverage, so that was the
16 reason I wanted the coverage. And beyond that, sometimes,
17 like I did with some of the initial defendants, you can --
18 because of the circumstances, because of the culpability,
19 how bad the liability is, how catastrophic the loss is,
20 many times insurance companies can be leveraged to pay
21 their insurance out to get these people closure. No amount
22 of money is going to make them whole, so the best that we
23 can do is try to get them some closure and help them heal.

24 Q All right, and what did you determine as you looked at
25 what coverages were available to Alex but potentially could

1 be relevant to the boat crash?

2 A Well, so there was \$500,000 that Progressive had on
3 the boat; it was a watercraft policy. Although I've never
4 seen the policy, that insurance was offered almost
5 immediately to all of the victims, not just the Beach
6 family. There were two other girls on the boat and two
7 other boys, and -- including Paul Murdaugh. And so when I
8 reviewed the policies, it was apparent to me that there was
9 no possibility that any of the insurance that he had at the
10 time of the boat crash would apply to this, and if there
11 was a possibility, it would be limited to an idea that Alex
12 was negligent in allowing Buster to give Paul his duplicate
13 ID that he had made so Paul could purchase alcohol.

14 Q Did Alex have a policy, an umbrella policy with
15 Nautilus at this point in time that was available?

16 A He did not. He had --

17 Q Explain to the Court why that was not available,
18 please.

19 A It appeared from review of the records that there was
20 an open claim when the policy came up for renewal, and that
21 open claim was the Satterfield matter, and that it was
22 Nautilus and, I think, Lloyds of London, and they would not
23 renew the policy. And so he had to then seek other
24 coverage, and what he ended up was with Philadelphia, and
25 it was a commercial hunting operation policy that contained

1 a very broad watercraft exclusion. It even barred a
2 negligent entrustment claim as it related to water craft.

3 Q And that Philadelphia policy depended on Moselle being
4 considered as a commercial hunting lodge. Is that correct?

5 A Not only Moselle, but the occurrence. In other words,
6 whatever it is that causes there to be coverage had to
7 arise out of a, a commercial operation as I read the
8 policy.

9 Q Okay. Realizing that as it related to Alex especially
10 there was -- was he essentially underinsured as it related
11 to what -- the recovery you were seeking in this particular
12 case?

13 A Oh, absolutely.

14 Q And what was your ultimate goal, though, in seeking
15 recovery as it related to Alex in this case?

16 A Well, it changed over time. I mean, initially I
17 believed that the case would settle. I didn't see how
18 people could ignore the significance of the loss, the
19 public support of the community for the Beach family, and
20 then the hue and cry as it related to the liability, and
21 the Murdaughs in particular. And so, you know, it changes
22 over time, but one consistency was to get the case
23 resolved.

24 Q Okay, and did you make it clear to Alex's attorneys
25 that you were seeking a personal recovery that he would

1 have to pay as opposed to just accessing what insurance
2 coverage was available?

3 A Always.

4 Q And that was consistent all the way through. Is that
5 correct?

6 A All the way through.

7 Q Were you making substantial demands to the defense
8 that Alex pay a substantial recovery personally?

9 A I think by most standards, and I don't want to seem
10 crass when I say this, but the Beach family stood on the
11 causeway for eight days while their daughter's body was in
12 the water. I don't know that there's any amount of money
13 that would -- somebody would willingly take to go through
14 what they've gone through. But if you were asking a lawyer
15 who does civil work was I making a substantial demand in
16 terms of a settlement, I think that most people would say
17 yes.

18 Q In your assessment, did that come as a bit of a -- or
19 did the defense express to you surprise that you were
20 seeking a personal recovery from Alex rather than just
21 simply trying to access what insurance coverage he had?

22 A Yeah, some people did. John Tiller was primarily
23 handling the case for Alex, and I didn't get that from John
24 but I got it from a lot of people.

25 Q In August of 2019, is there a particular conference

1 that those in your line of work go to?

2 A It used to be called the Trial Lawyers Conference.

3 But yeah, it's in Hilton Head and I went in 2019 of August.

4 Q Did you see the defendant there?

5 A I did.

6 Q And did you have a conversation with him about the
7 boat case?

8 A I did.

9 Q All right. Can you relate that conversation to the
10 court, please?

11 A Yeah. I think, I'm not 100 percent certain, that it
12 was a fundraiser either for Mr. Harpootlian, or it was a
13 fundraiser for Lindsey Graham. As you come into the hotel,
14 there's a gathering area. It's in the evening before
15 everyone goes to dinner or it is immediately after. I'm
16 not 100 percent certain, but the room is full of lawyers
17 and Alex sees me and he comes across, and he gets up close
18 in my face and says hey, Bo, what's this I'm hearing about
19 what you're saying? I thought we were friends. And I
20 replied, Alex, we are friends. If you don't think I can
21 burn your house down and that I'm not doing everything --
22 I'm not going to do everything, you're wrong. You need to
23 settle this case.

24 Q Okay, and so what was the point of that conversation?

25 What was -- if you can explain to the Court what y'all were

1 talking about. What is Alex upset to -- as you understood
2 it?

3 A That he was going to have to pay was what he was
4 hearing, that's what it was -- that's what -- the point of
5 it was we're friends. I took it as he tried to intimidate
6 me -- he didn't intimidate me -- and sort of bully me into
7 backing off.

8 Q Was there a mediation in September of 2019?

9 A There was. No, 2000 -- September of '20.

10 Q Before we get there, we move into early March of 2020,
11 and we probably all know the answer to this, but what
12 happened in March of 2020 that kind of changed the world?

13 A Covid. The courts shut down.

14 Q And did that have affect in slowing down things in the
15 court systems?

16 A It definitely stopped the court system. We continued
17 to take some depositions, primarily law enforcement that
18 was at the scene, early on. And then ultimately when
19 everything finally shut down, I'm not sure if it's May or
20 April, then, you know, we were sort of confined to our
21 offices.

22 Q Did you, during the course of Covid, take the
23 opportunity to sort of present the case to a mock jury to
24 get an idea of how that jury might respond?

25 A I did.

1 Q Okay, and were the results very favorable for your
2 client and not favorable for Alex?

3 A They were.

4 Q Did you ultimately communicate that fact to the
5 defense?

6 A I did.

7 Q Had you come into possession of some social media
8 videos that you believed would be very advantageous to
9 proving your case and achieving a large recovery?

10 A I did, and I shared those with John Tiller.

11 MR. WATERS: Let me get something marked real quick.

12 (TEXT MESSAGE MARKED AS STATE'S EXHIBIT NUMBER 401 FOR
13 IDENTIFICATION.)

14 Q I'm going to show you what has been marked as
15 Exhibit 401, State's Exhibit 401, and see if you recognize
16 that document.

17 A I did, I do.

18 Q All right. What is that document?

19 A It's a screen shot of text messages between myself and
20 Tabor Vaux. Tabor was assisting me in the boat crash case.

21 Q All right.

22 MR. WATERS: Would you turn the screen to me real
23 quick, please? Thank you.

24 Q All right. There's a reference here at the top about
25 Alex not being placeholder of venue defendant, that they

1 were hoping. And then you respond about you're not going
2 for -- taking 500K and not walking away from someone who is
3 judgment proof. Is that correct?

4 A That's right.

5 Q And I'm sure the Court is aware but just very quickly,
6 what's being said there but about not -- Alex not being a
7 placeholder or venue defendant.

8 A Well, so there are a couple things going on here. In
9 October of '20, I filed a motion to compel. Alex said he
10 was broke; he doesn't have any money. He may be able to
11 cobble together some amount of money but he's broke, and I
12 didn't believe it. So, I filed a motion to compel. And
13 about a week after I had filed that motion to compel, Danny
14 Henderson, who again was Alex's personal lawyer, came to my
15 partner, said he couldn't believe that we were going after
16 Alex personally. It was a line in the sand that I had
17 crossed, a number of things like that, so that's what this
18 conversation is about.

19 And, you know, by November -- this is, I think,
20 November of 2020, the Beach family, they want
21 accountability. They want a pound of flesh, and whatever
22 that's going to be, it's only going to be through a jury or
23 through a substantial settlement.

24 Q All right. Well, let me back up and we'll get to the
25 motion to compel in a second. You mentioned that you had

1 been told by the defense essentially that Alex had no
2 money, correct?

3 A He's broke.

4 Q Did they say he could cobble together a certain
5 amount?

6 A Thought he could cobble together a million dollars.

7 Q A million dollars, and did you believe that that was
8 accurate?

9 A It couldn't have been.

10 Q All right, and why did you not believe that that was
11 accurate?

12 A Well, when you practice law not necessarily with,
13 meaning in the same case, but when you go to a roster
14 meeting, if there were 50 cases on the roster in Hampton
15 Alex may have had 50 or 60 of those -- percent of those
16 cases, and so they're actively being settled. I know that
17 he's actively making money, and you just can't possibly be
18 broke if you're making money the way he was making money.
19 And then beyond that, I mean, my clients have known Alex
20 and his family forever, and so their perspective is that
21 there's, there's generational wealth as well.

22 Q Did you -- was \$1 million going to be enough money
23 from your client's perspective to settle this case?

24 A It wasn't enough from my perspective.

25 Q Okay.

1 A I can explain that if you want.

2 Q Yes, please.

3 A So, one of the things that I didn't appreciate that I
4 came to appreciate by this point in time was is that -- and
5 it may not make a whole lot of sense, but if I told a
6 lawyer who does what I do that I had settled a case,
7 there's a lot of speculation because I have had cases with
8 the firm and members of their firm are my friends, that
9 somehow there's a fix on. I think for a long time Alex
10 thought there was a fix on, that he was just a placeholder
11 or venue defendant.

12 Q Right.

13 A And so if I told you I've settled the case, then the
14 next question would be what did you settle it for. I said,
15 well, I took the insurance company. If you knew what I
16 know and what plaintiffs lawyers, know you would think,
17 well, there was a fix. The only reason I would take it is
18 because it was a fix. I didn't see a substantial
19 difference between that number and a million dollars. And
20 so I thought that if I told ten lawyers who were
21 knowledgeable about these kinds of matters, if I took a
22 million dollars from Alex -- who, from everyone's
23 perspective, has lots of money, he's making piles of money
24 -- they would think that it was a fix.

25 So, before we even get to what's a fair amount, what

1 should you take, you know, the analogy I used with my
2 clients is it's kind of like that show *Deal or No Deal*.
3 You may have the million dollar suitcase or you may have a
4 zero suitcase, but it's not until there's a significant
5 enough offer that you could do worse that you should settle
6 a case, any case, and that's -- and so at a million dollars
7 it just wasn't -- it wasn't any risk to them that would
8 prompt me to recommend them to take it.

9 Q All right. Did you make any sort of formal or
10 informal offer to them that involved the real property as
11 well as any sort of payment plan?

12 A When I was told that Alex was broke, I offered him a
13 payment plan. Sometimes when you settle cases, medical
14 malpractice cases, for instance, with JUA, they will make
15 payments. I offered to -- for him to sign over Moselle and
16 the beach house, open his books to see that he was broke,
17 and then work out a payment plan on the balance.

18 Q So when you say, okay, you say he's broke, I don't
19 believe that, show me the books to prove that, what was
20 your response from the -- Alex's defense?

21 A Well, it was sort of stonewalling to begin with. I
22 mean, ultimately I got a formal response, which was an
23 objection that prompted the motion to compel in October of
24 2020.

25 Q All right.

1 MR. WATERS: Let me get this marked real quick.

2 (MOTION MARKED AS STATE'S EXHIBIT NUMBER 402 FOR
3 IDENTIFICATION.)

4 (TEXT MESSAGE MARKED AS STATE'S EXHIBIT NUMBER 403 FOR
5 IDENTIFICATION.)

6 Q I show you what's been marked as State's 402, and see
7 if you recognize this document.

8 A Yeah. So this is my motion to compel, which attaches
9 Alex's responses to the interrogatories and requests for
10 production.

11 Q All right, and when was this filed?

12 A October 16th, 2020.

13 Q All right. All right. I'm going to put Exhibit B to
14 this motion, your motion to compel up on the screen and
15 zoom it in a little bit. And in part was this the
16 objection to one of your supplemental interrogatories about
17 what you're talking about, about opening the books?

18 A Correct.

19 Q All right, and if you would, tell me what your
20 interrogatory was asking for in number one, please.

21 A Well, in as broad a terms as --

22 Q Well, let's just read it quick if we could, please.
23 Can you read that?

24 A All right:

25 List all checking and/or savings accounts,

1 including credit union accounts, certificates of
2 deposit, 401(k) accounts, SEP accounts, IRA
3 maintained by you -- IRA's maintained by you
4 individually and/or jointly with any others, or
5 any other accounts over which you had signature
6 authority in any capacity regardless of whether
7 or not the account or accounts had been closed
8 from February 2019 to present.

9 Q All right, and ultimately what was the -- Alex's
10 defense's response to that generally? You don't have to
11 read that but just tell me.

12 A It was overly broad, unduly burdensome, and
13 irrelevant.

14 Q Okay, and so ultimately you filed a motion to compel.
15 Is that correct?

16 A That's correct.

17 Q And the idea was if you say you're broke, show me the
18 books, and they had refused to with the response to this
19 interrogatory, as well as others. Is that correct?

20 A Correct.

21 Q To your knowledge, when information was being gathered
22 by the defendant in this particular case -- let me ask you
23 this. Who were his attorneys in the boat case, Alex's
24 attorneys?

25 A So his personal attorney, as I said, was Danny

1 Henderson --

2 Q Okay.

3 A -- who was also a partner, or shareholder with PMPED.
4 Progressive had hired John Tiller, and John Tiller is a
5 lawyer out of Charleston; he was mainly involved. At one
6 point there was Amy Bower, who was an associate working
7 with John Tiller, and then Elliot Condon ultimately -- I
8 think Amy left in February of '21, and by then I think
9 Elliot Condon had been hired and was assisting John Tiller.

10 Q Okay, and Mr. Henderson is a partner at PMPED but was
11 also actively helping Alex and representing Alex in this
12 case. Is that correct?

13 A He was.

14 Q And he's the one that initially had brought you the
15 insurance coverages for Alex to give you a chance to look
16 at them and see what might be available, correct?

17 A That's right.

18 Q As this motion to compel gets filed, what, if
19 anything, happened with the -- sort of the communications
20 between your side and the defense side as we moved into the
21 months following the filing of that motion to compel? We
22 all already saw the one text. What else is going on as
23 well?

24 A Well, there's a lot of grumbling and sort of shock
25 that I'm actually going to hold Alex personally

1 responsible. Not so much with me, but like I mentioned,
2 about a week after this, Danny Henderson contacts my
3 partner. There were a number of times when Tabor Vaux was
4 contacted, and so nobody says anything directly to me in
5 terms of that regard, but that's, that's what was going on.
6 It was said to them because they knew it would then be told
7 to me.

8 Q When we look at the particular interrogatory right
9 here that you had filed a motion to compel on, what are you
10 trying to get? What information are you trying to get with
11 that interrogatory?

12 A Well, you know, the way to -- again, like I -- in my
13 example of the *Deal or No Deal*, I mean, what I'm trying to
14 do is put pressure. He doesn't want me to have access to
15 his accounts. At the time I think it was because he'll see
16 I'll see how much money he actually is making and how much
17 he has. And so, again, that's what I'm trying to do is put
18 pressure on him to force him into a settlement. You don't
19 want it disclosed? Here are the keys to the jail. You
20 enter into an agreement and let's go settle the case.

21 Q In the event, though, he doesn't settle in response to
22 this, what information are you trying to get?

23 A Well, it's certainly not a number; it's certainly not
24 an estimation of what his net value is. I wanted the
25 accounts because I knew that the only way that he could be

1 broke is is that money had been hidden, and so I was going
2 to look for and trace, or begin that process.

3 Q All right, and explain this to the Court. When you
4 say that you knew that if he was, quote, broke, in your
5 estimation money had been hidden and so, therefore, you
6 were going to look for it and trace that information, what
7 do you mean by that? Why did you think money had been
8 hidden?

9 A Well, they just -- there wasn't way he could be broke.
10 I mean, I know he's actively settling cases. Some cases
11 big cases, some cases small cases, but they stack up, lots
12 of cases. He's handling a lot of cases, so there's just no
13 possibility that he could be broke by anyone's definition.

14 Q If ultimately -- and we'll talk more about this in a
15 minute. If ultimately you had been successful in getting a
16 list of the defendant's accounts, what would have been your
17 next step once proceeding?

18 A Subpoenas.

19 Q Of those accounts?

20 A To those institutions, yes.

21 Q Were you already aware that the defendant had an
22 account with Bank of America?

23 A I knew that he had a personal account with Bank of
24 America; I knew he had an account with Palmetto State Bank.
25 So, I'm looking for the balance of accounts in terms of the

1 institutions and where else he had.

2 Q But you didn't know how many accounts or what those
3 balances were or anything like that?

4 A No, I had no idea. I had -- you know, I knew he had
5 multiple business entities, he had different LLCs, so I
6 imagine there could be any combination of accounts out
7 there, and some which would not have even been in his name.

8 Q After the motion to compel is filed, I'm going to show
9 you what's been marked as State's 403 and see if you
10 recognize that document.

11 A Yes.

12 Q Tell me what that is.

13 A Again, it's a screen shot of a text messages between
14 Tabor Vaux and myself.

15 Q All right. Let me put this up on the screen. All
16 right. If you would, I've got this up on the screen, so
17 can you tell me what's going on -- and again, this is in
18 April of 2021. Is that correct?

19 A It is.

20 Q And tell me what's going on with this conversation
21 right here and how it relates to these issues.

22 A Yeah. So in August of '20, I found out I had cancer,
23 and by November I knew how bad it was. And so in January I
24 went to -- I had stage IV cancer and I went to Florida from
25 the end of January until April the 15th on my first round

1 of treatment, so I had just come back. Shortly before I
2 was diagnosed with cancer, John Tiller was also diagnosed
3 with pancreatic cancer, and there's some degree of urgency
4 between John Tiller and myself to finish this case.

5 While I was in Florida -- I think I failed to mention
6 that Greg Parker's Convenience Store was also a defendant
7 in the first case, but Greg Parker had done a number of
8 things. So before I leave, the issue is is Greg Parker has
9 moved to transfer venue to Beaufort County, which is where
10 I had done the mock jury. The focus group was in Beaufort
11 County. And while I'm in Florida, things have changed in
12 terms of what he's done that have changed my perspective
13 because when I left, I intended to go to Beaufort. By the
14 time I get back, I think I'm staying in Hampton. And so
15 this conversation is for the first time I have said that
16 I'm going to leave the case in Hampton, but if I -- if I
17 think that Alex has fixed the jury, that he's done anything
18 to affect the outcome of the trial, that I'm going to sue
19 Paul and Maggie the next day in Beaufort.

20 Q And was that communicated to the defense?

21 A Absolutely.

22 Q In the course of your investigation of this case, had
23 you taken depositions of some of the officers who were
24 involved in the investigation?

25 A We did.

1 Q And at some point was that -- some issues arose that
2 were communicated to the State Grand Jury?

3 A You're the one that tells me everything happens there
4 is secret, so you tell me, but --

5 Q I'm asking you today.

6 A -- but yes.

7 Q Ultimately and while you were in Florida in March and
8 April of 2021, to your understanding had the State Grand
9 Jury reached out to you for information that you had
10 uncovered in your investigation of the investigation into
11 the boat crash?

12 A Correct, and specifically the handling of the criminal
13 investigation by law enforcement.

14 Q The investigation into the investigation?

15 A Correct.

16 MR. WATERS: Court's indulgence one moment.

17 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 404 FOR
18 IDENTIFICATION.)

19 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 405 FOR
20 IDENTIFICATION.)

21 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 406 FOR
22 IDENTIFICATION.)

23 Q Let me show you what's been marked as State's 404,
24 405, and 406 for this hearing and see if you recognize
25 those, please, generally.

1 A I do.

2 Q All right, and tell me what is going on here, please.

3 A There were a number of motions pending in the boat
4 crash case; they had been pending for some time. I
5 mentioned one a moment ago, a motion to transfer venue.
6 There were some motions to amend, and so Judge Hall had set
7 those motions to be heard. My recollection is May the
8 10th, 2021. So, I'm back now. I've got a couple of weeks
9 to sort of get my wits about what's going on, and the
10 motions are scheduled to be heard.

11 Q And that's May 11th of 2021?

12 A It's either the 10th or the -- my recollection is the
13 10th. I know the emails say something different, but in
14 the week before -- I don't know that John Tiller always
15 knew how many chemotherapy treatments he was going to get
16 or how long they were going to last until almost
17 immediately before. So, on or about May the 7th, John knew
18 that the day of our hearing his chemotherapy was going to
19 run long and he wouldn't be done, and he had asked the
20 judge to continue the motions, including the motions to
21 compel.

22 Q Okay, and looking at -- again, we're now looking at
23 State's 405. What was the judge's initial response to
24 Mr. Tiller's request to have that hearing continued based
25 on his chemotherapy?

1 A That we were going forward as scheduled and that -- it
2 says Mr. Condon, but it meant Ms. Condon would be able to
3 handle it.

4 Q All right. Looking at State's 406. What happened
5 after that?

6 A Ultimately what happened is -- my recollection is I
7 sent another email to the judge expressing that I really
8 didn't -- they were mainly my motions. They were --
9 Parker's had some motions, that I didn't have a problem
10 with continuing to accommodate Mr. Tiller. And the judge
11 finally set a status conference for -- maybe it was
12 May 11th.

13 Q All right. You just said that initially Judge Hall
14 did not want to continue the May 2021 hearing, saying that
15 there was another lawyer on -- for Alex's side that could
16 handle it, correct?

17 A Correct.

18 Q And then you kind of interceded and said that this
19 would work and so it was rescheduled. Is that correct?

20 A After a status conference.

21 Q After the status conference? It was rescheduled at
22 that status conference?

23 A It was rescheduled until June 10th.

24 Q June 10th? All right.

25 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 407 FOR

1 IDENTIFICATION.)

2 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 408 FOR
3 IDENTIFICATION.)

4 Q. I'm going to show you what's been marked as State's
5 407 and State's 408. And just quickly tell me if you
6 generally recognize those documents.

7 A I do. One is an email from John Tiller saying that
8 the judge's law clerk said that the judge would be sending
9 a message telling us that the hearing was going to be
10 rescheduled to June 10th. The other is the email from the
11 law clerk.

12 Q All right. So, the hearing that was initially in May
13 that Judge Hall did not want to reschedule was rescheduled
14 for June 10, 2021. Is that correct?

15 A That is correct.

16 Q And ultimately that would be -- hear a number of
17 things, but one of the most significant things would be
18 your request for a list of all checking accounts from Alex,
19 all -- identification of all accounts. Is that correct?

20 A It is correct that that motion was going to be heard.

21 Q Okay, and ultimately when the murders happened -- I'm
22 going to show you what has been marked as Exhibit 408 --
23 what happened to that particular hearing that was scheduled
24 that particular week?

25 A It was continued.

1 Q All right, and is that what's reflected in this email
2 right here?

3 A It is.

4 Q And on Exhibit 407?

5 A It is.

6 Q After the murders happened, was -- let me ask you
7 this. You've known Alex and have worked with him for a
8 number of cases. Is that correct?

9 A I had not worked with Alex in a number of cases but I
10 have known him for a long time.

11 Q Okay, but you were generally familiar with him as a
12 lawyer. Is that right?

13 A I was.

14 Q What was your assessment of his skills as a
15 plaintiff's lawyer? What was he particularly good at?

16 A He was particularly good at reading people, making
17 people feel like they were the most important person in the
18 room, and capitalizing on surprise with the defense. You
19 had a case with Alex. He hasn't done anything. It's
20 Monday morning of the roster, maybe you expect it to be
21 continued, and he says I'm ready for trial. And so he
22 would -- he leveraged a lot of settlements that way.

23 Q All right. Was he good at understanding the emotional
24 and sympathetic aspects of plaintiffs work and tort work
25 that can be so crucial in defining what recoveries can be

1 in these types of cases?

2 A Yeah. I think he was particularly good at reading
3 people and knowing what made people tick.

4 Q You've testified that you had made it very clear to
5 the defense throughout this time period that you were
6 seeking a substantial personal recovery from Alex and had
7 been told that he's broke, which you then responded I don't
8 believe that. Show me the books. Correct?

9 A Correct.

10 Q And that was what was on the table for June 10, 2021,
11 correct?

12 A Among other things, but yes.

13 Q Among other things, but that's on the table, correct?

14 A Correct.

15 Q After the murders happened, did that have any effect
16 on your assessment of the case against Alex, and
17 particularly as it relates to the sympathies and the
18 emotion of the case which can be so important to recovery?

19 A I mean, yes.

20 Q Explain that to the Court again, please.

21 A Well, initially probably say the first week there was
22 the shock and horror of what had happened, and nobody
23 really thought about anything other than that. But pretty
24 quickly I recognized that the case against Alex, if he were
25 a victim of some vigilante, would, in fact, be over.

1 Q Would be over?

2 A Would be over.

3 Q And explain just quickly to the Court why that's the
4 case.

5 A Well, you know, when you're asking for a money
6 judgment, people have to be motivated to give you that
7 money judgment. If you represent Attila the Hun versus
8 some sweet old grandmother, nobody is going to give Attila
9 the Hun money. They would give money to some sweet
10 grandmother. So, if Alex had been victimized by a
11 vigilante, nobody would have brought a verdict against
12 Alex. And I had other defendants in the case, so I would
13 have ended the case against Alex.

14 Q You would have ended the case against Alex with
15 just --

16 A You know, I probably -- I mean, certainly there was
17 \$500,000 in insurance that was offered. I may have tried
18 to see if he could cobble together the million dollars.
19 But whatever the last offer would have been from Alex's
20 side, that would have been the offer that we took.

21 Q You had mentioned before that you had advised the
22 defense of some of the mock jury presentation that you had
23 done and some of the results from that and how they were
24 very favorable to your case. Is that correct?

25 A The defense and some of Alex's partners, yes.

1 Q And it's fair to say, though, that, as you just
2 stated, that if Alex had been the victim of some sort of
3 vigilante, those sympathies would have entirely changed as
4 it related to Alex and Paul as well. Is that correct?

5 A Certainly.

6 Q And that led to what you -- your assessment then in
7 the wake of these murders. Is that correct?

8 A Correct.

9 Q At some point, did you receive any call or any
10 communication from the Satterfields about the -- any
11 recovery in the Gloria Satterfield death?

12 A At some point -- my recollection is it's early
13 September of '21 -- Eric came to my office about that.
14 There are a number of articles in the paper, or the papers
15 that are talking about this previous wrongful death case
16 and wrongful death settlement, and he came to my office at
17 that time.

18 Q All right, and did you send them to someone?

19 A I sent him to Eric Bland.

20 MR. WATERS: Hold on for me one second.

21 (Break in proceedings.)

22 MR. WATERS: Nothing further at this time, Your Honor.

23 THE COURT: All right. By the defense.

24 (EMAIL MARKED AS DEFENDANT'S EXHIBIT NUMBER 80 FOR
25 IDENTIFICATION.)

1 (MOTION TO COMPEL MARKED AS DEFENDANT'S EXHIBIT NUMBER
2 82 FOR IDENTIFICATION.)

3 CROSS-EXAMINATION

4 BY MR. BARBER:

5 Q Good morning, Mr. Tinsley.

6 A How are you?

7 Q You testified at length to the State Grand Jury
8 basically the -- similar testimony you've given here today.
9 Is that correct?

10 A The testimony I gave today is included in what I said
11 to the State Grand Jury, yes.

12 Q Right, and it seems like the gist of this is that you
13 were suing Alex Murdaugh, who you believed was underinsured
14 for this incident, and you were going to go after his
15 personal assets, and that that was going to put some
16 financial pressure on him. Is that correct?

17 A Probably not exactly. I mean, I don't mean to quibble
18 with you over the words that you used, but I don't think it
19 was financial pressure because I didn't -- I was holding
20 him personally accountable. I was insisting that he pay.
21 I didn't see how a payment plan on a settlement would put
22 any pressure on Alex. It was sort of the deal that you
23 couldn't turn down from where I sat.

24 Q But you were asking for money from him.

25 A Oh sure, yeah.

1 Q And the inquiry here today is about money, his money,
2 his finances, correct?

3 A I don't think so, but it certainly concerns his money.

4 Q And you were anticipating you were going to go to
5 trial. Is that correct?

6 A Yes.

7 Q You were going to go to trial and get a verdict
8 against Alex Murdaugh, correct? That's what you thought.
9 That's where this was going.

10 A No. I -- I mean, I didn't see how any reasonable
11 person wouldn't settle the case, especially Alex. So, I
12 expected the case to settle. 90 percent of cases settle,
13 maybe 99. But if we had to try it, yes, we were going to
14 try it.

15 Q If he were unable to offer more money then your
16 expectation on, say, on June 7th, you know, before these
17 murders, your expectation was if he doesn't offer more
18 money, we're going to trial.

19 A Any money. It was no money. No money had been
20 offered.

21 Q So, your expectation, then, was we're going to trial?

22 A If you offer me no money in a case that I'm pursuing
23 against you, then the response is we're going to trial.

24 Q And you were pretty far from trial on June 7th of
25 2021, were you not?

1 A No.

2 Q You believe you were close to taking it to trial?

3 A I -- there was an urgency because John Tiller knew
4 that he had about a year to live, and we were going to try
5 that case. My expectation was early fall, late summer.

6 Q You expected to try the boat case in the summer of
7 2000 -- late summer of 2021?

8 A August, September, October, some time in there.

9 Q You felt like you were only two or three months away
10 from trial?

11 A Sure.

12 Q Even though we had all of these pending motions that
13 hadn't even been heard, including what venue to have?

14 A I had tried the case two times with a Beaufort jury
15 during Covid. I was ready to go to trial.

16 Q On that day on June 7th, you hadn't even yet asserted
17 a negligent entrustment claim against Alex, had you?

18 A Well, I had to John Tiller. John Tiller knew and had
19 agreed to the amendment. There were a number of things
20 that Alex's counsel had agreed to, including knowing there
21 was substantial punitive evidence in the case.

22 Q And at that time, you hadn't even asserted that claim
23 to the Court. That wasn't before the Court, was it? That
24 was just a conversation with John Tiller.

25 A That's the conversation that mattered because John

1 Tiller would be the one who would object to the late
2 presentation of the evidence, the late presentation of an
3 expert, and he'd agreed to all of those things.

4 Q But he had objected to the financial discovery you
5 asked for.

6 A Well, there was an objection posed, correct.

7 Q But he did object to that.

8 A When that answer was given in October or September of
9 '20, it was an objection.

10 Q Okay, and the hearing that was -- that this -- the
11 motion to compel the financial detail, the testimony is
12 that's just one of many motions that needed to be heard.
13 Is that correct?

14 A Correct.

15 Q There were many motions that had piled up and needed
16 to be heard.

17 A There were several.

18 Q There were several? Do you remember what they all
19 were?

20 A There was a motion to change venue. There was a
21 motion to compel against Parker's. There was -- Parker's
22 had one or two motions. Some of the motions got resolved,
23 one of which was this motion to assert admiralty in the
24 case, and with the agreement that I would amend to assert
25 negligent entrustment claim to get in all of the evidence

1 that they knew I had, that was resolved that way.

2 Q And you've had a lot of motions practice in this case
3 with Parker's, haven't you?

4 A More so since the murder.

5 Q But has that motions practice with Parker's been about
6 the murders of Maggie and Paul?

7 A Well, I mean, it's about it in the sense that it
8 certainly created a lot of additional issues to deal with,
9 but no, not specifically.

10 Q There was a lot of motion practice about allegations
11 of leaking a video for mediation for example, correct?

12 A I don't know about a lot, but I had filed a motion
13 that I ultimately withdrew.

14 Q And you believed that you were going to drag Parker's
15 to a trial within two or three months, late summer of
16 June 7th, even though we have all of these fairly
17 preliminary motions that haven't been heard, change of
18 venue, asking to amend pleadings, motions to compel
19 discovery?

20 A Yeah. Maybe you've never tried a civil case. So,
21 when Covid happened and everything was shut down for two
22 months, I got my case together. My case is not dependent
23 upon, if I'm forced to try it, the bank institutions where
24 he has accounts. My case is not dependent on the leaked
25 video. That's a separate matter and ended up being a

1 separate lawsuit. So, the answer is yes, I was ready to
2 try my case.

3 Q And you didn't need, for example, an answer on the
4 motions to compel that was pending against Parker's; you
5 didn't actually need any of that stuff to go to trial
6 against Parker's. Is that what you're saying?

7 A You're talking about the percentage of financials --
8 I mean, the percentage of sales that alcohol made up in his
9 profits? No, I didn't need that.

10 Q Well, let's put that up.

11 A I wanted it but I didn't need it.

12 Q I show you what's been marked as Defendant's
13 Exhibit 82, if you recognize that.

14 A It appears to be my motion to compel against Greg
15 Parker's company.

16 Q And this is the document on screen that I've handed to
17 you. So, we have -- it's not just a -- buried in here is
18 some request for financial information, but you're
19 requesting answers to request for production 3, request for
20 production 11, request to production 16, request for
21 production 17, which is financial information, request for
22 production 18, request for production 19, request for
23 production 20, request for production 22. Request for --
24 interrogatory number 5, interrogatory number 8,
25 interrogatory number 9, interrogatory number 10,

1 interrogatory number 12, interrogatory number 13,
2 interrogatory number 15, interrogatory number 18. It seems
3 like it's quite a bit of discovery you're demanding for
4 Parker's in this motion.

5 A Which I would have had the answer to on June 10th.
6 Either I was getting it or I wasn't getting it, but my case
7 wasn't dependent on these things. They may have helped my
8 case, they may have put pressure on Parker's camp like I
9 was trying to put pressure on Alex, but it wasn't -- the
10 trial wasn't dependent on these things.

11 Q And turning to the motion to compel on Alex. First,
12 do you, you believed that the -- that Judge Hall's initial
13 request in May to go forward with the pending motion
14 hearings was telegraphing a ruling on that specific motion,
15 or do you believe that that was him looking at these
16 motions piling up and wanting to get some movement?

17 A Yeah, I think so. No. Nobody in the courtroom, maybe
18 even including me, that wants the case resolved more than
19 Judge Hall.

20 Q And when the late Mr. Tiller asked for a continuance,
21 you don't believe that was any kind of stalling tactic, do
22 you?

23 A No.

24 Q That was a legitimate health-based concern.

25 A And if you read my emails, you would see that I

1 immediately agreed to it. John Tiller was my friend.

2 Q With regards to what you're asking for from Alex --

3 MR. BARBER: Let's maybe pull that up.

4 Q And I believe the State has already marked this as an
5 exhibit, but this is the motion to compel.

6 MR. BARBER: Could we put up 80, please?

7 Q It has already been shown to you, but I'll show you
8 one that's been marked as Defendant's 80 for your
9 reference. So, this is asking for an order to compel
10 production on interrogatories 9 and 10, and then a set of
11 supplemental interrogatories and supplemental requests for
12 production. Is that correct?

13 A It is.

14 Q And if we turn to --

15 A And 9 and 10 are important as well. We didn't cover
16 that, but I'm happy to speak to 9 and 10. You know, 9 and
17 10 asked Alex about --

18 Q Sir, no one has asked you about 9 and 10. I mean,
19 we'll get to it, but first let's turn to answers to first
20 supplemental interrogatories, which is the first page of
21 Exhibit B, so we can see what it is that's being asked for.
22 Keep --

23 A There's no D in mine, I'm sorry.

24 Q B.

25 A Oh, B?

1 Q It's the first page of what's Exhibit B in here. It's
2 right there. That's it. It's the first page after the
3 motions, so it would be page 9.

4 A They're not numbered, but --

5 Q So, Mr. Waters asked you about this list of all
6 checking, savings accounts, retirement accounts.

7 MR. BARBER: And then -- you don't have to highlight
8 or expand the stuff.

9 Q All stock -- and then number 2, all stock
10 certificates. Then we go to the next page, all property
11 and interest of property of every kind whatsoever from
12 February 24, 2019, forward. All life insurance policies.
13 Number 4, 5, all personal financial statements submitted to
14 any bank, et cetera, profit-sharing plans, pension plans,
15 et cetera. This is -- doesn't this look like supplemental
16 discovery after you get a judgment, supplemental
17 proceedings?

18 A I never have been involved in supplemental
19 proceedings, so no, I don't think so. This is what my
20 people needed answers to before they would agree to take
21 anything that Alex would have offered.

22 Q In tort cases against individuals, you know, in this
23 case a negligence and entrusting a boat and in an alcohol-
24 related incident, before there's even motions for summary
25 judgment, before there's any consideration of whether a

1 case has been made for punitive damages, do you typically
2 get this level of financial discovery of defendants?

3 A I think so. I think the judge ultimately agreed to
4 give it to me.

5 Q He agreed to give it to you?

6 A Sure.

7 Q But I thought the hearing didn't happen.

8 A Well, you thought wrong. There's a lot of paper, so
9 maybe you got confused.

10 Q He granted this motion?

11 A I think so. Do you want to see the order?

12 Q Yeah.

13 A It's, for the record, October 7th of 2021.

14 Q And correct me if I'm wrong. What you've highlighted
15 here that, Tiller, Mr. Tiller:

16 Because of circumstances beyond his control,
17 unable to gather and provide necessary
18 information in answer to requested
19 interrogatories, once the information is made
20 available to Attorney Tiller, the Court will
21 schedule a hearing.

22 A If necessary.

23 You forgot of the last part.

24 Q If necessary.

25 A Yeah.

1 Q The Court will schedule a hearing if necessary.

2 A Which means --

3 Q If Mr. Tiller, the attorney on the case, can from his
4 own client get the information. This in no way says that
5 the Court granted this motion, does it, sir?

6 A Only to you, I think. I mean, it's clear that John
7 said that Alex was unavailable because he was in rehab at
8 the time. He couldn't get the material. He's going to get
9 the material and the judge ordered get the material, and if
10 we need to schedule a hearing because you don't have the
11 answers that you want, Mr. Tinsley, then we'll reschedule
12 the hearing.

13 Q This is an order that says the Court will schedule a
14 hearing on this motion to compel if necessary. It's not
15 granting the motion to compel, sir, is it?

16 A Oh, I think so. I think if he was just going to deny
17 it as you suggest, then it would have just said denied or
18 it's, it's premature.

19 Q If it was granted, wouldn't it say granted?

20 A I think that's what it says. As a practical matter,
21 when parties have discovery motions, often times like Alex
22 in his own statement said he was working on getting the
23 answers. The reason is you give the answers because you
24 don't want to face what could happen in the argument with
25 the judge. So, this -- my point is is that if the judge

1 were going to say it's premature, you're not going to get,
2 it's denied, any of the things you've suggested, he would
3 have said that and that's not what he did. That's not what
4 happened.

5 Q I just want to get the date this order is, which is
6 October 6th of 2021. You asked for financial information
7 in the motion that was pending against Parker's that was
8 also going to be heard on June 10th.

9 A It was different and for different reasons.

10 Q You asked for alcohol sales, correct?

11 A What I explained to Judge Hall was is, is that they
12 say he's broke and --

13 Q Sir, no, sir. I'm asking what you asked for from
14 Parker's. I'm pretty sure that wasn't they say he's broke.
15 What were you asking for from Parker?

16 A I'm asking for, among other things, the percent of
17 alcohol sales that made up his net profit.

18 Q And this was like a dram shot action against Parker's,
19 correct? They sold the alcohol.

20 A Like a dram shot action, yes.

21 Q And did you get a ruling on that, that request for
22 that financial information from Parker's that was going to
23 be heard on that June 10th date just along with all these
24 other motions that had piled up in a case that apparently
25 wasn't moving very quickly?

1 A I understand you don't want to acknowledge what I've
2 handed you, but --

3 Q Sir, I asked you what the ruling was on the motion to
4 compel from Parker's.

5 A It was very limited, and as it related to the percent
6 of sales of alcohol that made up this profit, it was
7 premature. The judge ruled, unlike he did in that order
8 that I handed you, that it was premature at the time.

9 Q Why was it premature?

10 A Well, the difference between Parker's and Alex is that
11 Alex had, and his lawyers had, twenty-five videos of
12 alcohol. They had the punitive damages evidence. You
13 didn't see that with Parker's. It was just a straight up
14 transaction and sale. So, to the extent you're suggesting
15 that there wasn't this evidence, there was these mere
16 allegations of negligent parenting, that wasn't the case.
17 That wasn't the argument --

18 Q Had you presented that evidence to the Court?

19 A I didn't have to present it to the Court. That's what
20 you don't understand. John Tiller knew about it; John
21 Tiller is the one who is responding because John Tiller
22 knows ultimately he's going to be in front of a judge.

23 Q Sir, you're saying the Court granting your motion --
24 though obviously it was saying there might be a hearing on
25 the motion, and maybe at that hearing you would present

1 some evidence in support, but --

2 A I don't think that's what it says at all.

3 Q I mean, you asked for financial information from
4 Parker's. It was deemed premature because it related to
5 punitive damages, correct?

6 A If it was different than the motion that related to
7 Alex.

8 Q Because the law is how much money you have is a factor
9 for punitive damages, correct?

10 A Well, and you're -- you're making statements of law.
11 I'm telling you what was happening, and what was happening
12 was is that Alex's lawyers knew what the evidence was, they
13 knew what the amendment was going to be and the
14 allegations, and he knew ultimately he was going to be back
15 in front of Judge Hall making some ridiculous argument that
16 it appears you're suggesting now.

17 Q And, again, the gist of this is that there was perhaps
18 going to be this judgment day I think is the term the State
19 has used, but that was going to be trial, right? That was
20 going to be the verdict. That was going to be judgment
21 day, not this motion hearing where there was a pile of
22 motions that have piled up, and we saw the one that asked
23 for financial information was deemed premature.

24 A Not at all. You know, what was going on, as I've said
25 a number of times, Danny Henderson was very involved.

1 Danny Henderson was a shareholder. Before I would have
2 gotten the bank account information, before I would have
3 seen the records, Danny Henderson would have seen those
4 records. And I've seen the records. I've seen all of the
5 bank statements. Now, it would have been apparent to Danny
6 Henderson, and I believe it would have been apparent to me,
7 what Alex had been doing. So, that's the judgment day is
8 the discovery.

9 And there were a lot of threads that were being pulled
10 and it was subject to unraveling at any moment, and if
11 those records were disclosed, if Danny Henderson reviewed
12 those records, he would have known there's no way that Alex
13 is getting these checks. There's no way these checks are
14 going to Forge. There's no way that this money should be
15 transferred.

16 Q And even if hypothetically you had this hearing on the
17 10th and you got a different ruling regarding Alex Murdaugh
18 than you got against Parker's -- for some reason it's not
19 premature to him -- isn't it true all you would have been
20 able -- all you could have gotten would have been a net
21 worth statement, financial statement?

22 A Not even remotely close.

23 Q Is that the -- in your opinion, there's no case law
24 out there saying that's what you get, you know, for --
25 that's the motion for punitive damages net worth. There's

1 no such case in your opinion as an attorney.

2 A I had seven circuit court orders where the circuit
3 court had ruled that you don't bifurcate discovery, that --
4 it wouldn't be proper to have denied the motion and then
5 what are we going to do? We're going to try the case and
6 suddenly we're going to stop the trial and go and do the
7 discovery? No. And so I had seven circuit court orders
8 that I handed up to Judge Hall that supported our position.
9 I think that's what Judge Hall did in his order.

10 And again, the issue is not that complicated. It's
11 does he have the ability to pay. Is he broke such that
12 these people should accept this pitiful offer if he can
13 cobble it together.

14 Q But, sir, that's not what you get on a motion to
15 compel, is it, right? You just said ability to pay so your
16 client can make a decision on whether to accept the
17 settlement offer, but that is not what the motion to compel
18 was about, is it? It's about evidence for trial. That's
19 the legal standard, is it not?

20 A No. The motion was compel was about putting pressure
21 on Alex. I didn't really give two cents whether or not he
22 ultimately had money because I knew he had money. I didn't
23 need those things. The fact that he didn't want me to have
24 them is the reason that I'm pushing them. I just didn't
25 know why he didn't want me to have them at the time. I do

1 now.

2 Q So, the motion to compel was to put pressure on Alex.
3 It wasn't about an expectation the judge was actually going
4 to give you this stuff on June 10th?

5 A If you're a good plaintiff's lawyer, everything you do
6 in a case is to put pressure on the other side.

7 Q But the expectation of the outcome of a hearing on
8 June 10th was not that you're going to get to launch a full
9 scale forensic audit because you had a conversation with
10 someone who said -- whose lawyer said, oh, he's broke, and
11 you didn't believe it, not at that stage of the litigation,
12 sir, is it? That's not what's going to happen, is it?

13 A I don't think you need a full scale forensic audit for
14 something a five year old could see, so no.

15 Q You wanted pretrial ability-to-pay discovery to inform
16 whether or not to accept a potential -- compulsive
17 discovery compelled so that your client could decide
18 whether or not to take a settlement offer?

19 A I know you don't like the answer, but I'm telling you
20 I did not care about the answer. What I cared about was
21 putting pressure on Alex. I think that your assessment of
22 the law is wrong, and I didn't really care whether I got it
23 at the end of day. I knew he didn't want me to have it,
24 and so that's what I was doing was putting pressure on him.
25 It would have suited me fine not to have ever gotten

1 anything and to have leveraged it into a settlement and
2 gone on about my way. That's not what happened.

3 Q So, it was -- the motion was not about obtaining
4 information that may have been relevant at trial. It was
5 about getting information to inform whether or not you
6 want -- your client would take a settlement offer.

7 A What I told Judge Hall was they say he's broke. My
8 people have lived in Hampton their entire lives. They do
9 not believe he's broke. If he's broke, we need to open the
10 books and let them see it so that they can then form an
11 informed opinion about what they should do. It didn't have
12 anything to do with the trial; it had to do with the case
13 and resolving the case.

14 Q Okay, and then I think we briefly touched on
15 Satterfield. Just to be clear, they came to you. The
16 first time they came into your office was September of '21?

17 A It's either late August or early September, but --
18 very early September. And since -- now I'm thinking that
19 since the roadside shooting, whatever that ridiculousness
20 was, was the 4th, it could have been August.

21 Q Okay, but it was after -- well after June 7th.

22 A It was after June 7th.

23 MR. BARBER: Beg the Court's indulgence, please.

24 (Break in proceedings.)

25 Q If the hearing had gone forward on June 10th -- this

1 was Thursday. What outcome did you expect?

2 A The same one that we got when it went forward. The
3 judge hadn't seen --

4 Q The outcome wouldn't have been the Court will schedule
5 a hearing. I mean, if the hearing had gone forward, what
6 outcome do you -- would you have expected?

7 A Well, you know, now I know that Alex was working on
8 Monday to get the information together. If the objection
9 was sufficient, there's no reason he would be getting the
10 information together on Monday. So, I could have gotten
11 the information, but since that didn't happen, if we had
12 argued it, I think I would have had the same outcome
13 because he --

14 Q Let me just make it a littler simpler. Would the
15 Court have issued an order, right? Some order would have
16 issued on the motion.

17 A Yeah. I would expect an order to issue.

18 Q Just break it down. An order would have issued at
19 some point later, and what -- if it were granting your
20 motion, what would that order say?

21 A I think it would say the same thing as --

22 Q Well, sir, that says a motion hearing will be
23 scheduled if necessary. It obviously didn't say that, so
24 what would the order granting the motion say?

25 A Again, what it says is is that once Mr. Tiller gets

1 the information from Alex, gives it to me, if necessary, if
2 I deem it insufficient, then we'll have another hearing and
3 we'll argue about it. So, that's what I expect --

4 Q So, it's a voluntary disclosure, and then if you deem
5 that insufficient, we go have a motion to compel hearing?

6 A That's the way motions to compel go every single day.

7 Q So if you deemed it insufficient, if the Court
8 actually had to issue an order on your motion, you would
9 have gotten every -- you would have gotten his -- would the
10 law firm's books have been opened to you?

11 A I don't know that I'm asking for the law firm books.
12 I'm asking for Alex's accounts.

13 Q Right. Would you got gotten, what, a financial
14 statement?

15 A No.

16 Q The Court would have ordered every account detail
17 listed to you, all of his personal accounts, just because
18 you asked for it to inform a settlement decision?

19 A I was asking for the names of the institutions where
20 he had accounts; I've told you that a couple of times now.

21 Q Right, to subpoena --

22 A Sure, but that's different than if it would have
23 been --

24 Q But that would have been resisted and there would have
25 been further litigation. This process would have taken

1 some time, wouldn't it, if it was resisted, right?

2 A I'm not sure -- if what was resisted?

3 Q If you got the names of the banks and issued
4 subpoenas, there would be motions to quash the subpoenas.

5 A Well, you know, you're speculating the same as you're
6 asking me to speculate. I'm trying to talk to you about
7 what the judge actually did and what was actually in front
8 of the judge. I get you don't want to talk about that,
9 but -- and we can speculate any number of things could have
10 happened.

11 Q That at some point in the future, you would maybe get
12 a voluntary disclosure and if you didn't like it, then the
13 motion would be heard, the motion to compel. That's what
14 you say it says, right?

15 A Well, if we had shown up and they had made the
16 argument that you're advancing here, then maybe in this
17 imaginary world of things that didn't happen the judge
18 would have actually ruled on it. We would have -- we would
19 have a ruling on whether or not it was relevant, whether or
20 not I was entitled to it.

21 Q And it would have been relevant for Alex but not for
22 Parker's.

23 A There are different things that are being asked here.
24 And to your point if it were the same, why didn't the judge
25 sign the same order that you say he would have done?

1 That's not what he did. At the same time we argued the
2 Parker's motion, we argued the motion for Alex, and so he
3 came to two different conclusions on those issues. One is
4 he said it's premature. The other is is that Mr. Tiller is
5 going to get the information, give it to the plaintiffs,
6 and if it's not sufficient, we'll have another hearing. I
7 don't know how you can be any clearer than that.

8 MR. BARBER: Beg the Court's indulgence.

9 (Break in proceedings.)

10 Q So, just maybe we can agree on this. If the hearing
11 had gone forward June 10th, that day would not have been
12 some sort of judgment day when everything unravels,
13 correct? There would have been further activity, maybe a
14 voluntary disclosure analysis by you whether it's adequate,
15 another hearing if you thought it wasn't, maybe some
16 subpoenas would go out. There was going to be some time
17 after that. Is that fair?

18 A I think it's fair that -- to say that there wouldn't
19 have been an explosion on June the 10th, but the fuse was
20 lit the moment that that information became available in
21 the case. Not as much to me, but certainly to Danny
22 Henderson, who would have, like the phone records, like
23 some of the other materials, reviewed it before I got it,
24 and Alex would have known that.

25 Q I mean, in that analogy isn't -- aren't you really

1 saying that the fuse was lit when the -- you were going
2 after his assets, and that fuse was going to go down until
3 trial because you're going to go to trial against him and
4 that's when the fuse would burn down?

5 A I think the fuse was lit when he started stealing
6 money, yeah.

7 Q So, it wasn't lit on -- it wasn't going to be lit on
8 June the 10th?

9 A It's certainly getting a lot more oxygen.

10 Q Right, but it was lit way before and it was going to
11 keep burning well after June 10th.

12 A I don't know about well after, but it wouldn't have
13 been judgment day on June the 10th, but he would have known
14 it was beginning to unravel.

15 Q Not judgment day on June 10th, though.

16 MR. BARBER: No further questions, Your Honor.

17 THE COURT: Yes, sir.

18 MR. WATERS: Very briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. WATERS:

21 Q And that's really the point, isn't it, though? That
22 had that hearing taken place on June 10, 2021, it could
23 potentially set in motion, or it was going to set in motion
24 a process that ultimately would not have ended until there
25 was either a settlement or disclosure of that information,

1 correct?

2 A I believe so.

3 Q And so just the fact of that hearing taking place and
4 whether it's an order or representations by the defense or
5 whatever it is, that process, if it occurs, starts and it
6 has an inevitable conclusion, correct?

7 MR. BARBER: Objection, Your Honor. Leading.

8 THE COURT: Don't lead the witness.

9 Q If the hearing takes place on June 10, 2021, what is
10 the net effect of what could happen at that point?

11 A The discovery of everything he's done.

12 Q Whether it happens that day or some point in time.

13 A Correct.

14 Q You had filed this motion to compel -- or had you
15 filed this motion to compel because you had been advised
16 supposedly that Alex was broke and you didn't believe it?

17 A Exclusively for that reason.

18 Q And you believed that if he was broke, he had to be
19 hiding assets?

20 A And if he were hiding assets, he didn't want me to
21 discover it, which would be the pressure point.

22 Q Were you merely asking for a financial declaration at
23 this June 10, '21, hearing?

24 A No. I was -- it's broader than that, but I wanted the
25 institutions because I knew I couldn't trust the number I

1 would have gotten.

2 Q From Alex?

3 A From Alex.

4 Q You were asked a little bit about having not pled
5 certain theories yet at this point in time such as
6 negligent entrustment. Can you explain a little bit about
7 why that was -- if that was still out there?

8 A It was only out there in the sense of the pleadings
9 that were on file. I mean, we -- John Tiller had already
10 agreed to the amendment. It was already coming, and by
11 showing him the videos a long time before that of alcohol,
12 the Facebook social media likes of Paul consuming alcohol,
13 having alcohol -- so, only in the documents that were
14 filed.

15 Q So, were those issues that were in play in your
16 conversations with the defense?

17 A I'm sorry?

18 Q Were those issues already in play in your
19 conversations with the defense?

20 A I'm not quite following you. Which issue?

21 Q Additional theories of liability that might not have
22 been filed.

23 A Oh, absolutely. No. I mean, those were -- all I'm
24 saying is is that the black ink wasn't on the white paper,
25 but John Tiller knew. We had discussed these are the

1 issues.

2 Q I'm going to hand this back to you. I would show you
3 what has been marked as State's 407 and see if you can
4 recognize that.

5 A Yes. This is the order that I handed whatever that
6 lawyer's name was.

7 Q Mr. Barber?

8 A Yes.

9 Q And that's from October of 2021. Is that correct?

10 A It is.

11 Q You had previously testified that \$1 million, you
12 know, was not really -- was not going to be enough at least
13 prior to the murders. Is that correct?

14 A Correct.

15 Q Had you come up with a number that had been conveyed
16 that was far, far in excess of that?

17 A A demand to Alex?

18 Q Yes.

19 A Yes.

20 Q And that also included signing over Moselle and
21 Edisto?

22 A It was an option.

23 Q As well as a payment plan?

24 A Payment plan was an option. It was you pay this
25 amount, you can sign over these properties, work out a

1 payment plan on the balance. I didn't care how we got it
2 done; it was just a matter of him doing it.

3 Q Was the payment plan an option because you believed
4 that he still would have a lucrative law practice from
5 which he could generate money to pay your clients?

6 A Yes.

7 MR. WATERS: Thank you, Your Honor. Nothing further.

8 THE COURT: Anything further?

9 MR. BARBER: Nothing, Your Honor.

10 THE COURT: Thank you. You can step down.

11 THE WITNESS: Thank you, Your Honor.

12 (The witness exited the stand.)

13 THE COURT: Next witness.

14 MR. WATERS: Your Honor, a couple of things. Our next
15 witness would be Ronnie Crosby. Just to let the Court
16 know, the Court indicated Friday that we kind of already
17 established as far as clear and convincing evidence on the
18 law firm issues. Mr. Crosby would be here about that
19 meeting I referenced to Your Honor just to establish the
20 circumstances of that. I don't plan at this time to get
21 into testimony that he may offer about the circumstances of
22 the fake Forge and all of that based on Your Honor saying
23 that you had heard sufficient evidence regarding that, so I
24 just wanted to make sure that that was acceptable to the
25 Court. I didn't want to cross the bridge, though, with

1 this meeting on June the 10th as to the circumstances of it
2 again, and thus -- that if there was no attorney/client
3 privilege to that because of the presence of third parties
4 then I, you know, at that time -- we don't have to do it on
5 the stand but, you know, I would make myself prep in the
6 evening or whatever privy to that particular conversation.

7 THE COURT: Any other comment about the
8 attorney/client privilege issue, Mr. Griffin?

9 MR. GRIFFIN: Your Honor, I'm still at a loss as to
10 what he's attempting to accomplish through this.

11 THE COURT: He wants to call the -- some of the folks
12 as witnesses who were there when you were there along with
13 Mr. Murdaugh.

14 MR. GRIFFIN: Right, and so if the question -- these
15 witnesses are going to testify as to what Alex and I were
16 talking about -- but we've had attorney/client privilege
17 conversations every day in this courtroom and there are 250
18 people in this room. Does that mean that the conversations
19 are not privileged? I don't think so. And so it really is
20 more nuance than is someone else in the room, and I don't
21 know if they overheard anything that I talked to Mr.
22 Murdaugh about and that's where this is going. Or if the
23 question is Mr. Murdaugh talking to Mr. Crosby and is that
24 privileged, or Mr. Murdaugh talking to Mr. Lee Cope and is
25 that privileged. I don't -- you know, I'm at a loss here.

1 THE COURT: I don't know either, but I would say as
2 far as the law is concerned that Mr. Griffin is not the
3 lawyer for Mr. Crosby or any other party. Mr. Griffin was
4 solely the lawyer for Mr. Murdaugh. So, there is no
5 attorney/client privilege involving people Mr. Griffin
6 doesn't represent.

7 MR. WATERS: Sure. And I guess what -- I'm actually
8 trying out of an abundance of caution to protect his
9 attorney/client privilege. I mean, Mr. Griffin says he's
10 at a loss when I've been bending over backwards to make
11 sure I'm not privy to something that Your Honor might --

12 THE COURT: Well, he doesn't know what you're seeking;
13 I don't know what you're seeking. There is no client --
14 attorney/client privilege involving people that Mr. Griffin
15 does not represent. If you have them as witnesses and
16 you're going to call them as witnesses, if they are
17 necessary witnesses in this hearing, you may proceed.

18 MR. WATERS: Thank you, Your Honor. We would call
19 Ronnie Crosby to the stand.

20 (ORDER MARKED AS MARKED AS STATE'S EXHIBIT NUMBER 409
21 FOR IDENTIFICATION.)

22 THE COURT: You may proceed.

23 The witness, RONNIE CROSBY, was first duly sworn and
24 testified as follows:

25 THE CLERK: Please have a seat in the witness stand.

1 State your name again for the record. Spell your last
2 name.

3 THE WITNESS: Ronnie Crosby, Crosby, C-r-o-s-b-y.

4 DIRECT EXAMINATION

5 BY MR. WATERS:

6 Q Mr. Crosby, how are you?

7 A I'm okay.

8 Q All right. Tell the Court what your profession is and
9 where you work.

10 A I am an attorney practicing law with the Parker Law
11 Group.

12 Q And are you a former law partner of the defendant,
13 Alex Murdaugh?

14 A I am.

15 Q Do you see him in the courtroom here?

16 A I do.

17 Q Where is he sitting?

18 A He is sitting between Mr. Griffin and Mr. Harpootlian
19 at the defense table.

20 Q On -- and, again, this is an *in-camera* hearing so you
21 understand I'm not exploring everything that might,
22 depending on the judge's ruling, be before a jury, but I do
23 want to explore a particular meeting. Were you present for
24 a meeting with -- in which the defendant spoke on June 10,
25 2021?

1 A I was.

2 Q All right, and at this particular meeting, can you
3 tell the Court who all was present?

4 A I'm not going to swear that I don't miss somebody
5 because it was a fluid event. My recollection is it would
6 have been late morning, midday that we gathered at Alex's
7 brother John Marvin's place, which is not very far from
8 Alameda that y'all have been talking about, and I know I had
9 been by to see Mr. Randolph that morning. There was going
10 to be a meeting with law enforcement. They had given Alex
11 a couple of days before they were meeting with him, and so
12 we gathered there. I was present, Mark Ball was present,
13 Lee Cope was present, John Marvin was present. At some
14 point I believe -- and I don't remember exactly when Buster
15 arrived. Jim Griffin arrived at some point, and I want to
16 say Cory Fleming was there, and there could have been
17 others.

18 Q All right. While that group of people were assembled,
19 did the defendant -- and I don't want to get into the
20 content, but did the defendant make any statements about
21 what had happened on the night of June 7, 2021?

22 A He did. We were there as friends. We had been with
23 him every -- starting the night of the murders every day
24 and we were there for support. And he went over the events
25 of that afternoon, or that evening, starting from the time

1 he got home from work until the discovery of Paul and
2 Maggie.

3 Q Where was this discussion taking place? Was it
4 inside? Outside?

5 A We were in John's house there, I guess -- I don't know
6 if he calls it a house or a hunting lodge but we were
7 inside largely. I mean, there was some in and out of the
8 house as well, but the majority, we were all sitting in a
9 room together, and I was doing more listening than talking.

10 Q And were these -- the statements being made by the
11 defendant, were they being made quietly to his counsel, or
12 were they being made openly to all of the people in the
13 room?

14 A Well, the statements that I heard obviously were being
15 for me to hear them. I was not overhearing a conversation
16 that was private between Mr. Griffin and Mr. Murdaugh.
17 They did have some private conversations that the rest of
18 us were not privy to, but -- so, there's a mixture of that.

19 Q But there were private conversations that you don't
20 know what they were because you weren't privy to those,
21 correct?

22 A Correct, and this was before, I believe, the South
23 Carolina Law Enforcement Division agents arrived at this
24 location.

25 Q To be clear for the Court, you did at other times

1 aside from this meeting or this discussion have
2 conversations with Alex about his activities the night
3 of June 7, 2021, that were outside of this. Is that
4 correct?

5 A That's correct. I mean, obviously we all were in
6 shock but also wanted to try to find out what all had went
7 on because we -- you know, as we got past that night of
8 June 7th and the morning of June 8th, we're all, you know,
9 trying to help find out what had happened and, you know,
10 who may have been a potential suspect.

11 Q But in this investigation and in preparation, you were
12 instructed to stay away from those -- from that meeting as
13 opposed to the other ones that weren't in that meeting out
14 of an abundance of caution until we could get guidance from
15 the Court as to whether or not those in any way were
16 protected. Is that correct?

17 A That's correct. I mean, I -- we had multiple
18 conversations, as you might expect, all of us in a group,
19 and there may have been pieces and parts, but what you and
20 I have discussed up until now have been outside of what was
21 discussed on June 10th at John Marvin's house.

22 MR. WATERS: Your Honor, I believe I don't have
23 anything further for the purposes of this matter.

24 THE COURT: Anything further?

25 MR. GRIFFIN: Yeah. May it please the Court?

1 CROSS-EXAMINATION

2 BY MR. GRIFFIN:

3 Q Mr. Crosby, I believe Danny Henderson was also there?

4 A Yeah. I told you I might miss one, but was Danny was
5 there? I don't think Danny was there at first, but he
6 ultimately arrived.7 Q And the meeting had been scheduled so that Alex and
8 others, his brother Randy, for one, and John Marvin and
9 Buster could be interviewed by SLED. Is that correct?10 A That's correct. The purpose was to -- that SLED
11 scheduled a time, and I don't know who scheduled it with
12 them. And you're correct, Randy was there. And it was
13 essentially going over the timeline of the evening of the
14 7th because knowing that Alex was going to be interviewed
15 and, I think, Buster was and maybe Randy and John Marvin,
16 over the course of that afternoon.17 Q Now, you were not scheduled to be interviewed,
18 correct?19 A I was not scheduled to be interviewed. And, Jim, now
20 that you speak of it, I do think that while Mr. Randolph
21 did not come into the meeting, he and whoever brought him
22 over did come by -- there were two that I had forgotten --
23 and then went back to Alameda.

24 Q Where he died within hours of that, right?

25 A He died as we were leaving or right after we left this

1 meeting with law enforcement. We were on our way back
2 to -- and Randy got a call.

3 Q Did you sit in any of the interviews with -- conducted
4 by SLED in the car?

5 A I did not.

6 Q Okay, and Lee Cope was there and he was not to be
7 interviewed, right? That's not why he was present.

8 A We were there as friends to provide support and
9 listen.

10 Q And Mark Ball also was present.

11 A Mark was, and I know Mark had some meetings with law
12 enforcement about some concerns that he had, you know,
13 about potential suspects and safety of --

14 Q And had -- do you recall whether you and/or Mark and
15 Lee had given Alex some advice about whether he needed to
16 have a lawyer at this interview?

17 A I don't remember that specifically. But knowing that
18 you were already involved, I mean, any of us would have
19 thought it was a good idea.

20 Q Okay. Do you know whether Alex considered you and
21 Mark and Lee, as well as Danny and Cory, you know, as his
22 counsel that day? I mean, do you know what he was
23 thinking?

24 A I don't know what he was thinking, but he never
25 approached me as his lawyer or throughout this -- I never

1 had the perception that I was representing him.

2 Q Well, did you, or in your presence Mark Ball or Lee
3 Cope, make it clear to Alex that, hey, we're not your
4 lawyers here, and if you talk to Jim Griffin in my presence
5 then there goes the attorney/client privilege? Did you
6 give him that warning?

7 A Mr. Griffin, we're all lawyers, other than John and
8 Buster, that were there. I don't think anybody needed to
9 say that. It never crossed my mind that when we were
10 sitting in a room and all of us were talking that we were
11 somehow representing Alex.

12 Q Well, I understand that. And -- okay, but --

13 A Nor would I ever do that because I don't practice in
14 the area that you do.

15 Q Right, but it was clear that Danny had an ongoing
16 attorney/client relationship with Alex. Is that right?

17 A He did with regard to the boating accident. He was
18 Alex's personal counsel in that.

19 Q And Danny had sat in the initial interview in the --
20 that was conducted by SLED Agent Owen and Colleton County
21 Deputy Laura Rutland on the night of June the 7th. Were
22 you aware of that?

23 A Yes, I was aware of that.

24 Q Okay, and he was representing Alex during that
25 interview as far as you know?

1 A I don't know. I saw -- I mean, I know when Alex got
2 in the car we felt like one of us ought to sit in there
3 with him, you know, for support, because --

4 Q Well, can you say for certain that whenever you heard
5 conversations from Alex about his recollection of what
6 happened on the 7th that there were any non-lawyers in the
7 room? And I guess non-lawyers would have been Buster and
8 John Marvin. Can you say for certain there were no
9 non-lawyers in the room?

10 A That there were --

11 Q That -- you're referring to hearing conversations with
12 Alex in the group about what happened on the evening -- the
13 events on the evening of June the 7th, and my question to
14 you is when Alex was making these statements -- let me make
15 it clear. Were there just lawyers in the room?

16 A I can tell you that John and Buster were there for
17 points of time. Can I tell you who was sitting and whether
18 John had walked out when I heard any specific thing? I
19 can't tell you that. I couldn't catalog because, as I
20 said, it's a little bit fluid, people coming and going, you
21 know, law enforcement arriving outside and people walking
22 out to greet them. It wasn't like the SLED agents just
23 showed up and it was, you know, some rigid thing where you
24 walked out, and there was small talk going on with the
25 officers as well.

1 Q Sure. Okay.

2 MR. GRIFFIN: One second, Your Honor, please.

3 (Break in proceedings.)

4 MR. GRIFFIN: That's all of the questions I have, Your
5 Honor.

6 MR. WATERS: Nothing further, Your Honor.

7 THE COURT: Thank you.

8 (The witness exited the stand.)

9 THE COURT: Any additional witnesses on this issue?

10 MR. WATERS: This particular issue, no. I know that's
11 a little bit different than the larger issue we've been
12 dealing with, and I'll certainly be happy to argue further
13 if the Court would like.

14 As far as the larger issues, one of the things that
15 we -- in discussions with the defense that we've stayed
16 away from so far in testimony is the side of the road, and
17 that might be the other piece of the puzzle a little bit
18 that might need some *in-camera* testimony as I think all of
19 this through. I do -- and I know that we're butting up
20 with the jury being here shortly, but --

21 THE COURT: That can be done at a later time.

22 MR. WATERS: Yes, sir.

23 THE COURT: Anything further on this issue regarding
24 evidence of other crimes?

25 MR. WATERS: Aside from the side of the road, not at

1 this time, no, Your Honor.

2 THE COURT: All right. Do you have other witnesses to
3 present on any other issue at this time?

4 MR. WATERS: No, sir, other than I had a summary
5 witness for the side of the road but, you know, that would
6 be it, again, for the *in-camera* proceedings before Your
7 Honor to get a handle on all of the 404 stuff that we're
8 talking about.

9 THE COURT: All right.

10 MR. WATERS: That would be it unless we did the side
11 of the road.

12 THE COURT: We're going to take a break for about 5
13 minutes and I will announce my decision regarding this
14 other evidence.

15 END OF *IN-CAMERA* HEARING

16 (A break was taken.)

17 THE COURT: This issue is before me on the motion of
18 the State to admit evidence pursuant to Rule 404B of the
19 South Carolina Rules of Evidence, and also under the *res*
20 *gestae*. Of course, the defendant is on trial for the
21 murder of his wife and son, and over the course of the past
22 several days we have conducted an extensive *in-camera*
23 hearing. The Court has reviewed all of the exhibits
24 submitted, and I have considered the testimony of each and
25 every witnesses, and I have concluded that the motion

1 should be granted.

2 Under the law of this State, evidence of other crimes
3 is not admissible to prove the character of a person in
4 order to show action in conformity therewith. An
5 exception, however, exists where the evidence is offered to
6 show motive, identity, the existence of a common scheme or
7 plan, the absence of mistake, or accident, or intent. And
8 before admitting this evidence, the Court must first
9 determine if it's relevant. Our rules define relevance as
10 evidence having any tendency to make the existence of any
11 fact that is of consequence to determination -- to the
12 determination of the case more probable or less probable
13 than it would be without the evidence.

14 After determining relevance, the Court must determine
15 if the evidence falls within an exception to Rule 404. In
16 determining if an exception exists, the evidence must be
17 logically relevant to the particular purpose or purposes
18 for which it is sought to be introduced, and this requires
19 the Court to analyze whether a logical nexus exists.
20 Evidence is logically relevant when it reasonably tends to
21 prove a material fact at issue. And, of course, the
22 evidence of any other crime offered to be admitted into
23 evidence, or proven, or testified to, must be proven by
24 clear and convincing evidence, and the Court is to conduct
25 an -- or required to conduct an analysis under Rule 403,

1 which weighs the probative value versus the prejudicial
2 effect.

3 According to the State, the nexus is supported by the
4 unusual circumstances of the murders in that the defendant
5 was the last person to see his wife and son alive, and he
6 is the one who discovered the bodies, all in a relatively
7 short period of time. The State has presented evidence in
8 this *in-camera* hearing, evidence of numerous financial
9 crimes allegedly committed by Mr. Murdaugh. The State
10 argued that the logical nexus between the murders and other
11 crimes is that the looming exposure of the financial crimes
12 provided motive for the murders and is evidence of malice,
13 an essential element of the crime of murder.

14 On June 7th, the defendant was confronted about
15 \$792,000 missing from the law firm. Again, on that sum the
16 State contends that millions of dollars were
17 misappropriated by the defendant, and this misappropriation
18 would imminently be exposed. We've heard from the
19 bookkeeper for the law firm, Jeannie Seckinger, who
20 testified to confronting the defendant on the day of the
21 murders about the missing \$792,000 from the case that
22 she -- that he worked on with Attorney Chris Wilson. She
23 previously questioned Mr. Murdaugh concerning the proper
24 disbursement of fees in the case of the *State v.*
25 *Hershberger* wherein it's alleged that Mr. Murdaugh sought

1 to put the fees in the name of his wife, Maggie, to hide
2 them from discovery in the boat case. She testified that
3 the firm conducted a forensic audit, which then documented
4 millions of dollars of misappropriated funds by defendant,
5 funds that the law firm had to replace. The defendant, the
6 defendant and his son Paul had been sued following the
7 fatal boat crash, and the defendant had been served a
8 motion to compel production of his financial information.
9 On the day of the murders, according to the testimony, the
10 defendant was preparing for the motion to compel, which had
11 been set -- which was set to convene in three days.

12 We've heard testimony from Jan Malinowski, the
13 president and CEO of Palmetto State Bank. He provided
14 testimony and documentation to millions of dollars owed by
15 the defendant to Palmetto State Bank, all while the
16 defendant was frequently carrying a substantial negative
17 account balances. Michael Gunn, a consultant with Forge
18 Consulting, testified that the defendant created a fake
19 bank account using the firm name of Forge, and according to
20 the testimony of Ms. Seckinger, this fake account was used
21 as the main depository for a substantial -- in fact, most
22 of the misappropriated funds.

23 We heard testimony from Attorney Chris Wilson about
24 confronting the defendant about the missing \$792 (sic) and
25 the personal sum to him owed, over \$192,000, he later

1 discovered, and that testimony, or that confrontation took
2 place on June 7th. Mr. Murdaugh later confessed to have
3 stolen those funds, along with committing a multitude of
4 other crimes, and also claiming to be suffering from drug
5 addiction.

6 You heard from Michael Satterfield who Mr. Murdaugh,
7 according to him, represented him in a lawsuit against
8 himself involving the death of Gloria Satterfield,
9 Michael's mother, who was the housekeeper of Mr. Murdaugh.
10 He testified that he heard of the -- through the courts
11 that money had been recovered in the case, and he discussed
12 it with Mr. Murdaugh, and Mr. Murdaugh told him that no
13 money had been recovered and it would take a year or so.
14 It was later revealed that money had been recovered and
15 that a confession of judgment was later issued in the sum
16 of \$4,304,000. Also received testimony from Mr. Carson
17 Burney with the State Attorney General's Office who traced
18 funds in and out of the bank accounts.

19 I find that the jury is entitled to consider whether
20 the apparent desperation of Mr. Murdaugh, because of his
21 dire financial situation, threat of being exposed of
22 committing the crimes for which he was later charged with,
23 resulted in the commission of the alleged crimes. While
24 motive is not a necessary element, the State must prove
25 malice, and evidence of motive may be used to prove that.

1 In this case, since the identity of the perpetrator is
2 a critical element, it must be proven beyond a reasonable
3 doubt. Evidence of motive may be used in an attempt to
4 meet that burden. This evidence of other crimes is
5 admissible and it's non-propensity, as it does not suggest
6 to the jury that the defendant has a tendency to commit
7 murder. I specifically find that these other crimes will
8 not lure the jury into declaring guilt on a different
9 ground than the specific charge. Thus it's not -- thus it
10 is non-propensity evidence and supported by state law.
11 Therefore, this non-propensity evidence of other crimes is
12 admissible under Rule 404B and Rule 403 in that the
13 evidence, which may be prejudicial, but it's more probative
14 than prejudicial.

15 As to *res gestae*, the State alleges that Mr. Murdaugh
16 was under immense pressure after being confronted about
17 missing fees, the upcoming hearing, and a motion to compel
18 his financial information, his dire financial straits, and
19 looming exposure of his criminal activity, and the State
20 contends that led -- that situation lead to the murder of
21 Maggie and Paul Murdaugh. Our courts have held that where
22 evidence of other crimes is an integral part of the crime
23 for which a defendant is charged, or it is needed to aid
24 the jury in understanding the context with which the crime
25 occurred, then that evidence is admissible under the theory

1 of *res gestae*, *res gestae*, as some might pronounce it.

2 I find that the activities and conduct of the
3 defendant on June 7th of 2021 as testified to is admissible
4 to under *res gestae*, and that this evidence furnishes a
5 part of the context of the alleged crime as necessary to
6 the full presentation of the case, which the State is
7 entitled, particularly since the State is relying heavily
8 on circumstantial evidence. I find that it is so
9 intimately connected with an -- explanatory of the crime
10 charged under the theory the State is seeking to prove that
11 proof of it is essential to complete the story.

12 Our courts have further declared that where the full
13 presentation of the evidence is admissible, that there is
14 no reason to fragmentize the events under inquiry by
15 suppressing parts of the *res gestae*. Further in *State v.*
16 *McGee*, the Court held that where *res gestae* -- evidence of
17 *res gestae*, or part of *res gestae* is properly admitted,
18 then no 404B or *Lyle* analysis is reached. However, as in
19 finding admissibility of the evidence, which I have done,
20 and finding it within the *res gestae*, I nevertheless
21 conducted a Rule 404B analysis, or *Lyle* analysis, though
22 not needed.

23 In conclusion, the State's motion to admit the other
24 evidence, or evidence of other crimes, is admitted. I will
25 file a more formal order granting the State's motion later

1 today.

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

3 THE COURT: Are we ready for the jury?

4 MR. WATERS: I believe we are.

5 MR. GRIFFIN: Your Honor, one point on Your Honor's
6 ruling. I don't know that they're getting into the
7 financial stuff, but we do have proposed limiting
8 instruction that we would ask the Court to give at the time
9 they offer the evidence.

10 THE COURT: Yeah, thank you very much. And certainly
11 upon request of the defense, the Court is required to give
12 a limiting instruction.

13 MR. WATERS: And, Your Honor, with the scheduling, it
14 will probably be late afternoon or tomorrow when we start
15 to cross into some of those financial witnesses.

16 THE COURT: Have you viewed the defendant's proposed
17 limiting instructions?

18 MR. WATERS: I'm looking at it right now, Your Honor.

19 (Break in proceedings.)

20 THE COURT: And, Mr. Griffin, you want me to give this
21 after the testimony or before the testimony or --

22 MR. GRIFFIN: Before the testimony is offered, Your
23 Honor, from a financial witness.

24 MR. WATERS: That's fine, Your Honor. I would just --
25 as to the specific language here, obviously it has -- the

1 next to the last sentence it has it's being allowed and
2 makes a specific representation by the State only refers to
3 motive and identify. It's more of a 404 than a *res gestae*.
4 I don't know that that sentence is necessary. The last
5 sentence I think also has a typo in it, but I would --
6 generally, though, I have no problem with this charge, and
7 I would have no problem with it beginning -- being given
8 before such financial evidence is received.

9 THE COURT: You've indicated those witnesses will
10 testify later today or tomorrow?

11 MR. WATERS: Probably not late today, but certainly
12 tomorrow.

13 THE COURT: Okay. All right. Well, you have an
14 opportunity to submit your own proposed limiting
15 instruction, or to confer with defense counsel and see if
16 you all agree.

17 MR. WATERS: Absolutely. We'll work on that, Your
18 Honor.

19 THE COURT: Of course, the -- yeah. The question of
20 *res gestae* and whether or not a limiting instruction is
21 required for *res gestae* testimony.

22 MR. GRIFFIN: No, I understand, Your Honor. And I
23 guess I understood the scope of the Court's ruling to be
24 beyond *res gestae*, or *gestae*, and to include prior events
25 that didn't -- that weren't -- he wasn't confronted about

1 on June 7th. Now, if the Court's ruling is limited to the
2 confrontation on June 7th about that transaction, then it
3 would be *res gestae*.

4 THE COURT: It's not limited to June 7th. June 7th
5 also includes *res gestae*.

6 MR. GRIFFIN: I understand.

7 THE COURT: But the ruling includes all evidence of
8 financial crimes that may likely have led to a motive, or
9 lend itself to motive for the crime committed, and that
10 would be before or after.

11 MR. GRIFFIN: Yes, sir, I understand the Court's
12 ruling. I will for the record when it is offered just make
13 a formal objection to protect the record.

14 THE COURT: Yes, sir. I understand.

15 MR. GRIFFIN: Showing no disrespect to the Court.

16 THE COURT: I understand.

17 MR. GRIFFIN: Thank you.

18 THE COURT: Okay. Are we ready for the jury?

19 MR. WATERS: The State is ready proceed, Your Honor.

20 THE COURT: Bring them on.

21 (The jury returned to the courtroom.)

22 THE BAILIFF: The jury is present, sir.

23 THE COURT: Thank you.

24 Good morning. Right at noon. 11:58, it's still
25 morning. We'll embark on day number eleven.

1 Call your next witness.

2 MR. MEADORS: May it please the Court?

3 THE COURT: Yes, sir.

4 MR. MEADORS: The State of South Carolina will now
5 call Ms. Mushelle Smith to the stand.

6 The witness, MUSHELLE SMITH, was first duly sworn and
7 testified as follows:

8 THE CLERK: Take a seat in the witness stand, state
9 your name again, and spell your last name.

10 THE WITNESS: Mushelle Shelley Smith.

11 DIRECT EXAMINATION

12 BY MR. MEADORS:

13 Q Did you take a deep breath?

14 A Yes.

15 Q What is your first name?

16 A Mushelle.

17 Q Spell that, please.

18 A M-u-s-h-e-l-l-e.

19 Q Where did you get that name from?

20 A My auntie named me.

21 Q And where did she get that name from?

22 A I don't know.

23 Q Is it Mushelle with a U?

24 A U, yes, correct.

25 Q During the course of this, if you don't mind, is it

1 okay if I call you Ms. Smith or Ms. Shelley, or Shelley? I
2 really don't know what's going to come out of my mouth
3 sometimes. Is that okay?

4 A That's okay.

5 Q But do you go by Shelley?

6 A Yes.

7 Q Please tell these folks, Ms. Smith, about Mushelle
8 Smith, where you were born, where you were raised, please.

9 A Hampton, South Carolina.

10 Q And, ma'am, if you don't mind just pulling this up a
11 little bit and speaking into it.

12 A Okay.

13 Q Thank you. Go ahead.

14 A I was born in Hampton County. I have four grown kids.

15 THE COURT: A little louder, Ms. Smith.

16 A I was born in Hampton County, four grown kids, six --
17 eight grands. And I work in the Hampton County District
18 for the last twenty-eight years. Food service is my
19 profession.

20 Q And if you need to pull that chair up, I just want you
21 to be comfortable. All right. You said you had four adult
22 kids.

23 A Yes.

24 Q Then you said six to eight grands?

25 A Eight grands.

1 Q Okay, and raised where?

2 A Hampton, South Carolina.

3 Q Okay. Where did you go to high school?

4 A Wade Hampton High School.

5 Q And what did you do after high school, Ms. Smith?

6 A Got married, raised my kids, and that's been it.

7 That's my profession. That's it.

8 Q And that is the hardest profession, raising children?

9 A Yes.

10 Q You had four kids.

11 A Four kids.

12 Q And when you were raising them, you were raising them,
13 taking care of the family.

14 A Yes, uh-huh.

15 Q And are any of your family here today?

16 A Yes, my brother and my daughter.

17 Q Who -- what's your brother's name?

18 A Michael Smith.

19 MR. MEADORS: Michael Smith, will you stand up?

20 Q Is that your brother?

21 A Yes, that's my brother.

22 Q And who else is here?

23 A My daughter, Roshelle.

24 MR. MEADORS: Ms. Roshelle, will you stand up? Thank
25 you.

1 Q They're here supporting you today?

2 A Yes.

3 Q Don't take this the wrong way. Other than raising a
4 family, which is the hardest job, were you doing anything
5 else during that time period?

6 A Not until 1995. I started working at the school
7 district.

8 Q Okay. Did you work in your church while you were
9 raising your family?

10 A Yes, I worked at church.

11 Q Okay, and that's what I'm asking you. What did you do
12 with your church while you were raising your family?

13 A Usher, kitchen ministry.

14 Q Kitchen ministry?

15 A Uh-huh. Yes.

16 Q And how long did you do that?

17 A All my life, church.

18 Q Are you still doing that?

19 A Yes.

20 Q And you don't have to name your church, but where is
21 your church located?

22 A Fairfax, South Carolina.

23 Q Okay. So, at some point after your children moved up
24 in years or got older, did you start another profession?

25 A Yes.

- 1 Q Okay, and tell the ladies and gentlemen what that was,
2 please, ma'am?
- 3 A Private home care.
- 4 Q I'm sorry?
- 5 A Private home care, a caregiver.
- 6 Q How did you get into that?
- 7 A My aunt.
- 8 Q And was she in that business?
- 9 A Yes. She's a LPN, yes.
- 10 Q An LPN?
- 11 A Yes.
- 12 Q Licensed practical nurse.
- 13 A Yes.
- 14 Q And when did you get in the home care business?
- 15 A Probably about ten or twelve years ago.
- 16 Q All right. Now prior to that, had you already started
17 with the school?
- 18 A Yes. I was still at the school also.
- 19 Q Okay. Tell them when you started with the school.
- 20 A The school in 1995, it was -- that's correct, 1995.
- 21 Q And what school did you start with?
- 22 A At North Central Middle School in Varnville, South
23 Carolina.
- 24 Q North Central Middle of Varnville.
- 25 A North Cental Middle School, yes.

1 Q What did you do for them?

2 A Food service.

3 Q And how long did you do that at that school?

4 A I've been there for nineteen years at North Central
5 Middle School.

6 Q After that, did you change --

7 A Yes.

8 Q -- locations?

9 A Yeah. Six years later I went to Wade Hampton High
10 School.

11 Q And for those of us that don't know, where is that?

12 A Varnville, South Carolina.

13 Q And you've been there six years?

14 A Oh, no. Six years at the Wade Hampton High School.

15 Q So, total years in the school system is what?

16 A Twenty-eight years.

17 Q And you're still there.

18 A Still there.

19 Q So, you started home healthcare while you were still
20 teaching school or still going to school.

21 A Going to school working in food service.

22 Q And will you please tell them, you said your aunt got
23 in the business. Were you working with one family at a
24 time or did you have --

25 A Different families at a time, different families.

1 Q And how long would you stay with the family once you
2 became their caregiver?

3 A It all depends on how long. If they were deceased, I
4 would move on to some other family.

5 Q So, is it fair to say you stayed with the family until
6 the person passed on?

7 A Passed on, that's correct.

8 Q Okay, and then how did you get other jobs as far as --
9 in that care giving profession?

10 A My aunt always called me and said there was another
11 job, and she would put me on that job.

12 Q Okay. So, to give the jury an idea before we get to
13 that case, your schedule would be what when -- you are
14 still working at the school and a caregiver?

15 A Yes.

16 Q Okay. So, what was your typical day like?

17 A My typical day, I leave at 7:30. I have to be at
18 school at 8:00 that morning. I would stay there until a
19 quarter til 2:00, make my deposit for the school, and then
20 leave, be -- go to my next job.

21 Q And can you tell this jury, Ms. Smith, how it came
22 about that you started working for the Murdaughs?

23 A It was a job opening. I think one of the caregivers
24 mentioned it to me, and I said yes, I will be interested in
25 going. And that's how it started.

1 Q Okay, and one of the caregivers mentioned your name.
2 Do you know who that was?

3 A Yes, sir.

4 Q Okay.

5 A Ms. Barbara Nixon.

6 Q Ms. Barbara Nixon?

7 A Yes, sir.

8 Q So, there was an opening. Your name got brought up.

9 A Yes.

10 Q And can you tell these folks when that was? When did
11 you start working for the Murdaugh family?

12 A It was October of 19 -- 2019.

13 Q And what was your role as a caregiver specifically for
14 the Murdaughs?

15 A Ms. Libby, Taking care of Ms. Libby, Ms. Libby.

16 Q Was Mr. Randolph -- I knew him as Solicitor Randolph
17 Murdaugh, but was Mr. Randolph, was he there living when
18 you started there?

19 A Yes. He was, yes.

20 Q And that's what we've referred to as Almeda?

21 A Yes. Almeda, yes.

22 Q Who was -- what was your primary job as the caregiver?
23 Were you there to take care of Solicitor -- or Mr. Randolph
24 or was your primary job for Ms. Libby?

25 A Ms. Libby.

1 Q Did you also ever tend to Mr. Randolph's --

2 A Every now and then, uh-huh.

3 Q But your main focus was Ms. Libby.

4 A Ms. Libby, yes.

5 Q From October 19th up until June 21st, Ms. Smith, and I
6 want to be very delicate in this question, I think this
7 affects everybody in the world, this jury and everybody,
8 but did Ms. Libby's condition get worse?

9 A Yes.

10 Q And was she suffering from something that affects all
11 of our families, Alzheimer's?

12 A Yes.

13 Q And that got worse from the time you started until
14 June?

15 A Yes, uh-huh.

16 Q Well, in June of 2021, how would you describe Ms.
17 Libby's condition?

18 A Alzheimer's, you know, couldn't remember anything at
19 times.

20 Q In your opinion as her caregiver, was she aware of
21 what was going on around her?

22 A No.

23 Q All right. Specifically in June of 2021, Ms. Smith,
24 or May/June of '21, tell these folks what your school
25 schedule was and then your work schedule with the

1 Murdaughs.

2 A Okay. My school schedule was 7:20 I would leave home,
3 be at school at 8:00, and I leave there at 1:45. Go home
4 -- make my deposit at the bank, go home, rest, come back to
5 work at quarter to 8:00. I had to be there at 8:00 p.m. at
6 night. I would stay all night and leave a quarter until
7 8:00 the next morning, leave there, and go back to the
8 school.

9 Q So, was that the shift you were working for the
10 Murdaughs primarily?

11 A Yes.

12 Q And 8:00 p.m. to 8:00 a.m. shift.

13 A Yes, uh-huh.

14 Q When did you sleep after you went to school?

15 A Took little cat naps every now and then.

16 Q But would you go home after you made your deposit?

17 A Yes.

18 Q And you would rest?

19 A Yes, rest while I was home.

20 Q And then did you have a change of clothes at the
21 Murdaughs for when you went straight to school the next
22 morning?

23 A Yes, uh-huh.

24 Q Well, ma'am, I'd like to take you to June 7th of 2021,
25 if you'll go back there. If we can take them back in your

1 mind and take this jury back there right now, please,
2 ma'am? Were you working as a caregiver for Ms. Libby
3 Murdaugh on June 7th of 2021?

4 A Yes.

5 Q Now, had Mr. Randolph -- again, I know him as
6 solicitor, but had Mr. Randolph's condition worsened? Had
7 he gotten -- was in the hospital -- was he there when you
8 got there on June 7th?

9 A No, he was not.

10 Q Okay. Do you know where he was?

11 A He was in the hospital.

12 Q What time did you get to the Murdaughs', Ms. Libby's
13 residence and Mr. Randolph's residence, on June 7th of
14 2021?

15 A Quarter 'til 8:00.

16 Q Okay, and that's the time you were there.

17 A Yes.

18 Q And you're never late, are you?

19 A No.

20 Q Okay, and is somebody waiting to leave for you to get
21 there?

22 A Yes.

23 Q And this night who was there?

24 A Ms. Barbara Mixon, I'm thinking. I think it was
25 Barbara.

1 THE COURT: Ms. Smith, I'm having trouble
2 understanding your words. Can you speak maybe louder? I
3 know you can't change your voice.

4 THE WITNESS: Yes, sir.

5 THE COURT: But a little louder, please, or closer to
6 the mic.

7 Q Can you tell us what Ms. Libby -- when you got there
8 on June 7th of 2021 shortly before 8:00, where was
9 Ms. Libby?

10 A In the bed.

11 Q And as a professional caregiver -- and this was what
12 time of night?

13 A 8:00 at night.

14 Q If one of your patients that you're taking care of is
15 in the bed resting, do you like to disturb them?

16 A No.

17 Q If they're sleeping, do you want to wake them up?

18 A No.

19 Q So when you got there, was Ms. Libby in bed?

20 A She was in bed, yes.

21 Q And do you get briefed by Ms. Mixon on what happened
22 during the day, or do y'all exchange hey --

23 A You know, come in, you know, change her if she needs
24 to be changed or whatever like that.

25 Q Make sure that she's dry?

1 A She was dry, not wet, yes.

2 Q And was your -- what's your position when you're there
3 when -- you're in her room, Ms. Libby's room?

4 A Yes.

5 Q Where do you -- where is your -- where do you sit when
6 you're in the room? What do you do to help take of her?

7 A In the recliner. I have a recliner, sit there.

8 Q And is there a TV in the room?

9 A Yes.

10 Q And is the TV usually on when you're there with Ms.
11 Libby in the evening or just --

12 A Yes.

13 Q Was it on this night?

14 A It was on, yes.

15 Q And do you remember what y'all were watching, or what
16 was on TV?

17 A *America Says*. It's a game show.

18 Q Say again?

19 A *American Says*, the game show.

20 Q Okay. How long has that been on?

21 A It stays on, it's repeats. It's afterwards -- repeats
22 itself.

23 Q What channel is that on?

24 A The game network show.

25 Q Okay.

1 A Channel, excuse me.

2 Q At some point in the evening of June 7th of 2021, did
3 you see Alex Murdaugh?

4 A Yes.

5 Q Do you remember what time it was approximately?

6 A The game show was on, so it had to have been 8:30 or
7 9:30, somewhere in there.

8 Q 8:30, 9:00, 9:30?

9 A It was somewhere in there.

10 Q Is it fair to say it was later in the evening?

11 A It was later in the evening, yes.

12 Q And you had worked that schedule for that 8:00 p.m. to
13 8:00 a.m. shift for how long?

14 A Two years.

15 Q Two years.

16 A Two years.

17 Q Was it unusual to see Alex Murdaugh at that residence
18 that time of night?

19 A Yes. On my shift, yes.

20 Q And that's the only shift you had worked.

21 A Yes.

22 Q So, the 8:00 p.m. to the 8:00 a.m. shift, it was
23 unusual to see Alex Murdaugh there visiting, correct?

24 A Correct, yes.

25 Q Had he ever been over there before that time of night?

1 A I think different -- off and on. It all depends.

2 Q When he got there, can you tell the jury what
3 happened?

4 A He called the house and told me he was outside.

5 Q Okay. He called the house.

6 A Uh-huh, yes.

7 Q What phone did he call? That's a terrible question.
8 I mean, was it your phone? The house phone? I'm not --

9 A The house phone.

10 Q Okay, and when you answered the house phone, what did
11 he say?

12 A He was outside, to let him in.

13 Q He was outside the house?

14 A Yes.

15 Q Right outside the house.

16 A Yes.

17 Q And he called you.

18 A Yes.

19 Q And he said let me in?

20 A Uh-huh, yes.

21 Q And after he called you, how long did it take you to
22 go open the door to let him in?

23 A Probably about 5 minutes.

24 Q So, he was right there --

25 A Uh-huh.

1 Q -- at the house.

2 A Yes.

3 Q You let him in?

4 A Of course, yes.

5 Q Okay. Do you remember what he was wearing?

6 A Shorts and a t-shirt.

7 Q Okay. Do you remember what kind of shoes he had on?

8 A It was cloth shoes, like Sperrys, that type of
9 material. Sperrys, that type of material, cloth shoes.

10 Q Cloth shoes?

11 A Yes. Like cloth, yes.

12 Q And you said something called Sperrys?

13 A Something like Sperrys, you know, that kind of -- but
14 it was cloth.

15 Q It wasn't boots.

16 A No. It wasn't boots, no.

17 Q And are you familiar with tennis shoes?

18 A Yes.

19 Q Was it tennis shoes?

20 A No, it wasn't tennis shoes.

21 Q Cloth Sperry type shoes.

22 A Yes.

23 Q Did he have any socks on?

24 A No.

25 Q Tell the ladies and gentlemen of the jury, could you

1 describe Alex Murdaugh's demeanor on June 7th when you were
2 there with him and his mother, Libby? How was he acting?

3 A Like fidgety. Fidgety, like fidgety. Just normal.

4 THE COURT: What did you say, ma'am?

5 THE WITNESS: Like, he was fidgeting.

6 THE COURT: Fidgeting.

7 Q Fidgeting, is that what you're saying?

8 A Yes.

9 Q Okay, and did he tell you why he was there?

10 A No. He just came to see his mother.

11 Q Okay. Did he talk to his mother?

12 A Uh-huh, but she was asleep, yes.

13 Q She was asleep?

14 A Uh-huh.

15 Q Okay, and what did he do? What did Alex Murdaugh do
16 when his mother was asleep?

17 A He came and sat on the bed, asked me what I was
18 watching. I said *America Says*. It's a game show.

19 Q Did he say anything to his mama?

20 A It was a hey, Mom, how are you doing, you know, just
21 came to check up on you.

22 Q Did he say why he'd come to check up on her?

23 A Because his daddy was in the hospital, you know. He
24 called him Handsome, was in the hospital.

25 Q And in your opinion as being there, her caregiver, did

1 she even know that he was there?

2 A No.

3 MR. GRIFFIN: Objection, Your Honor.

4 THE COURT: The objection is overruled.

5 Q You said no?

6 A No.

7 Q How long did he stay in the room with y'all? And I
8 say y'all. For the record you and Ms. Libby, I apologize.

9 A About fifteen or 20 minutes.

10 Q Was he moving around the room?

11 A No. He was laying on the bed.

12 Q Did he have his phone with him?

13 A Yes.

14 Q Was he looking at his phone?

15 A Yes, he was on it.

16 Q I'm sorry, ma'am, what?

17 A Yes, uh-huh.

18 Q After that initial conversation, you said he said I'm
19 here?

20 A Uh-huh.

21 Q Did he have any other -- or attempt to have any other
22 conversation with Ms. Libby?

23 A No.

24 Q Okay. Did he ever hold her hand?

25 A Yes, he did hold her hand.

1 Q He did hold her hand?

2 A Yes.

3 Q Did he talk to her?

4 A Yeah. She was in the bed, yeah.

5 Q And her condition then was what?

6 A She was asleep off and on, asleep.

7 Q How long did he stay there?

8 MR. GRIFFIN: Objection, asked and answered.

9 MR. MEADORS: I forgot.

10 A 20 minutes.

11 Q Okay. 20 minutes.

12 A Uh-huh, about 20 minutes.

13 Q Okay. What happened after that?

14 A He left, uh-huh.

15 Q Your shift ended when?

16 A 8:00 the next morning.

17 Q At some point after that, did you get a call from
18 Ms. Nixon?

19 A Yes.

20 Q Did you learn what had happened at Moselle?

21 A Yes, uh-huh.

22 Q At some point after that, did you get a phone call
23 from a family member? I really don't know who it was, but
24 did you --

25 A Yes.

1 Q Do you remember who it was?

2 A Yes.

3 Q Okay. Who was it?

4 A It was Randy.

5 Q Randy Murdaugh.

6 A Randy Murdaugh, yes.

7 Q Alex Murdaugh's brother.

8 A Yes.

9 Q And as a result of that, what was -- were you
10 expecting people to come over after that?

11 A No.

12 Q After that phone call, were you expecting people to
13 come spend the night that night?

14 A Yes.

15 Q Okay. Who? Who was going to come over?

16 A Randy told me John Marvin, Buster and his girlfriend,
17 and Alex.

18 Q John Marvin?

19 A Uh-huh.

20 Q Buster and his girlfriend?

21 A Uh-huh.

22 Q And Alex?

23 A Yes.

24 Q And did you, in fact, see them later on that night, or
25 that morning, the next morning? I'm sorry. Did they come

1 to Almeda after you had gotten a call from Mr. Randy saying
2 they were coming? Did they come?

3 A Yes. They came, yes.

4 Q Okay, and at some point later on that morning, did you
5 see Alex Murdaugh again? Did you see him again that
6 morning?

7 A No, nuh-uh.

8 Q Did he ever come looking for glasses?

9 A That morning. That night he was in there in glasses.
10 He said he couldn't sleep.

11 Q And Mr. Randolph, or Solicitor Randolph, died
12 shortly -- a couple of days after that?

13 A Yes.

14 Q Now, you were working the 8:00 p.m. to 8:00 a.m.
15 shift. Were you asked to work more after this to get the
16 family through this? Were you asked to help more at the
17 house?

18 A Yes, uh-huh.

19 Q And were you happy to do that?

20 A Of course.

21 Q Do you remember the day of Mr. -- Solicitor -- I'm
22 going to call him Solicitor. That's the way I know him,
23 Solicitor Randolph's funeral?

24 A Yes, uh-huh.

25 Q And I've been reading through all of this stuff here.

1 What is it, a repast?

2 A A repast is where everybody come back after the
3 funeral and eat.

4 Q Everybody comes back and eats?

5 A Yes.

6 Q Well, after the funeral, did people come to Almeda
7 sort of like a visitation after a funeral?

8 A Yes.

9 Q Did folks come over there then?

10 A Yes.

11 Q Okay, and was the family there then?

12 A Yes.

13 Q Okay, and during this repast visitation, where were
14 you? What -- and actually, what was your job during that,
15 or what were you doing during the visitation?

16 A I was in the room with Ms. Libby. We was back and
17 forth.

18 Q At some time that afternoon, did you see Alex
19 Murdaugh?

20 A Yes.

21 Q Tell the jury about that, please.

22 A He came in the room, you know.

23 Q You need to speak up, please, ma'am.

24 A Came in the room and speak, you know, spoke like he
25 always do.

1 Q Okay, and what did he tell you?

2 A That he was sitting at the house. He was at the
3 house.

4 Q Say it again.

5 A He was at the house.

6 Q And I'm not 100 percent following you. He was telling
7 you or saying to you he was at the house?

8 A Uh-huh.

9 Q When?

10 A On the night of the murders.

11 Q The night of the murders?

12 A Yes.

13 Q What was he telling you that he was at the house the
14 night of the murders?

15 A That he'd been there 30 or 40 minutes.

16 Q Was he telling you that? Did he ask you anything
17 about that when he was talking to you?

18 A Yes.

19 Q Did he indicate to you what he wanted you to do with
20 that information?

21 A No, nuh-uh. No.

22 Q What did he say?

23 A He just said that he was at the house for 30 or 40
24 minutes, and that's it.

25 Q You said what? Was he there 30 or 40 minutes that

1 night?

2 A Not that I recall.

3 Q Why are you crying, Ms. Smith?

4 A Because it was a good family and I loved working
5 there, and I'm sorry all of this happened. They're good
6 people.

7 Q But he wasn't there no 30 or 40 minutes, was
8 he?

9 A No.

10 MR. GRIFFIN: Objection, Your Honor. Leading.

11 THE COURT: You can't lead the witness.

12 Q Did that conversation upset you?

13 A Somewhat.

14 Q Are you upset right now?

15 A Yes.

16 Q Did you call anybody about it?

17 A My brother.

18 Q You called your brother after that conversation with
19 Alex.

20 A Yes.

21 Q To tell him about that conversation.

22 A Yes.

23 Q And just to be clear, what was the statement he said
24 about how long he was here?

25 A 30 to 40 minutes.

1 Q But his phrase was I was here or, you know, I was --

2 A I was here 30 to 40 minutes.

3 Q Not to pry, but I can't help it sometimes. What else
4 was going on in your life right then?

5 A Just working hours and hours.

6 THE COURT: Ma'am, you really -- you're whispering. I
7 can't understand what you're saying.

8 Q Were you going to get married?

9 A I was. I was planning on getting married. I was
10 planning to.

11 Q And had Alex Murdaugh mentioned anything to you about
12 your upcoming nuptials?

13 A Yes.

14 Q And when was that?

15 A It was the day afterwards, I'm thinking.

16 Q The day after this --

17 A I think it was.

18 Q After the conversation you just said?

19 A Yes.

20 Q Where were you?

21 A At Ms. Libby's, at the house.

22 Q And what did he say about your marriage, or upcoming
23 potential marriage?

24 A I heard you was getting married. I said yes. He said
25 if I can -- he said let me know because a wedding is going

1 to be expensive. And I said thank you.

2 Q The wedding is going to be expensive?

3 A He said the wedding is going to be expensive. And I
4 said, well, thank you.

5 Q Did he offer to help?

6 A Yes, he offered to help. That's the type of person --
7 a good person.

8 Q And did he ever mentioned the wedding to you before?

9 A No.

10 Q Had you mentioned that to him before?

11 A No, nuh-uh.

12 Q Did he have a conversation, anything else about your
13 job? Were you working at the school?

14 A Yes. At the school, yes.

15 Q Did Mr. Murdaugh mention to you about your school and
16 your position there?

17 A Yes.

18 Q Tell them what he said, please.

19 A He said that, you know, if you need a position at
20 school, you know, my good friend is there. And I said
21 yeah, I know him. Worked at the school, the principal.

22 Q I believe you testified you -- did you help out more
23 than just your regular shift the rest of this week --

24 A Yes.

25 Q -- that week after the --

1 A Yes, Uh-huh.

2 Q -- the murders and Solicitor Murdaugh's death? Were
3 you working full-time then trying to help?

4 A Yes.

5 Q Was school out then?

6 A No.

7 Q So, were you still going to school and helping?

8 A Yes.

9 Q And after Mr. Randolph's funeral, did you have an
10 occasion to see Alex Murdaugh early one morning?

11 A Yes.

12 Q Do you know how long it was, how many days after the
13 funeral of Mr. Murdaugh?

14 A Three days.

15 Q Can you tell the ladies and gentlemen of this jury
16 what time it was in the morning that you saw Alex Murdaugh?

17 A 6:30 that morning.

18 Q Say that again.

19 A 6:30 that morning.

20 Q And that had been a part of your regular shift, right,
21 8:00 to 8:00 a.m.

22 A Yes.

23 Q And did he call you and tell you he was coming?

24 A No.

25 Q He didn't?

1 A Nuh-uh.

2 Q Okay. Well, how did he -- had he called you on
3 June 7th and told you he was coming?

4 A Yes.

5 Q And he was right outside the house.

6 A Yes.

7 Q And this morning at 6:30, he did not call you?

8 A No.

9 Q How did you know he was on the premises?

10 A He knocked on by the -- by the bedroom window.

11 Q (Knocks on the bench.) Knocked?

12 A Yes, on the wall.

13 Q Well, did you hear him say anything after that?

14 A He said I'm outside.

15 Q Say it again.

16 A I'm outside.

17 Q All right. Had he ever been there at 6:30 in the
18 morning while you were working there?

19 A No, sir.

20 Q Never.

21 A No, nuh-uh.

22 Q And tell the ladies and gentlemen of the jury what you
23 observed that morning when you saw Alex Murdaugh.

24 A He came in the white truck, came in the white truck.

25 Q Were there still funeral -- stuff is the word -- was

1 there still funeral equipment in the yard?

2 A Uh-huh, yes.

3 Q Like what?

4 A The tent was still there, and the big old building
5 that they put the food in out there.

6 Q Like a food truck?

7 A Yeah, a food truck, yes, sir.

8 Q And was that blocking your view some?

9 A Yes. It blocked my view, yes.

10 Q So, when you saw Alex Murdaugh this morning at 6:30,
11 what did he do after he knocked on the door? Did you let
12 him in?

13 A Yes.

14 Q And then what did he do?

15 A Came inside.

16 Q Was Ms. Libby sleeping?

17 A Yeah, she was still sleeping.

18 Q Okay. Did he go check on Ms. Libby?

19 A No.

20 Q He didn't go check on her?

21 A I can't remember.

22 Q Well, what did you do then?

23 A He came inside, uh-huh.

24 Q Okay. Did he have anything, or was he holding
25 anything?

1 A He had a blue something in his hand.

2 Q Say that one more time, please?

3 A A blue tarp, a blue something in his hand, something
4 blue.

5 Q A blue something in his hand?

6 A Uh-huh.

7 Q And can you show me how he was holding it?

8 A Like this.

9 Q Is it all right if I touch you?

10 A That's fine.

11 Q How was he doing --

12 A Like this.

13 Q Holding something like this?

14 A Yes.

15 Q And what did it look like?

16 A A blue tarp, like a tarp.

17 Q Blue?

18 A Blue.

19 Q Was it vinyl?

20 A It was like a tarp that they put on a car to keep your
21 car covered up.

22 Q Big thing.

23 A Yeah, blue.

24 Q Was he holding it like this?

25 A He was holding it like this.

1 Q Could you tell if there was anything in it or do you
2 know?

3 A No, I couldn't tell.

4 Q But holding it, go like this?

5 A Uh-huh.

6 Q Did he say anything when he walked in?

7 A No.

8 Q Okay. What did he do when he walked in?

9 A Went upstairs.

10 Q All right.

11 MR. MEADORS: Beg the Court's indulgence.

12 (Break in proceedings.)

13 MR. MEADORS: Your Honor, State's 220 -- 230 -- 223,
14 222, 413, 412 at this time without objection. I saved the
15 other pictures.

16 MR. GRIFFIN: That's correct. No objection, Your
17 Honor.

18 THE COURT: They're admitted without objection.

19 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 222 WAS
20 RECEIVED INTO EVIDENCE.)

21 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 223 WAS
22 RECEIVED INTO EVIDENCE.)

23 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 412 WAS
24 RECEIVED INTO EVIDENCE.)

25 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 413 WAS

1 RECEIVED INTO EVIDENCE.)

2 Q You testified that Mr. Murdaugh came into your Almeda
3 residence that morning. This is State's 223,. Do you
4 recognize that?

5 A Yes.

6 Q What is that?

7 A Upstairs, going upstairs.

8 Q And is that where he went, Alex Murdaugh, that
9 morning?

10 A Yes.

11 Q Okay. Carrying some blue thing?

12 A Uh-huh.

13 Q And this may be a duplicate. If it is, I'm sorry.
14 That's 222. Same stairs, same house?

15 A Yes.

16 Q All right. State's 413, what is this?

17 A That's the bedroom.

18 Q Okay. Where in Almeda is this bedroom? First floor?
19 Second floor?

20 A First floor.

21 Q Is this where Ms. Libby stayed?

22 A No, nuh-uh.

23 Q And 412. Is that the same --

24 A Yes. Same bedroom, yes.

25 Q I'm going to show you marked -- what's marked 411.

1 Don't call out the answer. This is State's 411 for
2 identification at this point. Do you see the blue object
3 in the center?

4 A Yes.

5 Q Does that appear to look like the object you've
6 described?

7 A Yes.

8 Q You're saying yes?

9 A Yes.

10 Q Is it blue?

11 A It's blue.

12 Q Is it vinyl?

13 A Yes.

14 Q That appears to be the same thing you saw the
15 defendant holding this early morning hours when he came in
16 the house. Is that correct?

17 A It looks so, yes.

18 Q Okay.

19 MR. MEADORS: Your Honor, this is State's 411 we would
20 offer at this point.

21 MR. GRIFFIN: No objection.

22 THE COURT: It's admitted.

23 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 411 WAS
24 RECEIVED INTO EVIDENCE.)

25 Q Let me -- I just don't know how to ask it except ask

1 it. Did you ever see that blue thing unfolded when you
2 were there that morning or you saw him carrying it?

3 A It was unfolded.

4 Q Okay, and where did you see it?

5 A In the bedroom.

6 Q And where in the bedroom?

7 A On the chair.

8 Q And again I'm not clear. Was that in one of these
9 pictures we showed you? What chair? Was that on one of
10 these chairs in this?

11 A Yes.

12 Q Okay, and I'm referring again to 412. You saw it on
13 the chair?

14 A Yes.

15 Q Okay. Did you -- you end up leaving at some point
16 that day, right?

17 A Yes.

18 Q When you came back the next day, was that there?

19 A No, it wasn't.

20 Q It was gone.

21 A Yes, it was gone.

22 Q And did you see Alex Murdaugh leave after he went
23 upstairs? Do you know what he did upstairs?

24 A No, I don't -- no.

25 Q Did you actually see him leave the house after he went

1 upstairs?

2 A Yes.

3 Q And where did he go?

4 A I don't know. He just went outside and left.

5 Q Did he say hey, I'm leaving?

6 A Yeah. He said I'm going, yes.

7 Q And at that point, what did you think? Did you think
8 he'd gone?

9 A I thought he left, yes.

10 Q Did you see him after that?

11 A Yes.

12 Q Okay. Tell them where, please, that morning.

13 A He came back to the house.

14 Q Okay, and how do you know that?

15 A Because the blind was open and I seen him came through
16 the driveway.

17 Q Okay, and what did you see him -- was he walking? Was
18 he driving when you saw him in the driveway?

19 A He was driving the truck.

20 Q Okay, and I'm sorry, Ms. Smith, what truck was he
21 driving?

22 A The white truck.

23 Q Whose white truck was that?

24 A I'm thinking it was Mr. Randolph. I thought it was
25 his truck. He had a white truck also.

1 Q He had a white truck also.

2 A Uh-huh.

3 Q So when you saw him, you testified, Mr. Murdaugh
4 coming back in a white truck, that was Mr. Randolph's
5 truck?

6 A Uh-huh.

7 MR. GRIFFIN: Objection, Your Honor. Leading.

8 Q Whose truck was it?

9 A I don't know.

10 THE COURT: Ma'am, you must use words as opposed to
11 nuh-uh, uh-uh, or -- because we need to know exactly what
12 you're saying. Say yes or no if you can.

13 Q Whose truck did you think it was?

14 A I thought it was Mr. Randolph's truck.

15 Q Okay, and were there four wheelers or ATV's out on
16 that property?

17 A Yes.

18 Q What, if anything, had you observed about a four
19 wheeler that morning?

20 A It was at the house.

21 Q Okay. Where had it been previously?

22 A At the smoke house.

23 Q Okay. When did it get moved?

24 A The same day of that -- the same morning.

25 Q Okay. Same morning when Mr. Murdaugh was there?

1 A Yes.

2 Q Okay, and what direction did you see Mr. Murdaugh
3 leave? When you saw him leave the house and you thought he
4 was gone --

5 A Uh-huh.

6 Q -- do you know where he went?

7 A No.

8 Q And when he came back in this white truck, what did he
9 do?

10 A He got in the other truck.

11 Q Okay. How long was he gone?

12 A Probably about 10 minutes or 15 minutes, I'm
13 thinking.

14 Q And then you say this other truck, what truck are you
15 talking about?

16 A The black truck.

17 Q Had you not seen that before?

18 A No.

19 Q Why not?

20 A Because the food truck, the catering thing was with --
21 still out there in the way, so I couldn't see it.

22 Q So, that blocked your view?

23 A It blocked my view, yes.

24 Q So, what vehicle did Mr. Murdaugh leave after he came
25 back in the white truck, what color truck?

1 A It was a black truck.

2 Q Do you know whose that was?

3 A No.

4 Q Okay. That morning, this morning when you first saw
5 him at 6:30, did you observe anything about his face,
6 any -- on his face?

7 A He had like a little cut, or like a little bruise, cut
8 or something.

9 Q And ma'am, I apologize, a little what cut?

10 A Like a little bruise or something.

11 Q Where was it?

12 A It was, like, above his forehead.

13 Q And I won't ask you to touch me, but can you touch
14 yourself to show where?

15 A Like right here.

16 Q Did it look fresh?

17 A It just look like a cut. I wouldn't say fresh but it
18 looked --

19 Q Was there a video system in the house for either
20 Solicitor Murdaugh or Ms. Libby Murdaugh?

21 A Yes.

22 Q Okay. Can you tell them about that? Where was that
23 and what was that for?

24 A It's in Ms. Libby's bedroom.

25 Q Okay, and how was that activated, or operated is

1 better. Do you know?

2 A No, I don't.

3 Q Okay, but was it on all the time or not?

4 A Yes.

5 Q And what color would it be if it was on? Was there a
6 marker, or a red and black, or red and green?

7 A When in service, yes.

8 Q And would there be times when that wasn't on?

9 A Yes.

10 Q And do you know who controlled it?

11 A No.

12 Q I'm going to show you what's marked 410. Do you
13 recognize this?

14 A Yes.

15 Q And does it relate to what we're talking about this
16 morning as far as your location?

17 A Yes.

18 MR. MEADORS: Your Honor, 410, I believe without
19 objection.

20 MR. GRIFFIN: You said as it relates?

21 MR. MEADORS: To her testimony and where she was that
22 morning.

23 MR. GRIFFIN: Okay. No objection.

24 THE COURT: It's admitted.

25 MR. MEADORS: I thought I just said that.

1 THE COURT: Without objection. It's admitted.

2 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 410 WAS
3 RECEIVED INTO EVIDENCE.)

4 Q Can you see this on your little -- have you got a
5 thing up there?

6 A Uh-huh.

7 Q Do you mind coming down here?

8 MR. MEADORS: Judge, can she come down here?

9 THE COURT: Yes.

10 MR. MEADORS: Very briefly. It won't be long.

11 Q And if you would, stand over there so we won't block
12 the jury, please. Is this a picture of what we refer to as
13 Almeda?

14 A Yes.

15 Q Okay, and can you show where the -- I guess I would
16 call it the main house. And, I'm sorry, we don't have a
17 pointer. That is the main house?

18 A Uh-huh.

19 Q And you'll have to say yes for the record, please,
20 ma'am.

21 A Yes.

22 Q And down here, I know it's hard to see, can you tell
23 what that is? Can you point to the main house again? I
24 think it blocks the jurors, I apologize. Is that where you
25 took care of Ms. Libby?

1 A Yes.

2 Q Now down here, and there's even a little O on it, do
3 you know what this is down here? Let me ask you this.

4 What other buildings are on the property?

5 A The smoke house and a barn and a little shed.

6 Q Okay, and where were the ATVs usually?

7 A At the smoke house.

8 Q Where is the smoke house?

9 A That's it.

10 Q There you go, that's the smoke house.

11 A Uh-huh.

12 Q And that's where the ATV was.

13 A Yes.

14 Q And where did the ATV end up when you saw it after you
15 thought Mr. Murdaugh left? Had it moved?

16 A At the main house.

17 Q Say that again, please, ma'am.

18 A At the main house.

19 Q Okay, and when you saw him coming back, you thought
20 he'd left, where did you see him in the white truck? Do
21 you remember?

22 A He left going across the railroad track.

23 Q Speak up a little bit so the Judge and the court --
24 please.

25 A He left and went across the railroad track.

1 Q Which way are the railroad tracks?

2 A This way. I mean, that's the house, so it had to
3 be -- drive through.

4 Q You're not really saying anything but speak up. I
5 didn't mean to fussing. That's good. You can go back and
6 sit down. That's fine, thank you.

7 (Break in proceedings.)

8 Q Now, have you talked with either Mr. Griffin or Mr.
9 Harpootlian or one of their investigators?

10 A Yes.

11 Q Okay. When was that? The best you can remember. I'm
12 not looking for a date and time, but do you know how long
13 ago?

14 A It was last year.

15 Q Okay, and I met with you a couple of weeks ago?

16 A Yes.

17 Q And just a little while ago this morning.

18 A Yes.

19 Q And I have to ask you for the record. Is this Alex
20 Murdaugh who came and saw you the night of the murders with
21 the shorts and the shirt and the Sperry type loafers on?
22 Is that him over there?

23 A Yes, sir.

24 Q Okay, and is he also the person that you said told you
25 he had been there 30 or 40 minutes?