

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM COLLETON COUNTY
Court of General Sessions

S.C. SUPREME COURT

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

Appellate Case No. 2023-000392

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

V.

RICHARD ALEXANDER MURDAUGH, ... APPELLANT.

**RECORD ON APPEAL
VOL. IX**

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1 may have entered into the system, I go find that
2 data in the systems and I write the parsing tools
3 that I've mentioned to go ahead and pull those out.
4 That's the general extent.

5 Q So, would automotive forensic specialist be
6 descriptive of what you do?

7 A Yes.

8 Q. Okay.

9 MR. CONRAD: Your Honor, at this time the
10 State would move to enter Mr. Falkofske as an
11 expert in the area of automotive forensic
12 specialist.

13 THE COURT: What says the defense?

14 MR. BARBER: No objection, Your Honor.

15 THE COURT: He's so qualified.

16 MR. CONRAD: All right. Thank you.

17 DIRECT EXAMINATION

18 BY MR. CONRAD:

19 Q All right. So, let's talk a little more about
20 the mechanics of how you obtained this data and
21 what you do. And just talking not specifically in
22 this case but just kind of generally in your
23 unit --

24 A Okay.

25 Q -- what do you do? When you receive a device

1 from a vehicle -- first all, what kind of devices
2 do you receive from vehicles?

3 A They tend to be infotainment centers, which
4 can be, you know, basically the brains of the
5 system that puts -- on some of these modern cars it
6 puts up the screen, it shows your music. If it's
7 got navigational, navigations. It's the computer
8 brain of that system. Also take a look at
9 components such as telematics box, which you'll
10 hear about like the OnStar module in this case, and
11 those tend to have connection to my services, and
12 sometimes location data as well.

13 Q Okay, and just generally speaking, how do you
14 access the information stored on these devices?

15 A The first thing we do is what we call data
16 extraction. And data extraction involves basically
17 going in and finding the data -- the flash memory
18 components with this computer, the infotainment
19 system or the telematics box, and we will -- we
20 have different methods to extract that data. We
21 have software methods. We have methods where we
22 will connect with the circuit board or the board,
23 or sometimes we will just remove the chip and read
24 it with a reader.

25 Q Let me stop you real quick. This jury has

1 heard testimony about cell phone extractions and
2 how cell phones are extracted, and you mentioned
3 sometimes you can use a software method. Is
4 that how -- is that analogous to how cell phone
5 data is normally obtained in an extraction?

6 A If I could compare it to a commercial tool
7 like Cellebrite Software Solution would be
8 something you plug into the system while it's
9 operating in order to get into the system and
10 extract the data you need.

11 Q But some of these automotive devices are far
12 more unique than an average cell phone, correct?

13 A Yes.

14 Q And therefore in -- is it -- therefore, is
15 there an off-the-shelf ready system that can access
16 most vehicles, to your knowledge?

17 A No. There is one commercial company called
18 Berla that does have a tool that can -- is used in
19 the field. However, we only accept the devices at
20 EDAU for systems that there is no support for.

21 Q Okay. So, you mentioned this company Berla,
22 which does produce a commercially available
23 software that can extract data from some vehicles,
24 correct?

25 A Some vehicles, yes.

1 Q But it does not support the 2021 Chevrolet
2 Suburban, correct?

3 A That's correct.

4 Q All right, and that's how the device ended up
5 with you, correct?

6 A That's correct.

7 Q All right. So, I kind of stopped you there.
8 And if a software solution isn't available like
9 Berla, what are some of the other methods that you
10 use to pull data off of some of these automotive
11 systems?

12 A I mentioned such as attaching wires to a
13 circuit board and extracting data from the memory
14 component, or also removing the chip from the board
15 and putting in a reader and reading the chip, the
16 flash memory chip directly.

17 Q Okay. All right, and let's talk more about
18 what you did in this case. When you attempted to
19 access the data for the 2021 Suburban, did you
20 encounter any problems?

21 A Yes. We ran into our first instance of data
22 being encrypted on a vehicle.

23 Q Okay, and that's not something you had run
24 into before.

25 A Not on vehicles.

1 Q Okay, and briefly explain to the jury what you
2 mean by encrypted, please.

3 A So when a system encrypts the data, it takes
4 basically a code word such as a -- called a key and
5 scrambles the data using that key so that it can't
6 be written unless you have that key, and the key
7 won't -- to read it back you require the key to
8 unlock the data and see it back in its regular
9 form.

10 Q Okay, and you discovered this data on this
11 Chevy Suburban was encrypted, correct?

12 A That's correct.

13 Q All right. I'm going to show you -- they've
14 been marked for ID only -- 448 and 447. And I'm
15 going to -- take a look at them and see if you
16 recognize these items, please.

17 (Break in proceedings.)

18 A This is the OnStar module that I processed.

19 Q Okay.

20 A And this is the infotainment system that I
21 processed for the Suburban.

22 Q All right. How do you know those are the
23 units you processed?

24 A We have an FBI identifier tag on here, and my
25 personal identifier symbols are on here.

1 Q And that's on both of those devices?

2 A On both units.

3 Q All right.

4 MR. CONRAD: At this time, the State would
5 move to enter Exhibits 447 and 448 into evidence.

6 MR. BARBER: No objection, Your Honor.

7 THE COURT: They are admitted.

8 (CAR MODULE MARKED AS STATE'S EXHIBIT NUMBER
9 447 WAS RECEIVED INTO EVIDENCE.)

10 (CAR MODULE MARKED AS STATE'S EXHIBIT NUMBER
11 448 WAS RECEIVED INTO EVIDENCE.)

12 Q All right. So, let's talk about -- you say
13 when you initially tried to access the data on
14 these, they were encrypted. Can you tell us what
15 the FBI did, or what you did to ultimately allow
16 you to access the information?

17 A Involved our greater team to develop a tool
18 that would be able to reach into a live system on
19 one of these vehicles and extract the encryption
20 keys and remove the -- get the encryption keys so
21 then we could then decrypt the data that we had
22 collected.

23 Q Okay, and was that process ultimately
24 successful?

25 A Yes, it was.

1 Q And how long did that take approximately?

2 A Approximately one year.

3 Q Okay. All right, and when you access this
4 information and you finally had it decrypted, what
5 types of information did you find? Let's start on
6 the infotainment center. What types of information
7 did you find on there?

8 A So, the infotainment center contained
9 connected devices, phones that had been linked by
10 Bluetooth on this vehicle, and associated with some
11 of those devices were call logs and contact lists,
12 and there was also a little bit of location data.

13 Q Okay. So, you found some call logs, correct?

14 A That's correct.

15 Q And how would that infotainment center get
16 call logs? Explain that process. Why would they
17 be on that center?

18 A So, a lot of cars that have Bluetooth
19 connectivity will -- when you connect the Bluetooth
20 with them, sometimes they will ask you if you want
21 to let the car connect to it or access your data on
22 your phone. Sometimes it doesn't ask, but in most
23 cases it will ask you. And then at that point it
24 will take things like call logs and pull them from
25 the phone into the computer, the infotainment

1 system.

2 Q Okay. All right, and you found some call logs
3 on this infotainment center, correct?

4 A Yes.

5 Q You found some data, correct?

6 A That's correct.

7 Q Do you recall if you found any from the date
8 of January -- excuse me, June 7th of 2021?

9 A Yes. There was data from that date.

10 Q Location data?

11 A Oh, location data, no. Just had call data.

12 Q All right, you found some call data. You
13 found some Bluetooth data, and what kind of
14 Bluetooth data did you find for devices did you
15 find?

16 A It -- primarily the Bluetooth address of the
17 connecting device.

18 Q Okay. Did it provide any information of when
19 a device may have been connected to the
20 infotainment center?

21 A No. There was no timestamps with that data.

22 Q Okay. All right, but there's another thing,
23 another type of data you found on this infotainment
24 center, correct?

25 A Yes. We additionally looked for vehicle --

1 information regarding the state of the vehicle.

2 Q Explain to the jury. What does that mean?

3 A So, what we were looking for on this car was
4 something to show if the car was moving, if doors
5 were opened or closed, windows up and down. We
6 searched for this type of data on this vehicle.

7 Q Okay, and did you find some of that data?

8 A We did. We found what we call states of the
9 vehicle, and in this case it was more granular
10 things such as -- one of the ones we're interested
11 in looking at is the shift lever going in and out
12 of park, kind of giving an indication.

13 Q And we'll talk more about that in a minute.

14 A Okay.

15 Q But would you say that that there was a lot of
16 this vehicle stat -- vehicle status data that was
17 stored?

18 A Yes. This vehicle stores a voluminous amount
19 of data and some logs.

20 Q And is the majority of that really useful when
21 you try to --

22 A No.

23 Q Okay, and did you attempt to pare down the
24 data you were looking at to find potentially useful
25 information?

1 A Yes. We combed through the data, and we
2 looked for data that matched our testing of a
3 similar vehicle -- or an identical type vehicle to
4 be able to identify a record of -- messages in this
5 log that were -- can be attributed to the vehicle
6 status.

7 Q Okay. Well, let's talk about that. You
8 mentioned it. You said testing. What do you mean
9 by testing? How -- what did you guys do to test
10 this?

11 A We obtained an identical 2021 Suburban vehicle
12 with the same build out, and we drove it multiple
13 times and extracted data from it multiple times in
14 a series of tests designed to try to understand
15 what is going on inside the system.

16 Q Okay. So, it's just simple testing. So, you
17 go out and drive it and you would record -- you
18 knew when you were driving it so you could record
19 times, correct?

20 A We could record times and locations, yes.

21 Q And then you could go back in and pull that
22 data off the infotainment center of the test
23 vehicle, correct?

24 A That's correct.

25 Q And then you compare that to the logs that you

1 guys wrote saying they did this at this time,
2 correct?

3 A That's correct.

4 Q And you could -- what could you do with that
5 comparison? What did that help you with?

6 A So, that helped us identify in the logs -- the
7 logs laid out states, very granular states of --

8 Q What you say granular, and I'm going to -- and
9 I apologize when I stop you, but I want to make
10 sure, you know, we understand everything you're
11 saying. When you say granular, what do you mean by
12 that?

13 A I'll explain a few of the states to give you
14 an example.

15 Q Okay.

16 A When the vehicle first -- say you open the
17 door and you see the screen turn on on the car,
18 that would be maybe one or two of the states that
19 the system tells me it's waking up, a message
20 saying it's waking up, then a message saying I'm
21 showing my animation video on the screen as it
22 starts to boot up. And then eventually, like, if
23 the car is being -- and then in other states of the
24 car, such as in and out of park, the very -- a lot
25 of the states only mean something very small in the

1 whole scheme of how the car is operating, very
2 specific little pieces of data.

3 Q Okay, and there's a lot of them, correct?

4 A There's a lot of them.

5 Q And so you had to kind of figure out a way to
6 kind of pare that data down into something that's
7 useful for you to interpret, correct?

8 A That's correct.

9 Q All right, and how did you do that?

10 A Initially we wrote a utility into parser that
11 would go through first of all and select all the
12 messages we found of interest that indicated some
13 sort of state of the vehicle, and then we attempted
14 to take that data and put meaning to it. And it,
15 it was a challenging process, let's put it that
16 way.

17 Q But ultimately do you feel like at least for
18 certain types of events you were able to draw some
19 conclusions about what was going on with the
20 vehicle at certain times?

21 A Certain events were much more specific about
22 certain of the things that were going on with the
23 car and were clearer.

24 Q All right, and when you were asked, you know,
25 the question of, you know, is -- can you use any of

1 this information to determine when a vehicle could
2 potentially be moved, is that something that you
3 looked for in this data?

4 A We were looking for that data, and we found
5 something close to that data.

6 Q Okay, and in your testing and analysis, what
7 did you determine would be the best indicator to
8 you looking at the data of when the vehicle was
9 moved?

10 A A message indicating whether the car was in
11 park or out of park.

12 Q Okay, and so you found a reliable indicator
13 from your, in your opinion, indicates the vehicle
14 would likely or possibly be moving, correct?

15 A That's correct.

16 Q All right. Now, all you said was you can --
17 this particular message says it's either in park or
18 out of park, correct?

19 A That's all it says.

20 Q And it doesn't necessarily say whether it's in
21 drive, correct?

22 A That's right. I don't what gear it's in.

23 Q Okay, but you can tell when it is out of park.

24 A Correct.

25 Q All right, and can you tell from that whether

1 the vehicle was actually physically moving?

2 A I cannot.

3 Q Okay. I am -- and at the end of this
4 analysis, did you prepare data and a parser report
5 to send to SLED at the end of your analysis?

6 A Yes, I did.

7 Q Okay. I'm going to show you what's been
8 marked as Exhibit 443, and I'm going to see if you
9 recognize that.

10 A Yes. This is a copy that I validated earlier
11 today against the original --

12 Q Okay.

13 A -- of events that were submitted.

14 Q So, that contains the information you provided
15 SLED, correct?

16 A That's correct.

17 Q And generally speaking, what is contained on
18 this CD?

19 A It is the -- our unit's derivative evidence
20 results of what was extracted and recorded for both
21 the OnStar module and the infotainment system.

22 Q Okay. All right, and so this provides both --
23 we said there's voluminous raw data that came out
24 of this vehicle, correct?

25 A Yes.

1 Q And it includes a full copy of that, right?

2 A There is.

3 Q But also includes a report that kind of pares
4 that down into more useful information, too,
5 correct?

6 A Yes.

7 Q What did you call that report again? The --
8 was it the HTML report?

9 A The format was in HTML, so you could open it
10 with a browser, yes.

11 Q And what tool did you use to help you prepare
12 that condensed report?

13 A That was the parsing tool that developed that.

14 Q And that's what you told -- talked to about at
15 the beginning of your testimony with the jury, and
16 that's a way to software -- use software to help
17 pare down the data to something useful, correct?

18 A Correct.

19 Q Okay.

20 MR. CONRAD: At this time, the State would
21 move to enter Exhibit 443 into evidence.

22 MR. BARBER: No objection.

23 THE COURT: It's admitted.

24 (DVD WITH REPORT MARKED AS STATE'S EXHIBIT
25 NUMBER 443 WAS RECEIVED INTO EVIDENCE.)

1 Q Okay, I'm going to show you what's been marked
2 as Exhibit 449, and just describe what that is to
3 the jury, please, real quick.

4 A Okay. This is a spreadsheet that basically
5 shows many of the states of the vehicle that we
6 were looking at and testing our -- the tests and --
7 running our tests on the test vehicle. This is an
8 analysis of the states that were on there, and this
9 is what we were using to develop the understanding
10 of what these states meant.

11 Q Okay, and so what would be a shorter way to
12 describe that, or a more simple way to describe
13 that?

14 A It's an analysis of the state of the
15 machine -- or of the vehicle states.

16 Q Okay, and this would be -- this would
17 represent some of the research that you and your
18 team performed?

19 A That is a research -- yeah, that's a research
20 document.

21 Q Okay.

22 MR. CONRAD: At this time, the State would
23 move Exhibit 449 into evidence.

24 MR. BARBER: No objection, Your Honor.

25 THE COURT: It's admitted.

1 (REPORT MARKED AS STATE'S EXHIBIT NUMBER 449
2 WAS RECEIVED INTO EVIDENCE.)

3 Q All right, and we talk about call logs, and
4 you found some call logs, correct --

5 A Yes.

6 Q -- on this vehicle?

7 A Yes.

8 Q And where did those call logs come from again?

9 A They were stored within the infotainment
10 system.

11 Q All right. Where did the infotainment system
12 get them?

13 A From an attached phone.

14 Q Okay. All right, and I'm going to show you
15 what's been marked as State's 446, and let me see
16 if you recognize that document and where it's from.

17 A Yes. These were call logs that we recovered
18 off the infotainment system.

19 Q Okay, and those are two specific calls,
20 correct?

21 A That's correct.

22 Q And what are the date and time of those two
23 calls?

24 A The first one, June 7, 2021, at 22:06:14.

25 Q And what was the number dialed on that one?

1 A 9111.

2 Q Okay. Three ones. Okay.

3 A And then another one shortly after at 22:06:18
4 a couple of seconds later for just 911.

5 Q And in your research and testing, were you --
6 can you determine when these call logs would have
7 been pulled off the phone that made these calls?

8 A No. At some point, the system would have
9 downloaded that information from the phone. I
10 don't know what time that occurred.

11 Q Okay. All right.

12 MR. CONRAD: And at this time, I would move
13 Exhibit 446 into evidence.

14 MR. BARBER: No objection.

15 THE COURT: They're admitted.

16 (CALL LOG MARKED AS STATE'S EXHIBIT NUMBER 446
17 WAS RECEIVED INTO EVIDENCE.)

18 Q All right, and I'm going to show you what I
19 believe is our last document, and this is
20 Exhibit 442, and I'm going to ask if you recognize
21 this document.

22 A Yes.

23 Q And what is that document?

24 A I've titled this document the 2021 Chevy
25 Suburban log file excerpts from June 7th of 2021.

1 Q All right, and is this a condensed version of
2 data from that original -- that CD that we with
3 showed you a minute ago?

4 A Yes.

5 Q Okay, and what is that condensed to? Why did
6 you condense it to that particular data for this
7 particular printout?

8 A This spreadsheet was the data that our parsing
9 tool was looking for amongst all of the log files
10 and extracting those out.

11 Q Okay, and we talked about this a minute ago,
12 but if you're trying to determine when this vehicle
13 moved -- you identified a key indicator when the
14 vehicle may have possibly moved. You identified a
15 key indicator in that data that would indicate to
16 you, in your opinion, that the vehicle could have
17 possibly been moving, correct?

18 A That's correct, in or out of park.

19 Q Okay, and when you produced that report, did
20 you color code certain columns or rows?

21 A Yeah. I hand colored the columns on here that
22 indicated those for clarity.

23 Q And I think I meant to say rows because
24 they're horizontal, correct?

25 A Correct.

1 Q My apologies, and you color coded certain
2 ones, right?

3 A That's correct.

4 Q Okay.

5 MR. CONRAD: At this time, the State would
6 move Exhibit 442 into evidence.

7 MR. BARBER: No objection.

8 THE COURT: It's admitted.

9 (LOG FILES MARKED AS STATE'S EXHIBIT NUMBER
10 442 WERE RECEIVED INTO EVIDENCE.)

11 Q And we're going to publish this.

12 MR. CONRAD: And I'll need the computer,
13 please. It's got to boot up.

14 My apologies.

15 Q So, we'll keep moving. I'm going to need that
16 exhibit back, please, and we're going to switch the
17 ELMO. Once we get the computer going, it will give
18 a better view, but for the moment we'll look at the
19 ELMO. Okay. Can you read that document on your
20 screen, Mr. Falkofske?

21 A I think I can read that.

22 Q Okay. So, let's just start at the top and I
23 think you read the title. It's 2021 Chevy Suburban
24 log calls, correct?

25 A That's correct.

1 Q And then we see a row below that that looks
2 like descriptors, correct?

3 A Correct.

4 Q All right. Well, let's just start on the left
5 and let's explain what these mean. We see on the
6 far left it says line and then a number, or symbol
7 or a hash tag. What does that mean?

8 A Okay. I will explain that using the next
9 column over, if I may first.

10 Q Sure.

11 A The file name indicates the particular log
12 file that the data was recovered from. There was
13 numbered log files in the system, and for this date
14 there were two different log files that contained
15 this data. And the line number indicates the
16 physical, or the actual line number, starting from
17 one at the top that data was located on.

18 Q Okay, and then we see the date next to that.
19 Is that -- what is that again, specifically the
20 date and time?

21 A That is the timestamp of the actual log entry.

22 Q All right. Let's switch to the computer,
23 please, and this will make this a little bit easier
24 to see hopefully. Okay, and can you see? Is that
25 a little better for you to see, Mr. Falkofske?

1 A I can see it fine.

2 Q Okay. All right. It looks like somehow I
3 managed to mess up the spreadsheet. My apologies.
4 All right. So, event type, what does event type
5 mean?

6 A The event type is -- part of the log entry to
7 it describes what sort of event is going on. It
8 describes the event.

9 Q Okay. Event description, what does that mean?

10 A It's just a longer, more verbose version of
11 the time.

12 Q And event value, what does that mean?

13 A That is the actual value of the event rather
14 than this is the event and this is what its value
15 is.

16 Q Okay, and when we say value, what do we mean
17 by that?

18 A It can be a one, a zero, a true, a false, or a
19 textual indicator of the system's state.

20 Q All right, and you say one or zero, true or
21 false, you mentioned a while ago the data is always
22 binary, right?

23 A Yes.

24 Q And binary is always one or zero, correct?

25 A In case a lot of these are one and zero.

1 Q Okay, and that's how data is typically stored
2 in a computer system?

3 A Typically, yeah.

4 Q Okay. All right. So, finally on the far
5 right it says raw line from the service log file.
6 What does that mean?

7 A That is actual line from the file copy
8 verbatim.

9 Q Okay, and so that's the actual data log that
10 you pulled out of the system.

11 A That's correct.

12 Q And it includes a timestamp as well, correct?

13 A That's correct.

14 Q Okay. So, let's just look at the top here.
15 And you said you did -- you added in some color
16 coding, correct?

17 A That's correct.

18 Q And the top line appears to be red. That's
19 8384, correct?

20 A Yes.

21 Q And 8676 is also red, correct?

22 A That's correct.

23 Q Why did you color code those red? What is
24 that?

25 A Those were basically messages that were

1 showing the system starting up. The computer for
2 the infotainment center initiated a boot sequence.

3 Q All right, and did your testing identify a
4 number of ways the system on this vehicle could
5 start up?

6 A We observed it starting up in several ways. I
7 don't think we know all of the ways it may start
8 up.

9 Q Okay. Well, what are some of the ways you
10 observed that it could start up?

11 A Just some things such as opening the door of
12 the vehicle, or getting in the vehicle and turning
13 it on.

14 Q Okay, and when I say -- when we say system
15 start up, we mean the infotainment center?

16 A This is referring to the infotainment center,
17 not the whole vehicle.

18 Q Okay. So, it's not necessarily we're turning
19 the vehicle on every time we see a red color there.

20 A That's correct, just the infotainment system.

21 Q It could be someone just opening the door,
22 correct?

23 A Yep.

24 Q And that represents in some cases where the
25 screen in that car just kind of lights up if the

1 door opens or -- for another reason, correct?

2 A That would be an indicator, yes.

3 Q Okay, and are there certain occasions where
4 the system can kind of start up on its own?

5 A There are some unexplained times when the
6 system seems to initiate a boot for no apparent
7 reason. It's theoretical on what the car is doing
8 at that point.

9 Q Okay. All right, and then below that at line
10 9142 and 9144, it looks like you color coded those
11 two lines as blue, correct?

12 A That's correct.

13 Q All right, and what why did you color code
14 those lines as blue?

15 A Those indicated these vehicle parked message
16 that we found to be very useful in determining
17 potentially car movement.

18 Q Okay, and this is something that you found in
19 your testing and analysis, correct?

20 A That's correct.

21 Q That was reliable?

22 A This is a reliable message.

23 Q All right, and reliably means what?

24 A Reliably tells you whether the car was shifted
25 into park or shifted out of park.

1 Q Okay. All right, and it looks like line 9142
2 and 9144 both occurred at 12:21:43 on June 7th of
3 2021. Is that correct?

4 A That's correct.

5 Q And is that local time?

6 A That is local time.

7 Q All right, and what does that mean? What does
8 vehicle parked true mean?

9 A Vehicle parked true means the shift lever of
10 the vehicle was placed into the park position.

11 Q Okay. So, the vehicle was shifted into park.

12 A That's correct.

13 Q All right, but I see it looks like the exact
14 same message on both lines, correct?

15 A That's correct.

16 Q Why do we have the exact same message on both
17 lines?

18 A If you take a look and scroll to the right,
19 the -- when it's showing the raw values, you'll see
20 that the messages are not identical. They're from
21 two pieces of the subsystem reporting the same
22 event.

23 Q Okay. So, this particular log and maybe some
24 other ones get recorded in different places on this
25 infotainment system. Is that correct?

1 A There's a lot of duplication of messages.

2 Q Okay, and they don't -- if they have the same
3 timestamp, how would you interpret that if you see
4 duplicative messages with the exact same timestamp?

5 A I would typically consider that just a single
6 event.

7 Q Okay. Okay, and so let's look down below
8 that, and I see multiple things happening, and I'm
9 highlighting it on lines 9185 to 9156 at 12:33 and
10 23 seconds, and I see a number of things happen
11 there with the same timestamp, correct?

12 A That's correct.

13 Q And in your analysis and in your opinion, when
14 you see a group of messages happening at the same
15 time, what's the best way to interpret that
16 information?

17 A You have to kind of look at them as an
18 aggregate.

19 Q Okay, and so you kind of look at all of these
20 messages as a whole to interpret what they mean,
21 correct?

22 A That's correct.

23 Q Rather than each one individually.

24 A That's correct.

25 Q Okay. So, let's look at it. Looking at lines

1 9148 and all of those lines that are timestamped
2 identically, which goes down to line 9159, what
3 does that group of messages, in your opinion, mean
4 was happening on this vehicle at that time on
5 June 7th of 2021?

6 A It looks like the infotainment computer was
7 beginning the power down sequence.

8 Q Okay, and we go down to 12:42, and we see a
9 few lines at 9167, 9459, and 9716, we see a few of
10 those red colored code lines, correct?

11 A That's correct.

12 Q All right, and, again, what does that mean?
13 Why are those coded that way?

14 A The infotainment system initiated a boot-up
15 sequence starting up.

16 Q Okay, but any number of reasons of why that
17 would have potentially booted up at that time,
18 correct?

19 A It could have been a number of reasons.

20 Q Okay, but then at 9954 and 9956, we see some
21 blue color-coded messages, correct?

22 A That's correct.

23 Q All right, and what do those mean? It says
24 vehicle parked false. What does that mean?

25 A Vehicle parked false means the car was shifted

1 out of park.

2 Q Okay, and that's at what time?

3 A 18:23:57.

4 Q Help us out. What's that in civilian time?

5 A 6:23:57.

6 Q P.m.?

7 A P.m.

8 Q On what day?

9 A On June 7th of 2021.

10 Q And again we see two identical messages,
11 correct?

12 A Yes.

13 Q But you would interpret that as one event,
14 correct?

15 A Yes.

16 Q And what is that event again?

17 A It's a vehicle taken out of park.

18 Q Okay, and we see a few things happening. It
19 looks like at 1853 and 1911 some of those red color
20 coded. What's your interpretation for lines -- it
21 looks like 396 and 984 on June 7th? What is going
22 on on those lines?

23 A It's another infotainment center boot up,
24 startup sequence.

25 Q Okay, and then we see another red event at

1 21:03:44, correct?

2 A Yes.

3 Q And what is that?

4 A Another boot-up sequence.

5 Q And from any number of reasons, correct?

6 A Correct.

7 Q Could be if someone just opened a car door,
8 correct?

9 A Yes.

10 Q Okay, and then we see a group of messages. It
11 looks like a few at 21:04:05, and then a few at
12 21:04:18, and quite a few more at 21:04:18. And
13 that's 9:04 p.m., correct?

14 A That's correct.

15 Q All right, and that group of messages at
16 9:04:18 p.m, what, in the aggregate, what is that
17 telling you is going on with that vehicle at that
18 time? I had the times highlighted there.

19 A Yeah. At 21:04:18, those ones look like the
20 system was -- prior to that it seemed to be
21 shutting down, and then it stopped and started
22 coming back up.

23 Q Okay, and so it seems to be starting up around
24 21:04:18, correct?

25 A Yes.

1 Q And that would be consistent with that red
2 coded message you see -- we saw a second ago,
3 correct?

4 A Yes.

5 Q And it's also consistent with the red coded
6 message at line 1281 at 21:05:56, correct?

7 A What do you mean by consistent with that
8 message?

9 Q I'm sorry. Take a look at line 1281. Do you
10 see that?

11 A Yes, I see 1281. That's the next system
12 startup message.

13 Q Okay, and what time is that again?

14 A 21:05:56.

15 Q All right, and I'm going to do my best, and
16 I'll try to stop you. Let's try to talk in local
17 time or civilian time, excuse me.

18 A Okay. I'll try to. I'll start processing it
19 that way.

20 Q And I make that mistake, too. What time is
21 that in civilian time?

22 A That would be 9:05:56.

23 Q P.m.?

24 A P.m.

25 Q On June 7th of 2021?

1 A On June 7th of 2021.

2 Q Okay, and then below that we see a group of
3 messages starting at line 1557, and they have an
4 identical time state of what?

5 A 9:06 and 44 seconds.

6 Q Okay. P.m.?

7 A P.m.

8 Q All right, and what is that group of messages
9 telling you at that time?

10 A That looks like the vehicle system is
11 moving -- continuing it's power-up process.

12 Q Okay. All right, and then we see a series of
13 messages that all occur within 2 or 3 seconds
14 starting at line 1591 at 9:06:48 p.m., and then
15 continuing on through 9:06:49 p.m., and quite a few
16 at 9:06:49 p.m., and then into 9:06:50 p.m., and
17 that's lines roughly 1628 down to 1654. What did
18 that group of messages tell you is occurring?

19 A So at that point, partway through those
20 message sets it actually has an engine running
21 event. So, the car has been turned on.

22 Q Okay. So in your opinion, the vehicle is
23 running at approximately 9:06:49 to 9:06:50 p.m.?

24 A Yes.

25 Q Okay. On June 7th?

1 A Yes.

2 Q All right, and then we see at line 1670 and
3 1672, it looks like another couple of blue colored
4 messages, correct?

5 A Yes.

6 Q And, again, what are those blue colored
7 messages? What do they indicate to you?

8 A The vehicle parked message.

9 Q All right, and it says vehicle parked false.
10 What does that mean?

11 A The vehicle was taken out of park.

12 Q Okay. The vehicle was taken out of park at
13 9:06 and 50 seconds, correct, p.m.?

14 A Correct.

15 Q On June 7th, correct?

16 A Correct.

17 Q All right, and if we look at it on line 1672,
18 the timestamp -- it has a color, different colored
19 stamp. I don't know. Is that date viewable on
20 your screen? It looks like it is colored more
21 green, correct?

22 A That is correct.

23 Q Why did you color that particular block green
24 at line 1672?

25 A I was highlighting events where you could see

1 where the vehicle was taken out of park, and it
2 looks like it was continually used and then put
3 back into park.

4 Q Okay, and so first of all those two lines at
5 1670 and 1672, they are -- they represent the same
6 event?

7 A They are the same event.

8 Q Okay, and that's the vehicle taken out of
9 park, correct?

10 A That's correct.

11 Q And you color coded that green because you
12 wanted to find when the vehicle was put back into
13 park, correct?

14 A Correct. I wanted to -- yes.

15 Q Okay, because you, in your opinion and your
16 analysis, you determined that that message is
17 pretty reliable. It's something we can rely upon
18 to make a determination of when that vehicle could
19 have been moving, correct?

20 A Correct.

21 Q All right, and so 9:06:50 p.m., the vehicle is
22 put -- taken out of park. And then let's go down
23 the line, 1904, 1904, and we see another green
24 stamp embedded in a blue line. Do you see that,
25 sir?

1 A Yes.

2 Q What does that mean to you?

3 A Well, it was the next event where the vehicle
4 went back into park.

5 Q Okay. So -- and what time is that?

6 A At 9:22 and 45 seconds p.m.

7 Q The vehicle was put back into park, correct?

8 A That's correct.

9 Q All right, and in your opinion, could the
10 vehicle have been moving between those two times?

11 A It could have. I have no evidence of that.

12 Q Okay. All right, but the vehicle is out of
13 park, correct?

14 A It is out of park.

15 Q And that's something, in your opinion, we can
16 rely upon, correct?

17 A Yes.

18 Q And roughly -- I'm not to going ask you for
19 exact seconds. Roughly how much time passes
20 between the vehicle taken out of park on line 672
21 and back into park?

22 A Approximately 16 minutes.

23 Q And I'm going to scroll down. I'm going to
24 scroll down to line 3059 and 3061, and I see some
25 more green colored blocks here, correct?

1 A Yes.

2 Q All right, and what are those blocks? What
3 information is contained in those blocks? What
4 messages?

5 A Again, it's the vehicle in or out of park
6 messages.

7 Q Okay, and so -- and what time is that, those
8 two messages at 3061?

9 A 3061 shows 9:43:05.

10 Q P.m.?

11 A P.m.

12 Q And that's June 7th, correct?

13 A June 7, 2021.

14 Q And what -- and I'm sorry to interrupt you,
15 but at that particular event, what happens with the
16 vehicle?

17 A The vehicle goes out of park.

18 Q Okay, and then at line -- the next line below
19 that, what's the time on that, the date and time on
20 that?

21 A 9:43 and 59 seconds, June 7, 2021. That's
22 p.m.

23 Q And what happens with the vehicle?

24 A It goes back into park.

25 Q Okay, and so roughly how much time passed

1 between those two events?

2 A It looks like just under a minute.

3 Q Okay, and you can't tell us whether the
4 vehicle actually moved during that time, correct?

5 A No.

6 Q All right. All you could tell us is it was
7 out of park for a little under a minute.

8 A Yes.

9 Q Okay. All right, and not to put you on the
10 spot, and we'll go back up and look real quick.
11 So, that's at 9:43:05 p.m., correct?

12 A Correct.

13 Q Let's go back and look at the previous vehicle
14 parked at 9:22:45 p.m., and that's line 1904.
15 That's when the vehicle had been placed into park,
16 correct?

17 A That's correct.

18 Q All right, and let's just do some rough math.
19 If you have a pen you can write it down if you need
20 to. At 9:22:45 the vehicle was in park.

21 A Okay.

22 Q 920 -- or, excuse me, 9:43:05, the vehicle is
23 now back out of park, correct?

24 A That's correct.

25 Q Roughly how much time passes between those two

1 events?

2 A Approximately 21 minutes.

3 Q Okay. All right, and so the vehicle is out of
4 park for about a minute at lines 3061 and 3079,
5 then let's scroll down to line 3096 and 3310. And
6 what happens with the vehicle there?

7 A The vehicle goes out of park.

8 Q Okay. At what time?

9 A At 9:44, 54 seconds on June 7th of 2021.
10 That's p.m.

11 Q Okay, and then the next event below that, what
12 occurs there?

13 A Next event, the vehicle goes back into park
14 at -- that would be 10:00 and 30 seconds -- 36
15 seconds on June 7, 2021, p.m.

16 Q And those are color coded green because they
17 kind of represent a matching pair, correct?

18 A That's correct.

19 Q When it went out and when it went back into
20 park, correct?

21 A That's correct.

22 Q And roughly how much time passes between those
23 two events at 9:44 and 10:00 of the night of
24 June 7th?

25 A Approximately 16 minutes.

1 Q Okay. All right, and then let's go down to
2 lines 3327, 3328. And those are two more green
3 colored events that represent that matching pair,
4 correct?

5 A That's correct.

6 Q The vehicle out of park and the vehicle in
7 park, correct?

8 A That's correct.

9 Q All right, and what are the times associated
10 with those two events?

11 A The vehicle goes out of park at 10:01 and 17
12 seconds on June 7, 2021 -- that's p.m. -- and it
13 goes back into park at 10:01, 29 seconds on
14 June 7th of 2021, p.m.

15 Q And roughly speaking, how many seconds is
16 that?

17 A About 12 seconds.

18 Q Okay. Well, let's go to just a few seconds
19 later, lines 3336 and 3340. And we see another
20 matching pair of these green messages?

21 A That's correct.

22 Q Out of park and then back into park, correct?

23 A That's correct.

24 Q And what are the times on that particular
25 event?

1 A The vehicle goes out of park at 10:01 and 30
2 seconds on June 7th of 2021 -- that's p.m. -- and
3 it goes back into park at 10:01 and 43 seconds,
4 June 7th.

5 Q So, maybe I can do the time. That's roughly
6 about 13 seconds that's out of park?

7 A That's correct.

8 Q Okay, and we see a whole bunch of messages,
9 again that group of messages starting at 22:04:44,
10 and kind of going on until 20 -- excuse me,
11 10:04:44 p.m., and 10:04:47 p.m. we see another
12 group of messages. What does that group of
13 messages generally indicate to you in the
14 aggregate? And that's this group I'll highlight.

15 A It looks like the system is powering down.

16 Q Okay, and then we get down to lines 3464, and
17 that shows another green color coded pair of
18 messages, correct?

19 A That's correct.

20 Q And, again, it goes out of park and then back
21 into park, correct?

22 A That's correct.

23 Q And what are the two times associated with
24 those two messages at 3664 and 3682?

25 A Yes. What's your question?

1 Q I'm sorry. What are those times?

2 A Oh, what are the times.

3 Q Yes.

4 A 10:04:49 it goes out of park -- that's p.m. --
5 on June 7, 2021. It goes back into park at
6 10:05:55 p.m. June 7, 2021.

7 Q And that's roughly more than a minute,
8 correct?

9 A That's correct.

10 Q And then let's go down to lines 3490 and 3504.
11 We see another matching pair, in and out of park
12 and then in park, correct?

13 A That's correct.

14 Q And what are the times associated with those
15 two?

16 A The vehicle goes out of park at 10:11 and 45
17 seconds, on June 7, 20:21 p.m., and then it goes
18 back into park at 10:12 and 38 seconds p.m.,
19 June 7th of 2021.

20 Q Okay. All right, and that is roughly just
21 under a minute or so?

22 A That's correct.

23 Q All right. Almost to the end here. Okay, and
24 then we see another message. So, first of all, we
25 see some messages that are blue colored at 3506

1 through 3515. And why are those blue coded instead
2 of green coded?

3 A Those were vehicle park messages, but they
4 appeared to be, you know, basically duplications of
5 the existing ones.

6 Q So, that's just duplicate information,
7 correct?

8 A That's correct.

9 Q Okay, and then finally at line 3521, we see
10 a -- the vehicle, what happens with the vehicle at
11 that line?

12 A Okay. It goes out of park at 10:13 and 39
13 seconds p.m. on June 7, 2021.

14 Q Did you find a matching kind of pair as we
15 talked about for when the vehicle goes back into
16 park after that?

17 A No. No log message was present for that.

18 Q Okay. Can you explain to me why that log
19 message may not be present?

20 A We found during the testing of our test
21 vehicle that there are times when the system
22 decides to temporarily stop recording a message.
23 The reason is not clear.

24 Q But you do see it come out of park at 22 --
25 or, excuse me, 10:13:39, correct?

1 A That's correct.

2 Q All right. Now, and just to reiterate this,
3 you're just telling us when this vehicle is in and
4 out of park, correct?

5 A That's correct.

6 Q Because that's the most reliable piece of
7 information you've been able to deem from this
8 data, correct?

9 A That's correct.

10 Q And you can't tell us necessarily when the
11 vehicle is moving, correct?

12 A That's correct.

13 Q And you can't tell us if it's moving, or if
14 you see it go out of park who's shifting the actual
15 gear knob, can you?

16 A No. We don't know who's in the car.

17 Q All you can look at is this particular data,
18 correct?

19 A That's correct.

20 Q All right, and just so it's clear, you know,
21 you've determined -- you're interpreting this data
22 because you use the test vehicle to see when you
23 see these messages, correct?

24 A That's correct.

25 Q All right, and that's why you're giving us

1 these opinions today, correct, from your testimony?

2 A That's correct.

3 Q All right, and when you were using your test
4 vehicle, if you took the vehicle -- if you took the
5 vehicle out and drove it, took it out of park and
6 drove it and then put it back into park, would you
7 find that exact same matching pair of in and out of
8 park messages that we just talked about, correct?

9 A Yes.

10 Q And it wouldn't necessarily -- you weren't
11 able to determine any other data that would likely
12 tell you if it was moving or not, correct?

13 A That's correct.

14 Q All right, but -- so, if the vehicle is
15 driving and you see that, you would see that
16 identical pair of messages like we just talked
17 about?

18 A Yes.

19 Q However, if the car is just stopped and
20 someone shifts it out of park and just sits there
21 with their foot on the brake, and then some time
22 later puts it back into park, would you see that
23 same matching pair of in park, out of park message,
24 and back into park message?

25 A Yes.

1 Q You would? Okay. All right.

2 MR. CONRAD: Nothing further from the State
3 from this witness.

4 THE COURT: By the defense?

5 (Break in proceedings.)

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

7 (Break in proceedings.)

8 CROSS-EXAMINATION

9 BY MR. BARBER:

10 Q Good afternoon, sir.

11 A Good afternoon.

12 Q I won't -- hopefully this won't take long,
13 just a few clarifying questions. First you
14 mentioned that this -- the data was encrypted?

15 A Yes. When we pulled the data off the chip, it
16 was encrypted.

17 Q Is this something that the manufacture did?

18 A Yes.

19 Q Okay. It's not something that -- the end user
20 doesn't do something to encrypt the data. It comes
21 that way. Is that --

22 A Not for the infotainment system, no.

23 Q And so you -- it sounded like you kind of had
24 to reverse engineer with a test vehicle to figure
25 out the meaning of stuff. Were you not able to get

1 General Motors to assist with that?

2 A We could have, but we generally tried to find
3 the data on our own. Often we have the -- when --
4 it's difficult for us to get the manufacturers to
5 work with us on data.

6 Q Did anyone attempt to reach out to the General
7 Motors to de-encrypt the data?

8 A Not from EDU.

9 Q I won't go over this spreadsheet too much. Do
10 you still have the exhibit with you?

11 A I have a copy.

12 Q Okay.

13 (Break in proceedings.)

14 Q I wanted to ask you just briefly about, if I
15 can find it on this. There is some things that
16 were happening at 9:03 --

17 (Break in proceedings.)

18 Q -- and 9:04. I didn't quite understand. What
19 do these mean? This group of things that say info
20 state sleep and state summary animate, all of these
21 things happening in this 9:04/9:05 range, what does
22 that mean?

23 A So, I was attempting to explain before that
24 some of these messages, like, individually they
25 don't mean a whole lot. Like, what does it

1 actually mean? But in this case it's generally
2 showing -- like if you just scroll down just a
3 little bit more so I can just see a few more of the
4 messages? So, it looks like initially like at line
5 number 984 where the system initially boots up, and
6 then at 9:04 --

7 Q Let me stop you there. When you say system
8 startup, what does that mean? What does the
9 system -- what is it doing when it starts up?

10 A So, this is just the computer for the
11 infotainment center. This is not the entire
12 vehicle, but something woke up that system. And
13 just like your home computer, it needs to boot up
14 before Windows is ready. It's a similar thing that
15 has a boot up sequence. This is a log that says
16 that was initiated.

17 Q Okay, and what would trigger this? What would
18 make this startup happen?

19 A We know that -- some events that make it
20 happen, such as opening the door or starting the
21 car. We don't know all of the events that might
22 make that happen.

23 Q Well, on my Chevy if you walk near it with the
24 key fob, then the lights come on on the little door
25 handles. You can stick your foot up under the rear

1 and the rear will come up. Would walking near it
2 with the key fob trigger anything?

3 A It's a possibility, but we did not investigate
4 that.

5 Q But scrolling down here to 9:06 and 48
6 seconds, am I reading this correctly to say that
7 the engine was turned on?

8 A Can you scroll down just a little bit further?
9 Keep going just a little bit more in the 49 second.
10 So, if you see there was -- at one point there was
11 a message that says engine run false, which is only
12 within the same second as I'm following up on
13 engine running true. The -- it's messages like
14 this that get a little bit confusing on there. But
15 ultimately it's moving to -- it's basically saying
16 here I'm at, but I'm moving to this state here.
17 So, in that case it looked like the engine started
18 running at this time.

19 Q Okay. Well, I don't think I'll belabor this
20 spreadsheet anymore, but I did want to ask. Did
21 you additionally retrieve data related to the phone
22 connecting to the entertainment system? I think
23 there was the 911 call that you --

24 A We had a call log that was extracted as well
25 as the connection of a Bluetooth -- or several

1 Bluetooth devices.

2 Q Okay, and I want to hand you a printout. Is
3 this a printout of device connection history that
4 you were able to obtain from the vehicle?

5 A We need to go back to the original material
6 and take a look at this because it looks more like
7 what originally collected. There's pages of this
8 here.

9 Q Can you identify this?

10 A I mean, the format looks familiar, but it
11 looks -- I might have to go back in the original
12 material and pull up the HDML report. Is that
13 acceptable?

14 Q Absolutely.

15 MR. CONRAD: And, Your Honor, I think the
16 witness is asking to look at his original data to
17 validate what Mr. Barber has, and the State has no
18 objection to that but we would just need to few
19 minutes for him to look at it.

20 MR. BARBER: No objection, Your Honor,
21 absolutely.

22 THE COURT: Ladies and gentlemen, I will have
23 you to go to the jury room for a short break.

24 (The jury left the courtroom.)

25 THE COURT: We are in recess.

1 (A break was taken.)

2 THE COURT: If you would bring the jury.

3 MR. CONRAD: Your Honor, we're just copying a
4 little bit of data, so we'll need maybe just 2 or 3
5 more minutes.

6 THE COURT: We're going to bring the jury and
7 let them watch you do that.

8 (The jury returned to the courtroom.)

9 THE BAILIFF: The jury is present, sir.

10 MR. CONRAD: Thank you.

11 (Break in proceedings.)

12 THE COURT: Ladies and gentlemen, we're going
13 to recess for the day and resume at 9:30 in the
14 morning. Please do not discuss the case.

15 (The jury left the courtroom.)

16 THE COURT: We'll be in recess until 9:30.

17 (Whereupon, the case was at ease.)

18 *THURSDAY, FEBRUARY 9, 2023*

19 (Court resumed at 9:39 a.m.)

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

22 Where is the witness? You may resume the
23 stand, please. It's cross-examination.

24 You may bring the jury.

25 (The jury returned to the courtroom.)

1 THE BAILIFF: The jury is present, sir.

2 THE COURT: Thank you.

3 Good morning.

4 (The jury responded good morning.)

5 THE COURT: Welcome, ladies and gentlemen.

6 Day fourteen. Cross-examination continues.

7 You may proceed.

8 MR. BARBER: Thank you, Your Honor.

9 The witness, DWIGHT FALKOFSKE, remained under
10 oath and testified as follows:

11 CONTINUED CROSS-EXAMINATION

12 BY MR. BARBER:

13 Q Good morning, sir.

14 A Good morning.

15 Q This will be very brief, I believe. But just
16 very briefly, yesterday we covered that it was
17 difficult to download the information from the
18 vehicle because it was encrypted by the
19 manufacturer, correct?

20 A Yes. The encryption was done by the
21 manufacturer.

22 Q And you essentially had to reverse engineer
23 the device using a test vehicle.

24 A That's correct.

25 Q And it looks like you got a lot of good data

1 out of it but there's some of it that isn't quite
2 clear, like we said that we didn't exactly know
3 what necessarily would trigger something like a
4 system startup.

5 A Correct.

6 Q But some of other ones would be pretty
7 obvious, like engine on obviously means somebody
8 cranked the car.

9 A Yeah. The engine was turned on at that point.

10 Q Okay, and I'm not going to go through that
11 spreadsheet again. I just wanted to clarify that.
12 And how long did this process take you, this
13 reverse engineering process?

14 A Our whole analysis took just about one year.

15 Q That's a long time to --

16 A It's a hard effort.

17 Q Will you be able to reuse this work on other
18 2021 Chevy Suburbans?

19 A Some of the tools we developed will be
20 reusable.

21 Q And I asked before, and I guess it's -- no one
22 reached out to the manufacturer for assistance in
23 this process?

24 A Our group did not.

25 Q Okay. Do you know why? I mean, I think

1 yesterday you said in the past there wasn't -- you
2 know, they weren't very helpful, but it seems like
3 the worst they could do was to say no. Do you know
4 why it was decided not to reach out?

5 A For our unit, I believe that our attempt is to
6 get the data ourselves without outside assistance.
7 In many cases we end up finding data that even the
8 manufacturer doesn't know was there.

9 Q Now, I want to turn to what -- I think a
10 technical issue was resolved, and I'm going to show
11 you a printout that has been marked as Defendant's
12 Exhibit 90. And I believe you've had a chance to
13 review this?

14 A Yes, sir, I reviewed this material.

15 Q And you recognize it --

16 A Yes, this is from our results.

17 Q And what is this?

18 A This is a list of events that were recorded
19 from the vehicle. There was a category called
20 events that just listed times that something
21 interacted or something occurred with the vehicle.

22 Q And on this printout the only event, I guess,
23 listed here are an iPhones, or something called
24 Richard's iPhone earlier on connecting to the
25 vehicle. Is that correct?

1 A I see from the first page here, yeah, there's
2 one that's labeled iPhone with a Bluetooth Mac
3 address, and there's an attempt device connection
4 and timestamp.

5 Q If you've seen this before and your review and
6 you can look at it now. Do you see any -- is this
7 pretty much all device connections, phones
8 connecting to the Bluetooth in the car?

9 A Yes. I see other Bluetooth devices connecting
10 as well.

11 Q And is it -- just to be clear on this, the
12 only phone connecting in the month of June, at
13 least, is one named iPhone that has a phone number
14 ending in 1227. Is that correct?

15 A The phone number itself is not listed on this
16 page. It's the Bluetooth Mac address that it's
17 identified by.

18 Q Okay. Is the -- under connected devices right
19 above the word events where it says iPhone and
20 there's a Mac address, is the IMSI number that's
21 listed there (803)942-1227? Is that the phone
22 number?

23 A That's for the iPhone, correct.

24 Q Okay, and that's the phone that was connecting
25 in June.

1 A That appears to be the only one that connected
2 in June.

3 Q Yes. Is this something that you also had to
4 reverse engineer out of the vehicle?

5 A Yes. All of the data we found was unknown
6 prior to taking a look at the test vehicle.

7 Q And the event that we're looking at here,
8 device connection, that is the phone connecting to
9 the Bluetooth in the vehicle so that, you know, you
10 could use it for whatever goes up to Bluetooth
11 connection, whether it's phone calls or apps or
12 whatever depending on --

13 A Yeah, and it indicates a connection event from
14 the Bluetooth to the vehicle's infotainment system.

15 Q And up here in connected devices, does this
16 indicate that this iPhone was, I guess, paired to
17 the vehicle?

18 A That's correct.

19 Q Okay, and so in your experience, if your phone
20 is paired to your vehicle and Bluetooth is on and
21 it connects, that typically happens automatically
22 when you get in and turn it on if your phone is
23 with you?

24 A Yeah. If there's a device that is registered
25 or paired to the vehicle, it will automatically

1 connect to that vehicle.

2 Q And finally I just want to ask about -- you
3 had mentioned in your direct testimony that there's
4 sometimes you can get location data. Were you able
5 to get location data from the vehicle?

6 A From the infotainment we had limited location
7 data, and there was some location data recovered
8 from the Onstar module.

9 Q And do you recall, was there any location data
10 recovered for the day of June 7th of 2021?

11 A There was no location data recovered on
12 June 7th.

13 Q And, in fact, there wasn't any for June 6th or
14 June 8th either. Is that correct?

15 A I would have to verify those dates, but it's
16 in essence on the date of interest of June 7th
17 there was no location data.

18 MR. BARBER: Your Honor, I apologize. I
19 forgot to please move Defendant's Exhibit 90 into
20 evidence, I believe without objection.

21 MR. CONRAD: No objection.

22 THE COURT: It's admitted.

23 (REPORT ON VEHICLE MARKED AS DEFENDANT'S
24 EXHIBIT NUMBER 90 WAS RECEIVED INTO EVIDENCE.)

25 MR. BARBER: No further questions, Your Honor.

1 THE COURT: Any redirect?

2 MR. CONRAD: Nothing from the State, Your
3 Honor.

4 THE COURT: Thank you. You may step down.

5 THE WITNESS: Thank you, sir.

6 (The witness exited the stand.)

7 THE COURT: You may call your next witness.

8 MR. WATERS: The State calls Chris Wilson.

9 The witness, JAMES CHRISTOPHER WILSON, was
10 first duly sworn and testified as follows:

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

13 DIRECT EXAMINATION

14 BY MR. WATERS:

15 Q Good morning, Mr. Wilson.

16 A Good morning.

17 Q If you would, tell the jury just a little bit
18 about yourself: where you grew up, where you went
19 to school, and what you do for a living, please.

20 A Well, as I said a moment ago, my name is Chris
21 Wilson. I grew up in Bamberg about thirty-five or
22 forty minutes west of here; I graduated school
23 there. Went to school up in Spartanburg College.
24 Came back to Columbia to go to law school at USC.
25 I finished law school in 1994, worked for a judge

1 in Greenville for one year, and then moved back to
2 Bamberg where I grew up, practice law. I've been
3 practicing law ever since 1995.

4 Q Do you have a solo practice in a firm?

5 A Right now it's me and one associate. I've had
6 my own firm since 1998, and there have been varying
7 associates that have worked with me, or at one time
8 I had a couple of partners and one partner left,
9 and then one partner moved and so we split up as a
10 result of that. But, you know, I've had my own
11 practice since '98 with different people coming and
12 going.

13 Q And what's the name of the practice?

14 A Right now it's Wilson Law Group.

15 Q Wilson Law Group?

16 A Yes, sir.

17 Q Tell the jury what kind of legal work you do,
18 please.

19 A I do all kind of cases, but over the last ten
20 to fifteen years I've primarily concentrated on
21 just personal injury cases, people that are injured
22 in wrecks or hurt at work, tractor-trailer wrecks
23 especially, a lot of those. Just personal injury
24 cases.

25 Q Okay. Do you know the defendant?

1 A I do.

2 Q Do you see him in the courtroom here today?

3 A I do.

4 Q Can you point him out for the jury?

5 A Yes, sir. Red head with the glasses over
6 there between Mr. Griffin and Mr. Harpootlian.

7 MR. WATERS: Your Honor, can the record reflect
8 he's identified the defendant?

9 THE COURT: Yes.

10 Q Tell me how you came to know the defendant.

11 A I've known Alex since we were in high school.
12 I think I was a year younger than him, but Bamberg
13 and Hampton are only about 30 miles apart and so we
14 had several mutual friends, people that I was
15 closer to back then but got to know and be around
16 him some then. We played some ball against each
17 other and I think even played on the same ball team
18 one summer. So, I knew him a little bit through
19 high school but not much. Didn't keep in touch at
20 all when we were in college. Started law school at
21 the same time together and became really close
22 friends through law school, lived together a little
23 bit of that time. Finished law school.

24 I moved to Greenville, he moved to Beaufort
25 and, you know, we would keep in touch some, but we

1 were a little bit separated. And then when I moved
2 back to Bamberg and he ultimately moved back to
3 Hampton we got much, much closer. Our wives had
4 known each other through college and so they became
5 closer friends. Our kids grew up together. You
6 know, we just spent a lot of time together
7 personally, and then he and I did a number of cases
8 together. We worked professionally together.

9 Q Did y'all become close friends over the years?

10 A Yes, sir.

11 Q Best friends?

12 A Yes, sir. I considered him to be one of my
13 best, if not my best friend, yes, sir.

14 Q Did you get to know his family?

15 A Very much. Not just his wife, not just
16 Maggie, not just Paul but, you know, Buster and his
17 parents, you know, his in-laws, his brothers and
18 sisters, and mama and daddy, I mean, the whole
19 family. And they knew my family, or he knew my
20 family.

21 Q Y'all did things together socially?

22 A Yes, sir. We had kids the same age. Our kids
23 are close. We did a lot of things together, and we
24 worked together.

25 Q Up until about June of 2021, did you talk to

1 the defendant almost every day?

2 A Yes, sir. I didn't see Alex all of the time,
3 not every day, maybe not even once a week, but we
4 talked by phone probably pretty much every day,
5 several times a day sometimes. Sometimes just
6 about, you know, Gamecocks and football and
7 baseball, and whatever. Sometimes about kids,
8 sometimes about business, sometimes about cases we
9 were working on. Just all kind of stuff.

10 Q Did you feel like you knew him pretty well?

11 A I did.

12 Q You mentioned y'all worked some cases
13 together. How many cases together did you work
14 over the years?

15 A Well, my firm when I first started out by
16 myself was smaller. I didn't have a lot of
17 resources; I was just getting started. His firm
18 was bigger with a lot more resources and a lot more
19 lawyers. They handled some bigger cases that I
20 really wasn't capable of handling together on my
21 own, and so when it first started out, I was
22 associating him and his firm a lot more often
23 probably over the course of, you know, these last
24 twenty years, probably twenty-five or thirty cases,
25 but it slowed down. As my firm got bigger and I

1 became more experienced and could handle a lot more
2 things on my own, it was less and less often that I
3 would associate his firm. But if I ever felt like
4 it could benefit my client with either the type of
5 case that I was handling or where the case was
6 going to be brought to have his firm involved, I
7 would call Alex.

8 Q How many times do you think you worked a case
9 with him or shared a case with him over the years?

10 A Probably thirty, maybe more.

11 Q And when did that start, do you think?

12 A I opened my own -- I didn't do it any until I
13 opened my own office in '98, and I don't remember
14 exactly when he moved back to Hampton from
15 Beaufort, but it was probably starting in the early
16 2000's or somewhere thereabouts.

17 Q And were all of these plaintiff's cases where
18 y'all are representing a plaintiff who had had some
19 alleged injuries or something like that or some
20 sort of -- suffered some sort of harm?

21 A Yes, sir. I mean, there may have been, you
22 know, one or two here or there that was something
23 different than a personal injury case, but almost
24 everything was personal injury cases.

25 Q And were all of these cases worked on a

1 contingency?

2 A Yes, sir.

3 Q And can you explain to the jury what a
4 contingency is, how a lawyer gets paid with a
5 contingency type case?

6 A Sure. A contingency fee is basically,
7 basically the attorney and the client enter into an
8 agreement on the front end of the case when the
9 client retains the attorney. There are no
10 attorneys fees up front, there's no prepayment,
11 there's no hourly billing arrangement. Basically
12 the attorney has an interest in the case so that
13 when the case resolved -- resolves, the attorney
14 receives as a fee a portion of the recovery.
15 Generally it's a third, sometimes 40 percent
16 depending on whether suit has to be filed or what
17 type of case it is.

18 But basically the lawyer is taking all of the
19 risks and pursuing the case. If it doesn't work
20 out well, the lawyer doesn't get paid for their
21 time, and generally the lawyer fronts all of the
22 costs in pursuing the case for court fees,
23 depositions, experts, all that type stuff. And so
24 at the end if there's a recovery, the attorney is
25 repaid their fee contingent on a successful outcome

1 and repaid whatever costs that are advanced in the
2 case.

3 Q Those cost and expenses, the costs of
4 litigating a case, hiring an expert, travel, taking
5 depositions --

6 A It gets expensive.

7 Q -- court costs, things like that?

8 A Yes. It gets very expensive.

9 Q Do those come out of lawyer's 33 percent or 40
10 percent of the recovery, or are those recovered
11 separately from the lawyer's fees?

12 A Separately and in addition to the fee.

13 Q Okay. In the cases that you have worked with
14 Alex over the years, was he with PMPED during those
15 cases?

16 A Yes, sir. I don't believe I associated him on
17 any cases when he was in Beaufort. It was not
18 until he returned to Hampton.

19 Q If you are in your firm and Alex is in his
20 firm and y'all are sharing your case and ultimately
21 you're successful -- there's a settlement, there's
22 a trial verdict -- and you get a recovery, how do
23 you go about splitting that fee?

24 A All of that is agreed to up on the front at
25 the beginning of the case. So, for instance, a

1 client comes in and hires me for whatever reason,
2 whatever type case, if I look at it and decide that
3 I could use some help either because there's a
4 lawyer that knows that area of law better than I
5 do, or maybe they're more local to the case, or
6 maybe I just need some extra manpower, whatever it
7 is, when I associate that lawyer and his firm, we
8 make an agreement at the beginning as to what the
9 fee split will be. And the client approves that
10 and signs off on it. It's generally 50/50 on
11 almost all -- I think on every case I ever worked
12 with this firm, it was a 50/50 split on the fees.

13 Q And those cases that you worked with Alex over
14 the years up until one at the end, did your office
15 typically handle the disbursement of the fees when
16 the settlement money came in?

17 A Yes, sir. I mean, I've gone back through all
18 my files, and with the exception of one or two
19 cases that I think were a little bit different than
20 normal -- his firm had part of the family who had
21 lost a loved one and I had part of the family that
22 had lost a loved one, and instead of them having a
23 dispute about who was going to control and handle
24 the case, we decided to work together, and so the
25 firms worked together. And everything may have

1 gone through them on those cases. But on cases
2 that I associated his firm on that I went to them
3 to bring them into the case, I would generally
4 handle the disbursements, yes, sir.

5 Q All right, and when we say handle the
6 disbursements, does that mean your office would
7 handle actually cutting the checks to the client as
8 well as to his firm for their share of the large
9 fees, as well as their share of any expenses to be
10 reimbursed?

11 A Yes, sir. When the money would come in,
12 whether it was by a settlement or a verdict that
13 had been paid, the money would come to my office
14 and it would have to sit in my account for the
15 appropriate amount of time. And then when checks
16 were ready to be written, I would write the checks
17 to his firm for their fees and for their costs, to
18 my firm for my fees and my costs, to any medical
19 bills, or liens, or anything that had to be paid,
20 and to the client for their money.

21 Q And you would write the checks for his share
22 of the fees to the firm. Is that correct?

23 A Yes, sir, to PMPED, Peters, Murdaugh, Parker,
24 Detrick, and Elzroth.

25 Q And when you would write those checks to his

1 firm, would there be one check or two? Would you
2 put the fees and his share of reimbursed costs in
3 one check together, or would you write two separate
4 checks?

5 A Starting out I think we would include not just
6 for his firm but for my firm. Fees and costs would
7 be in the same check. And then, you know, more
8 than ten years ago or so, and maybe even longer
9 than that, we started doing it in two separate
10 checks just to keep the accounting of it easier, to
11 keep up with what part of the payment was fees and
12 what part of the payment was costs. So, you know,
13 over the last fifteen years it's been two checks.

14 Q Do you have a staff member who helps you who's
15 kind your main staff member that might handle some
16 of these disbursements?

17 A I have several different staff people that
18 help me handle cases and disbursements. I have a
19 bookkeeper that keeps up with the checking accounts
20 and writes all the checks that I instruct her to
21 write, and then I'm the only person with signatory
22 authority. And I have a staff member that helps me
23 work cases and actually helps me put together
24 disbursement sheets, and check medical lien
25 balances, and who's owed what money and those type

1 things.

2 Q And who is that person you're referring to?

3 A Vickie is the person that helps me do all of
4 that.

5 Q Did you ever work a case with the defendant
6 involving Mack Trucks?

7 A Yes, sir. I contacted Alex and his firm to
8 get involved and work with me and another lawyer on
9 a case involving Mack Trucks.

10 Q Tell the jury just a little bit about the
11 case. Without getting into too much detail, what
12 kind of case was it?

13 A Sure. So, a lawyer contacted me about a wreck
14 that a client of his had been involved in. A drive
15 shaft out of a Mack Truck had fallen into the
16 interstate as the vehicles were traveling down the
17 road. This gentleman's vehicle, along with a bunch
18 of other vehicles, hit this draft shaft and he was
19 injured, and so this lawyer -- it was a trucking
20 case when he first contacted me and looked at it
21 and that's a lot of what I do. So, he called me
22 for some help with that.

23 Q Okay, and so you got involved in this
24 particular case?

25 A I did.

1 Q As you looked at the particular case, did you
2 decide to involve the defendant?

3 A I did. Very quickly after looking at it,
4 he -- this other lawyer and I both realized that
5 this case was probably a products liability case,
6 that the drive shaft shouldn't have just fallen out
7 of the truck for no reason like that, and that
8 there might be something to do with a defect in the
9 truck. And we found some information about a
10 recall, or a potential recall, and I knew that's
11 what Alex and his firm specialized in, those type
12 cases. So, I called him and asked him to get
13 involved. We were pushing some deadlines to bring
14 in all of the parties that we needed to, so it was
15 important to get somebody involved in a facet that
16 knew what they were doing.

17 Q And he agreed to get in on this particular
18 case?

19 A Yes, sir.

20 Q So, you've got three attorneys in there who
21 are going to split the fee. Is that correct?

22 A Yes, sir.

23 Q Tell the jury, again without getting too much
24 into the weeds, tell the jury a little bit how the
25 litigation went. Did y'all ultimately try the

1 case, and kind of set up how y'all ultimately got
2 to that point.

3 A Sure. So, we actually brought two cases. We
4 brought one case for the wife of the gentleman that
5 was injured in the wreck for what are called loss
6 of consortium claims. That generally is just the
7 loss of a spouse, their loss of the services of
8 their other spouse. Maybe that spouse can't do all
9 the things around the home they used to do, or they
10 can't be quite the husband or the wife that they
11 were before. So, we brought a claim for the wife
12 for loss of consortium, and we brought a separate
13 case for the husband for his personal injuries.

14 Not to get too technical, but the wife's case,
15 the -- Mack Trucks didn't answer the papers like
16 they were supposed and so they went into default on
17 that case, and that put them in a really bad spot.
18 On the husband's case, they answered the papers and
19 initially contested the case, but after getting
20 Alex and his firm involved in the case, we started
21 doing discovery, which means we were asking for a
22 bunch of documentation and things. And I'm not
23 sure that they just didn't want us looking any
24 further, and so they reached out to us and we had
25 communications with them about ways to try to

1 pursue the case outside of the traditional going
2 through all of that and going to a jury trial.
3 Covid had hit and so things were slowed up in the
4 court, and ultimately we reached an agreement to
5 try both of those cases together in front of a
6 judge without a jury. Both parties waived any
7 rights to appeal. Mack Trucks admitted liability,
8 and we agreed to waive punitive damages. I think
9 that's the structure we tried it under.

10 Q Let me ask you two quick questions about that.
11 You said that Covid had hit and, like the rest of
12 the world, that had slowed up everything in court,
13 correct?

14 A Very much.

15 Q And, you know, some things were moving but
16 because things were slowed up in court, that might
17 slow up the ability to get verdicts and settlements
18 and that sort of thing to some extent. Covid had
19 an affect on everybody. Is that correct?

20 A Yes, sir.

21 Q All right, and then you mentioned in this
22 particular case, y'all ultimately agreed for both
23 parties to waive the right to appeal. Is that
24 correct?

25 A Yes, sir.

1 Q And did that have the effect of meaning that
2 whatever verdict was issued, it wouldn't be tied up
3 in the courts for a long time and the money would
4 go ahead and be paid?

5 A Yes, sir.

6 Q Did y'all eventually try that case in front of
7 a judge instead of a jury?

8 A We did, in January of 2021, first couple of
9 weeks.

10 Q Okay, and did the defendant try that case with
11 you?

12 A He did.

13 Q And did y'all ultimately get a verdict?

14 A We did. We got verdicts in both cases.

15 Q Okay, and do you remember how much those
16 verdicts were?

17 A Combined they were \$5.5 million. I believe it
18 was \$4 million on the husband's case. He had
19 passed away, I believe, within about four, five, or
20 six months of us going to trial, so I think it was
21 \$4 million on behalf of his estate for his injuries
22 and what that had cost for him. And then I believe
23 it was 1.5 million on the wife's loss of
24 consortium.

25 Q Who did the closing argument in that case --

1 A Alex did.

2 Q -- for y'all's side?

3 A Alex did.

4 Q The defendant did?

5 A Yes, sir.

6 Q Did he get emotional in closing?

7 A He did.

8 Q Had he spent much time with the husband in
9 that case?

10 A I don't think Alex had spent a lot of time
11 with the gentleman. He had been kind of sick
12 towards the end, and I don't know that Alex had
13 spent a lot of time with him. He had spent a lot
14 of time with the wife, especially throughout that
15 week in trial. I mean, it was an emotional case.
16 They had serious loss.

17 Q Closing argument, that's when the lawyer gets
18 up and sort of summarizes the case to the judge and
19 the jury, depending on what kind of case it is?

20 A Yes, sir. Honestly you do more than
21 summarize. You argue.

22 Q You argue?

23 A Yeah. You put your heart into it. You tell
24 the judge and the jury why it is you think -- why
25 it is you hope and think they do what you're asking

1 them to do.

2 Q You said the verdict was how much in total?

3 A 5.5 million combined.

4 Q And what does that mean the fees were going to
5 be for the three lawyers involved in this case?

6 A I don't remember the exact split for
7 everybody. I know that my fee was going to be,
8 like, \$791,000, and the fee payable to Alex's firm
9 was going to be \$792,000.

10 Q And do you recall --

11 A I don't remember the third attorney right off
12 the top of my head.

13 Q Do you remember when you received that \$5.5
14 million into your trust account?

15 A Yes, sir. Part of it came in by wire but it
16 was a smaller part, and I want to say that was
17 about -- we tried it in the first part of January.
18 The Judge didn't issue a rule right on the spot; it
19 took a couple weeks for him to issue his ruling,
20 which is normal. And then within a couple of weeks
21 of that, after some back and forth with Mack
22 Truck's attorney about whether they were going to
23 file any kind of posttrial motions, or they could
24 have tried to file an appeal and see where it went
25 -- even though we had an agreement up front, we

1 were worried they might get around that. But,
2 anyway, after a couple of weeks of back and forth,
3 a wire was sent for part of the money around
4 probably the middle of February, and then shortly
5 after that a check arrived for the rest of the
6 money.

7 Q And again, do you remember when that was?

8 A I don't remember exactly. I want to say the
9 last few days of -- no, it was probably the last
10 few days of February, somewhere around in there.

11 Q What year?

12 A 2021.

13 Q Hold on for me one second.

14 (Break in proceedings.)

15 MR. GRIFFIN: Your Honor, for the record I
16 just want to object to this line of questioning
17 under 404, 403. And to this exhibit, I do not have
18 any additional objections other than those that
19 were previously made.

20 THE COURT: I don't know what the exhibit is.

21 MR. GRIFFIN: Yes, sir.

22 MR. WATERS: Your Honor, this is just a text
23 but it's related to the *in-camera* matters that have
24 been addressed.

25 THE COURT: It's admitted over objection.

1 (TEXT MESSAGE MARKED AS STATE'S EXHIBIT NUMBER
2 450 WAS RECEIVED INTO EVIDENCE.)

3 Q All right, I'm going to show you what has been
4 marked as and admitted into evidence as State's 450
5 and see if you recognize that document, please.

6 A Yes, sir. This looks like a snapshot of a
7 text screen that I would have provided that is just
8 communication between me and Alex.

9 Q All right, and in the middle of that
10 particular text, that particular page there's some
11 texts, and do you see the date on that?

12 A March the 10th. This would be 2021.

13 Q All right, and that's a text from the
14 defendant. Is that correct?

15 A Yes, sir. It looks like we had been talking
16 about getting together to play golf, and then he
17 texted me wanting -- you want me to read it?

18 Q Yeah. Go ahead and read that to the jury,
19 what your text conversation right there is.

20 A March 10th: I need to get check today. If
21 it's just too much for you, I will deal with it.

22 Q All right, and what's your response?

23 A I am working on it.

24 Q Okay. So, that's March 10th of 2021. Is that
25 correct?

1 A Yes, sir.

2 MR. WATERS: May I have the ELMO, please?

3 Q All right. Well, let's talk about that text a
4 little bit. So, does that text help you kind of
5 get an idea of roughly when the disbursement checks
6 came in on the Mack Truck case?

7 A Yes, sir. So, by our rules of the Supreme
8 Court, any check that's of a certain size has to be
9 in your trust account for at least ten days before
10 you can disburse. And these were -- this was a
11 sizable check, so I was going to wait more than ten
12 days just to make sure there weren't any problems.
13 So, if that's March the 10th, you know, like I
14 said, those checks -- the final amount of that
15 money would have come in some time, you know,
16 towards the end of February because I think I
17 waited twelve to fifteen days as I recall.

18 Q As you said, it's a sizable amount of money.
19 This was a pretty big recovery, correct?

20 A Yes, sir.

21 Q I imagine you contacted the other attorney and
22 you contacted the defendant to say, hey, got the
23 money in.

24 A I did.

25 Q When you contacted the defendant about that,

1 what, if anything, did he say?

2 A You know, great news, good. I told him that I
3 was going to sit on it a little bit longer than
4 normal to disburse just because -- if it had all
5 come in a wire, I could have disbursed immediately
6 because those are considered received funds, but
7 with it being a check, I wanted to wait. And so I
8 let both of them know that I had received the money
9 and that I wasn't going to do it on the tenth day,
10 but that I would do it shortly thereafter.

11 Q Did the defendant ask you to do anything when
12 it came time to disbursing his firm's share of the
13 funds?

14 A He did, yes, sir.

15 Q Tell me about that conversation.

16 A When it came time to disburse the checks and I
17 was calling him and the other lawyer to let them
18 know that I would have the checks ready, I guess
19 somewhere around March the 10th Alex told me that
20 he was going to put the monies into an annuity,
21 that he was going to put his fees in an annuity.
22 He called it a structure, but in essence he
23 explained he was going to put those monies into an
24 annuity and that the checks needed to be made
25 payable directly to him instead of his firm so that

1 he could do that.

2 Q Okay, and did he explain to you why he was
3 going to do that?

4 A He had just indicated that he was putting
5 money away. He indicated that he was concerned
6 about the boat case and that he was going to put
7 some monies in an annuity or into a structure.

8 Q When you say he was concerned about the boat
9 case, what exactly -- what was he concerned about?
10 What did he tell you he was concerned about?

11 A He was concerned about his exposure in the
12 boat case.

13 Q In a civil lawsuit?

14 A Yes, sir.

15 Q You were aware that the defendant had been
16 sued civilly in the both accident case?

17 A I didn't know if he had been sued himself, but
18 I knew there was a lawsuit going on involving --
19 and I believe I did know that he was himself sued
20 at that time, yes, sir.

21 Q So, this was different than how you normally
22 did things, correct?

23 A Very much.

24 Q Did he have any further explanation to you as
25 to why this would be okay, why this was all right

1 to do?

2 A He told me that he had already cleared it with
3 the partners in his firm. I mean, he was a partner
4 himself with the authority to do things for the
5 firm, but he told me he had already cleared it with
6 his partners in the firm and that he was going
7 to -- that they were going put the monies on the
8 books, and then they would be accounted for at the
9 end of the year whenever they did their year end
10 settle up, that he would already be accounted for
11 as having been paid these monies already.

12 Q Looking back at this exhibit that's now up on
13 the screen, on March 10th at 4:50 he says: I need
14 to get the check today.

15 A Yes, sir.

16 Q Did he tell you any more about why he needed
17 to get the check today?

18 A I spoke to him on the phone that day, and he
19 just asked me if the checks were going to be ready
20 that day. As I recall, I was on the road. I
21 wasn't sure I was going to make it back to the
22 office or not. My bookkeeper was getting the
23 checks ready, and I spoke to him on the phone and
24 told him that if I got back in time to sign the
25 checks, I would have them ready that day. He told

1 me he would like to get them that day, yes, sir.

2 Q He told you that he'd already cleared this
3 with the partners. They were okay with him getting
4 his money right now instead of having to wait until
5 the end of the year.

6 A He told me that the partners were aware that
7 the monies were being paid to him, that he was
8 going to put them into annuities, and that they
9 would be accounted for on the books of the firm as
10 already having been credited as paid towards him.

11 Q Did you believe the defendant when he told you
12 these things?

13 A Yes, sir. I didn't have any reason not to.

14 Q Your best friend?

15 A Yes, sir.

16 Q Did you trust him?

17 A I did.

18 Q Didn't set off any red flags to you at this
19 point?

20 A No, sir. I mean, I had known him for thirty-
21 plus years and didn't have any reason not to trust
22 him.

23 Q Did you ultimately initially write a couple of
24 fee checks to the defendant?

25 A I did, yes, sir. I think I wrote one check in

1 the gentleman's case and one check in the lady's
2 case, and then the gentleman's check was rewritten
3 into two checks. When I say these checks, I'm
4 talking about fees that were paid.

5 Q Okay. I'm going to show you what's previously
6 been mark as State's Exhibit 345. You said the
7 total fees that were going to go to Alex in this
8 case were how much?

9 A \$792,000.

10 Q And he asked you to write the checks out to
11 who?

12 A To him.

13 Q Him directly?

14 A Him, Richard A. Murdaugh.

15 Q Instead of what?

16 A Instead of PMPED or the law firm.

17 Q Which would be the normal practice?

18 A Yes, sir.

19 Q All right. I'm going to show you what's been
20 marked as 345 and see if you recognize this
21 document, State's 345.

22 A I do.

23 Q All right. What is that?

24 A So, this is a check that was initially written
25 to Richard Alexander Murdaugh, Esquire, for

1 \$600,000 on March 10, 2021. This says fees on the
2 bottom. This would be the fees on the gentleman's
3 case for payable to his firm, which Alex told me to
4 write to him. This check was voided and rewritten
5 into two separate checks. It's marked void.

6 MR. WATERS: All right, Your Honor, at this
7 time I would move to admit State's 345 into
8 evidence.

9 MR. GRIFFIN: Your Honor, we do not have any
10 additional objections to that document.

11 THE COURT: It's admitted.

12 (COPY OF CHECK MARKED AS STATE'S EXHIBIT
13 NUMBER 345 WAS RECEIVED INTO EVIDENCE.)

14 Q And this check is made out for how much?

15 A \$600,000.

16 Q All right, and, again, there were two cases so
17 there were going to be two separate checks. Is
18 that correct?

19 A Yes, sir. This was just the fees on the
20 gentleman's case.

21 Q And that was going to be how much total?

22 A Total was 792.

23 Q But this one is?

24 A 600.

25 Q And the one for the other one?

1 A 192.

2 Q 192. Okay. All right, and so you initially
3 write this check. Did you deliver this to the
4 defendant, or what happened?

5 A I didn't deliver any of the checks. I believe
6 he had somebody pick them up that day from his
7 office, a runner or something like that. But, no,
8 sir, this check was voided out and we rewrote two
9 separate checks made payable to Richard Alexander
10 Murdaugh, Esquire.

11 Q Why did you do that? Why did you void this
12 one for 600 and write two separate checks?

13 A When I called Alex and told him that I -- or
14 when we were talking and I told him I thought the
15 checks would be ready, he instructed me that he was
16 doing three separate annuities and so it would need
17 to be in three checks, and that this check would
18 need to be made out into two different checks that
19 totaled \$600,000.

20 Q Okay, and his reason is he was doing a bunch
21 of different annuities, huh?

22 A Yes, sir. It wasn't all going into the same
23 annuity, or the same place.

24 Q All right. So, you recut into two checks. Is
25 that correct?

1 A Yes, sir.

2 Q All right. I'm going to show you what has
3 been marked as State's 346 and see if you recognize
4 that set of documents, please.

5 A Yes, sir, I do.

6 Q All right. Just flip through it real quick.

7 A You want me to tell you what they are?

8 Q Well, just flip through it first if you would,
9 please.

10 A Yes, sir, I recognize all of this.

11 Q And tell the jury what those are, please.

12 A So, the top document is the \$192,000 check
13 dated March 10, 2021, made payable to Richard
14 Alexander Murdaugh, Esquire, and on the bottom it
15 says fees. That would have been the fees on the
16 lady's loss of consortium case.

17 Q Okay.

18 A The back of it -- the rest of it is just the
19 back of the check. It looks like it's endorsed,
20 Bank of America deposit only, a signature that
21 looks like Alex but it's kind of scribbled and says
22 Bank of America.

23 Q Okay.

24 A The next page is a check for \$225,000 dated
25 March 10, 2021, payable to Richard Alexander

1 Murdaugh, Esquire, and on the box it says fees.
2 This would be part of the rewrite of that \$600,000
3 check. Same type of endorsement paperwork on the
4 back. And then the third check is a check dated
5 March 10, 2021, for \$375,000 made payable to
6 Richard Alexander Murdaugh, Esquire, and on the
7 bottom it says fees. And that would be the second
8 part of rewrite of that \$600,000 check for the fees
9 in the gentleman's case.

10 Q All right.

11 MR. WATERS: Your Honor, at this time I would
12 move to admit State's 346 into evidence.

13 MR. GRIFFIN: We don't have any additional
14 objections, Your Honor.

15 THE COURT: They're admitted.

16 (COPY OF CHECKS MARKED AS STATE'S EXHIBIT
17 NUMBER 346 WERE RECEIVED INTO EVIDENCE.)

18 Q All right. I'm going to show you what's been
19 marked as State's 347 and see if you recognize
20 those two documents, please.

21 A I do.

22 Q All right. Tell me what those are.

23 A So, these are two checks from my firm made
24 payable to Peters, Murdaugh, Parker, Elzroth, and
25 Detrick. The for the memo part doesn't -- is

1 redacted, but I know what these are. So, these
2 were cost reimbursement checks in both of these
3 cases, one check for the gentleman's case and one
4 check for the wife's case. They're dated May 13th
5 of 2021, made payable to the law firm. One of them
6 is for \$14,619.13, and one of them is for the same
7 amount except for 14 cents.

8 Q All right. Tell me the date on those expense
9 checks, please.

10 A May 13th of 2021.

11 Q And go back, if you would, and let's again
12 remind the jury what the date of fee checks are
13 particularly after they were recut at the
14 defendant's request.

15 A March 10th of 2021.

16 Q All right. Let me put these up on the screen
17 real quick.

18 MR. WATERS: Your Honor, I would move in
19 State's 347, please.

20 MR. GRIFFIN: No additional objection.

21 THE COURT: All right. They're admitted.

22 (COPY OF CHECKS MARKED AS STATE'S EXHIBIT
23 NUMBER 347 WERE RECEIVED INTO EVIDENCE.)

24 Q All right. We are at State's 346, and this is
25 the check for 192,000. Is that correct?

1 A Yes, sir.

2 Q And date is March 10th. Is that right?

3 A Yes, sir. That is the day that all three
4 lawyers' checks were cut to be paid.

5 Q Same date of that text that the jury has seen,
6 correct?

7 A Yes, sir.

8 Q The next page. This is the check for how
9 much?

10 A \$225,000.

11 Q And that's part of the 600K?

12 A Yes, sir.

13 Q Same date?

14 A Yes, sir, March the 10th.

15 Q And that is your signature on there?

16 A It is.

17 Q Going back to the first one, you said that
18 looks like whose handwriting?

19 A Yes, sir.

20 Q Whose?

21 A Alex's.

22 Q Right there on the second check on the back,
23 that looks like whose handwriting to you?

24 A I mean, the top left of it looks like Alex's
25 signature.

1 Q Okay, and then finally this last check, that's
2 the 375. That's part of 600,000?

3 A Yes, sir.

4 Q That's your signature right there on the
5 check?

6 A It is.

7 Q And the same date?

8 A Yes, sir, March 10th.

9 Q And do you recognize that signature at all?

10 A I mean, it looks like Alex's, but, I'm not --

11 Q The best that you can tell.

12 A The best I can see, yes, sir.

13 Q All right. What -- those particular checks,
14 what did you -- once those were cut, the defendant
15 has been texting you about it, what did you do once
16 you recut them?

17 A I think, as I said a little earlier, at some
18 point in time we were having a phone conversation
19 and I told him that I was on the road, that if I
20 got back and was able to sign them I would let him
21 know. And I ultimately did make it back to the
22 office, I believe, that day. Was able to get the
23 checks signed, and either called him and said they
24 were ready and he said I'll send somebody up to get
25 them, or maybe I called him as I was going back to

1 the office but before I actually signed them and
2 said, hey, I will be back to sign them and they'll
3 be ready. And he said, well, I'm going to send
4 somebody up to get them. And so they would have
5 come up -- I think he had a runner come up that day
6 that would have picked up a package that had those
7 checks. I mean, I don't remember exactly for sure,
8 but generally it's going to be those checks, a
9 cover letter, and a package that has a partial
10 disbursement sheet.

11 Our client had signed off on allowing the fees
12 to go ahead and be paid then while we were waiting
13 on some liens to resolve themselves, some costs to
14 come in and some things like that. So, our client
15 had signed off on a partial settlement statement,
16 and I would have provided that.

17 Q The voided check you saw before and these
18 checks all have the same date. Is that correct?

19 A Yes, sir, they do.

20 Q And do you recall anything about that? Did
21 you call him up and say, hey, great news. I got it
22 taken care of, and he said, wait, wait, wait. How
23 did that go down?

24 A I don't remember. I mean, I don't remember
25 how many different conversations we had that day;

1 whether it was over, you know, one conversation or
2 two conversations, I don't remember. But at some
3 point he instructed me that the \$600,000 check
4 needed to be made into separate checks.

5 Q Did he send somebody to pick them up?

6 A I think -- I didn't mean to cut you off. We
7 talked a lot every day, and so we probably had
8 multiple conversations that day, but at some point
9 he instructed me to do that.

10 Q He was one of your best friends?

11 A Yes, sir, very much. Not just my best friend,
12 Mr. Waters. I mean, our families were close. I
13 mean, our kids, our wives, I mean, we were close.

14 Q You had a friendship with Maggie, too?

15 A Yes, sir, very much.

16 Q A friendship with Paul, too?

17 A Yes, sir.

18 Q You had a friendship with Buster, too?

19 A Yes, sir. Haven't been able to have that
20 since. Not like it was, but yes, sir. I hope to
21 one day, but yes, sir.

22 Q Why didn't you disburse the fee checks the
23 same day? Do you recall?

24 A The fee checks were disbursed --

25 Q I mean, I'm sorry, the expense checks, the

1 cost checks.

2 A Yes, sir. We were still waiting on some costs
3 to come in. We had several experts in that case,
4 and it's not abnormal to have costs that come in
5 after a settlement or after a verdict that you
6 reached. Sometimes you're taking depositions up to
7 the last minute, sometimes you have experts that
8 are working and they're going to send their bill
9 for their trial time, and so a lot of times those
10 costs will come in. I think our client had
11 authorized us to hold some money back in escrow for
12 expected costs, and so we had a lot of bills that
13 were coming in even into late April.

14 Q Okay. You mentioned that the defendant had
15 said something about his exposure in the boat
16 accident lawsuit as a reason for structuring these
17 fees.

18 A Yes, sir.

19 Q Did he say any more about that?

20 A Not in that conversation when he asked me to
21 write the checks directly to him. We had had some
22 other conversations, and I don't remember if they
23 were before this or after this. Honestly I think
24 they were after, but I don't remember for sure
25 where he had just said that there was, you know,

1 some fights going on between insurance companies.

2 Q When you -- the defendant asked you to do this
3 unusual step and write the fees direct to him and
4 you said you trusted him, correct?

5 A Yes, sir.

6 Q What was your general perception of his law
7 practice, of his wealth, of his financial security
8 knowing him as well as you did? What was your
9 perception of that?

10 A Big firm, big reputation. Alex had a big
11 reputation. I thought he made a whole lot more
12 money than I did. Everything I knew from the way
13 his partners treated him, the type of cases I saw
14 him working on with them, the type of cases I knew
15 he worked on with me that he was, you know, one of
16 the biggest dogs in that firm, one of the biggest
17 producers they had. You know, seemed to own a lot
18 of things, do a lot of things, spend money. Didn't
19 ever seem to have problems. And I knew I was
20 associating him and his firm on very good cases
21 throughout years and I knew other lawyers that
22 were. It just seemed like they were doing very
23 well and that he, he specifically was doing very
24 well.

25 Q And is that perception that you had of him one

1 of the reasons why you trusted him, that there was
2 no shenanigans going on?

3 A I don't know that that's the main reason. I
4 trusted him because I knew him and had dealt with
5 him personally and professionally for a long time,
6 but I had no idea -- if he was having money
7 problems, I mean, I would have never suspected that
8 his asking me to write checks to him had anything
9 to do with money problems on his behalf. Nothing
10 gave that appearance. So, I mean, that could have
11 factored into the back -- but mostly I just knew
12 the guy and I trusted him. And he wasn't asking me
13 to do anything that raised any flags with me. He
14 told me that he cleared it with his firm and his
15 partners; I didn't have any reason to doubt that.

16 Q I'm going to put State's 347 up on the screen,
17 and what are these again?

18 A That's a cost reimbursement check in one of
19 those cases. I can't tell you which one it is.

20 Q All right. Then if we go two pages back, this
21 is the other check?

22 A Yes, sir, in the other case, cost
23 reimbursement.

24 Q All right, and those are the same amount?

25 A One penny difference, I think. Alex sent me

1 the cost total and I just split them evenly between
2 the two cases.

3 Q And what's the date on that check, those
4 checks?

5 A May 13th of 2021, which I believe would be
6 about -- would be the time obviously we wrote the
7 checks, and they would have been mailed to his
8 office shortly thereafter.

9 Q And you said that there was a reason why these
10 came a couple months later, that y'all were waiting
11 for some information?

12 A Yes, sir, waiting on costs to finalize up.
13 Instead of writing multiple checks as costs came
14 in, we just kind of wait sometimes until the final
15 bill is received.

16 Q Is that your signature on these checks?

17 A Yes, sir.

18 Q And those would have been mailed to Alex's law
19 firm, correct?

20 A That is the general practice, yes, sir, is we
21 mailed them to his firm, and I don't know why these
22 would have been done any differently.

23 Q In May of 2021, did your office -- after these
24 checks were mailed, did your office receive any
25 communication from the defendant's law firm?

1 A My paralegal, Vickie, received an email from
2 Alex's paralegal, Annette.

3 Q And tell me about that. What was the
4 communication that from Annette?

5 A Yes, sir, from Annette Griswold, Alex's
6 paralegal.

7 Q Your paralegal, Vickie, received a
8 communication from Annette Griswold, the
9 defendant's paralegal?

10 A Yes, sir. Vickie got an email from Annette
11 that said, hey, we got the -- something to the
12 effect of hey, we received the cost checks, either
13 why no fee checks, or where are the fee checks.

14 Q Okay, and did Vickie respond to that?

15 A She did.

16 Q And what did she respond?

17 A She responded to Annette that the reason the
18 fee checks were included is because they had
19 already been paid to Alex, that he had already
20 received the fee checks.

21 Q And was that on or about May 19th of 2021?

22 A I would have to look at the email, but I
23 believe so, yes, sir.

24 Q Did Vickie raise any issue with you at this
25 point? Did you know anything about it at this

1 point?

2 A No, sir. I was preparing -- I was in trial
3 the following week in Hampton actually all week
4 long, and I was preparing for that when Vickie sent
5 that email back. She didn't notify me about that
6 actually until all of this blew up, and I turned
7 all of that over to SLED after we found it after
8 all this blew up in September.

9 Q Moving into late May of 2021, did this matter
10 that Annette was raising with your firm come to
11 your attention?

12 A It did. It wasn't late May. it was the first
13 part of June.

14 Q And I'm going to show you what's been marked
15 as Exhibit 348 and let you take a look at that real
16 quick before we move on.

17 A Sure.

18 Q See if you recognize that.

19 A I do.

20 Q Tell me what that is.

21 A So, this is the -- this is an email string
22 that begins on May the 27th from Jeanie Seckinger,
23 which is the bookkeeper or accountant in Alex's law
24 firm, and it's an email from Jeanie to Annette
25 Griswold, Alex's paralegal, on May the 27th where

1 she's telling Annette that she got the expense
2 checks and it didn't match their records, that Alex
3 thought he had more outstanding costs but can't say
4 what and was asking Annette to reach out to my
5 office, to Vickie, to get some more information.

6 Q Okay.

7 A And then it looks like Annette forwarded that
8 email to Vickie on May 27th. Vickie was on
9 vacation and did not come back in until the
10 following week. It looks like she emailed her
11 again on June 2nd. Vickie might have come in,
12 like, on June the 1st or -- I think on May 31th was
13 Memorial Day, a Monday, and so June the 1st would
14 have been when Vickie came back in. So, Annette
15 emailed her again on June the 2nd and asked for
16 some information, and then Vickie emailed her back
17 and said since this involves documents she didn't
18 deal with, which was bookkeeping stuff that she
19 didn't deal with, she would forward it to me.

20 Q All right, and so that happened on what day?

21 A June the 2nd.

22 Q Of what year?

23 A 2021.

24 MR. WATERS: Your Honor, at this time I would
25 offer State's 348 into evidence.

1 MR. GRIFFIN: No additional objection, Judge.

2 THE COURT: Admitted.

3 (EMAILS MARKED AS STATE'S EXHIBIT NUMBER 348
4 WERE RECEIVED INTO EVIDENCE.)

5 Q All right, and so this is -- going to the
6 bottom, this is the email from Jeannie to Annette.
7 Is that right?

8 A Yes, sir.

9 Q And then that gets sent from Annette to Vickie
10 on May 27th, correct?

11 A Yes, sir.

12 Q And then she gets back from vacation and then
13 she responds on June 2nd of 2021, correct?

14 A Yes, sir.

15 Q And what does she say?

16 A She's going to forward that to me, and she
17 did. She cc'd me up in the email stream.

18 Q All right, and did you have a conversation
19 with Vickie at that time about this issue?

20 A I did.

21 Q And what did you tell Vickie, or what was
22 y'all's conversation?

23 A She said I have gotten this email from them
24 asking about the costs in this case. What do you
25 want me to do? And I said tell them that you'll

1 forward it to me and I'll deal with it.

2 Q Around this time, had you had any conversation
3 from any other partners in PMPED, the defendant's
4 law firm?

5 A As best I recall, Mr. Waters, I was in Hampton
6 the entire week before and I was working out of
7 their office. I was trying a case down there,
8 like, the week of May the 24th, and I was working
9 out of Alex's firm's office. Lee Cope approached
10 me and said hey, I need to talk with you about this
11 Mack Truck case. Has all the money been disbursed?
12 And I said Lee, it hadn't all been disbursed.
13 We've got some medical liens we're waiting on to
14 deal with. We've got some costs that we're waiting
15 on to come in and it all hasn't been disbursed, but
16 I don't know off the top of my head. I would have
17 to check on it. And I was stuck in -- I mean, I
18 was stuck in trial through Friday -- through
19 Thursday of that week.

20 Q Did you reach out to the defendant after Lee
21 had that conversation with you?

22 A I reached out to him after I got this email.

23 Q All right, and tell me what your conversation
24 was with him when you reached out to him, having
25 received this email from Vickie asking about these

1 fees.

2 A I called Alex. I said Alex, I got this email
3 from your firm. They're asking about issues with
4 costs, that you think you've got more costs that
5 are owed to you. I put down on the settlement
6 checks and wrote checks for the amount of costs
7 that you gave me, but if there are more costs
8 outstanding, you know, just figure out what they
9 are because we've been holding some money back. I
10 think at that point we were waiting on a medical
11 lien to resolve, and I don't think the client will
12 have a problem paying the courts out of what we
13 were holding back.

14 Q Did you have any discussion about the
15 disbursement of the fees at that point?

16 A I did. I said --

17 Q Tell me about that.

18 A I said Alex, this is the case that you asked
19 me to write the fee checks directly to you. Is
20 everything all right? He said yeah. Everything is
21 fine. I just need to make sure my partners know
22 that this is the same case that you wrote the
23 checks to me and that it's already on the books.

24 Q Did you believe him?

25 A Yes, sir.

1 Q After you had that conversation with the
2 defendant, did you do anything else, or did you
3 think it was handled because you had spoken to your
4 best friend, Alex Murdaugh?

5 A He told me it was taken care of; he told me he
6 had talked with his partners about it. I didn't
7 think there was any other problem. I didn't do
8 anything else.

9 Q A couple of weeks later, did you have another
10 conversation with anyone about this same issue?

11 A Yes, sir. This would have been after June the
12 7th, yes, sir. And it might have been more than a
13 couple of weeks because I didn't ask him anything
14 after Paul and Maggie. I didn't want to. I asked
15 him if everything was all right, and he said it was
16 fine.

17 Q When you got the email forwarded to you from
18 Vickie on June the 2nd, did you call Alex that day?

19 A I think it was -- I didn't mean to cut you
20 off -- I think it was that day.

21 Q Thereabouts somewhere?

22 A Yes, sir.

23 Q Do you remember June 7, 2021?

24 A Yes, sir.

25 Q Was that a Monday?

1 A Yes, sir.

2 Q Gamecocks had played some baseball that
3 weekend and you had seen the defendant?

4 A Yes, sir. I had seen him and Maggie and
5 Buster. My wife and I and our children had been
6 with him and Maggie and Buster the weekend before
7 Saturday, yes, sir.

8 Q On Monday, June the 7th of 2021, what was your
9 day like just during the day?

10 A I went to work. I was in the office most of
11 the day. I think I had something scheduled that
12 had canceled out, and I ate lunch with a friend. I
13 live in Columbia even though I practice in Bamberg.
14 Kind of later in the day I ran by the pharmacy,
15 picked something up, and then headed to Columbia,
16 stopped and picked something up at the store on the
17 way home.

18 Q Went home?

19 A Yes, sir.

20 Q Normal evening?

21 A Yes, sir.

22 Q Do you remember what you were doing that
23 evening?

24 A Just hanging out with my wife and -- I mean, I
25 don't remember how many of our kids were home, but

1 I think just our youngest, just watching TV.

2 Q Watching TV?

3 A Yes, sir. I mean, I was kind of late getting
4 home, so it wasn't a whole lot of the evening left.

5 Q Hold on for me one second.

6 (Break in proceedings.)

7 Q That evening did the defendant call you?

8 A Yes, sir, he did.

9 Q About what time did he call you?

10 A I don't remember exactly. I mean, I turned my
11 phone records over, but I think it was around 9:20
12 or -- 9:15 or 9:20.

13 Q Before we talk about that, I'm going to show
14 you State's 451. Do you recognize that?

15 A I do, yes, sir.

16 Q What is that?

17 A This is my phone log that I turned over to
18 SLED.

19 Q Does that reflect calls from Alex Murdaugh on
20 the night of June 7, 2021?

21 A Yes, sir.

22 Q Well, tell me who --

23 A To and from, yes, sir.

24 Q Well, tell me what you were doing when you
25 first received a call from Alex Murdaugh that

1 night.

2 A I remember my wife and I were sitting on the
3 back porch. We have a TV on the back porch. We
4 were sitting back there on the couch talking,
5 watching *The Bachelor*. I can't believe I was
6 watching that. The phone rang. It was Alex. I
7 had actually stepped off the porch, and the pool
8 pump is on the side of the porch and I was trying
9 mess with something with the pool pump. Sounded
10 like it was running funky, and so the phone rang
11 and it was Alex and I answered the phone.

12 Q What did he say?

13 A He said hey. Hey, Bo is normally how he would
14 greet you. Hey, Bo, and I don't remember if he
15 said what are you doing or what. I pretty quickly
16 told him hey, I've got my hands in the middle of
17 this pool pump messing up. Can I call you right
18 back?

19 Q Did he sound normal to you?

20 A He sounded normal, yes, sir.

21 Q So you said hey, I'm busy right now. Let me
22 call you back.

23 A I did, yes, sir.

24 Q And what did he say?

25 A He said that's fine. No problem.

1 Q And having that exhibit --

2 MR. WATERS: And, Your Honor, I apologize. I
3 would move State's 451 into evidence at this time.

4 MR. GRIFFIN: No objection.

5 THE COURT: Admitted.

6 (PHONE LOG MARKED AS STATE'S EXHIBIT NUMBER
7 451 WAS RECEIVED INTO EVIDENCE.)

8 Q All right, and having a chance to look at your
9 phone records there, what time was that first call?

10 A It looks like it was at 9:11 p.m. incoming
11 from his cell phone.

12 Q So you got --

13 A A two-minute phone call.

14 Q A two-minute phone call.

15 A Yes, sir.

16 Q So, you got off the phone. What happened
17 next?

18 A I finished trying to fix the pool pump, called
19 Alex back.

20 Q All right, and what time was that?

21 A 9:20 p.m.

22 Q Okay, and tell me about that conversation.
23 Tell the jury about that conversation.

24 A Called Alex back, and I generally say hey Bo,
25 too. And you know, hey, Bo, calling you back. He

1 said hey, I'm about to get to my mom's house. Can
2 we talk a little bit later? And I told him sure.
3 There were a couple of things I needed to talk with
4 him about, cases that we were -- well, one case
5 that we were working on, and one case that I had
6 going on, I wanted a little advice. You know,
7 asked him how his mama was doing and I asked him
8 how his daddy was doing because I knew his dad was
9 getting a lot worse. We had talked about that over
10 the weekend at the baseball game in Columbia, and I
11 think we had talked on the phone on Sunday also.
12 So, he said can I call you back or can we talk
13 later, and I said sure.

14 Q You said his daddy was getting worse. Had he
15 called you that day, Monday, at all to give you any
16 updates to your recollection?

17 A I don't think we talked -- I don't think we
18 talked earlier in the day on that Monday. But we
19 had talked on that Saturday before and on that
20 Sunday before, and so I knew his father was getting
21 worse, and I think I knew he was either going to or
22 had already gone to the hospital.

23 Q So that second call, was also very brief? He
24 said hey, I'm at my mama's?

25 A Three minutes.

1 Q So, what happened after that? Are you still
2 watching TV?

3 A Still watching TV, yes, sir.

4 Q Did you talk to the defendant again?

5 A I did. He, I believe, texted me some time
6 later that evening. I think the text was something
7 -- are you still up, still up, or something like
8 that.

9 Q All right. Stand by for me real quick.

10 A Sure.

11 (Break in proceedings.)

12 Q I'm going to show you what's been marked as
13 State's 452 and see if you recognize that document.

14 A Yes, sir. This is a snapshot of text
15 communication between me and Alex that I snapshot
16 and provided.

17 Q All right.

18 MR. WATERS: Your Honor, at this time I would
19 move State's 452 into evidence.

20 MR. GRIFFIN: No objection.

21 THE COURT: Admitted.

22 (TEXT MESSAGE MARKED AS STATE'S EXHIBIT NUMBER
23 452 WAS RECEIVED INTO EVIDENCE.)

24 Q This is a screen shot of the text that you --
25 of your text that you provided. Is that correct?

1 A Yes, sir.

2 Q All right, and we see down at the bottom, is
3 that a text? Who is that text from?

4 A That's from Alex to me at 9:52 on June the
5 7th. It said: Call me if you up.

6 Q Did you receive that text? Were you still
7 awake at that point?

8 A Yes, sir, I was.

9 Q All right, and what did you do?

10 A Picked up the phone and gave him a call.

11 Q And tell me about that conversation. Did you
12 call him one time or two times?

13 A No. I called -- the first time I called he
14 didn't answer, which is kind of normal with Alex
15 sometimes. Sometimes he wouldn't answer because he
16 was either on the phone, or sometimes he was just
17 in bad service, I think, and couldn't get a call to
18 go through, so I'm pretty persistent. I call right
19 back.

20 So, I called him. I didn't get an answer, and
21 then I called him back, and that was at nine --
22 according to these records 9:52 is when I tried to
23 call and didn't get an answer, and I called back at
24 9:53 and said hey, Alex, I got your text. Calling
25 you back. How is your mama? And he said, you

1 know, she's, you know, doing about like normal, I
2 think. I mean, she'd been doing poorly for years.
3 And I told him I needed to talk to him.

4 We had a case we were working on that involved
5 a piece of equipment that had malfunctioned, and
6 the company had preserved the equipment but they
7 weren't going to preserve it too much longer. We
8 needed to get it inspected, and they were kind of
9 pushing on us about when the inspection was going
10 to occur and I said hey, we need to talk about this
11 and get this squared away so we don't miss the
12 chance to inspect this equipment. And I need to
13 talk to you about some motions or something I've
14 got upcoming and I need a little help on. And he
15 said hey, that's cool, but I'm about to get back
16 home. Can we talk tomorrow? And I said sure,
17 fine.

18 Q That was the sum total of what he had to say
19 was he was about to get home to, to Moselle and can
20 he talk tomorrow, correct?

21 A Yes, sir.

22 Q Let me put State's 451 up on the screen.
23 Right here. Is that your writing right there?

24 A That's my handwriting, yes, sir.

25 Q And that says Alex M, and those are the

1 defendant's calls. Is that right?

2 A The bottom one is him calling me and me
3 telling him I'm on the pool pump. The next one is
4 me calling him back and him telling me he was about
5 to get to his mama's. And then the next one up
6 here is me trying to call him after that text that
7 he didn't answer. And then the top one is me
8 calling him back after he didn't answer and talking
9 to him for those couple of minutes.

10 Q All right, and then that one in the middle,
11 that's just an irrelevant conversation with some
12 other person?

13 A Just a friend of mine who I told that his name
14 is probably coming out today, so I told him that he
15 was on my phone.

16 Q We did just scratch out his number.

17 A That's right, yes, sir. I just felt like his
18 name would probably come out today and he should
19 know that.

20 Q Just go about your evening after that? Did
21 you just go about your evening after that?

22 A Pretty shortly after that I went on to bed.
23 My wife stayed up, but I went on to bed shortly
24 after that.

25 Q How did you find out?

1 A I was asleep. My phone was always kind of
2 sitting beside the bed. I could hear it buzzing,
3 but I really wasn't paying it any attention. My
4 wife comes in kind of just hysterical. She says
5 you've got to wake up. You've got to wake up. And
6 I don't remember if she was on the phone with
7 Randy's wife or Randy himself. She's trying to
8 tell me what's going on, and I'm looking at my
9 phone and I've got a text from a person I know in
10 Hampton that's texting me saying hey, give me a
11 call. I've got to tell you something before you
12 hear it somewhere else. It was a person that was
13 in the county government down there that I knew
14 that was just trying to get word to me before I
15 heard it somewhere else.

16 My wife, I don't even -- I don't think I
17 responded to that person or her text immediately.
18 My wife is telling me what's going on, and I just
19 told her, I said I'll get some clothes. I've got
20 to go to Moselle. We started trying to call our
21 daughter --

22 Q About what time? I'm sorry.

23 A Right at about 11:00.

24 Q Keep going.

25 A Start trying to call our children, tell them

1 what was going on. I don't even know how much my
2 wife and I spoke about it. I mean, she knew I was
3 leaving. I got in the car and went straight to --
4 grabbed some clothes and went straight to Moselle.

5 Q About how long does that take?

6 A From Columbia about an hour and 40 minutes or
7 so. I mean, I called some different people on the
8 way that I thought needed to know. I mean, I
9 repeatedly tried to call my daughter. She was
10 extremely close -- she is and was extremely close
11 to Buster and Paul and, you know, couldn't get her
12 to answer. Called her boyfriend. Just repeatedly
13 calling her. I think I talked to Randy on the way
14 down but I can't say for sure I did, but I know I
15 talked with somebody in their family on the way
16 down just to tell them I was on the way.

17 Q About what time did you get to Moselle?

18 A About 1:00 in the morning.

19 Q Other family and friends were arriving then,
20 too?

21 A Already had arrived I believe, yes, sir. I
22 mean, when I got there I went through the main
23 gates. I could see -- I don't know that I knew at
24 that point that this had occurred at the kennels,
25 but I could see there was tons of activity there as

1 I passed by to go to the main gate, and when I
2 turned at the main gate, I was on the road headed
3 up to the house. You don't go very far and you can
4 turn right to go to the kennels. I was -- almost
5 was going to turn and go down to the kennels, and I
6 think John Marvin and Randy were walking out and
7 kind of waved off and said go to the house.

8 Q Is that where you went?

9 A Yes, sir.

10 Q Was the defendant there?

11 A He was, yes, sir. Yeah.

12 Q Did you talk to him?

13 A I did. I walked in, hugged his neck and
14 cried, didn't know what to say.

15 Q Hugged his neck and cried.

16 A Yes, sir.

17 Q There were a lot of people there coming out to
18 support him as you would expect, correct?

19 A Yes, sir. There was a lot of the lawyers that
20 he practices law with, several family members, you
21 know, some friends of his that I knew. There were
22 a lot of people already in the house, yes, sir.

23 Q Did you stay there during the early morning
24 hours as a friend, supporting your friend?

25 A I did, yes, sir, until 5:30 or so in the

1 morning, 4:30 or 5:00, I don't know. I mean, it's
2 all -- everybody was shocked and destroyed and, I
3 mean, time felt like it stood still. So, I don't
4 know exactly what time it was, but some time 4:00
5 or 5:00 that morning everybody decided it would be
6 best for Alex and Buster to go get some sleep, or
7 at least try to, and not stay there that night, and
8 so I went back to Bamberg and slept in my office.

9 Q Did you return to Moselle the next day after
10 getting some sleep?

11 A I did, about 9:00 that next morning.

12 Q Were you there as much as you could be at
13 Moselle or wherever you were needed over the next
14 few days in the aftermath of all this?

15 A Yes, sir. I was there almost entirely the
16 next two days.

17 Q At any point did you have any conversation
18 with the defendant about what he did that night?

19 A Not really, no, sir.

20 Q What do you mean by not really?

21 A I mean, I didn't ask him -- I didn't want to
22 know -- I didn't want to know what he found. I
23 didn't want him to have to describe that to me. I
24 didn't want him to have to relive it, so I didn't
25 ask him about it.

1 Q You didn't ask him?

2 A No, sir.

3 Q It's only natural.

4 A Yes, sir. I mean, I was there as a friend
5 supporting him and his family. I didn't need to
6 know the details. I knew all I needed to know is
7 that two people that he -- that I loved were gone.

8 Q Certainly weren't going to ask him about the
9 stupid issue with the fees at this time either?

10 A No, sir, not at all. Didn't know there was an
11 issue with the fee. I mean, I did not know there
12 was an issue with the fee at that time, so I didn't
13 have anything to ask him.

14 Q Over the next few weeks, did you do what you
15 could do to be a supportive friend?

16 A I did, yes, sir. I mean, I tried to call him
17 even more often. If I was anywhere close to
18 Hampton, I tried to stop by and check on him, tried
19 to make him go places and do things, not much, but
20 I felt like he needed to get out. You know,
21 just -- you know, I was worried he was going to
22 hurt himself. I mean, I was worried he was going
23 to kill himself just like I think a lot of people
24 were, family and lawyers, his partners. And so we
25 all talked regularly about keeping an eye on him

1 and about being there for him.

2 Q After a few weeks go by, the shock starts to
3 abate just a little bit.

4 A It still hadn't abated, Mr. Waters.

5 Q I understand, but just a little bit.

6 A Yes, sir.

7 Q At some point does the defendant call you
8 about those fees?

9 A He does, yes, sir.

10 Q Do you remember roughly when that was?

11 A Sometime around the middle of July.

12 Q What does the defendant say to you?

13 A He tells me that he has not been able to put
14 the monies into the annuities like he thought he
15 could, that he's messed it up, and that the monies
16 needed to be paid to his firm and that he's
17 going -- that he needs to send the money back to me
18 to run it through my trust account to write the
19 checks to his firm directly.

20 Q Do you remember how that conversation came up?

21 A I don't remember exactly how it came up, no,
22 sir.

23 Q But he contacted you to say hey, I messed up
24 those annuities. I need to send the money back to
25 you, correct?

1 A Yes, sir.

2 Q Did he send the money back to you?

3 A Not all of it, no, sir.

4 Q What did he send back to you?

5 A 600,000 of the 792.

6 Q And in what form did he send that money back
7 to you?

8 A It came in two -- the 600,000 came in two
9 separate wires, wire transfers.

10 Q Tell me about those.

11 A I don't remember the dates, but I think it was
12 July 15, July 16, somewhere around in there. I --
13 one came from Palmetto State Bank, and I think one
14 came from Bank of America.

15 Q One for 350 and one for 250, correct?

16 A Yes, sir, I believe that's right.

17 Q That was only \$600,000. Is that correct?

18 A Yes, sir.

19 Q And you had disbursed to him directly how
20 much?

21 A 792,000.

22 Q Did you have a conversation with him about the
23 fact that it was \$192,000 short?

24 A Yes, sir.

25 Q What was that conversation?

1 A He told me that he had already put the 192,000
2 away to where he wasn't going to be able to access
3 it. I took it that he'd already put it into the
4 annuity and that it wasn't going to be available
5 without some type of penalties or costs. And he
6 said I don't have the 192 but I'll be able to get
7 it to you very shortly, or soon. I don't remember
8 if he said within a couple of days or a couple of
9 weeks or when he said, but it was soon.

10 Q What did he want you to do, though, once this
11 money came back in? Did he ask you to do anything?

12 A To rewrite the checks payable for the fees to
13 his firm.

14 Q Did he ask you to communicate with the firm at
15 all?

16 A He asked me when the money was back into the
17 account if I could send an email that I was holding
18 those monies so that they would know those monies
19 were in the trust account.

20 Q All right, but you're \$192,000 short, so what
21 was his discussion then?

22 A He asked me -- he told me he didn't have the
23 \$192,000. And, I mean, at that point I know that
24 I've got a trust account for which I'm responsible
25 for. I've got money that's supposed to have been

1 in my trust account payable to his firm for fees,
2 that's my responsibility, and so I had to put
3 \$192,000 of my own money in my trust to hold for
4 the fees for his firm.

5 Q And how did you do that? How did you put
6 \$192,000 of your own money in your trust account to
7 cover the defendant?

8 A I wrote a check from myself and put it into my
9 trust account.

10 Q And just quickly, explain to the jury why you
11 have to do that. What is it about a trust account
12 that you have to do that if you're going to send
13 that email to the firm?

14 A Because I can't tell somebody I'm holding
15 money in my trust account that I'm not holding in
16 my trust account. I'm responsible for that trust
17 account. Trust accounts are money that belong to
18 someone else that you're holding in a fiduciary
19 relationship, and you're responsible to make sure
20 that those monies are held and disbursed
21 appropriately, and at this point I'm hearing that I
22 haven't disbursed or paid those monies the way they
23 were supposed to be paid.

24 Q At that point in time, did he ask you to cover
25 that money, or is that just kind of a given that he

1 was short?

2 A I knew I had to, and I think he asked me to.

3 But I knew that I to.

4 Q So, you get the 600,000 from the two wires and
5 you write 192,000 of your own money?

6 A Yes, sir.

7 Q And then you send an email to the law firm.
8 Is that right?

9 A I send an email to Alex --

10 Q To Alex?

11 A -- yes, sir, that he tells me he's going to
12 forward to his firm which I, you know, ultimately
13 found out that he did forward to the bookkeeper and
14 one of his partners.

15 Q I'm going to show you State's 349 and see if
16 you recognize that.

17 A Yes, sir. This is an email that I sent on
18 Monday, July the 19th of 2021, to Alex.

19 Q Is that the email you're talking about?

20 A Yes, sir.

21 MR. WATERS: Your Honor, at this time I would
22 move State's 349 into evidence.

23 MR. GRIFFIN: No additional objection.

24 THE COURT: It's admitted.

25 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 349

1 WAS RECEIVED INTO EVIDENCE.)

2 Q Can you read that email to the jury, please?

3 A Sure:

4 Alex, as discussed, I'm confirming that I

5 am holding in trust \$600,000 in the --

6 And that's just redacted to take the

7 gentleman's name out.

8 -- the gentleman's case, and \$192 in

9 the --

10 And that's redacted out to take out the wife's

11 name.

12 -- in the wife's case which represent

13 attorneys' fees. I will continue to hold

14 these monies in trust until I am

15 instructed by you or your firm regarding

16 payment.

17 Q After you sent that email, did the firm

18 contact you? Did you have to disburse the money,

19 or did that just kind of end the matter?

20 A Not until September the 3rd when Lee Cope

21 called me after they claimed -- after they say that

22 they had discovered that Alex was stealing money.

23 Q Well, let's talk about the interim. But at

24 that point in time, you sent that email and nobody

25 is making any further inquiry at that point in

1 time. Is that correct?

2 A No, sir.

3 Q And that money is just sitting there?

4 A It is sitting in my trust account.

5 Q Including your personal 192 that you wrote to
6 cover Alex, correct?

7 A Yes, sir.

8 Q Did you have ever have a conversation with
9 Alex about when he was supposedly going to get you
10 that money?

11 A Yes, sir.

12 Q Tell me about that.

13 A I know we talked about it one time. I think
14 it was at the August convention down in Hilton Head
15 that most of the lawyers that do what we do attend.
16 I had begged Alex to come down there and for Buster
17 to come with him at least one day to play golf with
18 some of us so they could get out and do something,
19 so Buster could do something normal. And I think
20 it was while we were playing golf that I said hey,
21 where do we stand on you getting me repaid? He
22 told me that -- you know, I knew that Maggie's
23 estate would be tied up and I figured that that was
24 a delay. He told me that he was, you know, moving
25 towards selling some property and that his father

1 had, you know, had obviously just passed, and then
2 there would be some monies coming to him from his
3 father's estate and that he was working on it,
4 trying to do it as quickly as he could. He
5 apologized for it taking longer than he said it
6 would.

7 Q Had he told you that he had tied up some money
8 in structures, something like that, and that's why
9 he couldn't get to it right then?

10 A That's what he told me why he couldn't get the
11 \$192,000 because, that he had already put it into
12 -- the way I understood it, he had already put it
13 into the annuity and couldn't get it back out. I
14 think once you put those monies away is my
15 understanding is you can't just pull them right
16 back out. It's not like a checking account or
17 savings account where you can deposit and withdraw
18 immediately.

19 Q But that's what he's explaining to you,
20 correct?

21 A Yes, sir.

22 Q So, that conversation you had with him at the
23 Trial Lawyers' Conference playing golf, that was
24 when roughly?

25 A The first weekend in August. Actually it

1 would probably be that -- we normally try to play
2 golf on that Thursday, so whatever the first
3 Thursday in August is.

4 Q Not long after that, did you have another
5 conversation with him about the money that you had
6 covered for him?

7 A I did.

8 Q And roughly when was that?

9 A Some time shortly after that in the middle of
10 August maybe, I called him and said I need to come
11 see you and talk to you about something, and I went
12 down and talked to him about this money. But it
13 wasn't something that was -- I mean, it was about
14 the money. I needed it to be repaid. I mean,
15 that's a lot of money to me and I wanted to be
16 repaid.

17 Q \$192,000, that's a lot of money.

18 A Yes, sir.

19 Q A lot of money to anybody.

20 A Yes, sir.

21 Q I show you what's been marked as State's 350.

22 Do you recognize that?

23 A I do.

24 Q What is that?

25 A So --

1 Q What's the date on that first?

2 A August 17th of 2021.

3 MR. WATERS: Your Honor, at this point I would
4 move State's 350 into evidence.

5 MR. GRIFFIN: No additional objection.

6 THE COURT: It's admitted.

7 (PROMISSORY NOTE MARKED AS STATE'S EXHIBIT
8 NUMBER 350 WAS RECEIVED INTO EVIDENCE.)

9 Q All right. Tell me about that document. What
10 happened and what's your conversations related to
11 that document?

12 A At some point in time when I'm talking to
13 Alex, I said hey, I need to come see you in your
14 office and talk with you about something. I don't
15 even think I told him exactly what it was. He said
16 sure. So, I went down and went in his office. I
17 said look. I hate to even talk to you about this
18 and I hate to ask you this, but if something
19 happens to you, you know -- and I think I phrased
20 it like if you get hit by a car or something
21 happens and you die, I can't get repaid that money
22 against your estate unless there's something in
23 writing between us. I knew enough to know --
24 enough of the law to know that you can't enforce an
25 agreement with a person that's deceased against

1 their estate unless you've got some documentation
2 of it.

3 And I said Bo, I hate to even ask you to do
4 this -- and I was worried that he was going to kill
5 himself, you know, still at that point, and I was
6 worried about what that would -- was worried about
7 what that would mean more so on, on a human
8 personal level, but also what that would mean about
9 me trying to get repaid. And I said I hate to ask
10 you to do this, but can we do this? And he said
11 sure. No problem.

12 Q All right.

13 A I mean, that's our agreement and sure. And so
14 we scratched out. He handwrote it, three
15 sentences, nothing formal or fancy.

16 Q This is on what day?

17 A August 17th, and I was in his office.

18 Q Hold for me one second.

19 THE COURT: Ladies and gentlemen, I will have
20 you go to the jury room for a recess. Please do
21 not discuss the case.

22 (The jury left the courtroom.)

23 THE COURT: Yes, sir?

24 MR. WATERS: Your Honor, I just, out of an
25 abundance of caution and I before we got to this

1 portion of the witness's testimony, as Your Honor
2 is aware from the *in-camera* proceedings, there
3 is -- he has a confrontation with the defendant and
4 the defendant tells him some things that he --

5 THE COURT: Who has a confrontation?

6 MR. WATERS: The witness here has a
7 confrontation with the defendant at his mother's
8 porch after receiving word about what the law firm
9 had found. And from the *in-camera* testimony, the
10 witness has testified that the defendant, you know,
11 admits the financial misdeeds, says he had a drug
12 issue, I think going to rehab and some things like
13 that, and that is, I believe, on the early
14 afternoon of September 4th, and then not long after
15 that he hears that the defendant was shot on the
16 side of the road. And so we've had some
17 discussions about the drug issue, so before
18 eliciting that testimony, I just wanted -- I
19 alerted the defense and wanted to make sure that we
20 had set our ground rules on that, and then, of
21 course, the side of the road issue which we've talk
22 about earlier --

23 THE COURT: So, what ground rules did you set?

24 MR. WATERS: Well, Your Honor sets the ground
25 rules, and that's --

1 THE COURT: You take a break during asking --
2 questioning the witness to have a conference with
3 counsel.

4 MR. WATERS: Well, I am seeking to admit that
5 evidence not only of what the defendant said about
6 his drug use but also to submit that not long after
7 that, he heard about the side of the road incident,
8 and I, you know, out of an abundance of caution
9 raise that issue. And I believe the defense is
10 going to object, and I'm trying to get in the
11 opportunity to do that in an *in-camera* setting.

12 THE COURT: All right.

13 MR. WATERS: Which, Your Honor, for both of
14 those I think they are admissible. First of all,
15 again, we're not offering any drug use, and we had
16 some discussion about that yesterday. We're not
17 offering any drug use for the purposes of what's
18 improper under 404. In this particular instance,
19 the defense himself identifies that as a reason for
20 these alleged misdeeds. So, not only is it not
21 404, it's just part of the *res gestae* of his
22 statements, which is part of what's been admitted.

23 THE COURT: Well, drug use was admitted
24 yesterday, so we're beyond that issue as far as the
25 Court is concerned.

1 MR. WATERS: All right, and then as far as the
2 side of the road --

3 THE COURT: The particulars of which have not
4 been disclosed, but the email from Mr. Murdaugh
5 during rehab is published by the defense.

6 MR. WATERS: Yes, sir. And then secondly
7 along with the side of the road, again, at this
8 point in time just going to be admitted that he had
9 heard about what had happened to the defendant.
10 There are other -- are other circumstances that we
11 talked about earlier that, you know, we would
12 address at a later time about the side of the road,
13 which we believe is admissible and admissible under
14 404. We could have -- I don't know that we need to
15 have an *in-camera* proceeding at this point in
16 detail about that, but I just -- because all he's
17 going to say is he heard that that happened, and --
18 but I just wanted to -- again, out of an abundance
19 of caution, we've gone this far. I just want to
20 be -- you know, before I elicited anything along
21 those lines, just wanted to work with the defense
22 and give them a chance to object.

23 THE COURT: All right. Mr. Griffin?

24 MR. GRIFFIN: And we do object, Your Honor.
25 First, he's not the proper witness to be testifying

1 about what happened on the side of the road. He's
2 just hearing it secondhand, so any information he
3 has is just hearsay. In the *in-camera* hearing, he
4 also provided his opinion that Alex must have tried
5 to commit suicide and that is improper. So, the
6 first is hearsay.

7 But more importantly, Your Honor, it is a
8 bridge too far under the narrow exception that
9 you've offered, that they're offering this evidence
10 of financial crimes that he -- that it's a motive
11 for this alleged murder that he committed. And so
12 the fact that whether it was an assisted suicide,
13 or if they want to go further and say it's part of
14 the same scheme and that it's a sympathy ploy,
15 which the Court hasn't ruled upon and we don't
16 think that this meets the standard there, and, you
17 know, it violates Rule 403. So, for all of those
18 reasons, we object to it coming in to evidence.

19 THE COURT: Do you want to proffer what
20 Mr. Wilson -- Attorney Wilson is going to say about
21 it?

22 MR. WATERS: I believe during his prior
23 testimony in the *in-camera* hearing -- and I
24 certainly can do that -- he testified --

25 THE COURT: I recall his prior testimony,

1 which did not involve anything about a roadside
2 shooting.

3 MR. WATERS: Well -- and so I'll go ahead and
4 proffer it, Your Honor.

5 THE COURT: Yes.

6 PROFFERED EXAMINATION

7 BY MR. WATERS:

8 Q So, Mr. Wilson, kind of jumping ahead, you had
9 a confrontation with the defendant on September 4th
10 when you drove to Hampton County to have a meeting
11 with him on the porch of Almeda. Is that correct?

12 A Yes.

13 Q All right, and pull the mic forward to you a
14 little bit.

15 A Yes.

16 Q And without getting into all of that detail,
17 after that conversation he made some admissions to
18 you at that time. Is that correct?

19 A Yes, sir.

20 Q And just very quickly tell the Court what he
21 said.

22 A He admitted or said that he had had a drug
23 problem for twenty-plus years and that he was going
24 to rehab, and then he said -- he admitted he'd been
25 stealing money.

1 Q Okay, and did he say anything about the 192
2 with you? Did he have a phrase he used for that?

3 A Yes, sir.

4 Q What did he say?

5 A Uh --

6 THE COURT: You don't have to proffer this
7 portion. You're indicating you're trying to get --
8 go beyond this into something else.

9 Q What time did this --

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

11 Q What time did this conversation take place
12 roughly?

13 A Mid/late morning just before lunch.

14 Q All right, and that's on September 4th?

15 A Saturday, September 4th, yes, sir.

16 Q After that confrontation, did you leave?

17 A I did.

18 Q And where did you go?

19 A I went through Hardee's in Hampton, grabbed a
20 bite of lunch at the drive-thru, and then drove
21 back towards Columbia.

22 Q Did you hear about anything relating to the
23 defendant within a couple hours?

24 A I did. I got a phone call from Lee Cope. It
25 might have been Randy but I think it was Lee Cope.

1 He called me and told me that Alex had been shot in
2 the head and was being helicoptered -- I thought he
3 said to Savannah Hospital. I know he said to, to
4 the hospital on a helicopter.

5 END OF PROFFER

6 MR. WATERS: That's as far as, as this witness
7 would go.

8 THE COURT: I sustain the objection as to this
9 portion of the testimony. I agree with the
10 defense. It's hearsay and it's -- he's not the
11 appropriate witness to testify on this issue.

12 MR. WATERS: All right. Thank you -- Your
13 Honor.

14 So, obviously --

15 THE WITNESS: Can't talk about it.

16 MR. WATERS: Right, and obviously you're
17 lawyer and you understand where to stop.

18 THE WITNESS: Yes, sir.

19 MR. WATERS: All right.

20 THE COURT: All right, we'll take a recess for
21 about 10 minutes.

22 (A recess was taken.)

23 THE COURT: You may bring the jury.

24 (The jury returned to the courtroom.)

25 THE BAILIFF: The jury is present, sir.

1 THE COURT: Thank you.

2 You may proceed.

3 MR. WATERS: Thank you, Your Honor.

4 BY MR. WATERS:

5 Q When we left off, we were talking about the \$192,000
6 that you had put in your trust account to cover the
7 defendant, correct?

8 A Yes, sir.

9 Q And he had signed his promissory note up on the
10 screen. Is that right?

11 A Yes, sir.

12 Q Before I move on, real quick I want to show you what's
13 been previously admitted into evidence as State's 313 and
14 see if you recognize that.

15 A I do, yes, sir.

16 Q What is that?

17 A It looks like the original of the \$225,000 check
18 payable to Richard Alexander Murdaugh from my trust account
19 dated March 10th of 2021 on this case.

20 Q All right, and that's your signature on there. Is
21 that right?

22 A Yes, sir.

23 Q To catch the jury back up, he had asked you to send
24 that email. You sent that email in July and then you had
25 those conversations in August that ultimately led to that

1 promissory note, correct?

2 A Yes, sir.

3 Q And then nothing more going on with it. Does anything
4 happen in early September related to this?

5 A Yes, sir.

6 Q What date was it?

7 A Friday, September the 3rd.

8 Q Tell me what happened.

9 A About 3:00 in that afternoon, I'm with a group of
10 guys. I get a phone call from Lee Cope. I tell Lee that I
11 can't really talk much because I'm in the middle of a
12 crowd. He says Alex is stealing money, that we found out
13 that Alex is stealing money from the firm and clients and
14 he's going to resign from the firm, and he wanted to know
15 if I had the \$792,000 in my trust account. I told him I
16 did. He said, well, we're going to need to get that paid
17 to us and asked me not to say anything to anybody about any
18 of it until the following Tuesday when they could issue a
19 press release.

20 Q When you told him you had that \$792,000 in your trust
21 account, did that still include \$192,000 that you had
22 covered?

23 A It did.

24 Q What happened next?

25 A I talked to Lee very briefly. Again, he told me he

1 was in the middle of trying to deal with all that they were
2 dealing with and he couldn't talk. That first phone call
3 from him was, like, very brief, and then I think we talked
4 again after I got away from the crowd. But he told me that
5 he couldn't talk long, that they were in the middle of
6 trying to deal with all that they were dealing with, and
7 that we would talk later.

8 And, I mean, I had to kind of go back to the crowd
9 that I was with and try to act as much as I could like
10 normal so that, you know -- I mean, I think they realized
11 that I had stepped away to take a phone call and that it
12 bothered me. I tried to pretend like things were as normal
13 as could be until I could get away from that crowd.

14 Q Did this shock you to hear this?

15 A Yes, sir.

16 Q Is that something that you expected to hear about your
17 friend, the defendant?

18 A Not at all. I mean, I didn't expect that to be the
19 purpose of Lee's phone call to me when I took it.

20 Q What happened next? Did you attempt to call the
21 defendant?

22 A I think I texted him. I may have tried to call him
23 after I got where I wasn't in the middle of a crowd of
24 people. I think I may have called or text him, or both,
25 and he texted me back something to the effect of that he

1 couldn't talk right then, that I think he said he was
2 meeting with probate attorneys or something to that effect
3 and that he couldn't talk right then, that he would call
4 later and we could talk later.

5 Q When Lee Cope called you, did he say anything about
6 this check that's up on the screen?

7 A He did.

8 Q What did he say?

9 A He said that they had found a check in Alex's office
10 from my firm that was made payable directly to him. I
11 don't remember exactly how he described it, but he said
12 about the check we found out that Alex is stealing money
13 from the clients and the firm, and we found a check from
14 your office, and I need to know if you've got that \$792,000
15 in your account. We're going to need to get that paid to
16 us, and I need you not to say anything until Tuesday when
17 we can issue a press release.

18 Q How long do you think after you got that call or those
19 calls from Lee that you tried to reach out to your friend,
20 the defendant?

21 A Probably took me a hour or maybe two to finish what we
22 were doing and get to where I could -- where I felt like I
23 could reach out to him without being in the middle of other
24 people.

25 Q And what was his response again?

1 A Something to the effect of he couldn't talk right
2 then, that he was -- I think it was something to do with
3 the fact of meeting with probate attorneys or something
4 like that, and that he would talk to me later.

5 Q This is on September 3rd?

6 A Friday, September the 3rd. The phone call from Lee
7 was about 3:00 in the afternoon or so.

8 Q Did you talk to Alex later on that day?

9 A That night, yes, sir.

10 Q And what was your conversation then?

11 A I don't remember if he called me or I called him or
12 was able to get him. And I said Alex, I need to know
13 what's going on. You know, Lee has called me about this
14 and I need to talk to you and it needs to be face to face.
15 I need to know what's going on. And he was non-committal
16 about meeting, said he had a number of things he had to
17 deal with and that he would try to meet with me the next
18 day.

19 Q Okay. So, what happened?

20 A I was at home. My wife was there. You know, I mean,
21 I was talking to him on the phone, but I wanted to talk to
22 him face to face to find out what was going on.

23 Q How were you feeling?

24 A Shocked, betrayed, mad. I mean, I don't know. Numb.
25 I didn't --

1 Q What happened the next morning? Was that Saturday?

2 A Saturday morning, September the 4th.

3 Q What year?

4 A 2021.

5 Q Did you try and get in touch with the defendant?

6 A I did. I woke up early that morning, told my wife --
7 I mean, I had, you know, told her that evening that there
8 was a problem. I didn't get into a lot of detail with her.
9 Just told her there was a problem, and woke up the next
10 morning, told her I was going to drive down to Beaufort. I
11 thought Alex was staying at his brother's house and I was
12 going to drive down and talk to him. So, I got in the car
13 and took off driving towards Okatie.

14 Q Were you trying to get in touch with him and --

15 A Called him and called him and called him a bunch.

16 Q Not getting in touch with him?

17 A No answer, no, sir.

18 Q So, you just decided to go on down there and find him.

19 A Yes, sir.

20 Q So, you drive where?

21 A I started driving down I-95 towards Okatie, and he
22 called me before -- I was going to get off and go to John
23 Marvin's place, but he got off -- he called me --

24 Q Slow down. When you say Okatie, what's Okatie?

25 A That's what I call the area where his brother, John

1 Marvin, lives. It might not be technically correct but
2 what's what I call it.

3 Q But that's where you thought he was?

4 A I was under the impression that's where he was
5 staying, yes, sir.

6 Q So, you were just going to show up?

7 A I was hoping that he would call me back on my way but
8 if not, I was going to show up, yes, sir.

9 Q And so what happened along the way?

10 A He called me while I was on the road down there and
11 told me he was sorry he hadn't been able to take my calls,
12 and that he would meet me at his mother and father's house
13 in Alameda.

14 Q Did that meeting ultimately happen?

15 A It did.

16 Q About what time did that happen?

17 A Kind of late mid-morning. I want to say around
18 11:00 or so, some time before lunch.

19 Q Okay, and so tell me about that meeting.

20 A I got there before he did. I think I waited in the
21 car out -- maybe out in front of the driveway, and then
22 when he pulled in I followed him in. We got out, didn't
23 say anything in the driveway, went through the side door.
24 I believe the caretaker was there, the lady that helped
25 take care of -- one of the ladies at least that helped take

1 care of Ms. Libby was there. She went kind of towards the
2 back, and he and I went out on the front porch.

3 Q Okay. What was your conversation with him on the
4 front porch? About what time was this again?

5 A I don't know the exact time. Some time between 10:30
6 and noon, but I want to say it was around 11:00 or so. It
7 was about -- I was there for about 20 minutes.

8 Q All right. Tell me about the conversation that you
9 had.

10 A We went out on the front porch, still hadn't said
11 anything to each other other than he said let's go out on
12 the front porch and talk. Went out on the front porch and
13 I looked at him and I said Alex -- I'm sure I said F or H
14 or something. I said what the, you know, is going on? I
15 need to know what's going on because I know about this
16 thing that Lee has called me about, and I need to know if
17 there's something that you've done that involves me that I
18 don't know about that's a problem for me. What is going
19 on?

20 Q What does he say?

21 A He didn't say anything. He broke down crying. He
22 said I can't talk, I can't right this second, Chris. He
23 walked inside and grabbed a handful of paper towels and
24 came back out on the porch and said, you know, I'm sorry.
25 I've had a drug problem. I'm addicted to opioids, and I

1 don't remember if he said twenty years or exactly how many
2 years, but he said I've been addicted to opioids for
3 something like twenty years I think is what he said.

4 And, you know, I don't remember exactly how the
5 conversation went. There were parts where it was, I mean,
6 I don't want to say heated like we were screaming and
7 hollering at each other. I mean, it never came to blows,
8 but there were parts where it was heated and parts where it
9 was silent and parts where it was probably calmer. He said
10 he had a drug addiction and that he admitted he'd been
11 stealing money, you know --

12 Q From who?

13 A From his law firm and from clients.

14 Q Did he say --

15 A And from -- he didn't specifically spell any certain
16 person out or any certain organization and all, but he said
17 I've been stealing from the firm and from clients.

18 Q What did he say about that 192 with you? What was the
19 phrase he used?

20 A I mean, I'll have to cuss to say it. He said --

21 Q Go ahead and say it.

22 A He said I've shit you up. I'm sorry. I've shit you
23 up. I've shit a lot of people up. I asked him how long
24 has this been going on. I couldn't believe that I didn't
25 know it, never saw it, never suspected it, drugs or money.

1 Q And what did he say? What did he say?

2 A He said it had been going on for a long time.

3 Q Did he say anything else in this conversation?

4 A He said he'd been good about covering it up,
5 especially the drugs. I mean, I didn't really ask much
6 about the -- I didn't know the extent of the client stuff.
7 I knew about me and my \$192,000. And in the phone call
8 with Lee, he had said that Alex had been stealing from the
9 firm and from clients, but I didn't know about any specific
10 clients or any specific cases, so I didn't -- we didn't
11 talk about that. I didn't ask about that.

12 Q How did the conversation end?

13 A I don't remember exactly how it ended. I know I left.
14 I don't remember -- like I said, I know we didn't come to
15 blows and we weren't screaming and hollering at each other
16 when I left, and I wasn't screaming and hollering at him.
17 I was angry. I was -- I didn't know how to feel. But at
18 some point I left.

19 Q Where did you go after that?

20 A I started driving back to Columbia and just went
21 through the drive-thru at Hardee's in Hampton and grabbed
22 something for lunch on the way out.

23 Q Since that conversation on September 4th shortly
24 before noon, have you had any conversation with the
25 defendant since then?

1 A No verbal conversations, no, sir.

2 Q Did you ever get a text from him?

3 A I've received one or two texts from him.

4 Q I'm going to show you what has been marked as State's
5 351 and see if you recognize this.

6 A Yes, sir. That's a text I received from Alex on
7 September the 16th. I responded on September the 17th.

8 Q I put State's 351 on the screen. Is this a text you
9 received from Alex?

10 MR. GRIFFIN: Your Honor, I'm not sure he's offered
11 that into evidence.

12 MR. WATERS: Oh, my apologies, Your Honor. At this
13 time I would offer State's 351 into evidence.

14 THE COURT: Yes, sir?

15 MR. GRIFFIN: No additional objection.

16 THE COURT: It's admitted.

17 (TEXT MESSAGE MARKED AS STATE'S EXHIBIT NUMBER 351 WAS
18 RECEIVED INTO EVIDENCE.)

19 Q I'll put it up on the screen. Is that the text you
20 received from the Alex?

21 A It is, yes, sir.

22 Q Was that the usual number you had for him or was that
23 a different number?

24 A It's not the normal number. I don't know that I had
25 ever seen that number before.

1 Q Since that time, you haven't had any conversation with
2 him?

3 A I think he texted me maybe one other time and I tried
4 to respond with something as basic as what I said there,
5 just trying to respond but not really communicate. I think
6 there may have been one other text very similar to that.

7 Q Did you ever get that \$192,000 back?

8 A No, sir.

9 Q And when you covered your friend and put that in your
10 trust account, is it because you trusted him?

11 A Yes, sir.

12 Q On June 7, 2021, looking again at State's 452, the
13 defendant did text you: Call me if you're up. Correct?

14 A Yes, sir.

15 Q And going back to 451, you called him once and he
16 didn't answer and then got that second call. Is that
17 correct?

18 A Yes, sir. He texted me at 9:52. I called him at
19 9:52, one minute. There was no answer, and then I called
20 back at 9:53.

21 Q And that was a three minute call, that second call?

22 A I can't read on the sheet, but it was very short. I
23 think it was three or 4 minutes, 2 or 3 minutes.

24 Q 2 or 3 minutes, 3 or 4 minutes?

25 A Yes, sir, very short.

1 Q And you talked to him. I think you testified,
2 mentioned a couple of things that he said that he was where
3 and he needed to go?

4 A He said I'm about to get back home. You know, service
5 is always bad out here. Can we just talk tomorrow? Or he
6 might have said I'm about to get back to Moselle. I don't
7 remember which phrase he used.

8 MR. WATERS: Thank you, Mr. Wilson. Please answer any
9 questions that the defense has.

10 THE COURT: Mr. Griffin?

11 MR. GRIFFIN: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. GRIFFIN:

14 Q Good morning, Mr. Wilson.

15 A Good morning, Mr. Griffin.

16 Q One thing you said in answering Mr. Water's questions
17 on when you got to Moselle late night on the 7th or early
18 morning on the 8th, he asked you something about did you
19 talk to Alex about the fee issue. And your response was I
20 did not know there was an issue with the fee. Is that
21 correct?

22 A That's correct.

23 Q And you did not know that there was any issue with the
24 fee on June 7, 2021, correct?

25 A No, sir.

1 Q The only conversation you had with anyone about the
2 fee on -- before June 7th of 2021 from the law firm was
3 with Lee Cope, correct?

4 A Yes, sir.

5 Q And he just asked you something about do you still
6 have money from the *Faris* case in your trust account.

7 A He asked me if all the money had been disbursed from
8 those cases.

9 Q And you told him it had not. You told him truthfully
10 it had not, correct?

11 A Yes, sir. We were holding money back for medical
12 liens, costs, a number of different things.

13 Q And you never had any follow-up questions by Mr. Cope
14 before June 7th, right?

15 A No, sir.

16 Q You did have a conversation with Alex and he gave you
17 some explanation. I forgot. What was the explanation he
18 gave you?

19 A After I got -- after my paralegal, Vickie, forwarded
20 me that email that she had received from their firm saying
21 that there was an issue with the costs, I called Alex and
22 said hey. Look. I've got this email that says there's a
23 problem with costs, that you think you're owed more costs,
24 no mention of fees, and if you're owed more costs, just let
25 me know what they are and we'll get it worked out. We were

1 holding money to deal with some things, and I didn't think
2 the client would have any problem making sure all of our
3 costs got made before the final amount of money was
4 disbursed to the client. I said hey, if there's a problem
5 with costs, let me know. And he said no, it's good. I
6 said this is the case I disbursed everything directly to
7 you on the fees. Is everything all right? He said yeah,
8 it's fine. The firm knows about it. I've just got to make
9 sure they know it's on the books already.

10 Q So, he wasn't frantic, panicked. There's no panic in
11 his voice about the conversation about the fee that you
12 had.

13 A Nothing that I heard or saw, no, sir.

14 Q All right. So, as far as you knew as of June 7th,
15 there's no issue with the fee, right?

16 A I didn't know about any issue with fees prior to
17 June 7th or even after that.

18 Q No one was demanding from you the *Faris* fee money, the
19 PMPED portion of the *Faris* fee money before June 7th.

20 A No, sir. I had not received any direct contact or
21 request for payment of fees. My paralegal had already
22 advised his paralegal that the fees had already been paid.

23 Q Okay, and you said a number of times on your -- in
24 your testimony that in June and July, you were worried that
25 Alex may kill himself.

1 A We were worried that -- I mean, he was distraught,
2 he's destroyed, and upset all the time, and not eating, not
3 sleeping, sometimes not seeming like he was just focused in
4 and even there. Not just me. I mean, his law partners,
5 his family. I talked to his brothers. I talked to his --
6 I talked to his partners several times throughout the month
7 of June and July just about him, you know, what we were
8 worried about may happen or what he may do.

9 Q And the reason he was distraught is over the death of
10 Maggie and Paul, right?

11 A Yes. I mean --

12 Q And at no point in time when you're thinking I'm
13 afraid he might hurt himself, you weren't thinking he had
14 any involvement in June, July, during this period of time
15 with the murders of Maggie and Paul.

16 A No, sir.

17 Q And that he was -- your thoughts were with him because
18 he was a grieving husband and father.

19 A Yes, sir. My thoughts were with him and his whole
20 family, you know, especially him and Buster.

21 Q And you reached out to him as much as you could.

22 A Yes, sir.

23 Q Now, there did come a time when you were a little
24 worried about your \$192,000 and you asked him to sign this
25 handwritten promissory note? You testified about that?

1 A Yes, sir.

2 Q And you had a conversation about how he was going to
3 get you paid, right?

4 A Yes, sir.

5 Q And in that conversation --

6 A Well, that conversation about how he was going to get
7 me paid I think was prior to that. I don't think we talked
8 about how I was going to get paid when he signed the
9 192,000. I just simply knew enough to know -- or felt like
10 I knew enough of probate law and law that if something
11 happened to him, whether he did it to himself or something
12 happened to him, I couldn't make a claim against his estate
13 without that piece of paper. So, I don't think we talked
14 about payment or how he might get me paid that day. He had
15 mentioned previously that he was trying to deal with
16 Maggie's estate, he was trying to deal with his father's
17 estate, and he had some property that he thought he was
18 going to sell.

19 Q But he was telling you that he did not have the money
20 at the time when you asked --

21 A Yes, sir.

22 Q And that conversation was before the day of the
23 promissory note, which I think was mid-August or something?

24 A August 17th I think it was.

25 Q And that he mentioned that Maggie's estate was tied

1 up, and his dad had died. Do you remember when his dad
2 died?

3 A Very vividly, yes, sir, very much. It was Thursday,
4 June the 10th.

5 Q June 10th? It was, like, three days after Maggie and
6 Paul were murdered, right?

7 A Yes, sir.

8 Q And that wasn't unexpected, was it? His dad had been
9 seriously ill.

10 A No, sir. I went back to see Mr. Randolph one of those
11 days after June the 7th but before June the 10th. My wife
12 and I had gone down to see Buster and Alex, or she had come
13 down while I was already there, and we rode over to Alameda
14 mostly to see Randolph but to see Libby, too.

15 Q And I guess he died within a day or so after you
16 visiting with him.

17 A I think it was the next day.

18 Q But Alex thought he was going to get some money from
19 his dad's estate that maybe didn't go through probate that
20 would enable him to quickly pay you back?

21 A That's what he said, yes, sir. I don't think he said
22 anything about it going directly through. He just said,
23 you know, I have got some money that will be coming to me
24 from my father's estate also.

25 Q And you know the difference between life insurance

1 beneficiaries or life insurance policies that benefits do
2 not go through the estate, do not get tied up in estate?

3 A Just enough to be dangerous probably, but yes, sir.

4 Q Well, the point is he never said to you, oh, I have
5 this million dollar policy on Maggie's life, I have a five
6 million dollar policy on Maggie's life, or any life
7 insurance that he was expecting to come into as a result
8 Maggie's death, right?

9 A No, sir, not at all.

10 Q Okay, and after Maggie died and Paul died, he wasn't
11 out spending lavishly with new-found money, was he?

12 A No, sir, not that I saw.

13 Q In fact, he didn't even go to Moselle to stay a single
14 night after Maggie and Paul were murdered. Do you know
15 that?

16 A I don't know that myself directly, but every time I
17 spoke to him, he was either staying with his brothers or
18 staying with his in-laws. I don't think he ever went back
19 to Moselle.

20 Q Now, you've known Alex for --

21 A 1985, '86, however long that is. Thirty-seven years,
22 I guess, if my math is right.

23 Q Your math is better than mine.

24 A Thirty-eight, something like that.

25 Q And he said to you that he had had an opioid addiction

1 for over twenty years?

2 A I don't remember exactly the number of years, I mean,
3 but I believe he said I've been addicted to opioids for
4 about twenty years or more than twenty years.

5 Q Well, let's just say the last five years. Over the
6 last five years you've known him, if he was addicted to
7 opioids, did you notice any change in his behavior?

8 A Not a thing, not at all.

9 Q And you were around him in a business capacity?

10 A Yes, sir.

11 Q Professional? You were sending him cases?

12 A Yes, sir.

13 Q He was acting like the normal Alex that you've known
14 since college?

15 A Since law school.

16 Q Since law school?

17 A Yes, sir.

18 Q And nothing about his demeanor set red flags off to
19 you as to, man, he must be on something today?

20 A No, sir. I mean, I didn't see pill bottles when we
21 would travel together for depositions or things like that.
22 He didn't seem to be out of it. He seemed to be capable of
23 handling the work that we were doing. You know, when we
24 would socialize together, didn't see anything that
25 indicated that he was addicted or had a drug problem or was

1 abusing drugs.

2 Q And if he was on -- addicted to drugs for the last
3 five or ten years and he was, in your observation, was a
4 loving husband and father?

5 A Yes, sir.

6 Q And you didn't observe him engaging in any erratic
7 behavior around his wife and kids?

8 A No, sir.

9 Q Do you know anything about -- from your medical --
10 well, medical -- from your legal career handling personal
11 injury cases, do you know -- you learn information about
12 building up tolerances to painkillers, patients and clients
13 of yours who have built up tolerances?

14 A Not really enough to talk about it much or testify for
15 sure.

16 Q Sure. So, I'm going to back and cover some ground
17 you've already talked about.

18 A Sure.

19 Q Law school. You and Alex were roommates at one point
20 in time, right?

21 A Yes, sir.

22 Q And he actually married Maggie while he was in law
23 school, right?

24 A He did.

25 Q And you married Dana after you graduated or while you

1 were in law school as well?

2 A Shortly after graduation.

3 Q And Maggie and Dana were sorority sisters at the
4 University of South Carolina?

5 A They were.

6 Q You went to the South Carolina Law School but you
7 were --

8 A Wofford College in Spartanburg undergrad.

9 Q -- in the upstate, right?

10 A Yes, sir.

11 Q And you were -- and you became really good friends
12 with Alex during law school.

13 A Alex and I got to be -- we were friends and hung out a
14 lot, studied together, did some things like that first
15 year, but we got to be much closer friends second --
16 throughout that end of the first year of law school. We
17 lived together second year, and he married Maggie into our
18 third year of law school.

19 Q And then you married Dana and y'all would do a lot of
20 things together as couples, would you not?

21 A Yes, sir.

22 Q And one of the things y'all liked to do is go to South
23 Carolina football games.

24 A Yes, sir.

25 Q Alex played for the University of South Carolina. Do

1 you remember that?

2 A Yes, sir.

3 Q And had a knee injury when he was playing?

4 A I did know that, yes, sir.

5 Q And then as you grow, married couples, you had
6 children, he has children. Your oldest daughter was one
7 year younger than Buster?

8 A Yes, sir.

9 Q And then you have a son who is --

10 A Two years younger than Paul?

11 Q -- a few years younger than Paul, right?

12 A Yes, sir.

13 Q And your daughter and Paul were really good friends.

14 A Yes, sir.

15 Q And friends with Buster as well.

16 A Yes, sir. Our kids grew up together. Even our
17 youngest who's younger than their two, they all grew up
18 together.

19 Q And you and Dana and your kids, and Maggie and Alex
20 and Paul and Buster would vacation together when they were
21 younger before the kids started wanting to do things on
22 their own, right?

23 A Yes, sir. We would vacation together and go on, you
24 know, trips away while the kids were younger and would
25 follow you around, and as they got older kind of doing

1 their own things, those vacations kind went by the wayside.
2 But we would spend a lot of time down at Edisto Beach. We
3 have a house down at Edisto and they had a house, house at
4 Edisto, and so a lot of our time together would be spent
5 down there, or at Columbia at Carolina football games or
6 things like that. And my wife and Maggie were sorority
7 sisters and became much closer friend through Alex and my
8 friendship.

9 Q And I'll get on to that a little more. And you did a
10 lot of work with Alex. You weren't in the same law firm
11 with him but you worked on the same cases, or related cases
12 a lot, correct?

13 A Yes, sir. More so in the beginning, but throughout
14 the entire time I've known him, yes, sir.

15 Q And so just sort of some examples. So, two people
16 were in an automobile accident, one is a driver and one is
17 a passenger, the same lawyer shouldn't represent both
18 parties to the accident, right?

19 A In most cases, yes, sir.

20 Q And so frequently you would send him the passenger or
21 the driver or vice versa?

22 A Sometimes it would be that, and sometimes it would
23 just be straight I represent somebody who's been injured in
24 some way and I need you to help me with that one person.
25 But sometimes what you're talking about there about

1 referring the -- one of the two people out, it was called
2 conflict of interest, or conflicting them out, and Alex
3 would conflict my case sometimes and I would conflict him
4 cases sometimes.

5 Q And you had a lot of respect for his ability as a
6 lawyer.

7 A I wouldn't have associated him or sent people to him
8 if I didn't.

9 Q You wouldn't have associated him on the *Faris* case if
10 you didn't think he could do a good job.

11 A Not at all.

12 Q And he did a really good job in the *Faris* case, right?

13 A Yes, sir. I mean, our result was very -- our client
14 was very satisfied with the result.

15 Q And Alex participated fully in the entire case, and I
16 think Mr. Waters asked you, he gave the closing argument to
17 the judge?

18 A He did. I mean, we had to spend a lot of time getting
19 ready for trial even though it wasn't in front of a jury,
20 which sometimes doesn't come with quite as much -- quite as
21 many things to have to do. Even in front a judge it takes
22 a lot of work to put a case together. So, we spent a lot
23 of time getting ready for that trial, and even working the
24 weekend before it started in Columbia out of, out of a
25 central location there.

1 Q And had you tried cases with Alex in the past?

2 A I have.

3 Q Tried cases with Alex if front of juries like this
4 right here?

5 A Yes, sir.

6 Q And I don't have to tell you, but doing what we're
7 doing here can be very stressful, can it not?

8 A It's very stressful, yes, sir.

9 Q Long nights and get up early in the morning.

10 A A lot of hours juggling a lot of things.

11 Q And did you ever -- or were around him during the
12 stress of trial or cases where he just totally lost it,
13 lost his faculties, just went off on a handle because he
14 was on opioids? Did you ever see anything like that?

15 A No, sir.

16 Q He was able to function in high stress situations,
17 correct?

18 A Yes, sir. I mean, sometimes getting Alex to focus on
19 the case and on what you were trying get accomplished was
20 difficult, but that was from all the way back in law
21 school; that was from day one. But when he focused, he was
22 extremely -- he was extremely able to get it done.

23 Q And one witness described Alex normally as being
24 fidgety.

25 A Just sometimes not as focused as you would like for

1 him to be. He was taking phone calls and talking to this
2 and looking at that and taking another phone call and, you
3 know, sometimes you had to say look, man, we've got to sit
4 down and focus on this and get this taken care of.

5 Q Now, that brings me to another point. Would he always
6 take a phone call if Maggie called him?

7 A Always.

8 Q Would he always take a phone call if Paul called him?

9 A Always.

10 Q Would he always take the phone call if Buster called
11 him?

12 A Always.

13 Q No matter what was going on?

14 A Not when -- when I was around him, if we were in court
15 he wouldn't take the phone call, but in depositions he
16 would sometimes get up and walk out and take calls. If you
17 were talking to him and trying get a full conversation out
18 with him in one breath was impossible because he was going
19 to take a phone call.

20 Q And you traveled around with him for business?

21 A Yes, sir.

22 Q Did he -- was he frequently talking to his wife and
23 sons?

24 A Yes, sir, seemed to be.

25 Q You talked to him multiple times a day, right?

1 A Yes, sir.

2 Q When you were with him, did you see him talking to
3 Maggie, Paul, and Buster multiple times?

4 A I mean, I could tell who he was talking to on the
5 phone. We didn't have to travel as much together later in
6 the last three or four, five years just because we were
7 working less cases. Sometimes we wouldn't have to go as
8 many places for depositions and things. But, yes, if we
9 were traveling, I could tell he was talking to his family
10 on the phone.

11 Q All right. Was it hard to get Alex to go on guy
12 trips? Did he prefer to spend time with his family over
13 guy trips?

14 A He seemed to, yes, sir. I mean, most any trip that I
15 think I've ever been on with Alex generally was family.
16 He's not the kind of guy that would take off and go spend a
17 golfing weekend with us or -- I think they liked to spend
18 their time hunting and fishing and doing things as a
19 family.

20 Q And you -- going back to this *Faris* case that was
21 tried in Columbia, do you remember Maggie coming up and
22 staying with him during the trial?

23 A I don't -- I mean, I think she may have come up, like,
24 that Sunday before we started the trial. I was staying at
25 home in Columbia and he was staying in a hotel, so I think

1 that's why he stayed in the hotel because Maggie was
2 coming. And we were at that point -- I think we were just
3 renting a house because we were between places and didn't
4 have a lot of space. But I couldn't -- I wouldn't want to
5 testify to that under oath, but I think so.

6 Q Sure. You would go to lawyer conventions with Alex.
7 I mean, you would go to the same conventions.

8 A Sure.

9 Q And you mentioned the trial lawyers one at Hilton Head
10 the first weekend of every August.

11 A Yes, sir.

12 Q And before the tragic events of June 7th of 2021,
13 would he always go with Maggie, Paul, and Buster?

14 A Most all of the lawyers that go to that convention
15 bring their families along. It's a big time that everybody
16 gets to know each other and know each other's family, and
17 Maggie and Paul and Buster would always be there.

18 Q And during football season, South Carolina, did he and
19 Maggie have season tickets?

20 A Yes, sir.

21 Q Did he go to the games with his family?

22 A Yes, sir.

23 Q And you would tailgate with them?

24 A Yes, sir. They would generally have a family tailgate
25 that Ms. Libby would put together, and then when she got

1 sick I don't remember who kind of took it over. But they
2 always had a family tailgate, and if we weren't tailgating
3 with them, we would always make it a point to stop by and
4 at least speak.

5 Q And he had -- they had season basketball tickets --

6 A Yes, sir.

7 Q -- correct?

8 A Yes, sir.

9 Q He and Maggie would go to just about every home
10 basketball game --

11 A Yes, sir.

12 Q -- for the University of South Carolina men's
13 basketball team?

14 A Yes, sir.

15 Q That's some pretty bad basketball teams over the
16 years, right?

17 A They were actually pretty good, I think, in those
18 years. I think that was Final Four. Actually I think Alex
19 bought the tickets for the year after the Final Four when
20 they tanked. So, yeah, he might not have seen the best
21 basketball.

22 Q Then you went to baseball games together?

23 A Yes, sir. I don't know how much baseball. We didn't
24 do a lot of baseball ourselves, but I think they did some.

25 Q And the -- and we'll get to this, but the weekend

1 before June the 7th -- it would be June 6th and June 5th --
2 you actually went to the Super Regionals with Maggie and
3 Alex and Buster and his girlfriend, Brooklynn, you and your
4 wife, correct?

5 A Yes, sir. It was only on that Saturday that we were
6 with them, which would be June the 5th. They had come up
7 for the weekend Carolina baseball tournament, and my wife
8 and two of our children met up with them on Saturday and
9 went and hung out at some mutual friend's place for awhile
10 before we all went to the ballgame, kind of separated and
11 went to different seating areas at the ballgame.

12 Q Would you agree that Alex's number one priority was
13 his family?

14 A Yes, sir. It appeared that way to me.

15 Q And when I say his family, I'm talking about Maggie,
16 Paul, and Buster.

17 A His whole family, yes, sir.

18 Q And you mentioned that you became good friends with
19 Maggie's family, Mr. and Ms. Branstetter.

20 A Yes, sir.

21 Q And her sister, Marian, and --

22 A Not so much with Marian and, and her husband, Bart. I
23 mean, I knew them and I was around them but not so much
24 friendly or close to them as with Maggie's mama and daddy.

25 Q And what was Alex's relationship with Maggie's dad?

1 A Seemed to have a very good relationship with them,
2 spent a lot of time together. They would come to Moselle,
3 or Maggie and Alex and their children would go visit them
4 in Summerville, or Papa T would come up sometimes and try
5 to hunt or do things like that.

6 Q You knew him at Papa T as well?

7 A Yes, sir.

8 Q And what did you know Ms. Branstetter as?

9 A Ms. Kim. I think they called her grandma but I called
10 her Ms. Kim.

11 Q And they vacationed at Edisto, Mr. and
12 Ms. Branstetter, with Alex and Maggie and Buster and Paul,
13 right?

14 A They would be at Edisto some, yes, sir.

15 Q And can you tell the jury a little bit about Alex's
16 relationship with Paul and Buster's friends?

17 A Alex and Maggie both seemed to welcome them. I mean,
18 they were great to my children and seemed to welcome my
19 children into their house and into their lives and did the
20 same for Paul and Buster's other friends.

21 Q And the -- and at Edisto, was Alex and Maggie's home,
22 was that opened up to a lot of Paul and Buster's friends?
23 Did they have a lot of people staying over, coming over and
24 visiting?

25 A You know, it would seem to be that way. I mean, I

1 wasn't over there all the time when there were children or
2 kids around, but sometimes, yes, sir. My kids would say,
3 especially my daughter would say I'm going over to hang out
4 with Paul or Buster at their place.

5 Q Right, and do you remember, sort of moving forward,
6 Memorial Day weekend of 2021?

7 A I do.

8 Q Did you and your family go to Edisto that weekend?

9 A We did.

10 Q And was Alex down there with Maggie and Paul and
11 Buster and some of Paul's friends?

12 A They were.

13 Q And do you remember getting together over at Alex and
14 Maggie's home over that weekend?

15 A Yeah. We got together Saturday evening, I believe it
16 was. We got together to cook out over at their house
17 Saturday evening with them and a bunch of other people.

18 Q And were Maggie and Alex getting along as far as you
19 knew?

20 A Yes, sir.

21 Q Was a fun time had by everyone, the best you could
22 tell?

23 A Yes, sir. I think it was right around or about Alex's
24 birthday, we were doing -- we not only were cooking out
25 like a big -- like a big shrimp bog, but also having some

1 cake, a kind of a little birthday celebration.

2 Q I want to play that right quick.

3 MR. GRIFFIN: Your Honor, I think it's Defendant's
4 Exhibit --

5 61 or 59, Doug?

6 SPEAKER: 61, Counsel.

7 MR. GRIFFIN: 61 is in evidence, Your Honor, if I can
8 play it very briefly?

9 (A video was played.)

10 Q This is what you were referring to?

11 A Yes, sir.

12 MR. GRIFFIN: Apparently we don't have audio yet.
13 Just run it through. We don't have to have audio.

14 Q Who is that?

15 A It's Paul.

16 Q Is that Alex?

17 A Yes, sir.

18 Q And that's you?

19 A Yes, sir.

20 Q Was that a typical family gathering, or was this
21 something like really didn't happen very often?

22 A No, that was -- I mean, the times that I was around
23 them and their family, things were much like that.

24 Q So, that was the weekend of Memorial Day weekend. And
25 then the very next weekend was the Super Regional baseball

1 games in Columbia, right?

2 A Yes, sir.

3 Q And that's when you met up with Maggie and Alex on
4 Saturday to tailgate with -- y'all had a mutual friend, I
5 think, maybe whose son played or --

6 A The son played for Carolina, yes, sir. I think it was
7 one of Maggie and Dana's sorority sisters and a guy that
8 Alex knew from college, but I don't know if they were -- I
9 don't know how they knew each other, and their son played
10 first base for Carolina.

11 Q Okay, and the --

12 A It was Maggie, Alex, Buster, and his girlfriend,
13 Brooklynn.

14 Q And you stayed -- I mean, you, maybe you didn't see
15 Alex and Maggie on Sunday, but I think y'all texted,
16 communicated, you know, just about how poorly South
17 Carolina played.

18 A We talked and my wife talked to Maggie. Saturday
19 after we tailgated before the game, we all split and went
20 our separate ways to go sit in different areas, and I don't
21 think we saw them after that on Saturday. We were supposed
22 to get together on Sunday, or tried to get together on
23 Sunday but didn't do so and ended up going to the game
24 separately.

25 Q And --

1 A But we talked or texted, and I think Dana talked or
2 texted with Maggie.

3 Q Sure, and I believe you testified earlier that during
4 this weekend you had learned -- gotten an update on Alex's
5 dad and he wasn't doing so well?

6 A Yes, sir. I know on Sunday I talked to Alex when they
7 were going home, or when they were headed home, and we were
8 talking about just how the Gamecocks had, you know, blown a
9 chance to move forward, and we talked about his dad and
10 that's when he told me things were getting much worse with
11 Mr. Randolph. But I kind of already knew that from the
12 days, you know, leading up to that. I already kind of knew
13 that; we had talked about it before. But I remember that
14 Sunday him telling me things were really getting much
15 worse.

16 Q And you knew that, and was it common knowledge in the
17 tight knit legal community of the Hampton and Colleton
18 area?

19 A I mean, I can only speak for myself, but I knew that
20 and people seemed to know that, yes, sir.

21 Q And Mr. Randolph was a -- I mean, he was beloved by a
22 lot people, was he not?

23 A Yes, sir.

24 Q Not just his immediate family but the broader legal
25 community?

1 A Most people I knew that knew Randolph seemed to
2 respect and love him, really everybody I knew.

3 Q Right, and we know he died on June the 10th, right?

4 A Thursday, June the 10th, yes, sir.

5 Q There's been -- you mentioned something -- and I just
6 want to go back to the *Faris* case, and you and Alex and
7 Mr. Ridgeway who were representing the plaintiffs,
8 Ms. Faris, or the estate, that you thought Mack Truck
9 didn't want to produce some discovery and that that
10 leveraged y'all an ability to basically just have a damages
11 hearing with the judge. Is that right?

12 A Yes, sir. We had some discovery we had asked for;
13 they sought not to produce it. We had some motions to
14 compel that were argued. I think we were successful in
15 those. I mean, I can't say what they were thinking, but it
16 felt like that we had an opportunity to structure a good
17 chance for our client to get a good result because they
18 didn't want us moving forward with some discovery.

19 Q And so in the *Faris* case, you succeeded in getting an
20 order to produce the information you sought, yet y'all
21 worked out a different way to resolve the case. Is that
22 right?

23 A Just kind of not to get too deep into it but to just
24 give you some context, this is like -- there was only prior
25 reported case of something else like this happening in the

1 world that we could find, like in Australia or something.
2 And this was one of the only times it had happened while a
3 vehicle was actually in motion on the highway. I think it
4 might have been the first time that it actually happened.
5 So, there was very little -- there was -- there was very
6 little chance we felt like that we were going to be able to
7 make a punitive damage case out of it because there had not
8 been a lot of prior instances for Mack to be on notice on.
9 So, for us waive that didn't feel like we were giving up
10 much, and I think they did not want us to discover some
11 things because there might be other cases that were coming
12 from that defect. This was very early on in discovery of
13 that defect, and things started to happen with it.

14 Q Now moving back on track -- I'm sorry for diverting --
15 but on Monday, June the 10th, you didn't speak to Alex any
16 during the day, as I understand it.

17 A Monday would have been June 7th, but I don't remember
18 --

19 Q I'm sorry, Monday June 7th, yes, sir.

20 A That's okay. I don't remember speaking to him on that
21 day, earlier in the day.

22 Q But you had some things you needed to talk to him
23 about.

24 A Yeah.

25 Q And you mentioned a case where -- a potential products

1 liability case?

2 A Yes, sir.

3 Q And that whoever was holding the equipment wanted to
4 -- either you've got to come inspect it or don't inspect
5 it.

6 A They wanted us to go ahead and get it inspected so
7 that they could put it back in operation. We needed to
8 gather what we wanted from it so they could repair it and
9 put it back in operation.

10 Q And so Alex calling you on Monday, June the 7th, was
11 not surprising, right?

12 A No, sir.

13 Q I mean, because you could talk multiple times a day.
14 You just hadn't talked this day.

15 A No, sir.

16 Q And when -- and you would talk to him when he was
17 traveling, you know, to the office and back to Moselle
18 frequently. I mean, it wasn't the first time you'd ever
19 talked to him when he left Moselle or coming back to
20 Moselle.

21 A I mean, I don't know where somebody is when I'm
22 talking to them on the phone, but, I mean, it -- often
23 times he would say I'm, you know, headed to Moselle or I'm
24 leaving the office. I mean, it felt like a lot of times he
25 would do the same thing I do: you make your phone calls

1 while you're in car because you're busy doing other stuff
2 if you're at the office or whatever else.

3 Q Right, but it was a little more than that. You knew
4 when he was coming up to Moselle, the phone would normally
5 drop.

6 A Phone service is bad out there, yes, sir.

7 Q And you would drop a call, would you not?

8 A Yes, sir.

9 Q And you've been out to Moselle a lot, haven't you?

10 A Yes, sir.

11 Q And calls get dropped out there frequently, do they
12 not?

13 A Yes, sir.

14 Q And you can frankly be in one part of the house and
15 maybe have coverage and be in another part of the house and
16 not have coverage, right?

17 A I don't even know about parts of the house. But, I
18 mean, there would be times that I would be on the phone
19 that I would drop service and not be able to get on the
20 internet or do things like that. It's spotty.

21 Q And just driving around the rural areas, I guess you
22 know some areas where there are just dead spots and you
23 just know there's going to be a dead spot coming up.

24 A Very much so.

25 Q And there were such spots on Moselle Road, were there

1 not?

2 A For me when I was trying to use my phone, yes, sir.

3 Q Okay. Now, you went over your phone bill to get times
4 for phone calls and you went through them, but I want to go
5 through some more detailed documents that are in evidence,
6 reviewing your phone calls with Alex on the 7th. And
7 Defendant's Exhibit 60 is in evidence.

8 MR. GRIFFIN: And, Doug, if you'll go to page 3078.

9 Q And let me give you your copy of your Verizon bill. I
10 guess it's Verizon. Was that the service provider? 451
11 that's in evidence, I'm going to hand it to you and just
12 compare along to some of this detailed information.

13 MR. GRIFFIN: And, Doug, if you'll go down to the
14 bottom entry, 9:12:14. Do you have that pulled up?

15 Q Can you see this and compare it to your phone bill?
16 But it says Alex Murdaugh calls Chris Wilson at 9:12 and 14
17 seconds, and it was a 42 second call. Does that sound
18 about right? I don't know that your Verizon bill is that
19 accurate on the time.

20 A Is this supposed to be June the 7th? Monday, June the
21 7th?

22 Q Yes, sir.

23 A My phone bill that I pulled and provided -- or my
24 phone records that I pulled and provided to SLED say I had
25 an incoming phone call from phone number ending 1227, which

1 is Alex's cell phone number, at 9:11 p.m. that lasted 2
2 minutes.

3 Q Okay. So, some of these extraction data that's in
4 evidence says the call was 42 seconds long. Do you think
5 you talked to him for 2 minutes or -- you may have been
6 billed for 2 minutes, but when you got the call, you said
7 I'm fixing the pump. Can I call you back?

8 A Yes.

9 Q Was that a two minute call or was that a 45 second
10 call?

11 A Hey, Bo, how you doing? I'm doing all right. I got
12 my hands in the middle of this. Can I call you back?
13 Yeah, sure, no problem. I mean, probably shorter than 2
14 minutes. I don't know if that's the phone ringing and the
15 talking. I don't know how that works.

16 Q Right. Okay, and then -- but that was the call, and
17 there was nothing about Alex's demeanor that alarmed you
18 during that conversation, right?

19 A No, sir.

20 Q He wasn't breathing heavy, was he?

21 A No, sir.

22 Q He didn't sound panicky in any way, did he?

23 A Not panicky, no, sir.

24 Q Just a regular conversation with Alex?

25 A All conversations with Alex are a little bit

1 scattered, but no, he didn't sound out of the ordinary.

2 Q All right, and then you would call him back.

3 A I did.

4 Q Some time around 9:20. What does your Verizon bill
5 say?

6 A 9:20 p.m., a phone call from me that lasted -- to him
7 that lasted 3 minutes.

8 Q All right, and if you'll go to page 3082 of Exhibit
9 60.

10 MR. GRIFFIN: And if you'll, Doug, pull up the call at
11 9:20 with Mr. Wilson.

12 Q Do you see it? Now, I mean, it really doesn't matter
13 whether the Verizon bills says two to 3 minutes. This says
14 131 seconds, but this is you calling Alex back, correct?

15 A Yes, sir.

16 Q And in that call he is -- has got the same demeanor?

17 A Yes, sir.

18 Q Not breathing heavy?

19 A No, sir.

20 Q Not being frantic in any way?

21 A No, sir, not that I heard.

22 Q Just the normal Alex.

23 A Yes, sir.

24 Q And he tells you he just gets to his mom's and that's
25 how you end the call, right?

1 A It says he's either getting to his mom's or about to
2 get to his mom's. I think he said I'm about to get to my
3 mom's. Let me call you when I'm leaving here.

4 Q All right.

5 A Mr. Griffin, I thought he was leaving the office for
6 whatever reason. I don't have any reason to know that. He
7 didn't say that, but I just assumed he had kind of worked
8 late at the office and was headed to check on his mom
9 before he went home.

10 Q Sure. Okay.

11 A But he said I'm about to get to my mom's. He didn't
12 say, you know, where he had been earlier or anything like
13 that, just I'm about to get to my mom's. Can I call you
14 later.

15 Q Would it strike you as odd that he would be going to
16 visit his mom at 9:20 in the evening?

17 A No, sir. I know he visited his mom often. I thought
18 it was mostly during the day, like he would swing over
19 there at lunch and check on his mom and dad, but it didn't
20 strike me as out of the ordinary for him to go in the
21 evening. I knew sometimes he would go later.

22 Q And were you aware that his dad had been put back in
23 the hospital on that day?

24 A Yes, sir, or I knew that -- I don't know that I knew
25 for sure he was. I know on that Sunday Alex told me he was

1 either -- his daddy was being taken to the hospital or was
2 taken to the hospital that day.

3 Q And from your knowledge, how frequently would Alex go
4 by and visit his mom and dad?

5 A Almost every day.

6 Q Almost every day.

7 A Yes, sir.

8 Q When he was in town.

9 A Yes, sir.

10 Q And did Alex work odd hours?

11 A He would usually be somebody that was working later in
12 the evening than a lot of other people would be, yes, sir.
13 I don't think he got started as early as everybody else
14 does.

15 Q So I guess from what you're testifying, his demeanor
16 would have been, in his communications with you on this
17 phone call at 9:20, the same as it would have been any day
18 he leaves the office, nothing out of the ordinary?

19 A Nothing struck me as out of the ordinary, no, sir.

20 Q And you think in this call you brought up that, you
21 know, you needed to talk to him about the equipment?

22 A I know I did that because we were -- they were
23 starting to get frustrated with us and said this thing
24 needs to get inspected so we can put it back in service, so
25 we were needing to get that scheduled.

1 Q And he cut the call short before you finished your
2 conversation about the equipment, saying he has pulled up
3 to his mom's or about to get to his mom's.

4 A Yes, sir.

5 Q Yes?

6 A Yes.

7 Q Okay. Thank you, and then the next entry, I'm not
8 sure you -- it wouldn't show up on your Verizon bill.

9 MR. GRIFFIN: But if you'll go to page 3086, Doug, at
10 -- text at 9:52:15, which I believe that is in --

11 A Mr. Griffin, I don't think we talked about the
12 equipment deal when told me he was pulling up to his mom's
13 house. I mean, I asked about how his mom was doing and I
14 asked about his dad was doing. And I said hey, I need to
15 talk to you. I might have said hey, I need to talk to you
16 about this equipment case and I've got something else I
17 need to talk to you about work. We didn't get into any
18 details about it because he said I'm about to pull up to
19 Mom's, or I'm pulling up to Mom's. Let me call you back
20 when I finish there.

21 Q Okay. Well, one thing we know you didn't talk about
22 is the *Faris* fee, right?

23 A No, sir.

24 Q Because there was no issue as far as you knew about
25 the *Faris* fee.

1 A I knew of no issue with that, no, sir.

2 Q Okay. So, according to this exhibit that's in
3 evidence, there's a text at 5:52:15 that says: Call me if
4 you're up. And I think you put that text into evidence. I
5 may have it here, and it's State's Exhibit 452.

6 A Yes, sir.

7 Q Is that the text?

8 A Yes, sir.

9 Q And what time did -- well, I guess you printed that
10 off your phone. Is that right?

11 A This Exhibit 451 only shows my phone calls. It
12 doesn't show texts.

13 Q Well, the picture of the text message has a time on
14 it, right?

15 A Yeah, June 7th, 9:52 p.m.

16 Q And the extraction record says 9:52 and 15 seconds,
17 but you received that text?

18 A I did.

19 Q Okay, and then if you will go right below that,
20 there's a phone call that you made -- you made to Alex at
21 9:52:59 on your Verizon bill. Do you see a 9:52 phone call
22 to Alex?

23 A Yes, sir.

24 Q Now, earlier you testified that that was a missed call
25 and you didn't talk to him, and the extraction record says

1 it was 42 seconds. Do you think you called him, got him
2 and the call dropped, or do you think it was a missed call?

3 A I don't remember talking to him on that call. I
4 either got his voice message or it didn't answer at all,
5 and that's why I called back one minute later.

6 Q Okay.

7 A He may have picked up but I don't -- I didn't speak to
8 him and I didn't leave a message.

9 Q Okay.

10 MR. GRIFFIN: Well, then the next call on the log,
11 Doug, is 9:53:55.

12 Q And what time does your Verizon bill say that you made
13 that next call?

14 A 9:53 p.m.

15 Q Okay, and so right after you tried, according to this
16 exhibit, it was, like, 42 seconds after you tried the first
17 call --

18 A Yes, sir.

19 Q -- you tried him back?

20 A Yes, sir.

21 Q And when you got him, is that when you talked about
22 the equipment inspection?

23 A That's when I would have said how is your mama doing,
24 you know, how is your dad? We need to talk about this
25 piece of equipment; we've got to deal with this inspection

1 that's upcoming. And I've got some motions that -- I think
2 it is some motions that I need some help with, something
3 that I need a little guidance on and bounce off of you. He
4 said he was about to get back to Moselle or about to get
5 back home and, you know, may lose service, or was about to
6 get back home and he would -- could we talk tomorrow.

7 Q I mean, did he, in fact, tell you I'm going to drop
8 service --

9 A I don't think he said I'm about to drop service. I
10 think he said I'm about to get back to Moselle, you know, I
11 may lose service. Can we talk tomorrow.

12 Q And, again, demeanor was perfectly normal in this last
13 conversation you had with him at 9:53, correct?

14 A Nothing stood out as different to me.

15 Q And he wasn't breathing heavy, he wasn't being
16 frantic, nothing out of the ordinary?

17 A Nothing that I heard was out of the ordinary, no, sir.

18 Q Okay, and then you went to bed, and you got notified
19 by your wife, and the phone was blowing up, and you
20 immediately got in the car and went to Moselle. Is that
21 right?

22 A Immediately, yes, sir.

23 Q And you got there roughly about 1:00 in the morning.
24 Is that right?

25 A About one in the morning, yes, sir.

1 Q And you were directed to the main house?

2 A Yes, sir.

3 Q And there you think Alex was already in the main
4 house?

5 A I know he was already there because I walked in and
6 the first thing I did was walked over -- he was crying and
7 I was crying and just walked over and hugged his neck. I
8 didn't say a word.

9 Q Do you remember what he was wearing?

10 A I don't.

11 Q Who was in the --

12 A I think I remember a white shirt but I don't remember
13 for sure.

14 Q Well, when you were there, did SLED agents come and
15 take his clothes?

16 A I was not there that I remember seeing SLED agents
17 take his clothes or anything like that. If they did, I was
18 somewhere else in the house.

19 Q Okay.

20 A I did not see any of that take place. I was told that
21 they did, but I did not see that.

22 Q You were told that when you were in the house?

23 A Yes, sir.

24 Q Okay. Did it appear that they had already taken his
25 clothes when you saw Alex?

1 A I have no idea.

2 Q Well, did you see him change clothes during the time
3 you were with him?

4 A Not while I was there, no, sir.

5 Q So while you were there, he had the same clothes on
6 from when you got there to when you left?

7 A As far as I remember, yes, sir. I mean, I would -- I
8 mean, as far as I remember, yes. I was focused on my
9 friend, his son. I wasn't paying attention to whether he
10 changed clothes or anything like that. But I don't
11 remember him changing clothes or anybody taking his
12 clothes, but I wasn't fully focused on that.

13 Q And what was Alex's demeanor that night?

14 A He was destroyed.

15 Q He was destroyed?

16 A Yes, sir. He was crying, quiet, just whimpering,
17 trying to be gracious to the people that had come at times.
18 But, I mean, none of us knew what to say. None of us knew
19 what to do, you know. There was a bunch of -- just a lot
20 of quiet.

21 Q I want to ask you about a comment: he was trying to be
22 gracious. When Alex meets people coming up, is he polite?
23 Respectful? Is that his normal habit?

24 A Yes, sir, he's good with people. I mean, he
25 doesn't -- he's the kind of person that doesn't ever seem

1 to have met a stranger, always seems to talk to people.

2 Q One of the things that was -- well, let's set the
3 table. You were there and a number of his law partners
4 were there. Is that right?

5 A As I recall, yes, sir.

6 Q Do you remember Mark Ball being there?

7 A I don't remember Mark -- I remember Mark being there
8 at points in times, but I'm not sure about that night when
9 I walked in.

10 Q Well, let me -- let's -- Ronnie Crosby?

11 A I remember Ronnie being there, Austin Crosby, Lee
12 Cope.

13 Q Austin, Lee, Randy?

14 A Randy, yes, sir.

15 Q I guess his brother John Marvin?

16 A John Marvin was already there. I think -- I don't
17 remember if Buster had already gotten there or not. I
18 think he got there right after I got there.

19 Q And then y'all were there for quite -- for a number of
20 hours and everyone said, you know, we just need to go and
21 try to get some rest, and so you went to your office and
22 laid down on the couch and tried to sleep, right?

23 A Yes, sir.

24 Q And you were back at 9:00 in the morning?

25 A Yeah, somewhere thereabouts, 9:00 or shortly after.

1 Q And were the same lawyers there?

2 A Pretty much. I mean, there was a lot comings and
3 goings. At varying points and times Alex's partners would
4 -- some be there and some not. But, yes, sir, pretty much
5 the same number of people and the same people the next
6 morning.

7 Q Right, and at some point in time there was a
8 discussion and a recommendation that you agreed with that
9 Alex not speak to any law enforcement without somebody with
10 him, right?

11 A Well, we were standing around in the driveway talking,
12 and I think it was Lee Cope, Mark Ball. I don't remember
13 if Ronnie Crosby was in that conversation. A couple of
14 other people, and there was some discussions about Alex's
15 interaction with SLED. And the discussion that was had
16 was, look, he probably doesn't need to interact with SLED
17 without -- by himself because we don't know what state of
18 mind he's in and don't know what the circumstances are, but
19 he also doesn't need seven or eight lawyers trying to
20 advise him and deal with him. I made it very clear that I
21 wanted to be his friend and not his lawyer, that I didn't
22 feel comfortable with that, and that one person needed to
23 be, for a lack of better term, a point person.

24 Q And the concern was that he wasn't in his -- in a
25 state of mind to do so, to have conversations with law

1 enforcement?

2 A Well, I mean, Mr. Griffin, I mean, we're all lawyers,
3 and even if you don't practice criminal law at all, even if
4 all you do is civil law, every lawyer knows that generally
5 criminal lawyers advise their clients not to interact with
6 law enforcement without their involvement or as least their
7 approval.

8 Q All right.

9 A And so every one of the lawyers standing there either
10 knew that or should have known that --

11 Q But --

12 A -- and so whether it was his state of mind or whether
13 general -- just the general what we're all taught and
14 trained -- but, yeah, we all felt like that Alex wasn't in
15 a position where he needed to or maybe was even able to
16 talk to SLED by himself.

17 Q And that's --

18 A I felt that way and everybody else expressed the same
19 thing.

20 Q And that gets to my point. You didn't believe he was
21 able to talk to SLED because he was so distraught and
22 destroyed over the murder of his wife and son?

23 A That wasn't -- I mean, I'm not trying to argue with
24 you. That wasn't a decision for me to make. That's why I
25 did not want to be acting as his attorney. I wanted to be

1 his friend; that's what I was there for. That would be a
2 decision for whoever was going to be representing -- for
3 him and his representation, whoever it was going to be at
4 that point in time. Whoever was chosen as the point
5 person, that was a decision for them to make about how he
6 would interact with SLED.

7 Q I understand, but you agreed with the recommendation
8 that he wasn't in a state of mind to sit down and talk to
9 SLED about himself.

10 A I agreed that he did not need to interact with SLED by
11 himself, yes, sir.

12 Q Based on his state of mind.

13 A I can't tell -- he was destroyed, he was upset, and I
14 don't know whether he was able to talk with SLED at that
15 point in time by himself or not, but I knew that that's not
16 something that somebody should do.

17 Q Well, do you remember --

18 A And I've done criminal work in my past, way back in
19 the past, and that's the advice that I would give every one
20 of my clients.

21 Q Do you remember testifying before the State Grand Jury
22 stating he, Alex, wasn't in a state of mind to do so and
23 that we all didn't need to be his lawyer?

24 A I don't remember specifically saying that.

25 Q I'll show you page 152, lines 22 through 25 --

1 A Sure.

2 Q -- and see if it refreshes your recollection.

3 A Sure. He was not in a good state of mind, I will tell
4 you that.

5 Q 152 down at the bottom?

6 A You want me to read it out loud or just read it to
7 myself?

8 Q No, sir. I mean, does it refresh your recollection
9 that that was your testimony?

10 A Yes, sir. I said he wasn't in the state of mind to do
11 so and that we all didn't need to be his lawyer. I didn't
12 want to be his lawyer. I was his friend. I didn't want to
13 be in the lawyer scenario.

14 Q All right, but he wasn't in a good state of mind,
15 that's for sure, correct?

16 A No, sir, nobody was.

17 Q All right. Now, you got there at about 1:00 in the
18 morning, and there were a lot of people around Alex at that
19 point in time?

20 A There were already people inside the house around him,
21 yes, sir.

22 Q And then when you left, Alex was with Randy, John
23 Marvin, Buster by that time?

24 A I think the decision was made they would go to -- that
25 at least Buster and Alex would go to Almeda and spend the

1 night, and I don't remember whether John Marvin or Randy
2 went with them, but they were leaving as a family.

3 Q And as far as you know, they left as a family and they
4 came back as a family the next day?

5 A Yes, sir.

6 Q And when you got there the next day, more people
7 showed up around Alex, correct?

8 A Yes, sir.

9 Q And I think the Branstetters showed up eventually?

10 A I don't remember -- yeah. I think Papa T and Ms. Kim
11 were there the next day.

12 Q Now, the immediate days following Maggie's and Paul's
13 murder, Alex spent a lot of time down at Summerville. Do
14 you recall that?

15 A Yes, sir.

16 Q And that's where Papa T and Ms. --

17 A That's where Maggie's parents lived.

18 Q And spent a lot of time with them?

19 A Seemed to, yes, sir.

20 Q And then he would stay with John Marvin down at Okatie
21 you mentioned --

22 A That's where I -- I'm sorry. That's where I thought
23 he was staying a lot, yes, sir.

24 Q And he would stay with his brother Randy?

25 A Yes, sir.

1 Q And then they would go to Edisto, he and Buster,
2 sometimes?

3 A There were several times that he and Buster would go
4 to Edisto, and I would try to go down and just see them
5 there. I think they were just -- I mean, I know Buster,
6 and I think they were just trying to kind of go somewhere
7 where there weren't quite as many people around.

8 Q And you begged him, I think you said, or encouraged
9 him to come to the Trial Lawyers convention at Hilton Head
10 so that maybe, you know, he and Buster could have some
11 normal time.

12 A At least to play golf with us one day. I told him he
13 at least should do that.

14 Q And you were concerned -- he had lost a lot of weight,
15 had he not?

16 A He didn't seem to be sleeping or eating very well.

17 Q And he was -- and as his friend, you tried to give him
18 a shoulder to lean on and an ear to talk to, right?

19 A Yes, sir.

20 Q And he asked you rhetorically what are we going to do
21 without Maggie and Paul. Do you remember that?

22 A I don't remember those exact words, but, I mean,
23 he said he didn't know what he was going to do without
24 them, yes, sir. I don't know if he said what are we going
25 to do.

1 Q He told you that he just couldn't go back to Moselle
2 and that he was going to have to sell it because he just
3 can't go back out there. Do you remember that?

4 A He talked to me that he and Buster were going to talk
5 about selling Moselle. He didn't -- I mean, that was
6 Paul's thing. Paul loved that property and being on that
7 property, and I don't know that Buster loved it as much.
8 He did, but I don't know that he loved it as much as Paul,
9 and I don't know that they, you know, that -- Alex just
10 talked to me about that he didn't know that he was going to
11 want to keep it and that, that he didn't -- I don't think
12 he ever went back out there and spent another night. Don't
13 know that for sure, but I had never talked to him while he
14 was there.

15 Q And you advised him just to take it one day at a time.

16 A Yes, sir.

17 MR. GRIFFIN: One second, Your Honor.

18 (Break in proceedings.)

19 Q Mr. Wilson, do you see Buster in the courtroom?

20 MR. GRIFFIN: Could you stand up, Buster?

21 A I do.

22 Q Is that Buster?

23 A Yes, sir.

24 Q And is Brooklynn seated next to him?

25 MR. GRIFFIN: Can you stand up, Brooklynn?

1 Q Is that Brooklyn?

2 A Yes, sir.

3 Q All right.

4 MR. GRIFFIN: Thank you, Your Honor. That's all of
5 the questions I have.

6 THE COURT: Redirect?

7 MR. WATERS: Thank you, Your Honor, briefly.

8 REDIRECT EXAMINATION

9 BY MR. WATERS:

10 Q You were asked by Mr. Griffin on June the 7th whether
11 or not you brought up anything about the *Faris* fees, but at
12 that point in time you hadn't had to cover \$192,000 for the
13 defendant, had you?

14 A No, sir, I had not.

15 Q And as far as --

16 A It was July the 15th, 16th, 17th, somewhere around in
17 that range, the middle of July that I had to cover that
18 \$192,000.

19 Q But he called you with some story about how he had the
20 money in the wrong structures and needed to send it back to
21 you but he was 192 short.

22 MR. GRIFFIN: Objection. Leading.

23 THE COURT: Don't lead the witness.

24 Q Did the defendant tell you that the issue of notifying
25 his firm had been handled --

1 A Yes, sir.

2 Q -- about the fees?

3 A Before I wrote the checks in March and afterwards.

4 Q Before June the 7th. You were asked about that call
5 with Lee Cope.

6 A Yes, sir.

7 Q And you -- did you talk about some fees and expenses
8 that were still pending with Lee Cope?

9 A Not with Lee Cope, no, sir.

10 Q What did you talk about with Lee Cope?

11 A Lee asked me if all the money in the case, the Mack
12 Trucks case, had been disbursed, and I told him that it
13 hadn't. We were holding back some lien money, some medical
14 bill money. And I was in Hampton, I believe, trying a case
15 down there the whole week and he approached while -- I was
16 working in and out of their office sometimes, and I think
17 that's when he approached me and spoke with me about it,
18 and I told him I would have to check. I wasn't in the
19 office.

20 Q Did you tell Lee Cope at that time that you had
21 already disbursed the fees and written them directly to
22 Richard Alexander Murdaugh?

23 A No, sir. He didn't ask him about the fees.

24 Q You were asked about the phone call that took place --
25 or the phone calls, series of phone calls that you had with

1 the defendant on the night of the murders, correct?

2 A Yes, sir.

3 Q And he called you first, correct?

4 A Yes, sir.

5 Q And then he sent a text saying: You up?

6 A Yes, sir.

7 Q But in those phone calls, you were the one who raised
8 the issue about the equipment issue, correct?

9 MR. GRIFFIN: Objection. Leading.

10 Q Were you the one who raised the issue about the
11 equipment?

12 A I did. I kept up with our deadlines and things that
13 needed to be dealt with. And I want to say that they --
14 the lawyer had reached out to me some time around that
15 time. I don't know whether they couldn't get Alex or just
16 chose me to be the person to reach out to, but I was being
17 contacted.

18 Q You were asked him about him going to visit his mother
19 in Alameda typically during the day, and were you aware that
20 he didn't go visit his father that day despite the news
21 that he had been put in the hospital?

22 A I don't know. I don't think we talked about that
23 night on those phone calls whether he had gone to see his
24 father or not. I asked how his father was, but I don't
25 think he told me whether he had gone to see his father or

1 not.

2 Q You were asked about your conversations that night
3 with him, and I think you said he was acting like the
4 normal Alex.

5 A Yes, sir.

6 Q And you were asked about the fact of your observations
7 of him as a husband?

8 A Yes, sir.

9 Q As a father.

10 A Yes, sir.

11 Q You said you saw no erratic behavior over the years
12 that you've known him?

13 A No, sir.

14 Q Saw no evidence of opioid use over the years that
15 you've known him?

16 A No, sir.

17 Q You said that he came from a prominent law firm?

18 A Yes, sir.

19 Q A prominent family?

20 A Yes, sir.

21 Q That you respected him as a lawyer?

22 A Yes, sir.

23 Q That his clients trusted him?

24 A Yes, sir.

25 MR. GRIFFIN: Your Honor, he's leading and leading and

1 I object.

2 THE COURT: Sustained.

3 Q Was the defendant effective in closing argument?

4 A Yes, sir, very.

5 Q Could the defendant show emotion in closing argument?

6 A I mean, yes, sir, he did.

7 Q Was the defendant good with people?

8 A Very good with people. That was one of Alex's
9 strengths is with clients and people he met, connecting to
10 people that he, you know, didn't know quite as personally.
11 He could make connections with people. He seemed to know
12 what -- he seemed to know what made people tick. He knew
13 what was important to people; he could spot issues and
14 address issues in a case. When you got him to focus, he
15 could handle those things.

16 Q Did your kids grow up together?

17 A They did.

18 Q Did you try cases with him?

19 A We did.

20 Q You've done business with him over the years. Have
21 you done business with him over the years?

22 A Yes, sir, lots.

23 Q Have you been roommates with him?

24 A Yes, sir.

25 Q When you covered \$192,000 for him, did you trust him

1 and believe him in what he was telling you?

2 A I believe that he would pay me back, and that what he
3 told me happened had happened.

4 Q On September 4th --

5 A And I knew I had to cover that money with my trust
6 account, so yes, sir.

7 Q On September 4, 2021, did he confess to you the
8 truth of his life that those who were close to him no one
9 knew?

10 A He confessed to me things about him that I didn't
11 know.

12 Q And you had no idea about any of that.

13 A No, sir.

14 Q And he said it had been going on for years, the
15 reality of his life.

16 A He told me that he had been addicted to opioids, and I
17 think he said either for twenty or over twenty years.

18 Q And also?

19 A That he had been stealing money from his client in the
20 firm.

21 Q And that was a lighting bolt because you had no idea
22 despite being his best friend.

23 MR. GRIFFIN: Objection. Leading, argumentative.

24 Q Were you one of his best friends?

25 A Yes, sir.

1 Q Did you have any idea that any of that had been going
2 on for a decade?

3 A I had been told by Lee Cope the day before in that
4 phone call that Alex had been stealing from his firm and
5 from clients, and that he had a drug problem and was going
6 into rehab, and that was the first I would have ever known
7 that.

8 Q September 4, 2021.

9 A That was Friday, September the 3rd, when I talked to
10 Lee Cope, and again when I talked to Alex again on
11 Saturday, September the 4th.

12 Q Hit you out of the blue?

13 A Like a ton of bricks. I mean, it floored me when Lee
14 called me and -- I never expected that.

15 MR. WATERS: Thank you. Nothing further.

16 THE COURT: Further questions?

17 MR. GRIFFIN: No, Your Honor.

18 THE COURT: You may step down.

19 (The witness exited the stand.)

20 THE COURT: We'll recess now for, one hour and 15
21 minutes. Please go to the jury room. Please do not
22 discuss the case.

23 (The jury left the courtroom.)

24 (A lunch break was taken.)

25 THE COURT: Anything before the jury comes in? Yes,

1 sir.

2 MR. HARPOOTLIAN: Please the Court, Your Honor? Mr.
3 Waters has informed me that he is going to call a young man
4 named Satterfield who was the one of the heirs of the
5 Satterfield estate. The allegation is that Mr. Murdaugh
6 converted those proceeds like all of the conversions we've
7 heard about. The difference is in this case he is the
8 victim and, you know, Mr. Waters used the term gilding the
9 lily the other day, and he told us that it meant piling on.

10 Under the 403 analysis -- and again this is being
11 allowed for the limited purpose of motive -- we believe and
12 we submit to the Court that this is more prejudicial than
13 it is probative. They've got records they put in of
14 millions of dollars of theft. And, you know, we would
15 offer that if he had some summary chart we would, pursuant
16 to our previous objections, stipulate to it as to the
17 losses in this case for purposes of what Your Honor has
18 already allowed with obviously that stipulation subject our
19 previous objection rather than calling, you know, witnesses
20 who are victims that add nothing to the evidence that Your
21 Honor has allowed. We would under Rule 403, object to the
22 prejudicial being more -- outweighing -- the prejudicial
23 outweighs any probative value. Thank you, Your Honor.

24 THE COURT: All right. Yes, sir?

25 MR. WATERS: Your Honor, again, Mr. Satterfield

1 testified *in camera*. There has already been testimony
2 admitted, again, about him stealing through the fake Forge
3 from his clients, stealing from his law firm. But this is
4 something different. This is where -- a situation where he
5 was actually a civil defendant and still managed to
6 misappropriate that money as well. And additionally the
7 amount of money is extremely significant. It's millions of
8 dollars.

9 And the other thing about this is, is that as you
10 heard from Mr. Satterfield, the fact of this being out
11 there was kind of percolating out in the world and he had
12 conversations with Mr. Murdaugh as time was approaching,
13 and Mr. Murdaugh is telling him, oh, everything is okay
14 with the case and all of the rest of it when the money had
15 long been misappropriated and spent by Mr. Murdaugh. So,
16 this is a different type, and it also has a connection with
17 the overriding situation that Mr. Murdaugh found himself
18 in. And so we believe that it still is fair game and is
19 not -- its probative value is not substantially outweighed
20 by the danger any of unfair prejudice.

21 THE COURT: What is the timeline with regard to
22 Satterfield?

23 MR. WATERS: So Mr. Satterfield, as far as the
24 communications with the defendant, the money actually --
25 the first settlement, I believe, was misappropriated not

1 long after the boat case in March of '19. There is
2 actually another aspect that's going on as well. There's
3 been testimony about how the boat case changed things, and
4 it created some very significant difficulties for the
5 defendant that was coming to a head at that time. The
6 subsequent recovery, which is much larger, about, about
7 \$3.8 million was at some point after that.

8 However, there are, in fact, communications, and you
9 heard from Mr. Satterfield. There are communications, text
10 messages which I provided to the defense in April of 2021,
11 in which the defendant is assuring him that everything --
12 they're working hard on the case and everything is fine and
13 all the rest of it. And so that is -- again, this is part
14 and parcel of things that are in these hidden aspects of
15 this whole other life that the defendant had that are
16 percolating as everyone moves to June of 2021.

17 Additionally, there are calls. I think Mr.
18 Satterfield testified as to calls in June of 2021. The
19 records reflect some calls on June 22nd between the two of
20 them, but there still are text messages from the defendant.

21 And, Your Honor, if I can have something marked at
22 this time and pass it up if you would like to see it?
23 These actually were identified after he testified last
24 time, but the defendant reaches out to him and tells him,
25 hey, just checking on you. Everything is fine. We're

1 working on the case. It's a tough case. It's a complex
2 case and, therefore, you know, don't worry about it when,
3 again, the money had been longed misappropriated.

4 THE COURT: That's a pretty long answer but not to the
5 question. I said what is the timeline, and perhaps the
6 text messages have something to do with timeline. I recall
7 his testimony, Satterfield's *in-camera* testimony.
8 Something to the effect that in early June or at or around
9 that time?

10 MR. HARPOOTLIAN: The money was diverted in May of
11 2019.

12 THE COURT: Yeah, but the discovery is what -- the
13 discovery --

14 MR. HARPOOTLIAN: The discovery did not come until --

15 THE COURT: Satterfield testified that he heard
16 reports at some point in time, and that's my question to
17 you.

18 MR. WATERS: Yes, sir. He testified that as we move
19 into late 2021, late 20 -- 2021 he is hearing reports, and
20 there are reports out there that there had been a
21 settlement in the case, and so ultimately there's
22 discussions with Alex Murdaugh, which he'll testify he
23 would, you know, talk with a few times a year about the
24 case, and was assured even though, yes, Mr. Harpootlian is
25 right, that money had been misappropriated a long time ago

1 that everything was okay. He was working hard on the case.

2 And so that -- the fact of -- the important point to
3 this case is, is that that issue for the defendant is still
4 out there. And he's got this young man as we move into the
5 spring of 2021 believing that the case is still ongoing and
6 he's still working on it, and that's the connection here as
7 part and parcel of the overwhelming set of circumstances
8 for the defendant.

9 MR. HARPOOTLIAN: Your Honor, just briefly. The money
10 is misappropriated in 2019. That young man testified he
11 didn't know when he learned about it, that there may have
12 been a settlement. It could have been before June 7th or
13 after June 7th. And the fact that he doesn't know when I
14 think contributes to the fact that this calls for
15 speculation that he knew something that in some way would
16 have influenced Alex Murdaugh to murder his wife and son.
17 And that's -- the only reason this testimony is coming in
18 is to show with some immediacy.

19 And, by the way, if you look at the phone records, the
20 only calls between these folks began on June 22nd, two
21 weeks after the murders. So, it's not temporal, and he
22 can't say whether he had any knowledge of the
23 misappropriation of the -- actually, all he knows about
24 would be the settlement. And, you know, again there was
25 nothing immediate about this on June 7th from this

1 particular witness.

2 Now, again, we would be more than willing to some sort
3 of stipulation that that's the timeline, subject to our
4 previous objections, rather than putting a witness up who
5 is going to testify he doesn't know when he found out about
6 it. It could have been before June 7th, it could have been
7 after, and they have -- they don't even get any phone calls
8 about it until June 22nd, and there's nothing that -- no
9 action has begun. Nothing coming forward after -- or prior
10 to June 22nd, and these emails all occur after June 7th.

11 So, again, this is a prejudicial versus probative,
12 and, you know, this is gilding the lily. This is piling
13 on. This is just more trying to prejudice the jury into
14 believing that somehow someone who steals a bunch of money
15 in any way whatsoever would commit a murder. It's
16 character evidence pure and simple.

17 MR. WATERS: Your Honor, the -- actually the final
18 misappropriation in the *Satterfield* case was in October of
19 2020, and, again, there were press articles out there. The
20 texts -- he said these emails were after June 7th and
21 they're not. They are in April. Mr. Satterfield testified
22 *in camera* that he remembered having a conversation in June
23 of 2022.

24 After that, we actually looked and we found some phone
25 records, which again are June 22nd of 2021, but we also

1 found these text messages from April in which the defendant
2 is reaching out to Mr. Satterfield and assuring him that
3 he's working hard on the case and all of the rest of it.
4 And, again, that's part and parcel of the things that were
5 percolating out there, and part and parcel of the pressures
6 that were on him that the State's theory is he could not
7 solve here.

8 MR. HARPOOTLIAN: Your Honor, just one last point.
9 This all began when this idea, argued very thoroughly by
10 the Attorney General, that all of this financial crime
11 stuff is to prove that on the night of June 7th, he knew
12 because of that conversation in the office that he -- the
13 jig was up, that he -- in a day or two in that hearing on
14 Thursday everyone would know that he was a thief and
15 everything had crashed down on him, and to distract from
16 that and delay things, he went home and butchered his son
17 and butchered his wife.

18 And by the way, I might point out, that same day he
19 learned his father was terminal and wouldn't live much
20 longer and that would be, in my opinion, as much of, if not
21 more -- well, enough of a distraction for --

22 MR. WATERS: I agree.

23 MR. HARPOOTLIAN: You agree? That he didn't --
24 there's no rational way he would think that he would need
25 to butcher his wife and son to distract, knows his father

1 is getting ready to die, which would be distraction in that
2 community and in that law firm.

3 So, again, I think we need to get back to why we began
4 this three or four or five -- I can't remember how many
5 days we've been doing financials. I mean, this is a murder
6 trial, not a financial fraud trial. And to the extent it
7 goes to motive, again, we're more than willing to
8 stipulate that this amount of money disappeared, that the
9 rightful heirs of it, receipt of it, didn't get it. But
10 putting a child on the stand to talk about -- and again, he
11 didn't know when he found out about it or when he began to
12 raise those issues.

13 THE COURT: I believe he's an adult, isn't he?

14 MR. WATERS: He is an adult. He has a job in an
15 emergency room as a tech.

16 MR. HARPOOTLIAN: I apologize to the young man. He
17 looks young to me. I'm sorry.

18 THE COURT: Anything further?

19 MR. WATERS: Your Honor, the only thing I would say is
20 that the State's theory isn't as simple as that; it's
21 broader than this. But, again, I think that this is a
22 different category, and it's part and parcel of everything
23 that was going on as we move to June 7th and, therefore, is
24 relevant for the jury to understand very much as the
25 pressures that can cause him to murder his wife and son,

1 particularly in the face of the defense contention that he
2 could never do such a thing.

3 THE COURT: Mr. Satterfield testified *in camera* that
4 in June of 2021, he made a call to Mr. Murdaugh asking
5 about the status of the case. He made that call, he
6 testified to, because he had heard reports that there was
7 some concern about the status of the case sufficient to
8 cause him to call Mr. Murdaugh to ask about the status of
9 it, and he testified that he could not remember if he
10 called Mr. Murdaugh or if Mr. Murdaugh called him: But,
11 yes, I talked to him in June of 2021. That is according to
12 the rough draft of the transcript that has been provided to
13 the Court.

14 I find that this testimony is consistent with the
15 State's theory of Mr. -- of the defendant being in a
16 frantic state, seeking to avoid disclosure of these
17 financial crimes and thefts, and that this testimony is
18 consistent with the State's theory. The Court has granted
19 the State's motion to allow evidence of other crimes, and
20 this is additional evidence that is close in point in time
21 and is admissible, and I deny the motion to exclude.

22 MR. HARPOOTLIAN: Your Honor, may I bring your
23 attention to one factual issue? The Attorney General --

24 THE COURT: Of course I asked is there anything else,
25 but go ahead.

1 MR. HARPOOTLIAN: I apologize, Your Honor. I'm trying
2 to hurry, if I can, because there may be an ending to this
3 case some day. I'm not trying to delay it.

4 The phone records the Attorney General is going to
5 present through this witness indicate the only call, the
6 only call between the two of them was on June 22nd, two
7 weeks after the murders. So, if there's some phone call,
8 there's no mystery about when the phone call came after
9 June 7th, two weeks later. So, in terms of him making --
10 putting Mr. Murdaugh on alert that something imminent was
11 going to happen, it's two weeks later.

12 THE COURT: Well, it's impossible for anyone to know
13 what's on, on one's mind or state of mind at any given
14 point in time. But the magnitude of this case almost
15 morphs all the others in the amount and it is something
16 that I would -- if one is being concerned and attempting to
17 prevent disclosure and seeking to divert attention from the
18 impending disclosure of information, and that disclosure
19 would likely have taken place not only for some of the
20 others that we've had testimony concerning but most
21 definitely this particular one. So, I understand your
22 objection. It's a fact at issue, but I find it's more
23 probative than prejudicial for all of the reasons I
24 previously explained.

25 Yes, sir.

1 MR. HARPOOTLIAN: So.

2 THE COURT: And I don't think whether it's June 1st,
3 2nd, 3rd, 20th, 21st, 25th is of any significance.

4 MR. HARPOOTLIAN: Well, Your Honor, you said this a
5 moment ago, and if you would charge the jury with it maybe
6 I'll sit down, which is no one knows what's going on
7 somebody's mind, and maybe that's something you can tell
8 the jury at the end of this case. Secondly --

9 THE COURT: There's a specific charge on that: intent.

10 MR. HARPOOTLIAN: Right. Moving on, we would ask --
11 two things. One, I would except your ruling. I'm not sure
12 I have to do that but I'm in the old school that if you
13 didn't preserve it, it was gone.

14 THE COURT: Yes, sir, I understand.

15 MR. HARPOOTLIAN: Secondly, we would ask you to, and I
16 know you said yesterday you weren't going to do this again,
17 but this is, as he's just pointed out, a horse of a
18 different color. It's a different character kind of
19 witness. I would ask you to read your charge on this
20 testimony once again. And hopefully I think we're close to
21 the end of this financial testimony so it may be the last
22 time I would ask you to read it.

23 THE COURT: Yes.

24 MR. HARPOOTLIAN: Thank you.

25 THE COURT: Yes, sir.

1 MR. WATERS: Obviously I would leave that to the
2 Court's discretion.

3 THE COURT: Yes, I have it right here.

4 MR. HARPOOTLIAN: Thank you.

5 THE COURT: I'll give it one more time.

6 MR. HARPOOTLIAN: Thank you.

7 THE COURT: Let's bring the jury.

8 (The jury returned to the courtroom.)

9 THE BAILIFF: The jury is present, Your Honor.

10 THE COURT: Yes, sir, thank you.

11 Welcome back. Once again, ladies and gentlemen, the
12 State's next witness is expected to give testimony --
13 further testimony regarding other crimes committed by the
14 defendant, other alleged criminal activity by the
15 defendant. And as I instructed you earlier, the fact that
16 the defendant may or may not have been involved in other
17 criminal activity is not evidence of or proof that he
18 committed the offenses alleged in the indictments against
19 him. This testimony is allowed for the limited purpose of
20 assisting the State in proving the State's theory or
21 allegations regarding motive.

22 You may not consider it for the purposes of
23 Mr. Murdaugh's character, or you cannot consider that for
24 propensity to commit other crimes, or that it's more likely
25 that he committed these other crimes which he's been

1 charged but not convicted of, but it is being allowed based
2 on the State's theory and representation that helps explain
3 the defendant's motive to commit the crimes for which he is
4 accused.

5 And you may call your next witness.

6 MR. WATERS: May it please the Court, Your Honor?
7 State calls Tony Satterfield.

8 The witness, MICHAEL SATTERFIELD, was first duly sworn
9 and testified as follows:

10 THE CLERK: State your name again for the record,
11 spell your last name after you sit down, and pull your
12 chair up so we can hear you.

13 THE WITNESS: My name is Michael Satterfield. My last
14 name is spelled S-a-t-t-e-r-f-i-e-l-d.

15 DIRECT EXAMINATION

16 BY MR. WATERS:

17 Q Mr. Satterfield, how are you doing today?

18 A Good. How are you?

19 Q I'm good. Tell the jury just a little bit about
20 yourself. Where did you grow up and, you know, what do you
21 do for a living?

22 A I grew up in Hampton. I live in Beaufort and I work
23 at Beaufort Memorial Hospital.

24 Q Okay. Also, the court reporter is taking stuff down
25 there. I'm really known for talking fast, too, but let's

1 slow it down so they can get everything down. You grew up
2 in Hampton you said?

3 A Yes.

4 Q And you said -- where did you work?

5 A Beaufort Memorial.

6 Q Okay, and what do you there?

7 A I work in the ER.

8 Q How long have you been working there?

9 A A little over five years.

10 Q Okay, and where -- did you work anywhere prior to
11 that?

12 A I did.

13 Q And where did you work?

14 A The pharmacy.

15 Q The pharmacy? Okay. Who is your mom?

16 A Gloria Satterfield.

17 Q Gloria Satterfield, and is your mom still with us?

18 A She's not.

19 Q And when did she pass?

20 A February 26, 2018.

21 Q And do you have a sibling?

22 A I do.

23 Q And what's his name?

24 A Brian.

25 Q Brian? All right. Where did your mom pass?

1 A In the hospital.

2 Q Did something happen to her?

3 A Yes.

4 Q Tell the jury what happened to her.

5 A She had a trip and fall.

6 Q Where did that occur?

7 A I'm not sure the exact date it occurred.

8 Q But where did it?

9 A I'm sorry, at Moselle in Colleton County.

10 Q Okay. Was she working for the Murdaugh family?

11 A She was.

12 Q What did she do for them?

13 A She was their housekeeper, babysat for them, and
14 anything else they needed.

15 Q Babysat, whatever they needed --

16 A Yes.

17 Q -- housekeeper?

18 A Yes.

19 Q How long did she work for them?

20 A A little over twenty years. I'm not sure of the exact
21 amount.

22 Q Twenty years. During that time, did you get to know
23 the Murdaugh family?

24 A I did.

25 Q Did you get to know the defendant, Alex Murdaugh?

1 A I did.

2 Q Do you see him here in the courtroom today?

3 A I do.

4 Q Can you point him out for the jury?

5 MR. WATERS: Can the record reflect he has identified
6 the defendant?

7 THE COURT: Yes, sir.

8 Q Your mom worked for this family for twenty years
9 babysitting. She helped raise the children?

10 A Yes.

11 Q Did you get to know Maggie?

12 A A little bit, yes.

13 Q Did you get to know Paul or Buster at all?

14 A A little bit, yes.

15 Q And you got to know Alex, right?

16 A Yes.

17 Q You said your mom had a trip and fall at Moselle at
18 their property?

19 A Yes.

20 Q And did she go to the hospital?

21 A Yes.

22 Q Was she ever able to tell you how she tripped or
23 anything like that?

24 A No.

25 Q How long was she in the hospital before she passed

1 away?

2 A Give and take four, five weeks, somewhere up in there.

3 Q After she passed away, did you -- was there a funeral?

4 A Yes.

5 Q And after the funeral, did people go to somebody
6 else's house and visit like people do?

7 A Yes.

8 Q At any point in time during that funeral or
9 thereabouts, did you have a conversation with the defendant
10 over there?

11 A Yes.

12 Q And what --

13 MR. HARPOOTLIAN: Please the Court, Your Honor? I'm
14 objecting to questions by Mr. Waters that respond with a
15 yes or no. Those are typically leading questions. Not
16 that I'm concerned about these questions. I just
17 don't want my lack of objection to lead to somebody's
18 belief that you can ask questions that respond to a yes or
19 no.

20 THE COURT: Mr. Waters?

21 MR. WATERS: I think my question did not suggest the
22 answer. I said did you have a conversation, and my next
23 question was what was that conversation.

24 THE COURT: All right. You can ask that question.

25 MR. WATERS: Thank you.

1 Q So, what was that question -- excuse me, what was that
2 conversation you had with the defendant at the funeral or
3 thereabouts?

4 A If I remember correctly, I'm going to kind of take
5 care of you boys and kind of, you know.

6 Q He's going to do what? I'm sorry?

7 A Take care of you boys.

8 Q Did he say how he was going to do that?

9 A Partially, yes.

10 Q What did he say?

11 A He was going to file a claim against his insurance
12 company.

13 Q He was going to what?

14 A File a claim against his insurance company.

15 Q His insurance company?

16 A Yes.

17 Q Did he say how much coverage there was?

18 A Like 505,000, I believe.

19 Q 505,000?

20 A Yes.

21 Q And did he say anything about how much money you may
22 receive?

23 A The goal was to get me and my brother, Brian, at least
24 \$100,000 apiece.

25 Q And did any other bills need to be taken care of?

1 A The medical bills.

2 Q For who?

3 A My mom.

4 Q When he told you that, did you agree to do that?

5 A Yes.

6 Q Did you view the defendant as your lawyer?

7 A Yes.

8 Q Did you go and meet with him about it?

9 A Yes.

10 Q Did he tell you about what to do with any paperwork
11 you may receive?

12 A Any paperwork or bill or anything, just send them to
13 him.

14 MR. WATERS: Can I have the ELMO, please?

15 MR. HARPOOTLIAN: No objection subject to our previous
16 objection.

17 THE COURT: Is that something you're offering into
18 evidence?

19 MR. WATERS: I'm going to show it to the witness, but
20 yes, sir. Yeah. I'll offer State's 372 into evidence at
21 this time.

22 MR. HARPOOTLIAN: No objection to this evidence.

23 THE COURT: It's admitted without objection.

24 (COVERSHEET MARKED AS STATE'S EXHIBIT NUMBER 372 WAS
25 RECEIVED INTO EVIDENCE.)

1 Q Let me ask you this. So, did you agree to let the
2 defendant go forward with this claim?

3 A Yes.

4 Q And I'm going to -- I had asked you whether or not --
5 what he told you to do about paperwork, and I'm going to
6 show you what's been marked to Exhibit 372 to your
7 testimony. Do you recognize that?

8 A Yes.

9 Q Tell the jury what that is, please?

10 A This is the coversheet that I sent him. I believe I
11 had a hospital bill and some kind of other important
12 paperwork.

13 Q Okay. So, you had received some paperwork in the
14 mail?

15 A Yes.

16 Q And did you handwrite this?

17 A I did.

18 Q And who did you send this to?

19 A Alex Murdaugh.

20 Q I'll put it up on the screen. Tell the jury quickly
21 what this is about. Can you see it on the screen? I can
22 bring it back to you.

23 A Okay. So, this is a coversheet that I attached to the
24 documents that I sent Alex.

25 Q And what kind of documents? Do you remember what kind

1 they were?

2 A One was a hospital bill, and one was from the trailer
3 company, I believe. I don't recall exactly what it was.

4 Q The trailer company for who?

5 A My mom.

6 Q Your mom, and the hospital bill for who?

7 A Yes, my mom.

8 Q Your mom? And you sent these to him because they were
9 relevant to the case?

10 A Yes.

11 Q At any point in time, did you -- as this case was
12 developing, did you go and meet with the defendant at his
13 office?

14 A Yes.

15 Q Did he have any paperwork for you?

16 A Yes.

17 Q Did he get you to sign some paperwork?

18 A Yes.

19 Q Did you become the personal representative of your
20 mom's estate?

21 A I did.

22 Q And who gave you the paperwork to sign for that?

23 A Alex.

24 Q When you signed that paperwork, were you aware that
25 there had already been --

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

2 THE COURT: You can't lead the witness.

3 MR. WATERS: I'll rephrase.

4 THE COURT: I sustain the objection.

5 Q At some point in time, did Alex say he wanted to
6 involve another lawyer?

7 A Yes.

8 Q And who was that?

9 A Cory Fleming.

10 Q And what did he tell you about that?

11 A If I understood it correctly, I'm going to send these
12 to Cory Fleming, my friend, because I can't be the -- he
13 says there was going to be a conflict of interest. That's
14 how I understood it.

15 Q All right, and did you ultimately meet with Cory
16 Fleming?

17 A Yes.

18 Q How many times did you meet with him?

19 A If I recall correctly, maybe once or twice.

20 Q Okay. Over the course of this case, if you had a
21 question, who would you call?

22 A Alex.

23 Q At some point the defendant, Alex, had a conversation
24 with you about letting someone else be PR?

25 A Yes.

1 Q And what was that conversation?

2 A That I should let somebody else be PR because based on
3 that he's a business man and it would be harder for the
4 insurance to go up against somebody like that.

5 Q Okay, and who told you that?

6 A Alex.

7 Q And what did you say to that?

8 A Yes.

9 Q All right, and who was -- did somebody else get
10 involved at this point?

11 A Yes.

12 Q And who was that?

13 A The PR, Chad Westendorf.

14 Q At that time, did you sign any paperwork for him to
15 become PR, Chad?

16 A I did.

17 Q All right, and who brought you that paperwork?

18 A I believe I signed it at Alex's office, or either I
19 went to the bank. I can't recall.

20 Q And at that point in time, were you aware of any
21 recovery in the case?

22 A No.

23 Q Were you aware a recovery had already been received in
24 the case?

25 A No.

1 Q Did anyone at that time tell you that there was
2 already \$505,000 that had been recovered?

3 MR. HARPOOTLIAN: Objection, Your Honor.

4 A No.

5 MR. HARPOOTLIAN: That's not in evidence. I mean,
6 he's throwing these numbers and times out. There's nothing
7 in the record to indicate when or who has received or how
8 it was disbursed. I object.

9 MR. WATERS: I asked him -- Your Honor, I'm sorry. I
10 asked him if he was aware of that. I think that's
11 relevant.

12 MR. HARPOOTLIAN: Aware of something that no one has
13 said happened? I mean, I would object.

14 THE COURT: Rephrase your question, please.

15 Q Did Alex tell you there had been a recovery of
16 \$505,000 already in the case at that time?

17 A No.

18 Q Did he ever tell you there had been a recovery of
19 \$505,000 at that time?

20 A No.

21 Q Was there a recovery at that time of \$505,000 as
22 you've come to find out?

23 A Later on.

24 Q Later on you found out?

25 A Yes.

1 Q And did he ever pay you one dime?

2 A No.

3 Q Who was the PR that the defendant talked to you about
4 appointing instead of you?

5 A Chad Westendorf.

6 Q Did you ever meet with him?

7 A Yes, like once or twice.

8 Q Did he ever tell you about a \$505,000 settlement that
9 had already occurred?

10 A No.

11 Q Did the defendant ever tell you that he also had a
12 \$5 million umbrella policy?

13 A No.

14 Q Did he ever tell you that there had been recovery
15 against that?

16 A No.

17 Q Did he tell you that there had been a recovery of \$3.8
18 million against that?

19 A No.

20 Q Did he ever pay you one penny of \$3.8 million?

21 A No.

22 Q As the months went on and moving into the early part
23 of June 2021, would you periodically have conversations
24 with Alex about the case?

25 A Yes.

1 Q How often do you think you would talk to Alex?

2 A Every three to four months give or take.

3 Q And do you recall what Alex would tell you about the
4 case?

5 A Yes. First of all, it was a hard case and it was
6 making progress.

7 Q Say that again.

8 A At first it would start off it was going to be a hard
9 case, and then it turned into we're making progress.

10 Q You're making progress?

11 A Yes.

12 Q And what had the defendant told you about the most
13 that you could recover? What did he tell you at least?

14 A Nothing.

15 Q I'm going to show you what has been marked as State's
16 Exhibit 463 to your testimony and see if you recognize that
17 document.

18 A Yes, I do.

19 Q What are those?

20 A These are text messages between me and Alex.

21 MR. WATERS: Your Honor, at this time I would move
22 State's 453 into evidence.

23 MR. HARPOOTLIAN: Subject to our previous objection,
24 no objection.

25 THE COURT: It's admitted.

1 (TEXT MESSAGES MARKED AS STATE'S EXHIBIT NUMBER 453
2 WERE RECEIVED INTO EVIDENCE.)

3 Q All right. I'm going to put this up on the screen and
4 kind of zoom it in. You've got a screen over there, but if
5 you can't see it because the writing is kind of small, you
6 let me know and I'll bring it to you, okay? Do you
7 recognize that that's on the screen right now?

8 A Yes.

9 Q And who is that text from?

10 A Alex.

11 Q And who was it to?

12 A Me.

13 Q And can you read to the jury what that text says?

14 A It says:

15 Hey, man, just checking in. Been working on case
16 that made me think about you. Hope all is good.
17 Call me any time I can help.

18 Q And what was the date of that text?

19 A April 12, 2021, at 12:47.

20 Q All right. I'm going to go to this next one. Do you
21 recognize that text?

22 A Yes.

23 Q Who is that from?

24 A That's from me to Alex responding to his text.

25 Q All right, and read that text to the jury, what you

1 sent.

2 A That text says:

3 Hey, man, I'm doing good. By the way, how is

4 the case going? Just curious, but how are you?

5 Q I'll show you this next text. Do you recognize that?

6 A Yes.

7 Q Who is that from?

8 A That is from Alex to me.

9 Q All right, and can you read that to the jury?

10 A Finally getting some movement, still a ways to

11 go. Doing good. Was just thinking about and

12 thought I would check in. Hope to see you soon.

13 Q Still a ways to go is what he said?

14 A Yes.

15 Q At that point in time, did he tell you there had

16 already been two recoveries in the case?

17 A No.

18 Q Going to this last text. What is that? Who is that

19 from?

20 A That is from me back to Alex responding to his text.

21 Q All right, and what does it say?

22 A Cool. Thanks.

23 MR. WATERS: Hold for me just one second.

24 (Break in proceedings.)

25 MR. WATERS: Your Honor, I believe without objection

1 I'm going to strike out one of the phone numbers on here so
2 it can't be viewed.

3 MR. HARPOOTLIAN: That's correct, Your Honor.

4 THE COURT: All right.

5 (Break in proceedings.)

6 Q Around this point in time as we're in the spring, late
7 spring of 2021, had you become aware of any media reporting
8 about there actually being a settlement in your mother's
9 case?

10 A Yes. Somebody sent me a text or something saying that
11 a legal document -- but I can't remember who sent it to me.

12 Q All right. You can't remember who sent it to you?

13 A Yes, that's correct.

14 Q Did that cause you to reach out to the defendant and
15 ask about the status of the case?

16 A Yes.

17 Q And do you remember roughly when that was?

18 A I believe in June.

19 Q And do you remember if that was before or after the
20 murders in this particular case?

21 A I believe that was after.

22 Q Okay, and have you seen some records since your --
23 since the previous time in talking about this?

24 A Previous to the call, no.

25 MR. WATERS: Let me get something marked real quick.

1 (CELL PHONE RECORD MARKED AS STATE'S EXHIBIT NUMBER
2 454 FOR IDENTIFICATION.)

3 Q I'm going show you what's been marked as 454 to your
4 testimony. Is that some records you've been provided?

5 A Yes.

6 Q And are those just some records of phone calls between
7 you and Alex on June 22nd?

8 A Yes.

9 Q Did you have any -- would you periodically reach out
10 to the defendant and get updates about the case?

11 A Yes.

12 Q And you had family reach out and ask you to get
13 updates because of reading things in the media. Is that
14 correct?

15 A That is correct.

16 Q And you had conversations with him in June of 2021?

17 A Yes.

18 Q You don't remember if those were before or after the
19 murders --

20 MR. HARPOOTLIAN: Your Honor, he's already asked the
21 question after June 7th. I would object to the leading
22 question. I would object to the suggestion that he hadn't
23 already answered that this occurred after June 7th of 2021.
24 He's impeaching his own witness.

25 MR. WATERS: I'm not trying to impeach this witness.

1 I think that I'm establishing a point that's not in
2 dispute. His records say what they say.

3 MR. HARPOOTLIAN: I'm talking -- I think he was
4 prefacing that question you don't remember when you learned
5 about it sometime in early June. If he's conceding the
6 witness said he didn't learn about it until June 7th, we
7 don't have an argument. He's already testified to that.

8 THE COURT: Final speaking response.

9 MR. WATERS: Your Honor, this witness has testified he
10 had a conversation in June. He's testified in the spring
11 of 2021 that he became aware of media reports and reached
12 out to him. We've already seen some texts and we have some
13 calls. I'm just following up on the fact that he had
14 repeated communications with the defendant asking him what
15 is the status of my case and was told as we move in time to
16 the murders, oh, everything is fine. I'm still working on
17 it.

18 THE COURT: The objection is sustained as to leading
19 the witness.

20 MR. HARPOOTLIAN: Thank you, Your Honor. And, Your
21 Honor, I apologize to the Court for thanking you. It's
22 just a habit I got in and can't seem to break it. And, by
23 the way, if you ruled against me, I would still say thank
24 you, as I learned to do. I apologize.

25 MR. WATERS: Thank you, Mr. Harpootlian.

1 THE COURT: All right.

2 Q Just to clear this up, how often would you talk to the
3 defendant?

4 A Three to four times a year, I believe. I can't
5 recall. Every few months.

6 Q Would you talk by phone or would you talk by text or
7 both?

8 A Both.

9 Q And when you would talk to him, would you ask about
10 the status of your case?

11 A Yes.

12 Q Each time you talked to him, what did he say?

13 A It was making progress.

14 Q Making progress. Did he say it was a hard case or
15 not?

16 A Yes.

17 Q Did he ever tell you about how much money he might be
18 able to get for you?

19 A The goal was to get 100,000 apiece for me and my
20 brother.

21 Q At any time over the years, did he ever tell you that
22 there had already been a recovery in the case?

23 A No.

24 Q At any time over the years, did he mention anything
25 about having a \$5 million umbrella policy?

1 A No.

2 Q At any time did he ever pay you one penny?

3 A No.

4 Q You testified earlier that you became the personal
5 representative. Is that right?

6 A That is correct.

7 Q Why were you the personal representative and not your
8 brother?

9 A Because my brother is a vulnerable adult and he has a
10 disability.

11 THE COURT: Can you repeat those words for me?

12 A That my brother, he's a vulnerable adult and he's not
13 able to function as a normal human being to deal with stuff
14 like that.

15 Q He's a vulnerable adult?

16 A Yes.

17 Q After the murders happened, at some point after that,
18 did you go see -- or did you and your family go seek
19 additional representation about this matter?

20 A Yes.

21 Q And who did y'all eventually go to?

22 A We -- my aunt and my uncle went to Mark Tinsley, and
23 then they sent us to Eric Bland.

24 Q And are you aware of there being a confession of
25 judgment in your case against the defendant for those

1 missing recoveries?

2 A Yes.

3 MR. HARPOOTLIAN: No additional objection to this
4 document.

5 MR. WATERS: Your Honor, I would offer State's 352.

6 THE COURT: The witness can testify to it.

7 Q All right, and you're aware there's a confession of
8 judgment in that case?

9 A Yes.

10 Q Did you have to file a claim against the defendant for
11 the two recoveries you never got in your mom's case?

12 A Yes.

13 Q Let me show you 352. You're not a lawyer, are you?

14 A No.

15 Q And have you read all of that legal stuff in there?

16 A Yes.

17 Q All right, but this has been something that you're
18 aware that occurred in your case. Is that correct?

19 A That is correct.

20 Q And ultimately there's a confession of judgment in the
21 case. Do you know how much it is right there?

22 A \$4,305,000.

23 Q All right, and is that for \$3.8 million for one of
24 them?

25 A Yes.

1 Q And for \$505,000 for the other recovery?

2 A Yes.

3 THE COURT: The exhibit is admitted.

4 MR. WATERS: Thank you, Your Honor.

5 (CONFESSION OF JUDGMENT MARKED AS STATE'S EXHIBIT
6 NUMBER 352 WAS RECEIVED INTO EVIDENCE.)

7 Q When the defendant came to you around the time of your
8 mom's funeral and said he was going to help you and file a
9 claim on your behalf, why did you agree to that?

10 A Because I trusted him.

11 MR. WATERS: Thank you. Nothing further.

12 THE COURT: Cross-examination?

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

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. HARPOOTLIAN:

17 Q Your name is Tony?

18 A Yes, sir.

19 Q May I call you Tony rather than Mr. Satterfield?

20 A Yes, sir.

21 Q You can call me Dick instead of Mr. Harpootlian and
22 then we'll make this a little quicker. With your name and
23 my name, it might add a little bit to this cross.

24 So, let me ask you a few questions about your mother's
25 death, and I apologize if in any way this brings back bad

1 memories. I apologize.

2 Y'all filed a lawsuit or made a claim against -- I
3 mean, basically Alex told you he would be the defendant.
4 You would be suing him, right?

5 A Yes.

6 Q Okay, and it was based on some dogs tripping your mom
7 as she was going down the stairs. Is that right?

8 A That's what they say, yes.

9 Q Okay, but the only person that, that represented dogs
10 that tripped your mother going down the stairs was Alex,
11 right?

12 A Yes.

13 Q Okay. So, without his assertion -- I mean, if she's
14 just fell down the stairs, there would be no lawsuit,
15 right?

16 A I guess that's correct.

17 Q Okay. I'm sorry. You're not a lawyer. You would
18 accept my representation if she just fell down the stairs
19 on her own, there would be no one to blame for that, right?

20 A Repeat the question, please, because I don't
21 understand the question.

22 Q That's okay. Strike it, withdraw it. It's going down
23 a rabbit hole and don't need to do that.

24 So, let me ask you this. During this process, your
25 lawyer for the record he told you was Cory Fleming, right?

1 A Yes.

2 Q And that was your lawyer?

3 A Well, it was Alex Murdaugh. They were all a team.

4 Q They were a team. The person being sued -- and again,
5 you're not sophisticated on this -- was part of the team to
6 get you a recovery?

7 A Yes.

8 Q Okay. Now, there's a guy named Chad Westendorf. He
9 was with the bank, right?

10 A Yes.

11 Q And he was actually the PR, he took over, and it was
12 his job it make sure y'all got your money, right?

13 A Yes.

14 Q Did you ever meet with him?

15 A Yes.

16 Q And what did he say?

17 A Like one time and it was just to sign paperwork for
18 him to be PR.

19 Q Right, and did you ever call him and say what's going
20 on with my case?

21 A No.

22 Q Did you ever call Cory Fleming and ask what's going on
23 with my case?

24 A No.

25 Q And let me make sure I understand your testimony. You

1 got some notice or something in the paper, and at some
2 point after June the 7th you had either a phone call or a
3 text or an email with Alex Murdaugh asking him what's going
4 on, right?

5 A Yes.

6 Q Now -- and again, we see a series of phone calls on
7 June 22nd --

8 A Yes.

9 Q -- right?

10 A Yes.

11 Q Where y'all were talking about this?

12 A Yes.

13 Q But was there anything on June 7th or prior to
14 June 7th where you accused him of anything?

15 A Prior to June 7th, no.

16 Q Okay. Now, after you became aware of -- well, we saw
17 just a moment ago a confession of judgment where Alex
18 Murdaugh admitted that he owed you 3 million -- \$4,305,000.
19 Is that right?

20 A That's the judgment, yes.

21 Q Okay, but you hired a lawyer, Eric Bland, who's a very
22 fine lawyer, and he actually sued Mr. Murdaugh's firm and
23 some other folks and got you \$6.5 million, right?

24 A Yes. Not that I'm aware of.

25 Q Pardon me?

1 A Not that I'm aware of. The only thing I'm aware of is
2 the judgment.

3 Q So, Mr. Bland didn't tell you about the 6.5 million?

4 A Yes.

5 Q Okay. I'm sorry, I just wanted to make sure history
6 is not repeating itself here. And so you actually
7 recovered 6.5 million, which would be a couple of million
8 dollars more than you would have gotten had you received
9 the money that Alex took, right?

10 A Yes.

11 Q Okay. So, you've been made more than whole for that
12 loss.

13 A Yes.

14 Q 2 million more than you would have gotten had he not
15 taken your money, right?

16 A Yes.

17 Q All right. Now, sort of the last question that I
18 think I have, let me check with cocounsel before I -- well,
19 one last question is this. On June 7th -- prior to
20 June 7th, prior to June 8th, had you ever threatened Alex
21 Murdaugh with exposure?

22 A Could you repeat that again?

23 Q Prior to June 8, 2021, did you ever threaten Alex
24 Murdaugh, saying I know you stole my money? Where is my
25 money? You know, I know you've got the money. Did you

1 threaten him in any way?

2 A No.

3 MR. HARPOOTLIAN: Okay. Thank you. I have no further
4 questions.

5 THE COURT: Yes, sir.

6 MR. WATERS: Thank you.

7 REDIRECT EXAMINATION

8 BY MR. WATERS:

9 Q Going back to the exhibit, State's 453, these were
10 texts that you had about the case. Is that right?

11 A Yes.

12 Q And when did those occur?

13 A These occurred in the spring in April of 2021.

14 Q April of 2021, and there had been media reporting
15 about there being a settlement in this particular case even
16 though you hadn't received any money?

17 A Yes.

18 Q Did you have periodic conversations with the defendant
19 over the course of time?

20 A Yes.

21 Q Would you ask him about the case?

22 A Yes.

23 Q And he would tell you what?

24 A It's a hard case or it was a work in progress.

25 Q All right. After all of this happened, have you come

1 to find out that the defendant took all of your money?

2 A Yes.

3 Q And that's what led to that confession of judgment?

4 A Yes.

5 Q Did he, though, ever pay you one cent?

6 A No.

7 Q You were asked about Cory Fleming, and I think you
8 said they were all a team. Is that right?

9 A Yes.

10 Q At its core, who did you consider was your lawyer for
11 your mom's case?

12 A Alex.

13 MR. WATERS: Thank you, Mr. Satterfield. Nothing
14 further. He may have one more question.

15 THE COURT: Anything further?

16 MR. HARPOOTLIAN: No. Thank you.

17 THE COURT: You may step down. Thank you.

18 (The witness exited the stand.)

19 MR. WATERS: Your Honor, the state calls Jan
20 Malinowski.

21 The witness, JAN MALINOWSKI, was first duly sworn and
22 testified as follows:

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

1 THE WITNESS: My name is Jan Malinowski,
2 M-a-l-i-n-o-w-s-k-i.

3 DIRECT EXAMINATION

4 BY MR. WATERS:

5 Q Mr. Malinowski, how are you doing today?

6 A Doing well, thank you.

7 Q Good. Introduce yourself to the jury a little bit.
8 Just tell them a little bit about yourself, kind of a
9 little bit about your background and your career, and
10 ultimately where you are now.

11 A I'm currently the CEO of Palmetto State Bank
12 headquartered in Hampton; I work in the Beaufort office. I
13 started banking career out of the Citadel in the late 70's.
14 I went to graduate school at the University of South
15 Carolina. Had a progression of jobs at larger banks:
16 Wachovia Bank and Trust, Barnett Banks of Florida, First
17 Union Bank, and then in February of 1991 I joined Palmetto
18 State Bank.

19 Q And Palmettos State Bank, so you've been there since
20 1991?

21 A Yes, sir.

22 Q In what roles have you served at Palmetto State Bank
23 over the years?

24 A Principally in charge of both of our branches. We
25 have two branches in the Beaufort area, one on Lady's

1 Island and one in the Burton, which is west of Beaufort,
2 and that's been primarily my focus on a day-to-day basis,
3 but I do have other responsibility inside the company.

4 Q Okay, and your primary focus has been on Beaufort.
5 Here recently, has your duties or your role expanded?

6 A It has.

7 Q And what is your current duty right now, or your
8 current --

9 A I'm the Chief Executive Officer.

10 Q The CEO. Okay, and when did you become the CEO of
11 Palmetto State Bank?

12 A April of last year.

13 Q April of last year? That would be 2022?

14 A Excuse me, August of last year, I'm sorry.

15 Q August of last year, of 2022?

16 A Yes, sir.

17 Q All right. Who was the CEO prior to that?

18 A Russell Laffitte.

19 Q We'll talk more about that in a bit. Tell me a little
20 bit more about the governance of the bank. Is there a
21 board of directors?

22 A There is.

23 Q And how many people were on the board of directors?

24 A Currently eight.

25 Q And is there a executive committee of board of

1 directors and other senior leadership at the bank?

2 A There is.

3 Q And can you describe that for the jury, please?

4 A Executive committee today consists of our chairman,
5 Becky Laffitte, Norris Laffitte, Liz Malinowski, I'm on the
6 executive committee, and Gray Henderson is on the executive
7 committee.

8 Q All right, but describe to me how that works. What's
9 the purpose of the executive committee?

10 A The executive committee is charged with typically
11 making the senior decisions, management, upper management
12 decisions that affect the day-to-day operations of the
13 bank.

14 Q And let me ask you this. As far as giving loans, are
15 there levels of authority for different officials in the
16 bank, and, and does that sort of graduate depending on the
17 amount?

18 A That's correct.

19 Q Can you explain that to the jury?

20 A Throughout the bank we have a number of loan officers,
21 each of whom is granted a certain level of lending
22 authority which is approved annually by the board of
23 directors. Any loans made -- single loans above their
24 lending authority or above their limits would then go to
25 two executive officers, either myself or Ms. Henderson, to

1 be approved or denied within our level of authority, which
2 is up to a million dollars. And then for any loan --
3 single loan or relationship from a million to a million
4 and a half, both she and I would have the approval
5 authority. And anything above a million and a half up to
6 \$8 million currently goes to the executive committee for
7 approval.

8 Q With those levels of authority, still if you have
9 large loans with a particular customer or just typical
10 client, are those the kind of things that might be
11 discussed and updated in board meetings and executive
12 committee meetings?

13 A Executive meetings first, and those would be minuted
14 in the executive committee minutes and then elevated to the
15 board, and periodically there would be board discussions,
16 yes.

17 Q Let's talk a little bit and going back to September of
18 2021 and before, and I just want to talk a little bit about
19 the bank then. Your primary focus in the bank was where at
20 that point of time?

21 A Beaufort.

22 Q All right, and was there another sort of hub of focus
23 in the institution?

24 A Well, Hampton is our main office. That's the largest
25 branch among the seven branches.

1 Q Back in that period of time, September of 2021 and
2 prior, explain to me how those two hubs work and just
3 generally how the bank operated in practice in that regard.

4 A Well, Hampton being the largest office had the most
5 business. It was also the location where Russell Laffitte
6 had his office; his Father, Charlie, had his office; and
7 sister, Gray Henderson, had her office. Largely I was
8 focused on the activities in Beaufort, as I said.

9 Q Did the bank have kind a decentralized functioning
10 that Hampton kind of did its thing and Beaufort did its
11 thing to some extent?

12 A Yes, sir, to some extent.

13 Q And was the defendant a customer of the bank?

14 A Yes, he was.

15 Q Was he more in the Hampton side of things or the
16 Beaufort side of things?

17 A Hampton.

18 Q Did the defendant have a particular banking
19 relationship with one particular official at the bank or
20 former official?

21 A Yes, Russell Laffitte.

22 Q Russell Laffitte? Moving into 2021, spring of 2021 or
23 just during 2021, did you as primarily the Beaufort side
24 but also as board member, did you have any particular
25 concern at that time about the defendant, Alex Murdaugh's,

1 the nature of his relationship with the bank?

2 A At that time, no.

3 Q Didn't have any concern at that time?

4 A No, sir.

5 Q You were more focused on Beaufort. Is that right?

6 A Correct.

7 Q And you had no reason at that time to think that
8 anything was going on. Is that correct?

9 A No, sir.

10 Q At some point in time, did you become aware,
11 obviously, of the murders of Maggie and Paul Murdaugh?

12 A Yes, sir.

13 Q After that happened, did you personally -- did you
14 have any particular concern about the defendant in any
15 loans he owed to the bank or anything like that?

16 A He had significant loans with the bank. The murders
17 were obviously traumatic and tragic, and the board and
18 executive committee did bring up Mr. Murdaugh's
19 relationship with the bank.

20 Q I'll grab some exhibits real quick. I'm going to show
21 you what has been marked as Exhibit 355 to your testimony.

22 MR. WATERS: Let me show it to defense counsel real
23 quick.

24 (Break in proceedings.)

25 Q I'm going to see if you recognize this document.

1 A It's the minutes of the board of directors meeting of
2 Palmetto State Bank, Tuesday, July 20, 2021.

3 Q All right, and who is the secretary for those minutes?

4 A Gray Henderson.

5 Q Just quickly tell the jury what the minutes of the
6 board of directors minutes are.

7 A The minutes should memorialize the discussions of the
8 board members across any number of topics: loans,
9 operations at the bank, any other topics of interest.

10 Q Okay, and just look at that real quick. That's on
11 what date?

12 A It's the meeting of July 20, 2021.

13 Q July 20, 2021. Look through there real quick. Was
14 there any discussion or any mention of any discussion about
15 any loans with the defendant, Alex Murdaugh?

16 A No, sir, there are not.

17 Q Okay.

18 MR. WATERS: Your Honor, at this time I would move, I
19 believe without any additional objection, State's 355 into
20 evidence.

21 MR. GRIFFIN: No other objections.

22 THE COURT: Okay. It's admitted.

23 (PSB MINUTES MARKED AS STATE'S EXHIBIT NUMBER 355 WAS
24 RECEIVED INTO EVIDENCE.)

25 Q Moving on from July -- and I just want to be clear.

1 Were you aware in July of 2021 of any additional loan being
2 made to Alex Murdaugh?

3 A No, I was not.

4 Q Moving on into August of 2021, did you at some point
5 become aware, or was there some event occurring at the bank
6 where any loans to Alex Murdaugh came to the board of
7 directors' attention?

8 A Yes, on August 9th.

9 Q Go ahead and describe to the jury.

10 A On August 9th a board member, Norris Laffitte, emailed
11 the board and the executive committee asking for a complete
12 accounting of Alex Murdaugh's relationship with Palmetto
13 State Bank.

14 Q All right, and did any events start to happen as a
15 result of that?

16 A Yes, sir, there were.

17 Q All right. Let's take, take them in order and let's
18 go nice and slow so I can follow them along. What was the
19 first thing that happened?

20 A A deposit of \$400,000 was made to one of
21 Mr. Murdaugh's accounts.

22 Q A deposit of 400,000. Who caused that deposit to be
23 made?

24 A Russell Laffitte.

25 Q At that time on August 9th, do you know what the

1 balance was in that particular account that money was in?

2 A It was overdrawn significantly, I believe above
3 \$367,000.

4 Q All right, and I'm going to -- hold on for me real
5 quick.

6 (Break in proceedings.)

7 THE COURT: You may proceed.

8 MR. WATERS: All right. Thank you, Judge.

9 Q State's 356. I'm going to show this document and see
10 if you recognize this.

11 A This is a copy of the accounts statement, page two of
12 the accounts statement, of account number ending in four
13 digits, 6092, of Richard Alexander Murdaugh.

14 Q All right, and can you tell me on August 6, 2021, what
15 the balance was in the defendant's account of Palmetto
16 State Bank?

17 A On August 6, 2021, the balance was a negative
18 \$347,784.67.

19 Q Had the bank continued paying expenses for Alex
20 Murdaugh from June 7th to this date to the tune of \$347,000
21 in money he did not have?

22 A Correct.

23 MR. WATERS: Your Honor, at this time I would move
24 State's Exhibit 356 into evidence.

25 MR. GRIFFIN: No additional objection.

1 THE COURT: It's admitted.

2 (ACCOUNT STATEMENT MARKED AS STATE'S EXHIBIT NUMBER
3 356 WAS RECEIVED INTO EVIDENCE.)

4 Q So right here, what date is that?

5 A August 6, 2021.

6 Q Go up to the top. What's the name on this account?

7 A Richard Alexander Murdaugh.

8 Q And what's the balance on this account again, please?

9 A A negative \$347,784.67.

10 Q What is that right there?

11 A Overdraft charge.

12 Q How much is the overdraft charge?

13 A \$5.

14 Q \$5. Is that typical policy for a bank to pay
15 overdrafts over the course of a month of \$347,000?

16 A No, sir.

17 Q And were you aware of that at the time?

18 A I was not.

19 Q What's this right here, just this transaction? What's
20 the date on it?

21 A August 9, 2021.

22 Q And what is that right there?

23 A That's a deposit of \$400,000.

24 Q Is that what you were describing was the first action
25 as a result of one of the board members inquiring about the

1 status of Richard Alexander Murdaugh's account with the
2 bank?

3 A Yes, sir.

4 Q And who caused that deposit to be made?

5 A Russell Laffitte.

6 Q And what was the source of those funds of \$400,000?

7 A It was a debit to our account, or a general ledger
8 account called loans not on system.

9 Q Where does that mean? Where is that coming from? Did
10 that belong to any entity? Where did it come from?

11 A It came from the bank.

12 Q From the bank. In that period of time, was there any
13 loan application in existence or any sort of paperwork to
14 justify that \$400,000?

15 A No.

16 Q And after that 400,000 went in, what was the balance
17 of the account?

18 A It had a positive balance of \$52,215.32.

19 Q A little walking around money.

20 MR. GRIFFIN: Objection, Your Honor.

21 THE COURT: That's sustained.

22 Q When that deposit went in, were you aware of a deposit
23 of \$400,000 going in at that time?

24 A At that time, no.

25 Q And you're a board member, correct?

1 A Yes, sir.

2 Q All right. That was the first action. What else
3 occurred, if anything, as a result of an inquiry being made
4 about the defendant's finances?

5 A There was a flurry of activity inside the Hampton
6 office to create loan documents.

7 Q To create loan documents?

8 A Yes, sir.

9 Q To create loan documents after the fact?

10 A Yes, sir.

11 Q What, if anything, else happened after that as a
12 result of that inquiry?

13 A As a result of that inquiry, a memo was drafted and
14 submitted to the executive committee outlining the
15 relationship with Alex Murdaugh at that time.

16 Q All right. Hold on for me one second. I'm going to
17 try to knock out two at once.

18 (Break in proceedings.)

19 Q All right. So, these three actions take place. At
20 some point, does this finally come to your attention and to
21 the rest of the board's attention?

22 A It does.

23 Q And do you recall about what date that was?

24 A I believe it would have been the date of the executive
25 committee on the 12th.

1 Q All right. I'm going to show you what's been marked
2 as exhibit -- State's Exhibit 354 to your testimony and see
3 if you recognize that.

4 A These are minutes of the executive committee that took
5 place August 12, 2021.

6 Q All right, and in reviewing those, do they generally
7 accurately reflect what y'all talked about at that
8 executive committee meeting?

9 A Yes, sir.

10 Q And is there any reference or discussion of the
11 defendant, Richard Alexander Murdaugh?

12 A There is.

13 Q And again, was this the first time that you were aware
14 of the true nature of his financial condition, and the fact
15 of any monies being -- further monies being extended to him
16 from the bank?

17 A This was, again, the formal summary of his banking
18 relationship at that time, yes.

19 MR. WATERS: Your Honor, at this time I would offer
20 State's 356 into evidence -- 354, my apologies.

21 MR. GRIFFIN: It is 354, correct?

22 MR. WATERS: That's correct.

23 MR. GRIFFIN: No additional objection.

24 THE COURT: It's admitted.

25 (PSB DOCUMENTS MARKED AS STATE'S EXHIBIT NUMBER 354

1 WERE RECEIVED INTO EVIDENCE.)

2 Q All right, and the first sentence, what does that say
3 right there?

4 A It says:

5 Gray Henderson distributed a memo to the members
6 outlining the bank's current relationship.

7 Q Okay, and what is the second sentence right there?

8 A Indebtedness totals 4.2 million consisting of
9 various unsecured and secured notes of
10 co-borrowing and guaranteed loans.

11 Q So, he owes the bank how much at that point in time?

12 A At that time \$4.2 million.

13 Q And also got that, too, correct?

14 A Yes, sir.

15 Q I'm going to show you what's been marked as 365 to
16 your testimony, or to this trial, and see if you recognize
17 that.

18 A This is a copy of the memo that was presented to the
19 executive committee on the 12th of August.

20 Q All right.

21 MR. WATERS: And, Your Honor, at this time I would
22 offer State's Exhibit 365 into evidence.

23 MR. GRIFFIN: No additional objection.

24 THE COURT: Admitted.

25 (PBS MEMO MARKED AS STATE'S EXHIBIT NUMBER 365 WAS

1 RECEIVED INTO EVIDENCE.)

2 Q And this is that memo that you were talking about that
3 was prepared?

4 A Yes, sir.

5 Q And does this kind of set forth some of the debts and
6 obligations that were owed by the defendant at that point
7 in time?

8 A It does.

9 Q All right, and in that second sentence, what is that
10 total amount?

11 A He currently has total principle balance through
12 family, et cetera, of \$4,219,623.

13 Q All right, and this list right here, what does that
14 reflect?

15 A It lists all of the loan numbers, the principle
16 balances, and the collateral if they were secured.

17 Q Now, you mentioned that -- we've talk about the memo,
18 we've talked about transfer, and you mentioned that there
19 was some application documentation that started to be
20 created. Is that correct?

21 A Yes, sir.

22 Q All right, and you're the CEO now. Is that correct?

23 A That's correct.

24 Q And you had a chance to go back and to look into
25 what's happened and review these various records. Is that

1 right?

2 A Yes, sir.

3 Q I'm going to show you what's been marked as
4 Exhibit 362 to your testimony and see if you recognize this
5 document.

6 A This is a copy of a Palmetto State Bank promissory
7 note commercial single advance, loan number 6996048, in the
8 amount of \$750,750.

9 Q And who is the borrower on that particular document?

10 A Richard Alexander Murdaugh.

11 Q And I'm gong to show you what's been marked as 363 and
12 see if you recognize that.

13 A This is a document that accompanies the notes per the
14 loan package. It's called a business purpose statement.

15 Q All right.

16 MR. WATERS: Your Honor, at this time I would move in
17 State's 362 and 363.

18 MR. GRIFFIN: No additional objection, Your Honor.

19 THE COURT: Admitted.

20 (PROMISSORY NOTE MARKED AS STATE'S EXHIBIT NUMBER 362
21 WAS RECEIVED INTO EVIDENCE.)

22 (BUSINESS PURPOSE STATEMENT MARKED AS STATE'S EXHIBIT
23 NUMBER 363 WAS RECEIVED INTO EVIDENCE.)

24 Q All right. Let's take a look at this document real
25 quick. This is 362. Looking at the last page, what day is

1 that document signed?

2 A July 15, 2021.

3 Q All right. Going back and looking at the first page,
4 could this document that was at least supposedly signed on
5 July 15, 2021, could it have even existed on July 15th of
6 2021?

7 A No, sir.

8 Q It could not have?

9 A It could not have.

10 Q And tell the jury why you know that.

11 A Because the loan numbers, the loan numbers generated
12 by one of our software programs related to the loan
13 transactions, the loan numbers are issued sequentially.

14 Q All right, and so this sequential number --

15 A This was not a July sequence number.

16 Q All right, and so what month would it have been a --

17 A August.

18 Q And is that how you know that this doesn't occur until
19 August after that inquiry was made?

20 A Yes, sir.

21 Q Well, let's talk about July 15, 2021. As things have
22 come to light and you look more into this, did it come to
23 your attention as to why these documents would have been
24 backdated to July of 2021?

25 A Yes, sir, because there was another subsequent

1 transaction.

2 Q Okay, and what transaction was that generally?

3 A It was a wire transfer.

4 Q Okay. I'm going to show you what has been marked as
5 State's 358 to your testimony and see if you recognize
6 that.

7 A This is our standard domestic wire request form dated
8 July 15, 2021.

9 Q Okay.

10 MR. WATERS: And, Your Honor, at this time I would
11 move to admit State's 358.

12 MR. GRIFFIN: No additional objection.

13 THE COURT: Admitted.

14 (PSB WIRE REQUEST MARKED AS STATE'S EXHIBIT NUMBER
15 358 WAS RECEIVED INTO EVIDENCE.)

16 Q Did you know about this wire, when it was sent?

17 A No, sir.

18 Q Did you know about this wire in August of 2021?

19 A I did after, upon subsequent investigation, yes.

20 Q And when did you find out about that roughly?

21 A It was in August of 2021.

22 Q I'll put this up on the screen. What's the date on
23 this wire?

24 A July 15, 2021.

25 Q And where does this wire go?

1 A It goes to the Wilson Law Group, LLC, IOTA account.

2 Q IOTA account? Are you familiar if that's a lawyer's
3 trust account?

4 A Yes, sir.

5 Q And what's this page that's attached to it?

6 A It appears to be the wiring instructions, the account
7 name Wilson Law Group, LLC IOTA account. The bank is South
8 State Bank in Bamberg, South Carolina, and South State's
9 routing number. Contact information is
10 Chris@Wilsonlawgroupsc.com, Gayle@Wilsonlawgroupsc.com.

11 Q And what is the source of funds for that \$350,000?

12 A Again, it's the bank internal account, general ledger
13 account loan not on system.

14 Q Loan not on system. It's bank money?

15 A Yes, sir.

16 Q And at this time, was there any documentation
17 whatsoever justifying \$350,000 of bank money being given to
18 the defendant to send to Chris Wilson?

19 A No, sir.

20 Q When you had a discussion at the board meeting in
21 August of 2021, were there any representations made to you
22 about the purposes for some new loan to Alex Murdaugh?

23 A Yes, there were.

24 Q And what were you told the purposes were?

25 A Repairs to beach house.

1 Q Repairs to the beach house?

2 A Yes, sir.

3 Q And who told you that?

4 A Russell Laffitte.

5 Q Okay, and did he tell you at any time that it was
6 \$350,000 to Chris Wilson to put some fees back?

7 A No, sir.

8 Q Did he tell you that at any time it was \$400,000 to
9 cover a negative \$347,000 overdraft that the bank had been
10 paying for him since June of 2021?

11 A No, sir.

12 Q I'm going to show you what has been marked as
13 Exhibit 359 and see if you recognize this.

14 A This is the customer copy of a cashier's check
15 numbered 287933 in the amount of \$400,000 dated 8/9/2021.

16 Q All right, and does it have what appears to be a copy
17 of a sticky note on there?

18 A It does.

19 Q And whose writing is that? Do you recognize it?

20 A Russell Laffitte's.

21 Q And there's a reference to Green Swamp stock. Is that
22 correct?

23 A Yes, sir.

24 Q Do you know what that is?

25 A It's a hunt club. That's shares of a hunt club, a

1 share of a hunt club.

2 Q I'm going to show you State's 363 up on the screen.
3 And I showed you this previously, but what is this
4 document?

5 A That's the business purpose statement.

6 Q All right, and what does it say? Is this for that
7 loan in which the application is being drafted after the
8 fact?

9 A Yes, sir.

10 Q And what does it say the purposes are?

11 A The purpose is investment.

12 Q All right, and what, again, had you been told as a
13 board member was the purpose of this supposed new loan?

14 A Repairs to the beach house.

15 Q As you've come to review all of this information, was
16 any of that \$750,000 used for any repairs to the beach
17 house?

18 A To my knowledge, no.

19 Q And when it's \$750,000, we're talking about the 350 of
20 the wire to Chris Wilson, correct?

21 A Yes, sir.

22 Q And then the \$400,000 to cover the overdraft and then,
23 then a little bit?

24 A Yes, sir.

25 Q At some point in time, was there any discussion about

1 collateral for this particular loan?

2 A Yes, there was.

3 Q All right, and tell me about those discussions. What
4 was your understanding of collateral for these loans?

5 A The collateral was to be a second mortgage on the
6 beach house and the one share of Green Swamp stock.

7 Q And did -- as things progressed, did any of that
8 change as far as collateral?

9 A We did not put the mortgage on the beach house.

10 Q And why was that?

11 A Ms. Murdaugh was deceased and she had an ownership
12 interest in the beach house.

13 Q At some point in time -- we'll get to that. So,
14 ultimately this particular loan, did it have any collateral
15 at all?

16 A Nominally the Green Swamp stock.

17 Q And why do you say nominally?

18 A It had been cross collateralized to other loans.

19 Q In your experience as a banker, is it common or usual
20 to provide a new loan to cover an overdraft like was done
21 in this case?

22 A Not to this magnitude, no, sir.

23 Q I'm going to show you what's been marked as State's
24 357 and see if you recognize this.

25 A These are minutes of the directors of Palmetto State

1 Bank Tuesday, August 17, 2021.

2 Q All right.

3 MR. WATERS: Your Honor, at this time I would offer
4 State's 357 into evidence, I believe, without additional
5 objection.

6 MR. GRIFFIN: That's correct, no additional objection.

7 THE COURT: It's admitted.

8 (PSB MINUTES MARKED AS STATE'S EXHIBIT NUMBER 357
9 WERE RECEIVED INTO EVIDENCE.)

10 Q All right. Is there a discussion of the defendant in
11 this particular document?

12 A There is.

13 Q We've seen one before, which was an executive
14 committee meeting in August, and was this for a subsequent
15 board meeting?

16 A Yes, it was.

17 Q All right. Let me put that up on the screen. You
18 have a screen right there if you can see that. If you have
19 a problem seeing it, just let me and I'll bring it back to
20 you, okay?

21 A Yes, sir.

22 Q All right, and this is the discussion as it relates to
23 the defendant right there?

24 A Yes, it does.

25 Q All right, and real quick, what's the second sentence

1 right there in this particular discussion?

2 A Russell L. Laffitte stated that his intention is
3 to sell the farm.

4 Q All right, and down here at the bottom, what does that
5 sentence right there say starting with Elizabeth?

6 A Elizabeth Malinowski commented the \$750,000 loan
7 did not appear to have been approved by the
8 executive committee.

9 Q All right, and what is the next sentence?

10 A Russell Laffitte explained that three of the five
11 members approved the loan.

12 Q All right, and so with three of the five members
13 approving a loan -- were you on the executive committee at
14 that time?

15 A I am. I was, yes.

16 Q But you were not informed of any of these monies being
17 expended or this after-the-fact documentation or any of it.
18 Is that correct?

19 A No, sir.

20 Q As some of these things ultimately came to light in
21 the months following, what happened to Russell Laffitte?

22 A He was terminated from the bank.

23 Q And is that what led to you ultimately becoming CEO?

24 A Yes, sir.

25 Q In the course of your review as CEO of what had been

1 going on at your institution, did you become privy to
2 information that Russell Laffitte had been converting trust
3 account checks from PMPED made out to Palmetto State Bank?

4 A Yes, sir.

5 Q And that those checks had been converted -- those were
6 client money checks and had been converted for the benefit
7 and for the personal use of the defendant?

8 A Yes.

9 Q And is that practice improper?

10 A It is.

11 Q I'm going to show you what has been marked as State's
12 366 to your testimony and see if you recognize this
13 document.

14 A This document is a printout from our loan accounting
15 system which summarizes the loans outstanding to
16 Mr. Richard Alexander Murdaugh.

17 Q As of a particular day?

18 A As of June 7, 2021.

19 Q All right.

20 MR. WATERS: Your Honor, at this time I would move
21 State's 366 into evidence.

22 MR. GRIFFIN: No additional objection.

23 THE COURT: It's admitted.

24 (PSB NOTE MARKED AS STATE'S EXHIBIT NUMBER 366 WAS
25 RECEIVED INTO EVIDENCE.)

1 Q All right. Let's take a look at it. Can you see that
2 all right?

3 A Yes, sir.

4 Q All right. There's certain numbers that are
5 highlighted here. Is that the balance as of that
6 particular date?

7 A It's the principle balance, yes, sir.

8 Q All right, and so that number right there is what?

9 A \$104,119.80.

10 Q And the balance right there is what?

11 A \$806,666.26.

12 Q And the balance right there is what?

13 A \$195,171.64.

14 Q And that balance right there, what is that?

15 A \$999,650.94.

16 Q And then finally this?

17 A \$91,368.90,

18 Q This particular one right there, is that a line of
19 credit?

20 A Yes, sir.

21 Q And how much -- what's the limit on the line of
22 credit? A line of credit is kind of like a credit card.
23 It's got a limit on it, right?

24 A That's correct.

25 Q What's the line of credit? How much was it for?

1 A \$1 million.

2 Q And what was the balance on it?

3 A \$999,650.94.

4 Q Pretty much maxed out.

5 A Yes, sir.

6 Q Going back to State's 365. We've got this one right
7 here, and what was the balance on that one with this memo
8 that was prepared around August of 2021?

9 A That loan balance was \$599,400.

10 Q And was that also a line of credit as well?

11 A It was.

12 Q And what was the limit on that line of credit?

13 A I believe \$600,000.

14 Q So, that one was pretty much maxed out, too, correct?

15 A Yes, sir.

16 Q Not listed on State's 366 are two that are on this
17 memo. One says Zero United and one said Red Beard. Are
18 you familiar with what those are?

19 A Yes, sir.

20 Q And are those business entities?

21 A They are.

22 Q And do you know who those were associated with?

23 A Mr. Murdaugh was a partner member of the LLC.

24 Q All right, and had those two loans been charged off?

25 A They had been.

1 Q And to your understanding, those entities owned real
2 property?

3 A Yes, in Berkeley County.

4 Q All right. When you say charged off, what does that
5 mean? Explain that very quickly to the jury.

6 A In banking if a loan become uncollectible for whatever
7 reason, the borrower suffers financial difficulties, other
8 issues, the bank will at some point in time make a
9 determination whether to take it off its books and
10 subsequently charge it off.

11 Q Okay. Did the bank foreclose on the properties under
12 those particular two entities?

13 A We did not.

14 Q All right, and so it takes it off the books so it
15 stops accruing interest and late charges and all that kind
16 of stuff, right?

17 A Actively, yes, sir.

18 Q Actively at least, correct?

19 A Yes, sir.

20 Q And did the defendant, was he still, though, expected
21 and required to keep paying on those particular loans?

22 A It didn't absolve him of his obligation, but he did --
23 and he periodically made payments.

24 Q Periodically made payments on those loans?

25 A Yes.

1 Q If the defendant had tried to sell those properties or
2 something like that, what, if anything, would the bank have
3 been entitled to in the event that was attempted?

4 A We would have been entitled to the outstanding
5 principle balance at the time, plus lost interest and any
6 late fees and charges.

7 Q All right. So, that would have been applied against
8 any sale price before those things could be -- that
9 property could be sold, correct?

10 A Yes, sir.

11 Q And it would be somewhat higher than the numbers on
12 that -- on this memo. Is that right?

13 A Yes, sir.

14 Q One of things on here is this particular loan right
15 here. What is that for?

16 A A house in Edisto.

17 Q And in April of 2021, was there any sort of thing
18 going on with that particular loan that needed to be
19 addressed?

20 A The loan had matured.

21 Q It had matured? Explain to the jury what that means.

22 A At the time the balance of the loan, the note itself
23 had reached its maturity date and the borrower would be
24 required to -- the bank and the borrower would be required
25 to come together and determine what they wanted to do,

1 either renew it, extend it, whatever.

2 Q All right. It had not been paid off, correct?

3 A It had not been paid off.

4 Q Since it matured, it either had to be renewed or paid
5 off, correct?

6 A Yes, sir.

7 Q And because of that need for a renewal, had an
8 appraisal been sought in April of 2021?

9 A Yes, it's my understanding.

10 Q All right, and I need to show you an exhibit.

11 MR. WATERS: Let me show it to defense counsel real
12 quick.

13 (Break in proceedings.)

14 Q Let me show you what's been marked as Exhibit 364 to
15 this trial and see if you recognize this.

16 A The top of the page is an email from Chastity Malphrus
17 to Charles Laffitte, III, who is the bank's appraisal
18 officer, regarding an appraisal request for 3606 Big Bay
19 Drive, Edisto.

20 Q Is that the Edisto house we're talking about?

21 A Yes, sir, it is.

22 Q All right, and is this the -- and that's the appraisal
23 request form underneath it?

24 A It is.

25 Q Okay. As that relates to the renewal of the existing

1 loan on Edisto. Is that correct?

2 A That is correct.

3 Q Did this appraisal have anything to do with this
4 \$750,000 that you've been telling the jury about?

5 A No, sir.

6 Q This was already in existence because of an existing
7 loan. Is that correct?

8 A Yes, sir.

9 Q All right.

10 MR. WATERS: Your Honor, at this time I would offer
11 State's 364 into evidence.

12 MR. GRIFFIN: No additional objection.

13 THE COURT: It's admitted.

14 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 364 WAS
15 RECEIVED INTO EVIDENCE.)

16 Q Almost done. Real quick. One I forgot is State's
17 360. I'll show this to you real quick and then we'll get
18 to the beginning of the end. Can you tell me what that is?

19 A Yes, sir. I'm sorry. It's the checking deposit
20 ticket for -- of a \$400,000 deposit going into an account,
21 last four digits 6092, in the name of Alex Murdaugh.
22 Underneath that is the cashier's check itself which
23 accompanied the deposit ticket, cashier's check number
24 287933 in the amount of \$400,000 dated August 9, 2021.

25 MR. WATERS: Your Honor, at this time I would offer

1 State's 360.

2 MR. GRIFFIN: No additional objection, Your Honor.

3 THE COURT: Admitted.

4 (COPY OF CHECK MARKED AS STATE'S EXHIBIT NUMBER 360
5 WAS RECEIVED INTO EVIDENCE.)

6 Q All right, and this is that \$400,000 to cover the big
7 overdraft. Is that right?

8 A Yes, sir.

9 Q All right. I'm going to show you one last series of
10 documents here one at a time. I show you first what's been
11 marked -- it has not been marked. I show you what's been
12 marked as State's 367. And is that a statement balance for
13 an account in the name of Alex Murdaugh?

14 A It is. It's Alex Murdaugh farm account, account
15 number 1646.

16 Q All right, and on June the 7th of 2021, can you tell
17 me the balance in that account?

18 A The balance in the account is a negative \$2,458.23.

19 Q Okay.

20 MR. WATERS: Your Honor, at this time I would move to
21 admits State's 367.

22 MR. GRIFFIN: No additional objection.

23 THE COURT: Admitted.

24 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 367
25 WAS RECEIVED INTO EVIDENCE.)

1 Q I'm going to show you what's been marked as 368 and
2 see if you recognize that document.

3 A It's a copy of an account statement for account number
4 6092 in the name of Richard Alexander Murdaugh.

5 Q All right. Can you tell me what the account balance
6 is on June 7th of 2021?

7 A On June 7th the balance in the account is \$2,185.23.

8 Q All right.

9 MR. WATERS: Your Honor, at this time I would move to
10 admits State's 368.

11 MR. GRIFFIN: No additional objection.

12 THE COURT: Admitted.

13 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 368
14 WAS RECEIVED INTO EVIDENCE.)

15 Q All right. I'm going to show you what's been marked
16 as State's 269 -- 369, excuse me, and see if you recognize,
17 or if you can tell me what the balance of that document is.

18 A This is the account statement for a health savings
19 account, last four digits 3094, also in the name of Richard
20 Alexander Murdaugh.

21 Q All right, and could you tell me what the balance of
22 that was on June 7th of 2021?

23 A June 7th it would be \$7,540.61.

24 Q And that's a health savings account?

25 A Yes, sir.

1 Q Can that be used for any expenditures or is that
2 limited -- is that a special type of account that is
3 limited to medical expenditures?

4 A It's a special account generally limited to the
5 medical expenditures.

6 MR. WATERS: Your Honor, at this time I would move
7 State's 369 into evidence.

8 MR. GRIFFIN: No additional objection.

9 THE COURT: It's admitted.

10 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 369
11 WAS RECEIVED INTO EVIDENCE.)

12 Q I'll show you what's been marked as State's 370 and
13 see if you can tell me what that particular document is.

14 A Another account -- copy of an account statement. This
15 one is the last four digits 6649 in the name of Alex
16 Murdaugh.

17 Q All right, and can you tell me what the balance is on
18 June 7, 2021?

19 A The balance on June 7, 2021, is \$62,115.06.

20 Q And then finally I've got a set of documents.

21 MR. WATERS: And, Your Honor, real quick I would move
22 State's 370 into evidence.

23 MR. GRIFFIN: No additional objection.

24 THE COURT: Admitted.

25 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 370

1 WAS RECEIVED INTO EVIDENCE.)

2 Q All right, last one. Can you tell me what that
3 particular document is?

4 A It's a copy of an account statement number 5109 in
5 the name of Margaret Maggie Murdaugh.

6 Q All right, and just real quick for the record I'm
7 having you look at State's 371. All right. If you could
8 take a look at it again.

9 A Same account number, Margaret Maggie Murdaugh.

10 Q All right, and just go back. Can you tell me what
11 the account balance is in that particular account at least
12 as of -- go back to the first one, of June 24th of 2021?

13 A June 24, 2021, the balance was \$23.97.

14 MR. WATERS: Your Honor, at this time I would move
15 State's 371 into evidence.

16 MR. GRIFFIN: No additional objection.

17 THE COURT: It's admitted.

18 (PSB STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 371
19 WAS RECEIVED INTO EVIDENCE.)

20 Q All right. I'm almost done. Mr. Malinowski, if at
21 any point in time, any point in time, if the bank over the
22 years at any point in time had become aware that Alex
23 Murdaugh was having a bank official take client trust money
24 checks and convert them into cashier's checks and other
25 transactions for his own personal use, what would have

1 happened?

2 A Certainly would have significant conversation in the
3 bank, and we would have asked the bank official to stop
4 doing that.

5 Q All right, and what would have happened if you
6 uncovered that the defendant, Alex Murdaugh, was stealing
7 client funds through that method?

8 A That would have certainly affected his borrowing
9 relationship with the bank and any other relationship he
10 had with the bank.

11 Q If you found out the defendant was stealing, would you
12 loan another dime to him?

13 A No, sir.

14 Q If you found out that the defendant had created a
15 fake business account in the name of a legitimate entity
16 and was routing and stealing client money through that
17 account and converting it to his own personal use at any
18 point in time, what would have happened with his
19 relationship at the bank?

20 A It would have ceased.

21 Q Would the bank have loaned him anymore money?

22 A No, sir.

23 Q If the bank found out that the defendant had been
24 forced to resign or been fired from his job, what would
25 have happened with his banking relationship? Would the

1 bank have loaned him any more money after that?

2 A No, sir.

3 Q If the bank had found out at any point in time that he
4 had been disbarred, what would have happened to that
5 banking relationship with that defendant?

6 A It would have ceased.

7 Q Look at Exhibit 368. What account number is that?
8 What's the last four digits of that account number?

9 A 6092.

10 Q On June 7th, what is the balance?

11 A \$2,185.23.

12 Q Looking at Exhibit 356, what's the account number?

13 A 6092.

14 Q And by the time that applied for deposit comes in,
15 what's the balance on August 6, 2021?

16 A On August 6, 2021, the balance is a negative
17 \$347,784.67.

18 Q Hold on for me one second.

19 (Break in proceedings.)

20 MR. WATERS: Thank you, Mr. Malinowski. Please answer
21 any questions that the defense may have.

22 THE COURT: Ladies and gentlemen, I'll have you go to
23 the jury room for a break. Please do not discuss the case.

24 (The jury left the courtroom.)

25 MR. BARBER: Your Honor, we have a matter -- Attorney

1 Tinsley will be the next witness and we need to have a
2 matter heard outside of the jury's presence.

3 THE COURT: All right. Yes, sir?

4 MR. BARBER: May it please the Court? This is
5 something new that has come up, Your Honor. I'm sure Your
6 Honor recalls the testimony of Shelley Smith this Monday.
7 Her testimony was, let's say, somewhat valuable. We've
8 discovered late last night that a GoFundMe page was set up
9 for Ms. Smith soliciting donations. Until the wording was
10 changed during the testimony of the last witness, it read
11 that: My mother was a caretaker for Alex Murdaugh's mom;
12 she recently had to testify against him. And it goes on
13 to say: I want to reward her for her bravery and honesty.

14 The very first donation made on this GoFundMe page,
15 which was made shortly after it first went up last night,
16 was made by Attorney Mark Tinsley who paid her \$1,000,
17 presumably following the description of this in
18 consideration of her testimony. And, Your Honor, I
19 have it if you want printouts of the screen shot showing
20 that.

21 Shortly after Mark Tinsley's name actually appeared
22 as the donor for 1,000, he removed his name and it now
23 appears as anonymous. But I am told the Attorney General
24 has confirmed Mr. Tinsley, that he admits he did make this
25 payment to the witness in the middle of the trial, who is

1 still under subpoena.

2 THE COURT: And therefore?

3 MR. BARBER: Your Honor, and therefore the defense
4 would move to exclude his testimony and --

5 THE COURT: On what basis?

6 MR. BARBER: Your Honor, the legal standard here is
7 difficult to find. I cannot, searching WestLaw, find a
8 single case in which a prosecutor has put -- tries to put
9 to the jury a lawyer who has already testified he has a
10 direct financial interest in the outcome of this case, who
11 is also making monetary payments to prosecution witnesses
12 during the trial.

13 Your Honor, I believe that this is a question of
14 first impression, and because it's a question of first --
15 I understand that the facts here in this case are
16 disturbing, but because it's a question of first
17 impression, I respectfully urge the Court to keep in mind
18 the aphorism that bad facts make bad law. The prosecutor
19 to my knowledge and to the Westlaw's knowledge has never
20 before done this.

21 THE COURT: What's improper about what he did?

22 MR. BARBER: About what Mr. Tinsley did?

23 THE COURT: Yes.

24 MR. BARBER: He made a financial payment to a witness
25 in the middle of a trial that he has a financial interest

1 in the outcome of. He has testified. He was under
2 subpoena, and he's still under subpoena. He made \$1,000
3 payment as a reward for her honesty, testifying in a
4 matter that he has testified that he has a direct
5 financial interest in.

6 THE COURT: Well, that would be good fodder for
7 cross-examination.

8 MR. BARBER: Your Honor, I respect the Court's
9 ruling.

10 THE COURT: I'm not going to strike his testimony.
11 It may be good fodder in cross-examination.

12 MR. BARBER: Yes, sir. Thank you, Your Honor.

13 There is one other issue. Given the testimony in the
14 *in-camera* proceedings, we would ask that he be precluded
15 from offering testimony about focus groups and the verdict
16 for the *Beach* matter and speculation about fixing a jury
17 in Hampton County. This matter is going to go to motive.
18 For the purpose that his testimony is being offered for,
19 it would be prejudicial.

20 THE COURT: Well, I'm loath to attempt to screen
21 testimony in advance. Lawyers ask questions, lawyers
22 object, and judges rule. So, you've sounded a warning to
23 the State that you'll object to that testimony, and if
24 such a question is asked and an objection is made, then
25 I'll rule on the objection.

1 MR. BARBER: Yes, sir.

2 THE COURT: Anything else?

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

4 THE COURT: Bring the jury.

5 (The jury returned to the courtroom.)

6 THE BAILIFF: The jury is present, sir.

7 THE COURT: You may cross-examine.

8 MR. GRIFFIN: Please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. GRIFFIN:

12 Q Good afternoon, Mr. Malinowski.

13 A Mr. Griffin.

14 Q The \$750,000 loan that was made in July of 2021, that
15 was approved by three members of the executive committee,
16 was it not?

17 A Yes, sir.

18 Q And the three members that approved that loan were
19 Mr. Charlie Laffitte, Mr. Russell Laffitte, and Ms. Gray
20 Henderson. Is that correct?

21 A That's correct.

22 Q And Mr. Charlie Laffitte was the chairman of the
23 board of the Palmetto State Bank at the time. Is that
24 right?

25 A Yes, sir.

1 Q He's the largest shareholder of Palmetto State Bank?

2 A Him individually? No.

3 Q He wasn't the largest individual --

4 A No.

5 Q Did he own 30 percent of the bank?

6 A Not individually, no.

7 Q Okay. The -- and then his son was Russell Laffitte?

8 A That's correct.

9 Q And his daughter was Gray Henderson?

10 A Correct.

11 Q And it was his position that if Alex Murdaugh wanted
12 a loan from Palmetto State Bank, that the bank would loan
13 him the money. Is that correct?

14 A That was his opinion.

15 Q And Alex Murdaugh was a member of PMPED Law Firm --
16 you're aware of that -- at the time?

17 A Yes, sir.

18 Q And PMPED Law Firm was one of the most -- I guess,
19 largest customers of the bank.

20 A It was a large customer of the bank.

21 Q And the partners in the firm all had banking
22 relationships with the bank, correct?

23 A I'm aware that many did, yes.

24 Q Okay, and often times when members of the law firm
25 had clients who needed to borrow money before they got

1 recoveries in their case, the partners from the firm would
2 send them to the bank and the bank would loan money on
3 future recovery. Are you aware of that?

4 A Yes, I am.

5 Q And so the firm was good business for the bank.

6 A It was a good customer.

7 Q And the bank, in turn, was providing good services to
8 the members of the firm.

9 A Yes, sir.

10 Q And if it meant, you know, getting a loan in a rush
11 without having all of the I's dotted and the T's crossed,
12 that would happen. Isn't that right?

13 A Not to that magnitude, no.

14 Q Well, it certainly happened with Mr. Alex Murdaugh in
15 July of 2021, right?

16 A I believe in August of 2021.

17 Q Well, the loan was made and the money was provided to
18 Mr. Alex Murdaugh in July of 2021, right?

19 A 350,000 was provided with that wire transfer I
20 subsequently have knowledge of.

21 Q And the documentation was essentially loan not on the
22 books or -- what's the acronym?

23 A Loans Not On System, LNOS.

24 Q Right. But it's a loan, it's just not on system.

25 A It's an advance from a general ledger account.

1 Q To be documented as a loan down the road.

2 A One would hope, yes, sir.

3 Q And that's what happened here.

4 A Eventually.

5 Q In August.

6 A In August.

7 Q Now, Alex didn't work for the bank, did he?

8 A No, sir.

9 Q He didn't represent the bank, did he?

10 A To my knowledge, no.

11 Q He was just a good customer of the bank. Is that
12 right?

13 A Yes, sir.

14 Q And the bank treated him like a good customer because
15 that was in the bank's interest.

16 A Yes, sir.

17 Q Now, you said something on direct that I want to
18 follow up on, and my notes say that after the tragic
19 murder of Maggie and Paul, that the bank undertook a loan
20 review of Alex's loans. Is that right?

21 A In response to the August 9th email, yes, sir.

22 Q Well, the -- and the August 9th email was triggered
23 because of Maggie and Paul's murders?

24 A That and other information, yes, sir.

25 Q And what other information?

1 A I think Mr. Norris Laffitte had asked some questions
2 or had conversations with individuals and wanted to know
3 the full accounting of the bank's relationship.

4 Q Okay, and one of the factors that Mr. Norris Laffitte
5 included was he had just lost his wife and son and let's
6 take a look at it, at his standing with the bank, loans
7 outstanding, et cetera.

8 A I think that's a fair statement, yes, sir.

9 Q Okay. Up until June 7, 2021, the bank was not
10 examining Alex's loans, were they?

11 A We were not scrutinizing them, no, sir.

12 Q Yeah. He did have a -- he and Maggie had a loan
13 review from the bank, whether they knew it or not, back in
14 July 10th of 2020, correct?

15 A Yes, sir.

16 Q I'm going to show you Defendant's Exhibit 91 and ask
17 if this is the loan review that was done documenting to
18 the executive committee on July 10th, 2020.

19 A Yes. This is a copy of a loan review prepared by
20 Gray Henderson of the relationship summary of Alex
21 Murdaugh and Maggie Murdaugh.

22 Q Thank you, and what's the date?

23 A 2020.

24 Q July of 2020.

25 MR. GRIFFIN: Your Honor, I would move Exhibit --

1 Defendant's Exhibit 91 into evidence at this time.

2 MR. WATERS: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (LOAN REVIEW DOCUMENT MARKED AS DEFENDANT'S EXHIBIT
5 NUMBER 91 WAS RECEIVED INTO EVIDENCE.)

6 MR. GRIFFIN: Let's put the front page up there.

7 So -- Doug, go down so we can see the -- there you go.

8 Q So, to the executive committee on July 10th of 2020,
9 who was on the executive committee with the bank?

10 A At that time Charlie Laffitte, Russell Laffitte, Gray
11 Henderson, myself. I believe Scott Swain was on it at
12 that time.

13 Q And it's a five member executive committee?

14 A Yes, sir.

15 Q And I think you mentioned earlier that the -- did it
16 take the majority of the committee to approve loans over a
17 certain amount?

18 A Sitting in a meeting, yes, sir.

19 Q Sir?

20 A In a meeting, yes, sir.

21 Q Okay. The -- and Gray Henderson is preparing this
22 loan review for Alex Murdaugh, right?

23 A Yes, sir.

24 Q And it says:

25 Richard Alexander Alex Murdaugh is a lifetime

1 resident of Hampton County. He and his wife,
2 Margaret B., Maggie, recently sold their home in
3 Hampton and moved their permanent residence to
4 their farm in Islandton. Alex is a respected
5 partner with Peters, Murdaugh, Parker, Elzroth,
6 and Detrick Law Firm. They are currently
7 involved in a wrongful death suit involving
8 their youngest son, Paul, in a boating accident.
9 The civil case is still pending.

10 And so that was the background on this?

11 A That was a general summary of the current situation.

12 Q And then they reviewed financials related to
13 their tax returns and whatnot. Is that correct?

14 A She's just stating in there that -- what financial
15 information we have on file.

16 Q Okay, and then you go through each outstanding loan.
17 Is that right?

18 A It's a summary of the loan, yes, sir.

19 Q Okay, and the first loan is -- can you tell us what
20 that is? Williams Island on St. Helena?

21 A We had a loan. I believe that that loan was a joint
22 loan with a gentleman by the name of Barrett Boulware
23 secured by two or three little islands off of St. Helena.

24 Q And that loan is in good standing. It says: All
25 payments --

1 A All payments made as agreed. Yes, sir.

2 Q And now the next loan is a loan -- that's the Edisto
3 beach house. Is that right?

4 A Yes, sir.

5 Q And here it says that the home appraised for 440 in
6 February of 2016, and the current balance on the note was
7 \$206,000. That's in July of 2020. Is that right?

8 A That's what it says, yes, sir.

9 Q And it says they've been thirty days late three
10 times. I think that's what it says.

11 A Yes, sir.

12 Q I guess if you go over thirty days your loan payment,
13 that's a strike against you, isn't it?

14 A It gets noticed.

15 Q It gets -- yeah, it gets noticed. But that house at
16 Edisto, the bank had a mortgage on it dating back at least
17 for some time, right?

18 A Yes, sir.

19 Q And you know it recently sold, that house?

20 A Yes, sir.

21 Q And do you know the sale price?

22 A I think it was just below a million dollars.

23 Q Okay. So, the bank is pretty good -- in a pretty
24 good position here in July of 2020 with \$200,000 on what
25 sold a couple of years later for a million dollars, right?

1 A Many years later, but yes.

2 Q How many years later?

3 A Well, I think it occurred in 2022, and this is in
4 2020.

5 Q Okay. Two years then? Would you go with that?

6 A Yeah, I'll go with that.

7 Q Is two many?

8 A In the real estate market, two years can be a long
9 time.

10 Q All right, and then the next loan is a first mortgage
11 on --

12 MR. GRIFFIN: -- I don't know what you're doing
13 there, Doug, but --

14 Q -- on 856 acres, and a second mortgage on 914 acres.
15 That's the Moselle property. Is that right?

16 A Yes, sir.

17 Q And what's the outstanding balance of that loan?

18 A \$719,769.16.

19 Q And what kind of value do you have there?

20 A Good value in it. The appraisal is \$3.3 million.

21 Q Now, you know there's a contract on that property
22 today?

23 A I understand there is, yes.

24 Q Do you know what it is?

25 A No, sir, I don't.

1 Q Do you know it's more than 3.3?

2 A I don't know that.

3 Q Okay. The bank still has a mortgage on it?

4 A We do.

5 Q Okay.

6 MR. GRIFFIN: Can you turn the page, Doug? That is
7 the last one on there?

8 Q And here is another loan, and I guess that's part of
9 the same -- it's another -- that's another tract, Moselle,
10 with additional -- or is that the same loan? Are we
11 talking about a new loan here?

12 A I believe we are, yes.

13 Q Okay, and what is this?

14 A This balance is \$888,527.08.

15 Q Okay, and what's the value we have on this?

16 A I assume it's the Moselle 3.3 million on the
17 preceding loan.

18 Q Okay.

19 A Two mortgages on a single property, or the acreage.

20 Q And then the conclusion here, the summary is:

21 Alex and Maggie Murdaugh are longtime customers
22 of Palmetto State Bank. They've had some late
23 payments, but in my opinion those are mainly due
24 to Alex being hard to reach and set appointments
25 to sign the paperwork. The majority of his

1 payments are set up on an annual basis because
2 the law firm makes their distributions in
3 December.

4 Now, let me ask you about that. Were you aware that
5 a lot of the partners at the law firm who owe money to
6 Palmetto State Bank just pay once a year because that's
7 really when the bulk of their income is generated, or
8 received?

9 A By my understanding that's correct.

10 Q And so this was not special just to Alex, but it's
11 not -- other partners at the firm had the same payment
12 plan.

13 A You're setting up the repayment to coincide with the
14 receipt of their income, or the bulk of their income.

15 Q Sure. And it says: The Murdaughs have always paid
16 their loans to the bank, and I do not see that changing.
17 And it says:

18 Depending on the outcome of the pending lawsuit,
19 they may have to liquidate some assets, but our
20 loans are more than sufficiently collateralized.

21 Meaning you've got plenty of security. Is that
22 right?

23 A In 2020, yes, sir.

24 Q Alex and Maggie have, to your knowledge, never been
25 turned down for a loan at Palmetto State Bank.

1 A To my knowledge, they have not.

2 Q Now, there were some loans that were, I guess,
3 written off, as you said, or charged off, where Alex was a
4 member of a partnership, LLC, some sort of structure where
5 there were other partners involved, and that those loans
6 weren't in default. Is that right?

7 A Yes, sir.

8 Q But Alex kept paying on those notes, did he not?

9 A Periodically he would make payments.

10 Q Did any of the other partners in Red Beard or United,
11 were they making payments?

12 A To my knowledge, no.

13 Q To your knowledge, it was only Alex that was making
14 the payments?

15 A Yes.

16 Q To your knowledge, was there any reason in the world
17 for Alex to believe that in June of 2021, if he needed
18 additional money from Palmetto State Bank, that he
19 couldn't just go down there and talk to Russell Laffitte
20 or Charlie Laffitte and ask for a loan?

21 A In June of 2021?

22 Q Yes, sir.

23 A I don't see any reason why he couldn't have that
24 conversation with Charlie and Russell.

25 Q And he, to your knowledge, was never put on any

1 notice that your business is not welcome here at Palmetto
2 State Bank in June of 2021. Is that right?

3 A In June of 2021, that is correct.

4 Q In June of 2021, the bank is fully collateralized on
5 the outstanding notes.

6 A With the exception of the one where he was a
7 co-borrower, I believe, with his father. I think that was
8 an unsecured loan.

9 Q And his father being Randolph Murdaugh?

10 A The third, yes.

11 Q The third, yes, sir.

12 MR. GRIFFIN: One second, Your Honor.

13 (Break in proceedings.)

14 MR. GRIFFIN: I have no further questions.

15 THE COURT: Redirect?

16 MR. WATERS: Very briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. WATERS:

19 Q You were asked about whether Alex made some year-end
20 payments on some of those charged-off loans, correct?

21 A Yes, sir.

22 Q In your review, was some of that money that was used
23 to make those payments ultimately converted money from
24 client funds?

25 A I believe so, yes.

1 Q You were asked whether or not in June of 2021 whether
2 Alex could have talked to Charlie Laffitte or Russell
3 Laffitte about another loan. Is that right?

4 A In June of 2021, yes.

5 Q In June of 2021. At that point in time, had it come
6 out that he had been stealing client funds for years?

7 A No, sir.

8 Q Had it come out that he had been disbarred?

9 A No, sir.

10 Q Had it come out that he been diverting fees from his
11 law firm?

12 A No, sir.

13 Q Had it come out that he had been forced to resign from
14 his law firm?

15 A No, sir.

16 Q If any of those things had come out, would the bank
17 continue to have loaned him money?

18 A No, sir.

19 Q Mr. Griffin asked you if Alex had been a good
20 customer, correct?

21 A Yes, sir.

22 Q When all of this crashed and burned, was the bank left
23 holding the bag for all of these uncollected loans?

24 A Yes, sir.

25 Q Including the \$750,000?

1 A Yes, sir.

2 MR. WATERS: Nothing further. Thank you.

3 RE CROSS-EXAMINATION

4 BY MR. GRIFFIN:

5 Q Mr. Malinowski, the bank had mortgages on the
6 properties that we just went over, did it not?

7 A They did.

8 Q And those mortgages didn't disappear when Alex
9 Murdaugh -- when all of this came to light, did they?

10 A No, sir.

11 MR. GRIFFIN: All right. Thank you.

12 THE COURT: You may step down.

13 (The witness exited the stand.)

14 THE COURT: You may call your next witness.

15 MR. WATERS: Thank you, Your Honor. State calls Mark
16 Tinsley.

17 The witness, MARK TINSLEY, was first duly sworn and
18 testified as follows:

19 THE CLERK: Please have a seat in the witness stand.
20 State your name again for the record and spell your last
21 name.

22 THE WITNESS: My name is Mark Tinsley, T-i-n-s-l-e-y.

23 DIRECT EXAMINATION

24 BY MR. WATERS:

25 Q Mr. Tinsley, how are you doing today?

1 A Good.

2 Q Introduce yourself to the jury a little bit. Please
3 tell them a little bit about yourself, where you grew up,
4 where you went to school, and a little bit about your
5 profession, please.

6 A Sure. As I said, my name is Mark Tinsley. I'm a
7 lawyer; I practice in Allendale. I've been there since
8 about 2000. I'm originally from --

9 Q Mr. Tinsley, can you get that mic a little bit closer
10 to you?

11 A The mic is short and my knees apparently are long
12 because this is the most uncomfortable place to sit.

13 Q You can bend it down a little bit.

14 A Yeah. I'm from Anderson originally. I went to
15 Clemson. I carried an orange book bag when I was at
16 Carolina; I went to law school there. I graduated in '98.
17 I worked in Columbia for a couple of years doing primarily
18 insurance defense work. You've heard a lot of plaintiffs
19 lawyers, so I would have been one of the lawyers
20 representing an insurance company that was hired to -- or
21 had the coverage on somebody who was getting sued, or I
22 would have dealt with coverage, the specific loss covered
23 or something. So, that's primarily what I did for the
24 first two years. One of my good friends was originally
25 from Barnwell. I made my way to Allendale in 2000, and

1 I've been there ever since.

2 Q And so since Barnwell, have you been in a law firm?
3 Have you been in practice? Tell us a little bit more about
4 that.

5 A I have. I practiced with Gooding and Gooding. You
6 know, when you live in a small town, you do all kinds of
7 things. I have the luxury of having a successful practice
8 and being able to go to different places and handle cases.
9 I try cases. I try truck wrecks. I try highway defect
10 cases where there's something wrong with the way that the
11 contractor had not really designed the roads but maintained
12 the road and somebody gets catastrophically injured. I
13 tried bad faith cases where an insurance company has
14 coverage, but for some reason or another they don't do what
15 they were supposed to do under the contract and their
16 insured gets harmed as a result or suffers a loss. And so,
17 you know, I pick and choose, but when you're in a small
18 town you help people, and so I end up doing all kinds of
19 things. There's no case that's too small, no case that's
20 too big. If I can help you, I try and help you.

21 Q All right. Over the years being a lawyer doing this
22 kind of work in this area, have you had a call to get to
23 know the lawyers in what used to be known as PMPED?

24 A I have. You know, there's only 17 miles basically
25 between Allendale and Hampton, small bars. At one time I

1 think we really only had four or maybe five lawyers in
2 Allendale and about twice -- maybe it ultimately gets up to
3 three or four times that many in Hampton, but it's a small
4 bar. And I had the occasion to work with -- you saw Ronnie
5 Crosby, I think, yesterday. I've handled a number of cases
6 with Ronnie Crosby. You've heard Lee Cope's name
7 mentioned. I've had cases with Lee Cope. But I knew
8 everybody.

9 Q All right, and did that include the defendant, Alex
10 Murdaugh?

11 A It does.

12 Q And how long have you known him?

13 A You know, it's hard -- I heard Chris Wilson this
14 morning. I don't remember exactly. I came in 2000. I
15 always remember him being there, so sometime shortly after
16 I came to practice in the 14th Circuit.

17 Q All right, and do you see him in the courtroom here
18 today?

19 A Sure. He's immediately to the right of Mr.
20 Harpootlian.

21 MR. WATERS: Can the record reflect he's identified
22 the defendant?

23 THE COURT: Yes.

24 Q Over the years as you knew Alex Murdaugh, did you ever
25 do anything professionally either with him or against him?

1 A You know, I hate to be a lawyer. I had a case where a
2 defendant was in default and Alex was a special referee,
3 meaning -- you may remember Chris Wilson said in that Mack
4 Truck case one of the defendants didn't answer, and so if
5 you get sued and you don't respond at the right time, then
6 you're in default and so the other side by default wins
7 generally. And Alex was my special referee, meaning this
8 guy had been accused of selling some property under a lien
9 and he was arrested at his job, and we sued the company
10 called Southern Finance that incidentally went into
11 bankruptcy. It's a long, complicated story, but we got
12 reversed and so I didn't do that again, and then --

13 Q Just generally have you had -- but go ahead.

14 A Well, yeah, but I didn't handle cases with Alex,
15 unlike, say, Ronnie or Lee Cope, and we just didn't have
16 that sort of relationship. You know, I guess he and I did
17 so much of the same thing it just -- I don't recall a time
18 over the last twenty years where we worked on a case
19 together.

20 Q All right. Being a small bar doing the same kind of
21 thing, though, y'all are generally familiar with one other
22 and the type of cases y'all were handling and that sort of
23 thing?

24 A Oh, absolutely. I mean, it's a small bar and you go
25 to the roster meetings, you know what everybody is doing

1 and you see what cases they have, yeah, absolutely. You
2 know if they have a success, a big case, or a failure.

3 Q Have you ever been in court when Alex was doing a
4 closing argument?

5 A Yes, probably a couple of times. There was -- he
6 tried a case in Allendale. It was the first case -- I
7 think it was '98 that the Allendale courthouse burned. The
8 story was is that Judge Peeples from Barnwell was going to
9 sentence some guy for a drug offense, and Judge Peeples was
10 very strict on drug offenses, and so the guys who were
11 going to be sentenced on Monday decided Sunday would be a
12 good day to burn the courthouse, so they burned the
13 courthouse. And so many months later I think Judge
14 Peeples --

15 MR. BARBER: Your Honor, I would object on relevance
16 grounds.

17 A At any rate, they rebuilt the courthouse, and so the
18 first case that was tried in 2005 Alex tried, and I was
19 there when he made his closing arguments.

20 THE COURT: This is background information.

21 Q You were present when he did the closing on that?

22 A I was.

23 Q Did he get emotional during that closing?

24 A He cried.

25 MR. BARBER: Objection, Your Honor. Relevance.

1 THE COURT: Your response?

2 MR. WATERS: Your Honor, I think this is just relevant
3 to the defendant and his practice as a lawyer and
4 background information, and I think there's been a lot put
5 in issue by the defense about that as well. I mean, this
6 is fair for this witness.

7 THE COURT: We're in the year of 2000 --

8 THE WITNESS: '5. It was March of 2005. It was --

9 THE COURT: I sustain the objection.

10 Q Let me ask you just a little bit about, though, being
11 in this kind of type of work. In a sort of small bar in a
12 small area, you said y'all are generally familiar with what
13 each other are doing that do similar work?

14 A I think so.

15 Q All right, and when you're -- are there any sort of
16 documentation that the Court -- jury rosters, anything like
17 that, or rosters that you can pay attention to and have an
18 idea of what each other is doing?

19 A Well, I mean, it is a roster. It is a list of cases.
20 Generally a case comes up for trial -- in civil cases I'm
21 talking about, supposed to be about a year old. It's
22 usually longer than that, but they go on this list. And so
23 come Monday morning all the lawyers would show up. There's
24 100 cases, and so you see what's coming up, who has what
25 cases. In Hampton in particular, Alex usually had, it

1 seemed, like a majority of the cases on the Hampton roster.
2 His name would be on them anyway.

3 Q Okay, and being a small bar and being, you know, part
4 of that kind of -- doing the similar work, is it not
5 uncommon for you to have some knowledge of some of those
6 cases and for others to have knowledge of the cases you're
7 working on?

8 A Sure. Lawyers are the biggest gossips in the world; I
9 mean, everybody knew what everybody was doing.

10 Q All right. If you see a case that's on there and then
11 it gets removed or disappears, does that indicate anything
12 to you?

13 A No. I mean, it indicates they were settled. But
14 often times when you go through the roster, there's
15 actually a notation the case is settled. The judge will
16 sign what's called a form order, which just
17 administratively disposes of it; it takes it off the roster
18 so it doesn't stay on that list.

19 Q And being a part of that small bar and this is kind of
20 the work you do, that's something you generally pay
21 attention to as other lawyers in part of that area do,
22 right?

23 A Well, it's a lot like sitting in here. I mean, it's
24 easier to pay attention than just sit there bored, so yeah,
25 you pay attention to it.

1 Q Are you familiar with what's been known as the boat
2 case?

3 A I am very familiar. I represent the Beach family, and
4 so I filed the boat case.

5 Q And you say the Beach family, are you talking about
6 the family of Mallory Beach?

7 A The family of Mallory Beach, that's right.

8 Q And is she the young woman who died in the boat
9 accident?

10 A She did.

11 Q And what was the date of that accident?

12 A It was the early morning hours of February 24, 2019.

13 Q At some point -- you said you were representing the
14 Beach family. At some point, you were approached by the
15 Beach family?

16 A I was. Shortly after the wreck, there was an incident
17 on the causeway. So, this crash happens. There's a bridge
18 called -- you go over Archers Creek. Archers Creek is a
19 creek that separates Parris Island, the Marine
20 installation, from -- I guess that's Port Royal, and the
21 boat crash happened at that bridge. There's a road -- if
22 you can imagine the causeway, there's an old road that goes
23 down to the base of the bridge, and after the boat cash
24 they -- law enforcement had cordoned off, had a rope up or
25 yellow flag, yellow tape up. And so Ms. Beach wanted to go

1 down and see where her daughter had died, and she wasn't
2 allowed --

3 MR. BARBER: Your Honor, objection. Relevance, 403,
4 and hearsay as well, Your Honor.

5 THE COURT: The objection is overruled.

6 Q Please continue.

7 A She wasn't allowed to go down to the bridge. She
8 was --

9 Q She was not?

10 A She was not. She was told it was a crime scene and
11 she couldn't go down there.

12 Q All right. What else did she -- when she was hiring
13 you, what else did she report?

14 A Almost immediately thereafter --

15 MR. BARBER: Your Honor, objection. Hearsay.

16 MR. WATERS: Not offered for the truth of the matter
17 asserted but affect on the listener and the reasons for the
18 actions he took, which has become relevant in the boat
19 case.

20 THE COURT: Only argue when requested by the Court.

21 MR. WATERS: My apologies.

22 THE COURT: The objection is overruled.

23 A Almost immediately thereafter, a car pulled up driven
24 by Alex's father. His wife was in the front seat. Alex's
25 wife, Maggie, was in the front seat. They were waved down

1 to the bridge, and that caused her a great amount of
2 distress.

3 Q Did she ultimately hire you to represent her?

4 A That day I got involved.

5 Q At some point as you get involved, did you start to
6 investigate the occurrence?

7 A I did. I started to investigate, but I started to try
8 to put pressure on law enforcement, which is -- you know,
9 I'm drawing the distinction there almost immediately
10 because the concern was that it was going to get covered up
11 -- by the Beach family -- and they didn't want that to
12 happen.

13 MR. BARBER: Your Honor, I would object to the
14 references to covering up. It's not relevant to the
15 motive, the purpose of this testimony, and it's prejudicial
16 under 403.

17 THE COURT: I sustain the objection.

18 MR. BARBER: And move the strike the previous
19 response.

20 THE COURT: The objection is sustained. You may
21 proceed.

22 MR. WATERS: Yes, Your Honor.

23 Q Just generally you investigate the case. Is that
24 correct?

25 A I did.

1 Q And at some point, did you reach out or have any
2 discussions with anyone who was representing the defendant,
3 Alex Murdaugh?

4 A I did. Well, I talked to a number of the partners,
5 but after I began --

6 Q And when you say partners, you're talking about PMPED?

7 A Yes, I'm sorry. But eventually I came to know that
8 Danny Henderson was appointed as Alex's personal counsel,
9 who was one of the partners. You may remember there was a
10 video with Alex in the front seat of the law enforcement
11 car, and the arm that reaches up and squeezes his shoulder
12 while he's crying, that's Danny Henderson.

13 Q All right, and did you and Danny Henderson, did he
14 have any documents for you to review?

15 A He brought me all of the insurance policies for all of
16 the insurance that Alex had in place at the time of the
17 boat crash.

18 Q And for what reason did he bring you those documents?

19 A Well, when you do what I do, we can't turn back the
20 hands; we can't undo what has happened. And so, you know,
21 the best that you can hope -- when you get a case like
22 this, this kind of loss, nobody gets what their case is
23 worth, if that means anything. I mean, nobody would
24 willingly trade place with these people for money, but
25 that's all that you can do in a civil case is recover

1 money, and so some things are covered by insurance, some
2 things are not. And so many times when we are drafting
3 lawsuits, we want to know what insurance there was so that
4 we try not to destroy the ability for the insurance to
5 apply in the beginning. So, that would have been the
6 reason I was looking at the insurance.

7 Q Okay. His attorney, Danny Henderson, brought the
8 defendant's policies to you to review, correct?

9 A It seems like it was a week or ten days after the boat
10 crash.

11 Q All right, and did you review those?

12 A I did.

13 Q And what, if anything, did you find in those
14 documents?

15 A It did not appear to me that he had any coverage other
16 than there was a policy with Progressive, a watercraft
17 policy, that applied to the boat. It was \$500,000, and it
18 was offered by Progressive immediately.

19 When you have a catastrophic loss, it's not unusual
20 that an insurance company will say here, here is our money.
21 Take it, please, because they have an obligation to protect
22 their insured if they can. The other policies that he had
23 didn't provide coverage except for a for-hire hunting
24 operation, which this didn't arise out of, and so --

25 Q What company was that with?

1 A Philadelphia Insurance.

2 Q All right, and, again, but that policy was limited to
3 what?

4 A The occurrence, the accident, if you will, had to
5 arise out of a hunting operation, a business operation.
6 And if it -- even if there was some way to say that this
7 boat ride this night did that, there were very specific
8 watercraft exclusions that -- and excluded the coverage.
9 So, accidents are covered, but then you have all of these
10 exclusions that takes the coverage away, so there was no
11 coverage.

12 Q Did the defendant have an umbrella policy? First,
13 tell the jury what an umbrella policy very quickly is, if
14 you could.

15 A And umbrella policy would be if you have a primary
16 policy, say, on your car, the umbrella policy would sort of
17 be the coverage. It could also apply to your house.
18 Generally that coverage is -- the limits are multiples of
19 maybe what your liability limits are, and it could be
20 broader than just your house. It could apply to your house
21 and your car.

22 So, I don't remember. I think all of the coverage was
23 with Philadelphia. I remember reviewing all of the
24 policies. I don't remember if it was exactly what they
25 were referring to this time.

1 Q Did you ever find out if the defendant had an umbrella
2 policy or the status of that policy?

3 A There was no coverage for this boat crash other than
4 with Progressive on the boat.

5 Q Did the defendant have an umbrella policy at one time,
6 to your review?

7 A He had coverage. He had the coverage with Lloyds of
8 London and Novice immediately before, which was the
9 coverage that was in effect when Gloria Satterfield fell at
10 his house, and he had an umbrella policy there.

11 Q All right, and what happened to that policy, that
12 coverage?

13 A The policy came up for renewal. Normally they're a
14 year. It comes up for renewal and this claim is still
15 open, and so when it came up for renewal, the insurance
16 company wouldn't renew the policy and they canceled it,
17 which is why he then went and bought this hunting club
18 operation, or hunting for hire operation, whatever that
19 policy was. It didn't really cover anything because he
20 didn't have that kind of business.

21 Q In your assessment and judgment, would that
22 Philadelphia hunting lodge policy provide any coverage for
23 the boating accident?

24 A It did not. I told Danny Henderson in November of
25 2019 that it did not. Philadelphia filed something called

1 a declaratory judgment action where they go and ask the
2 Court to declare their rights, meaning we don't have any
3 coverage. It's clear the policy doesn't apply, judge.
4 Tell in this case, the plaintiff because they sued us, the
5 Beach family, and they sued Alex Murdaugh, too, for a
6 declaration there was no coverage. I refused to
7 participate. I said I would just be bound by whatever the
8 result was because I knew what the result was going to be.

9 Q Generally at this point in time, what was your
10 assessment of the defendant, how lucrative the defendant's
11 practice was and his general wealth?

12 A Well -- so, I believed that he was making lots of
13 money. I told you that he had most of the cases, so if
14 that's 50 percent or 60 percent of the cases that are
15 actively resolving, he's actively making money. Money is
16 coming in. Now, whether -- I knew that -- how the law firm
17 worked in terms of they would get their money at the end of
18 the year, that's not uncommon, but it doesn't really change
19 the fact that he's making lots of money. And that didn't
20 really change in the time that I knew him, but certainly it
21 hadn't changed in the years immediately preceding the boat
22 crash, and so the last three to five years.

23 Q All right, and ultimately with your review of the
24 insurance coverages, the only one that you thought was
25 applicably -- was applicable was which one?

1 A The Progressive boat policy.

2 Q And how much was that?

3 A 500,000.

4 Q And from your assessment of the case, was that going
5 to be enough?

6 A No, it wasn't. There were six people on the boat
7 including Alex's son, Paul. So, there was one girl whose
8 hand was pretty severely injured; she had about \$130,000 in
9 medical bills, a couple surgeries. You had one boy who was
10 thrown into the console and had a broken jaw.

11 MR. BARBER: Your Honor, I object to this, 401 and
12 403.

13 THE COURT: The objection is overruled.

14 A And his medical bills exceeded 100,000. So you've got
15 a death, you've got two people with substantial medical
16 bills, and there was just no way there was enough coverage
17 at 500.

18 Q As a result of that assessment and your assessment of
19 the defendant's lucrative practice and wealth, what, if
20 any, goals did you develop for this particular litigation?

21 A I don't know if it's as easy to answer that. But as I
22 began to realize there was no coverage, it was clear
23 that -- and often times when you have someone who is very
24 affluent, who has a lot of money, it's not uncommon for
25 those people to pay in addition to what they have in

1 insurance, and so Alex was going to have to pay out of his
2 own pocket to settle the cases.

3 Q Did you ultimately file suit in this matter?

4 A I filed suit, I think, about a month after the boat
5 crash. I filed suit before the criminal charges were
6 brought.

7 Q Criminal charges against who?

8 A Paul, I'm sorry.

9 Q And so in March of 2019, you filed suit?

10 A I believe so.

11 Q And did you sue the defendant?

12 A I did.

13 Q All right. Without getting into the weeds too much,
14 what's the basis of potential liability for the defendant?

15 A So in the very beginning, if there was any chance at
16 coverage, the allegations were that he knew that his son,
17 Buster, his older son, Buster, who was twenty-one years
18 old, had obtained a duplicate license, and that Paul was
19 using that license to buy alcohol. And so it was -- it's
20 sort of a -- Alex's lawyers from time to time characterized
21 it as negligent parenting, but it's -- in the law you have
22 this idea that there's this thing called negligent
23 entrustment. You know that somebody drinks, you know that
24 he has a propensity to drink in excess, get drunk, you give
25 him your vehicle, you've created a hazardous situation, and

1 so that's the liability against Alex. And so what I did in
2 the very beginning in the first lawsuit was I drafted it to
3 try to see if there could be coverage, even though I didn't
4 think it was going to be successful.

5 Q You testified that you had made the assessment that
6 the defendant was going to have to personally pay in this
7 matter, correct?

8 A He was.

9 Q Did you ultimately communicate that to his attorneys
10 and to the defense in this case?

11 A Multiple times and very clearly.

12 Q And in this case, I mean the boat case.

13 A Yes.

14 Q Is there such a concept as a friendly defendant, or a
15 venue defendant, or a placeholder defendant in civil
16 litigation?

17 A There is.

18 Q Can you just very quickly explain that to the jury?

19 A It started -- you first see the references back in --
20 I think it was the 40's and 50's, and it was is a way that
21 if you're from out of state and you get sued in South
22 Carolina, you have a right -- rather than being in state
23 court like we have now, you could have it -- that case
24 against you taken to federal court. And so often times
25 what people would do to keep the out-of-state person from

1 taking it to federal court and rather keep it in the county
2 where they knew everybody is you would also sue someone in
3 state, and so that was -- it was a venue defendant. Now --
4 and that kept the federal court from having what's called
5 diversity. But in civil cases in state court, sometimes
6 you do that. I mean, if there were two people driving a
7 car -- driving two cars, two people involved in the wreck,
8 you know, the passenger didn't cause the wreck, so you
9 could sue both and let the jury sort out who it was, even
10 though you believed that probably 99 percent of the
11 liability is on one person, or maybe all of it's on one
12 person. Juries do crazy things sometimes.

13 Q Had you made it clear to the defense during this time
14 that you were not considering the defendant a -- just a
15 friendly defendant, or a placeholder defendant, or a venue
16 defendant?

17 A From the beginning and very clearly.

18 Q And that meant you were seeking a personal recovery
19 against him?

20 A He was always going to have to pay, and pay a lot of
21 money.

22 Q Does your area of the law -- do y'all have some sort
23 of annual conference every year that many people involved
24 in it attend?

25 A We do. Michael Gunn mentioned it. I think he called

1 SCAG or -- I don't know, so I call it the trial lawyers
2 conference. It was at the Westin at Hilton Head every
3 year.

4 Q And what time of year does that -- what month does
5 that take place?

6 A It's usually the first weekend of August. So, if
7 that's 1st, 2nd, and 3rd or 4th, 5th, and 6th, but it's
8 usually that first week of August.

9 Q In August of 2019, did you attend that conference?

10 A I did.

11 Q And did you see the defendant there?

12 A I did.

13 Q And did you have any conversation with him?

14 A Normally different law firms have dinners, and groups
15 of lawyers -- because it's marketing, too, right? I mean,
16 you go and you have dinners and you take other lawyers out
17 who may send you cases or get you involved in cases. And
18 so after dinner everybody sort of comes back to the hotel,
19 and there at the Westin there's a gathering area. And I
20 think it was a fundraiser either for Mr. Harpootlian or for
21 Lindsey Graham, but there was a whole room of lawyers and
22 he saw me. And this is the first sort of gathering, this
23 little tension, I think, generally in the room about it,
24 and then he beelines across the room and gets about this
25 close.

1 Q What does the defendant say to you?

2 A Hey, Bo, what's this I've been hearing about what
3 you've been saying? I thought we were friends.

4 Q And did you respond to that?

5 A I did. I told him that we were friends, that if he
6 didn't think that I was going to do everything I needed to
7 do to help my clients, that he was wrong and he needed to
8 settle the case.

9 Q Was that conversation about your intent to seek a
10 personal recovery?

11 A That's -- when he said what's this about what I've
12 been hearing, I thought we were friends, that's what he was
13 talking about. He didn't like the fact that I was saying
14 he was going to have to come out of his pocket and pay.

15 Q Moving on to the following month, was there a
16 mediation in the case?

17 A The next year. So, that was August of '19. We don't
18 have the mediation until September of '20.

19 Q At this point in time the case has been filed, and
20 without getting into detail, you're generally engaging in
21 the discovery process. Is that correct?

22 A We are. Which is you go and put witnesses under oath
23 and you take their deposition and you examine them and you
24 collect documents and those sorts of things. But we were
25 taking depositions primarily of law enforcement, the people

1 at the emergency room, that sort of thing.

2 Q What happened in March of 2020 that affected
3 everybody?

4 A Well, Covid began to shut the courts down. We
5 continued to take some depositions, but ultimately I think
6 it was probably April or May then we were sort of confined
7 to our offices by then. So, in March we're still taking
8 deposition of law enforcement, and it sort of slows down.

9 Q Did you continue to work on the boat case?

10 A We -- we did.

11 Q Continued to gather evidence and documentation?

12 A I did. You know, one of -- there was a number of
13 things that we knew existed that had not been collected by
14 law enforcement and didn't appear to exist as far as law
15 enforcement was concerned. And so, you know, for instance,
16 I subpoenaed from the Department of Defense, I believe, and
17 ultimately got all of the federal government's documents of
18 affidavits and things of witnesses that were out there from
19 Parris Island and --

20 Q Without getting into all the details of the evidence,
21 were you gathering evidence that you felt made your claim
22 against the defendant strong?

23 A It did.

24 Q And did you share some of these -- at least some of
25 these findings with the defense?

1 A Well, you know, they're sitting in the room. They may
2 not know it until I bring it out, you know. The first
3 lawyer asks questions and then the person may or may not be
4 completely truthful and then you bring out the document,
5 and so they're seeing it happen, and that's mainly with law
6 enforcement. There were a number law enforcement
7 depositions where that happened.

8 Q As you're moving through the months of Covid and
9 they're shut down and everything like that, is one of the
10 things that you do is use a mock jury to sort of assess
11 your case?

12 MR. BARBER: Objection, Your Honor. 401 and 403.

13 THE COURT: The objection is overruled.

14 A I did in this case.

15 Q All right, and some of this evidence that you felt was
16 strong, did you sort of present that to this mock jury just
17 as a tool to help you assess how strong your case is and
18 how likely it is of a recovery?

19 A Yes, and I was specifically interested in Beaufort
20 County, and I can explain that if you want.

21 Q Just very briefly. I was trying not to get into the
22 weeds too much, but just, yeah, if you could.

23 A So, the alcohol was sold by a convenience store,
24 Parker's Convenient Store, and Parker's lawyer at times
25 would seem to act like Paul wasn't the driver, and at other

1 times --

2 MR. BARBER: Objection, Your Honor. Hearsay.

3 THE COURT: The objection is overruled.

4 A At other times he would go after law enforcement,
5 specifically about that particular officer's connection
6 with Alex Murdaugh or the Murdaughs in general. And so you
7 really can't have it both ways, right? If Paul is not the
8 driver, you don't really worry about the alcohol that was
9 sold, then the connection with law enforcement sort of
10 becomes irrelevant. So, he -- and it was clear what they
11 were doing was they were trying to try a case that looked
12 at all of the bad things. Don't let him get away with this
13 because a verdict against Parker's. And so I was
14 interested in if we went to Beaufort -- because I'm being
15 told by Alex's lawyer that a Hampton jury won't return a
16 verdict against him. And so what I'm trying to determine
17 is if we go to Beaufort, is the evidence that I have
18 uncovered so overwhelming that a jury ignores the clear
19 breaches by Parker's company.

20 Q And ultimately -- again, without getting into the
21 weeds -- were the results of that exercise with the mock
22 jury, did that give you further confidence in the strength
23 of a large recovery against the defendant? Just answer
24 that question.

25 A Absolutely.

1 Q Okay, and ultimately did you communicate that to the
2 defense team?

3 A I did. Also to Ronnie Crosby, who said that he would
4 talk to Alex and -- I mean, I -- and then they wanted
5 copies of some of the statements by the people that wanted
6 to take everything he had.

7 Q What time period are we talking about right here?

8 A This is May of '20.

9 Q Did you have anything going on in your life as this
10 time period was going as well?

11 A Well, I was getting divorced.

12 Q That's significant.

13 A Yeah. But, yeah. So -- but -- yeah. I think you're
14 -- later in the summer, but --

15 Q I got you. As we moved from May of 2020 into the fall
16 of 2020, are those conversations continuing with the
17 defense about the strength of your case and your desire to
18 have a personal recovery against the defendant?

19 A Sure. There was a lot of push back about the shock
20 that I would hold Alex personally responsible, make him
21 pay. And then in August of '20, I figured out that I had
22 cancer and -- but we continued to work. And then probably
23 by November I knew how bad it was, and I knew that I was
24 going to be gone, and so I tried to make arrangements to do
25 things because I'm still having to decide -- the case is

1 getting some age on it. We filed it pretty soon. A case
2 that gets about a year old ought to go on the trial roster.
3 We had mandatory mediation. We're going to mediate it in
4 September, and then immediately after that it would be
5 eligible for trial.

6 We didn't settle the case, and in November I sent some
7 requests to admit, which is -- in the law -- in civil
8 cases, you know, it's all of this evidence, it's like I can
9 -- here, you've seen this. You have to bring somebody in
10 here that says I opened the car door, and then you bring
11 the next guy in that says, well, I took the mats out. And
12 if that's not disputed, then we can send something. It's a
13 written question saying admit that it was daylight when
14 this happened. Okay, we'll admit that. So, we don't have
15 to call somebody in. And so it's admitting certain facts
16 to be true, and then those things are taken as true and we
17 don't have to present them. So, I had made up my mind that
18 I was going to send the case to Beaufort after the focus
19 groups, and I was going to try the case in Beaufort. So, I
20 sent requests to admit in November of '19 before I was
21 about to leave to go to Florida for my cancer treatment.

22 Q In November of '19?

23 A The sorry, in November of '20. I think it was
24 November the 19th, but --

25 Q Before we get there, you've had some discussions with

1 the defense about the strength of your case, as you talked
2 about, correct?

3 A Oh, yeah.

4 Q And the strength of your case against the defendant.
5 Is that correct?

6 A Yeah. And, you know --

7 Q Just real quick, let me ask a question, if I could.

8 A Sure.

9 Q Had you had any discussions about a number that you
10 were seeking from the defendant roughly?

11 A Ultimately I have that conversation. They pushed me
12 for a number. By November I've given them a number, yes.

13 Q And roughly what was that number?

14 A That number -- he was going to have to pay 10 million
15 out of his pocket.

16 Q And did the defense have any response to you
17 potentially?

18 A That he might could cobble together a million dollars,
19 that he was broke.

20 Q Did they have any other response?

21 A He was broke.

22 Q He was broke. He can only get \$1 million?

23 A Maybe he could get a million.

24 Q Based on your knowledge of the defendant and his
25 practice as you've testified, did you accept that response

1 that he was, quote, broke, quote?

2 A No. I didn't believe it at all.

3 Q Did you offer him any other sort of settlement, any
4 sort type of plan or anything like that?

5 A If you're broke, I'm happy to work out a payment plan;
6 you can make payments. You can convey Moselle. I knew he
7 had Moselle. He had got Moselle right after a big
8 settlement in 2012, so that's 1700 acres. Convey Moselle,
9 convey the beach house, he still had the house in Hampton,
10 and we'll work out a payment plan on the rest.

11 Q Did they reject that?

12 A He did.

13 Q Having been told that the defendant is broke, despite
14 what you believed, did you have a response to them?

15 A I did, in October. Almost immediately after the
16 mediation I served some discovery, again it's a written
17 question, and there are two different types. There's
18 interrogatories where you ask a question: tell me where you
19 bank. And then there could be requests for production:
20 give me your bank records. Now, mine didn't say that, but,
21 I did -- I sent discovery to --

22 Q Just real quick, we'll talk about discovery in a
23 second, but generally what is that response? He says I'm
24 broke. What are you saying in response?

25 A There's no way. I mean, like I said, he has a spicket

1 of money that's running. He's settling cases. He's got
2 big cases; he's got lots of cases. He's got general
3 wealth. There's no way -- he's got 1800 acres in Moselle.
4 He's not broke by anybody's standards.

5 Q Did you ask the defense to, okay, show me the books,
6 prove to me that you're broke?

7 A I did.

8 Q And what was the response?

9 A No.

10 Q So, that led you to do some discovery?

11 A It led me to send discovery to get that information.

12 Q And specifically what information as it relates to the
13 defendant's books and the defendant's accounts are you
14 talking about?

15 A Well, it was broad, so it was broader than this. But
16 what I was looking for was the institution, the accounts
17 where he did his banking, because if he was, in fact,
18 broke, if his bank account says zero or \$5,000 or \$7,000,
19 it was because he was doing -- he was hiding it in my
20 opinion at the time. So, that's what I was looking for.

21 Q All right, and so you sent those discovery requests?

22 A I did.

23 Q And did the defendant provide that information or did
24 they decline to provide that information?

25 A They objected almost immediately.

1 Q All right, and so did you then file some subsequent
2 legal papers because they refused to provide the
3 information about the defendant's accounts?

4 A I did. I filed what's called a motion to compel where
5 I asked the judge to compel, or make him give me the
6 information.

7 Q All right. I'm going to show you what's been marked
8 as State's Exhibit 402, and just -- generally just see if
9 you recognize this document. Flip through it real quick.

10 A I do. It's the motion to compel that I filed with
11 two -- three exhibits, which are his lawyer's responses,
12 the objection to the questions.

13 Q All right, and what's the date on that document, the
14 motion to compel?

15 A The motion to compel was filed October the 16th of
16 2020.

17 MR. WATERS: Your Honor, at this time I would offer
18 State's Exhibit 402 into evidence, I believe, subject only
19 to previous objection.

20 MR. BARBER: No additional objections, Your Honor.

21 THE COURT: It's admitted.

22 (MOTION MARKED AS STATE'S EXHIBIT NUMBER 402 WAS
23 RECEIVED INTO EVIDENCE.)

24 Q All right, this is States 402, the one you just
25 described. Is that right?

1 A That's right.

2 Q And that's the date on it right there?

3 A Correct.

4 Q I've turned over what's Exhibit B to this document.
5 And is this some of that discovery asking for the to -- for
6 the defendant to identify his specific bank accounts that
7 you were just describing?

8 A That's right.

9 Q And can you just read number 1 right there? That's a
10 question that you're asking the defendant to provide to
11 you, correct?

12 A Yeah. What you see there is the bold -- the answer
13 is, so this is -- Alex's lawyer has retyped the questions
14 that I sent. So, that's the question that I wrote:

15 Number 1, list all checking and/or savings
16 accounts, including credit union accounts,
17 certificates of deposit, 401(k) accounts, SEP
18 accounts, IRA's maintained by you individually
19 and/or jointly with any others, and any other
20 accounts over which you had signature authority.

21 Or maybe it's:

22 Any capacity regardless of whether or not the
23 account or accounts had been closed from February
24 of 2019 to present.

25 And then the answer is what his lawyer said, which is

1 generally an objection: it's overbroad, it's unduly
2 burdensome, it's not relevant, doesn't have anything to do
3 with it.

4 Q So, they had objected and you filed a motion to
5 compel. And, again, without too much detail, is a motion
6 to compel to ask the judge in the civil case to force them
7 to provide you this information?

8 A That's right.

9 Q And if that motion -- and we'll talk about this in a
10 minute, but if a motion to compel is successful and you had
11 gotten the defendant to produce the identity of all
12 accounts he had, what would have been your next step if you
13 continued to follow that thread?

14 A So, I knew some information. I would have verified
15 that he was telling me the truth, right? So, I -- some
16 things I'm verifying, but I would have ultimately sent
17 subpoenas to the banks and then I would have begun to
18 subpoena the accounts. I mean, I know he's got a personal
19 account, I know that the law firm has got accounts, but
20 he's got these other entities, these partnerships and
21 things. I didn't know if he had accounts there. So, that
22 would have been what would have happened next.

23 Q At this point in time, were you aware of any
24 institutions that you believed the defendant had bank
25 accounts at?

1 A I knew about Palmetto State Bank, and I believe that I
2 knew about Bank of America.

3 Q At this point in time, though, did you have any idea
4 about all of the stuff over there with the fake Forge
5 account and all of this other stuff that the jury has heard
6 about?

7 A Not a clue.

8 Q But had you been successful, you would have sought to
9 identify all accounts in his name and then reviewed those
10 accounts. Is that correct?

11 A Yeah. The subpoena to Bank of America wouldn't have
12 said give me the information for account 102 or whatever
13 the number was. It would have been for all accounts that
14 have his name on it period in any capacity, so it would
15 have been very broad.

16 Q And to be fair, they could continue to object to
17 subpoenas and that sort of thing, but this was if you would
18 have had to follow this thread, that was the tact that you
19 were taking by filing this document. Is that correct?

20 A That's exactly what it was, and I was doing it like --
21 you heard Chris Wilson talk about this, that Mack Truck
22 case that the defendant didn't want this to happen. Well,
23 this is normal in a civil case. There's lots of times that
24 defendants don't want certain things to happen, and so if
25 they don't want it, that's what I want. And so I'm putting

1 pressure where I can put pressure, and this is a place that
2 I can put pressure. At the time I think it's because he's
3 making so much money, he doesn't really want us to know how
4 much money he's making.

5 Q That motion is filed in October of 2020. Is there any
6 hearing on that scheduled right away, or does that take
7 sometimes awhile for that kind of thing to happen?

8 A It took awhile. You know, covid wasn't over but the
9 courts weren't really running. There were some courts --
10 when the Chief Justice began to open the court system back
11 up, they had to have a some kind of Covid plan in place.
12 Hampton wasn't one of them. This case had been specially
13 assigned to a judge from Lancaster, and so there weren't
14 any real opportunities to get the motion heard at that
15 time.

16 Q You had initially described how you were -- initially
17 what county did you file this lawsuit in?

18 A I first filed the lawsuit in its first draft in
19 Beaufort County.

20 Q Okay, and as we were moving to this time period, Covid
21 slowed things around. You filed your motion to compel.
22 Are you considering moving that to a different county?

23 A By November I've pretty well made up my mind that I'm
24 going to move it back to Beaufort County. And it's not
25 just that I'm moving it back. It's that Parker's was also

1 -- had a motion, so I could consent to its motion to move
2 the case back.

3 Q And so you're considering putting it in Beaufort at
4 this point. Is that right?

5 A That's right.

6 Q And was that in part because the defense -- or the
7 defendant over there believed that you couldn't get a
8 verdict against him in Hampton County?

9 A He was insistent.

10 Q As we move into early 2021 -- and again, I don't want
11 to get in for purposes of this trial for the specific
12 discussion as it relates to other defendants, but had you
13 started to reassess the decision to maybe take it to
14 Beaufort County?

15 A Yes. While I was in Florida, beginning in January
16 Mr. Parker, who owned Parker's Convenience Store, began to
17 do a number of things that I thought would weigh against me
18 going to Beaufort County.

19 Q All right. So, did you communicate perhaps moving
20 it -- or keeping it in Hampton County or moving it to
21 Hampton County?

22 A Not until I got back from my treatment in mid-April.

23 Q All right. Stand by for me real quick.

24 (Break in proceedings.)

25 Q Let me ask you this. You said you'd started

1 considering moving it back to Hampton County because of
2 some things that was happening with another defendant, that
3 being the convenience store in Beaufort County. Is that
4 correct?

5 A You said Hampton and I think you meant Beaufort.

6 Q I'm sorry, let me rephrase that. You're in Beaufort
7 at this point, correct?

8 A No, I'm in Hampton. I filed it initially against
9 Luther's, which was a bar after -- so, the kids launched
10 the boat from Alex's family place and it's owned by a
11 family trust, Murdaugh Family Trust. Maybe there are two
12 properties and there's two trusts. I sued Alex's father, I
13 sued the trust because there could have been that alcohol
14 was provided there. It turned out it wasn't, but the kids
15 drank and launched the boat from there, and then they went
16 an oyster roast. I then sued the people who had the oyster
17 roast. From there they went to a bar called Luther's where
18 Paul had two shots, and so I sued Luther's. And I sued
19 Alex. And I'm not 100 percent certain in that first
20 lawsuit whether I sued Buster or not, but I ultimately did
21 sue Buster.

22 Q You were describing you were in April of 2021. Had
23 you at that point had some thought process that you
24 communicated to the defense about the having the case in
25 Hampton?

1 A Yes, I did.

2 Q Okay, and was it because of some of those things with
3 that other defendant that you had mentioned, without
4 getting into the specifics?

5 A It was, and the motions were coming up. I mean, it
6 was -- you know, I had been gone for four months or
7 whatever it is, four and a half months, and so the motions
8 are set to be heard, and there are a number of motions.
9 Parker's, as I said, had filed this motion to transfer the
10 case to Beaufort before I left.

11 Q As you're thinking about -- as we're in April 2021 and
12 you're thinking about putting it in Hampton, you were still
13 concerned, though, about a case against the defendant in
14 Hampton County, his home county, correct?

15 A Not -- I think you keep -- you're still getting
16 Beaufort and Hampton mixed up, so not exactly. I was --

17 Q All right. Well, you explain it to me if I'm not
18 asking it the right way.

19 A Okay. There was -- there were a number of reasons
20 that I wanted the case in Beaufort. I had substantial
21 evidence. One of the things that we didn't talk about,
22 when you have a seventeen, eighteen, nineteen-year old
23 girl, which I have, she constantly has her phone, she's
24 constantly taking videos. And so one of things that I
25 discovered was is that Paul's girlfriend had tons of

1 videos: videos of alcohol, family trips, videos of Paul
2 drinking in front of his parents, videos of him grossly
3 intoxicated. And so that evidence I shared with Alex's
4 lawyers as well leading up to it. I didn't share it --
5 they didn't serve the same discovery on me because they
6 didn't want the other defendant, Greg Parker's, to have it
7 at that time because they were so entrenched in that there
8 was some sort of venue friendly lawsuit going on between
9 Alex and myself, but there wasn't.

10 Q Okay. As you're considering all of these issues, did
11 you ever convey to the defense any issue about suing any
12 other defendants in Beaufort County if your case was not
13 getting a fair shake in Hampton County?

14 A So, once I made the --

15 MR. BARBER: Objection. Relevance.

16 THE COURT: Ladies and gentlemen, we're going to stop
17 for the day. We're going to resume at 9:30 tomorrow
18 morning. Please do not discuss the case.

19 (The jury left the courtroom.)

20 THE COURT: If everyone will be seated. The nature of
21 the objection?

22 MR. BARBER: Your Honor, as I understand this, the
23 relevance of this for under the State's theory is financial
24 pressure. I mean, they said \$10 million that he expected
25 to be paid. These details about interactions with other

1 defendants, the relevance is just not apparent.

2 THE COURT: And response?

3 MR. WATERS: Your Honor, through my questions I've
4 been trying to minimize getting into the weeds on that. I
5 believe the response that the witness in having the proffer
6 an answer to that particular question is -- communicated to
7 the defense that he, you know, intended to sue Maggie and
8 Paul in Beaufort County if he detected anything that he
9 thought in Hampton County -- that was untoward. And I
10 think that that's specifically relevant to the specific
11 parameters that were rising on this defendant in May of --
12 excuse me, April of 2021.

13 THE COURT: Okay. I think you could have asked him
14 that question, but I agree with the defense. You said
15 you're not trying to get into the weeds, but you're far
16 into the weeds into the other case, and I sustain the
17 objection.

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

19 THE COURT: And we will resume at 9:30.

20 Mr. Harpootlian?

21 MR. HARPOOTLIAN: Your Honor, at some point in this
22 case, the defense would have the opportunity to call
23 witnesses.

24 THE COURT: Yes, sir.

25 MR. HARPOOTLIAN: I'm not sure when that's going to

1 be. Anyway, a number of our witnesses -- and when I say a
2 number, at least four, perhaps five -- are from out of
3 state. They're experts. So, it is prohibitively expensive
4 for us to just fly them in and just have them sit somewhere
5 for a week or two. I'm wondering if we could inquire of
6 the State if there is some end of their case and if they'll
7 predict when it'll happen because, Your Honor, if they tell
8 us they're going to end on -- this is sort of reverse. If
9 they tell us they're going to end on ten days from today
10 and they end eight days from today, we won't have witnesses
11 to put up, so we delay the Court.

12 So -- and it's not -- I've talked to the Attorney
13 General several times and he has been unable to predict to
14 me when that might happen. I thought perhaps -- and I'm
15 not asking that he do that right now, but perhaps he
16 could -- Your Honor could ask him if he could, like,
17 consult with his team and think about when that might
18 happen. And, again, I'm only asking so we don't say we
19 don't have a witness here. They're in Chicago or
20 Connecticut and they to book flight or they have to -- I'm
21 not whining, Your Honor. I'm just saying it's some --

22 THE COURT: It's a reasonable request. I certainly
23 understand.

24 MR. HARPOOTLIAN: I don't hear that much, so thank
25 you.

1 MR. WATERS: Your Honor, I believe, and I think the
2 defense counsel would have to concede, I've been very
3 accommodating with what our next day schedule is and, you
4 know, trying to provide that. I've tried my best to
5 communicate with the defense, and I think you would have to
6 concede --

7 THE COURT: Well, he's not worried about that part.
8 He wants to know when are you going to be through.

9 MR. WATERS: Well, I think, and I'm not -- and I told
10 him. He says I didn't tell them. I told him that, you
11 know, right now I'm thinking at the latest midweek next
12 week. And what I was thinking -- and I told him that
13 earlier today.

14 And again, Your Honor understands these are fluid.
15 Objections can happen, cross-examination happens, *in-camera*
16 proceedings can happen, but that's what I told him.

17 THE COURT: Does that give you a sufficient idea?

18 MR. HARPOOTLIAN: I mean, it gives me an idea, but if
19 as this process goes on, they decide they need to -- again,
20 I said and I accused him of gilding the lily and piling on.
21 It's apparently instinctive. I'm not criticizing it. It's
22 his case -- I am criticizing it; it's his case -- but I
23 just -- and he has -- every day when I asked him who are
24 you calling tomorrow, he has been 100 percent cooperative
25 and we're going to do the same for him. But as we proceed

1 through tomorrow, if he thinks he's going to be done
2 midweek -- Wednesday of next week?

3 MR. WATERS: That's my best assessment right now, yes,
4 sir.

5 THE COURT: Okay. So, what we're going to do is we're
6 going to try to structure a plan where we have available
7 witnesses Wednesday/Thursday that we don't have to fly in,
8 but it may be the following week before we get those folks
9 here, if that makes sense.

10 MR. HARPOOTLIAN: I understand. Well, we'll just need
11 to address it as we go and we can reassess things. Give me
12 some lead time.

13 I am no way criticizing Mr. Waters. I'm not saying
14 that. I'm understand it's fluid situation. I've been
15 where he is. I spent twelve years as a prosecutor; I know
16 how difficult it is to project these things.

17 Having said that, we've been here a little bit longer
18 than we thought we would be. We projected a three week
19 trial and now three weeks for -- tomorrow will be three
20 weeks and we've -- our case is going to take at least, we
21 think, a week. So, we've rented or set aside hotel rooms
22 for a three or four week trial, I think, is the best
23 provision for that, and we're going to try to pare that
24 back. We think the jury may not remember what they heard
25 three weeks ago the further we go on.

1 THE COURT: We'll just revisit the issue perhaps on a
2 daily basis and see how we are going.

3 MR. HARPOOTLIAN: Thank you, Your Honor.

4 (Whereupon, the case was at ease.)

5 FRIDAY, FEBRUARY 10, 2023

6 (Court resumed at 9:30 a.m.)

7 THE COURT: Good morning.

8 You may bring the jury.

9 (The jury returned to the courtroom.)

10 THE BAILIFF: The jury is present, sir.

11 THE COURT: Thank you. Good morning.

12 (The jury responded good morning.)

13 THE COURT: All right, ladies and gentlemen, welcome
14 back to day number fifteen in the State's case.

15 The last objection was sustained. And ladies and
16 gentlemen, I want to remind you when I sustain an
17 objection, that means you are to disregard the question and
18 any response.

19 You may proceed.

20 MR. WATERS: Yes, sir, Your Honor. May it please the
21 Court?

22 The witness, MARK TINSLEY, remained under oath
23 and continued testifying as follows:

24 CONTINUED DIRECT EXAMINATION

25 BY MR. WATERS:

1 Q Mr. Tinsley, good morning.

2 A Good morning.

3 Q Just to kind of reset the table from where we left
4 off, you had testified about pursuing the case against the
5 defendant over the boat wreck, correct?

6 A Correct.

7 Q And you had communicated to the defense that the
8 defendant was going to have to pay personally, correct?

9 A Correct.

10 Q Not just the insurance, correct?

11 A Correct.

12 Q And you had been told that the defendant was broke,
13 correct?

14 A That's correct.

15 Q And you had filed a motion to compel. Had you filed a
16 motion to compel, State's 402, seeking to identify any bank
17 accounts that he had?

18 A In October of 2020.

19 MR. WATERS: Could I have the ELMO, please?

20 (Break in proceedings.)

21 Q All right. I think one of the things that you also
22 had testified to is that generally Covid had kind of slowed
23 things down in the court system?

24 A Ultimately, yes.

25 Q And then you had had some health issues that you were

1 dealing with as well. Is that correct?

2 A At some point, yes.

3 Q All right. At some point in time, did a hearing in
4 the boat case that would include a hearing on this motion
5 to compel that's on the screen get scheduled?

6 A It did.

7 Q And when did it initially get scheduled?

8 A My recollection is it was set for May the 30th of
9 2021.

10 Q All right, and let me show you an exhibit real quick.
11 I'm going to show you what has been marked as State's 404
12 and see if you recognize this document.

13 A I do.

14 Q All right, and what is that?

15 A That is a communication about the hearing. It's
16 actually about a status conference about the hearing that's
17 going to be on May the 30th.

18 Q Okay. All right, and what was the date of that status
19 conference going to be?

20 A May the 7th of 2021.

21 Q All right, and then look at the subject line on that
22 and just take a look at that real quick.

23 A Motions hearing May the 11th.

24 Q Yeah. Was that the date or was it May the 30th for
25 the motions hearing to your recollection?

1 A To my recollection it's May the 30th.

2 Q All right. But this email is related to that
3 particular hearing. Is that correct?

4 A It's related to the hearing on my motion to compel and
5 some other hearings, yes.

6 Q All right.

7 MR. WATERS: At this point, Your Honor, I would move
8 to admit State's 404, I believe, without additional
9 objection.

10 MR. BARBER: No additional objection.

11 THE COURT: It's admitted.

12 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 404 WAS
13 RECEIVED INTO EVIDENCE.)

14 Q And is that the particular email we were just
15 discussing?

16 A It is, and you are correct. The hearing was May the
17 11th.

18 Q May the 11th?

19 A Yeah.

20 Q Okay. Having seen that, it kind of refreshes your
21 recollection?

22 A Yes.

23 Q I'm going to show you now what's been marked as
24 State's 405, and I'll have you take a look at that and see
25 if you recognize this.

1 A I do.

2 Q All right, and tell me what this is, please.

3 A It is an email from Judge Hall, who had been assigned
4 the case, about the hearing. John Tiller, who is Alex's
5 lawyer in the boat crash case, was diagnosed with
6 pancreatic cancer about the same time just before I found
7 out I had cancer. And so he had a chemotherapy treatment
8 that was going to run long the day of the hearing. He
9 didn't always know when his treatments would be, but about
10 a week before he would know, and so the hearing needed to
11 be rescheduled to accommodate John's treatment.

12 Q All right, and just initially when that request was
13 made, what was the judge in that case's response?

14 A The hearing would go forward as scheduled and one of
15 Alex's other lawyers could attend.

16 Q All right. So, initially the judge denied that
17 continuance request. Is that correct?

18 A That's correct.

19 Q And what happened after that that ultimately resulted
20 in it being continued?

21 A I sent an email. John Tiller was my friend and I
22 didn't object to continuing it. And then the judge had a
23 status conference, and at that point we continued the
24 hearing until June the 10th.

25 Q In the course of this litigation, given that we were

1 coming out of Covid, had the judge in that particular case
2 been relatively aggressive in wanting to move this case
3 forward, to your assessment?

4 A The judge knew that I was in Florida receiving
5 treatment and was accommodating that, so, no, he wasn't
6 being aggressive at that time. It was when I was ready to,
7 and so I was back and we were ready.

8 Q And that's what led to this initial hearing. Is that
9 correct?

10 A Correct.

11 Q But ultimately you agreed to let this thing be
12 continued, correct?

13 A I did.

14 Q All right.

15 MR. WATERS: Your Honor, at this time I would offer
16 State's 405 into evidence.

17 MR. BARBER: No addition objection, Your Honor.

18 THE COURT: It's admitted.

19 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 405 WAS
20 RECEIVED INTO EVIDENCE.)

21 Q And down at the bottom of this email chain, what's the
22 date on that? Can you read there on your screen or do I
23 need to bring it back to you?

24 A May 5, 2021.

25 Q And that's communication from whom?

1 A That's from John Tiller to Judge Hall.

2 Q All right.

3 A And that's relaying the need for the postponement for
4 the chemotherapy treatment.

5 Q All right, and then there was communications from you
6 relating to that. Is that correct? Well, let me go right
7 here. This is the response right there, is that correct,
8 from Judge Hall?

9 A That's the initial response that he intended to go
10 forward with the hearing as scheduled, and that Mr. Condon
11 from the same firm could handle it.

12 Q I'll show you now what's been marked as State's 406
13 and see if you recognize this particular document.

14 A I do.

15 Q All right, and what is this? Tell the jury what this
16 is, please.

17 A That's an email from John Tiller. So, after the email
18 that's on the screen saying I intend to go forward, John
19 Tiller sent another email explaining a little more detail
20 what's going on and that he had -- I believe it says he had
21 spoken to me and I had agreed. They were my motions.
22 There was some other motions, but when it's your motion,
23 you can agree to continue it if a party wants it continued
24 and you don't object, and so that's what that's doing is
25 it's trying to get the judge to not go forward with the May

1 the 11th date.

2 Q All right.

3 MR. WATERS: Your Honor, at this time I would offer
4 State's 406 into evidence.

5 MR. BARBER: No additional objection.

6 THE COURT: It's admitted.

7 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 406 WAS
8 RECEIVED INTO EVIDENCE.)

9 Q All right, and the date on that particular email is?

10 A May the 6th, 2021.

11 Q Did -- the judge ultimately, though, based on this
12 series of emails, granted the continuance on this motions
13 hearing, correct?

14 A Well, he gave us a status conference in which I -- we
15 did by video and ultimately agreed.

16 Q Okay, and what day was the motions hearing that
17 included the motions to compel reschedule for?

18 A June 10, 2021.

19 Q Going back to State's 402, one of the matters that was
20 on the table to be heard would have been your attempt to
21 get compelled responses to this interrogatory from the
22 defendant, correct?

23 A That's correct.

24 Q Seeking identification of his bank accounts.

25 A That's correct.

1 Q Do you remember what day of the week June 10, 2021,
2 would have been?

3 A I believe it's a Thursday.

4 Q How did you hear about the murder of Maggie and Paul?

5 A I got a phone call some time in the middle of the
6 night. 11:30 is my recollection.

7 Q And that was on June 7, 2021?

8 A That's right.

9 Q Into June 8, 2021?

10 A I think I heard it -- it was still June 7th when I
11 hear about it, but yes.

12 Q On June 8, 2021, did you have any conversations with
13 any of the lawyers involved in the boat case or any
14 communication?

15 A I believe so. I think that it was more of there
16 wasn't a whole lot of consideration to be given to the fact
17 that the hearing wasn't going to go forward. It was sort
18 of shock and horror of what had happened, and nobody really
19 knew what to do in the moment.

20 Q Of course that hearing is not going forward after
21 this, correct?

22 A It did not.

23 Q I'm going to show you what has been marked as State's
24 407 and see if you recognize that particular document.

25 A I do. This is an email from Judge Hall's law clerk --

1 you know Judge Hall is over the boat crash case -- to me
2 and the lawyer for Parker's, as well as -- about the fact
3 that the hearing is not going forward.

4 MR. WATERS: Your Honor, at this time I would offer
5 State's 407.

6 MR. BARBER: No additional objections.

7 THE COURT: It's admitted.

8 (EMAIL MARKED AS STATE'S EXHIBIT NUMBER 407 WAS
9 RECEIVED INTO EVIDENCE.)

10 Q What's the date of that email?

11 A June the 8th of 2021.

12 Q At what time?

13 A 4:24 p.m. I think there's an email from John Tiller
14 that precedes this one that morning, but --

15 Q Right, but ultimately there are communications the
16 following day that obviously we're not going forward with
17 this hearing on the motion to compel, correct?

18 A Yeah, pretty much immediately.

19 Q And at that period of time, was there any date set in
20 the wake of all of this for it to be reheard?

21 A There was not.

22 Q In the wake of the murders, did you generally
23 understand or have an idea of at least what had happened to
24 Maggie and Paul, how they'd been killed --

25 A I did.

1 Q -- just media reports and the rest of it?

2 A That's right.

3 Q And did that have any affects, that tragedy of their
4 deaths, did that have any affect on your assessment of the
5 boat case and how everything fit together, if things were
6 how they initially appeared?

7 A It would have affected -- I mean, yes, it did, and it
8 would have ended the case.

9 Q It would have ended the case against who?

10 A Against Alex Murdaugh.

11 Q And explain that to the jury. Why? What had changed
12 after this terrible tragedy?

13 A Well, when you have a civil case, if you -- nice
14 people get good verdicts, okay, just generally speaking.

15 THE COURT: If you could speak in the microphone.

16 THE WITNESS: Yes, sir.

17 A Nice people get good verdicts. You really have to
18 motivate a jury to want to help somebody in a civil case,
19 and so if you compared say Atilla the Hun with some sweet
20 grandmother, who gets a better result? It's the sweet
21 grandmother.

22 If Alex is the victim of a vigilante, nobody is going
23 to hold him accountable. It doesn't make any difference
24 what he did or how clearly what he did contributed, the
25 case would be over against Alex.

1 And so initially it was -- it could have been over,
2 and it appeared that it was going to be over against Alex
3 because I had other defendants. I had Parker's Convenience
4 Store that had clearly violated its rules, and so you
5 wouldn't want a very sympathetic person in your case when
6 you have somebody who clearly violated the rules and caused
7 this tragedy. So, I -- it would have been over against
8 him.

9 Q The sympathies of the case had changed if Alex had
10 truly been -- his family had been the victim of some
11 vigilante or something like that?

12 A The sympathies would have changed if that would have
13 been true.

14 Q Okay, and assessing those sympathies and those
15 emotions in a case like this is what you do as a
16 plaintiff's lawyer. Is that correct?

17 A It's what we try to do.

18 Q And it's one Alex Murdaugh used to do as well when he
19 was a plaintiff's lawyer?

20 A I think he was good at reading people and knowing what
21 made them tick.

22 MR. WATERS: Thank you, Mr. Tinsley. Nothing further
23 at this time. Please answer any questions that the defense
24 may have for you.

25 THE WITNESS: Thank you.

1 THE COURT: Mr. Barber.

2 CROSS-EXAMINATION

3 BY MR. BARBER:

4 Q Good morning, Mr. Tinsley.

5 A Good morning.

6 Q I'll just maybe just start asking a couple of
7 questions that I think are just some things that we could
8 agree on before maybe getting to some other things. Was
9 there any life insurance for Maggie or Paul?

10 A I don't believe there was any life insurance on
11 anybody, including Alex.

12 Q And if this motion hearing, which was not just the
13 motion to compel -- it was other motions, correct, on June
14 the 10th?

15 A Yeah, there were some other motions.

16 Q And if that hearing had gone forward, at least for the
17 motion to compel, this would have been another step in the
18 process, right? In other words, I believe it was your
19 previous testimony:

20 I think it's fair to say that there wouldn't have
21 been an explosion on June the 10th. That this
22 would have been another step, but it wasn't the
23 end point.

24 A So, what happens --

25 Q Is that correct, sir? Yes or no. Am I misstating

1 your testimony, there wouldn't have been an explosion on
2 June the 10th?

3 A You're jumping around so it's hard for me to follow
4 you.

5 Q I apologize.

6 A If you'd let me finish.

7 MR. WATERS: Your Honor, I would like to ask that the
8 witness be allowed to finish his answer to one of those
9 questions, and I object --

10 THE COURT: Pose one question.

11 MR. BARBER: Yes, Your Honor.

12 Q Did you previously testify: I think that it's fair to
13 say there wouldn't have been an explosion on June the 10th?
14 Yes or no?

15 A I'm sorry, you're looking down. I couldn't hear what
16 you said.

17 Q I'm sorry. I was trying to -- I'm reading it: I think
18 -- I think it's fair to say there wouldn't have been an
19 explosion on June the 10th. Was that your -- did you
20 testify -- did those words come from that stand when you
21 previously testified? Yes or no.

22 A I'm not trying to give you a hard time. You looked
23 down again and I could not understand what you said. Was
24 there an explosion?

25 Q I apologize for that. I'll hold it up. I'm just

1 trying to read it accurately: I think it's fair to say that
2 there wouldn't have been an explosion on June the 10th.
3 Yes or no, was that your testimony previously? It is just
4 yes or no, please.

5 A It's possible. You're trying to turn it into
6 something it's not, but I probably said words to that
7 effect.

8 Q Okay.

9 MR. BARBER: No further questions, Your Honor.

10 THE COURT: Any redirect?

11 REDIRECT EXAMINATION

12 BY MR. WATERS:

13 Q You were asked about the motion to compel being
14 another step in the process. Is that correct?

15 A It was a way to put pressure on Alex.

16 Q But if after that hearing happened and an order
17 granting the motion to compel had been issued, that starts
18 a process that's going to run its course. Is that correct?

19 MR. BARBER: Objection. Leading.

20 Q If an order is --

21 MR. WATERS: I'm sorry. I'll rephrase.

22 Q If a order to compel is granted, tell us about the
23 process that happens after that as it relates to your
24 specific interrogatory we've talked about here today.

25 A Sure. The process starts on Alex's side way before.

1 If you look at those exhibits that they marked, the email,
2 you'll see Danny Henderson -- again, Danny Henderson was
3 his personal lawyer. Danny Henderson is also a shareholder
4 in the firm. Danny Henderson is reviewing every single
5 document, every single -- that's how meticulous Danny
6 Henderson is. He reviews all of the account information
7 before I get it, and nobody knows better what Alex is
8 making than Danny Henderson. You'll see all of these
9 checks going out and all of these payments being made, and
10 Danny Henderson would have known. So, the explosion --

11 MR. BARBER: Your Honor, object. Your Honor,
12 objection.

13 THE COURT: Basis for the objection?

14 MR. BARBER: Foundation.

15 THE COURT: Response?

16 MR. WATERS: Your Honor, he is speaking of --

17 THE COURT: I understand what he's speaking of.
18 Response to the objection.

19 MR. WATERS: He has testified as to the fact of his
20 interactions with that individual who actually brought him
21 insurance documents to review. I think he has a basis to
22 know --

23 THE COURT: The objection is foundation, and your
24 response to the objection?

25 MR. WATERS: I believe he has sufficient foundation to

1 address that from his personal knowledge, Your Honor.

2 THE COURT: All right. I overrule the objection. You
3 may answer.

4 THE WITNESS: Thank you, Your Honor.

5 A For instance, I had subpoenaed the phone records, not
6 only Alex's, his fathers's, but we had also had John
7 Marvin, Alex's brother's, phone records. Danny reviewed
8 those records for a long time before I could get my hands
9 on them. Danny was involved in everything. He was at
10 every hearing; he was at every deposition. He was
11 intimately involved in every aspect of the case.

12 Q If an order to compel is issued, what was going to be
13 your next step if you had an identification of accounts by
14 the defendant?

15 A Subpoena those accounts.

16 Q All right, and if those accounts were subpoenaed, can
17 potentially people move to quash those?

18 A They could move to quash, but Danny Henderson would
19 have looked at the documents in anticipation that I could
20 get them.

21 MR. BARBER: Objection, Your Honor. Speculation.

22 THE COURT: I sustain the objection.

23 Q If motions to quash had been filed, though, you could
24 have continued to seek that and there would have been
25 further hearings. Is that correct?

1 A I would have continued --

2 MR. BARBER: Objection, Your Honor. Leading.

3 THE COURT: The objection is sustained as to leading.

4 Q What would have happened if motions to quash were
5 filed as to any subpoenas you issued to -- for the specific
6 information about the defendant's accounts?

7 A I would have continued to push, and we would have
8 continued to argue about it.

9 Q All right. Would a process have been put in motion,
10 though, that was going to conclusion if an order had been
11 issued on June 10th of 2021?

12 A Absolutely.

13 MR. WATERS: Thank you. Nothing further.

14 THE COURT: Anything further?

15 MR. BARBER: No, Your Honor.

16 THE COURT: You may step down.

17 THE WITNESS: Thank you.

18 (The witness exited the stand.)

19 THE COURT: You may call your next witness.

20 MR. MEADORS: May it please the Court?

21 THE COURT: Yes, sir.

22 MR. MEADORS: Your Honor, at this time the State of
23 South Carolina calls Ms. Blanca Simpson.

24 The witness, BLANCA TURRIBIATE-SIMPSON, was first duly
25 sworn and testified as follows:

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

3 THE WITNESS: My name is Blanca Turrubiate-Simpson.
4 T-u-r-r-u-b-i-a-t-e S-i-m-p-s-o-n.

5 DIRECT EXAMINATION

6 BY MR. MEADORS:

7 Q Good morning.

8 A Good morning.

9 Q Is this difficult for you to be here today?

10 A Yes, sir, it is.

11 THE COURT: Pull the microphone just a little bit.
12 There you go.

13 Q Will you please tell the ladies and gentlemen of this
14 jury, Ms. Simpson, about yourself, where you're from, your
15 family if you want to, and just kind of what you've been
16 doing in life leading up to today generally, please?

17 A Yes, sir. I'm originally from Brownsville, Texas. I
18 joined the military at the age of seventeen. I was in
19 Norfolk, Virginia, for almost nine and a half years. I was
20 stationed on a USS Peterson, USS Shenandoah, Naval Air
21 Station Oceana right before I left.

22 Q And what did you do there?

23 A Heavy equipment operator.

24 Q Okay.

25 A And my husband was also heavy equipment operator. We

1 were both in the same field. We decided that the military
2 was just not going to be a good environment for raising
3 children, so we made a decision. Instead of moving to
4 Texas, we moved to South Carolina where he was from. And
5 we have five children: thirty-four, thirty-one, twenty-
6 three, twenty-one, and a seventeen year old. They've all
7 been raised down here in South Carolina.

8 Q Any of them still at home?

9 A Yes, sir, the seventeen year old.

10 Q All right. Where was your husband from? You said he
11 moved back home. Where was he from?

12 A My husband is originally from Gifford, South Carolina.

13 Q Say that again.

14 A Gifford, South Carolina.

15 Q Gifford, and what does he do?

16 A He's a police officer for Hampton.

17 Q When you came to South Carolina, you'd never been
18 here, correct?

19 A No, sir.

20 Q What did you do when you got here besides the hardest
21 job in the world, being a mom and raising kids? What else
22 did you do?

23 A When we moved here, we had enough leave built that we
24 didn't have to work for almost two months. So, I went
25 to -- after about a week, I kind of got bored because I'm

1 used to have hands on doing something. So, I went to the
2 local Piggly Wiggly store in town and I asked the -- I
3 didn't know he was the owner at the time. I realized he
4 was the owner after, if I could get a job because I was
5 bored and --

6 Q How many kids do you have?

7 A I have five, but I only had the two oldest ones at
8 that time. And so he said the only job he had was a
9 stocker, and I actually had no idea what that meant because
10 I had just graduated high school and went in the military,
11 so I didn't know. But I told him I would take it as long
12 as he would get me out of the house for a little bit. So I
13 took that job, and then within a week I got a call from
14 another job that I had put in where it was brazing or
15 welding at Scottsman, which is in Allendale County. And I
16 figured, well, it offers benefits and it would be a better
17 transition for the kids, dental, you know, that sort of
18 thing, so I went there. After about two weeks another job
19 called me and had better dental, medical benefits for my
20 kids.

21 So, that was the first time I ever -- well, I went to
22 work for the South Carolina Department of Corrections. I
23 opened up Ridgeland Correctional Institution. I was the
24 first class to graduate from Ridgeland Correctional
25 Institution. I worked my way up from correctional officer

1 to Sergeant. I managed the outside details and the road
2 crew on the interstate, also a crew that would go out to
3 Hunting Island for maintenance to assist with the park
4 rangers.

5 In 2001 I was offered a job at the Federal Bureau
6 Prisons, and I accepted the job. So, I left Ridgeland
7 Correctional Institution and went to work for FCIS at a
8 federal correctional institution in Ashland, South
9 Carolina, where I stayed until 2007. My job basically had
10 started back from the bottom as a correctional officer, and
11 before my year is up I got promoted to the Special
12 Investigative Support Tech Office, where I was responsible
13 for managing -- well, producing reports, weekly reports,
14 and also profiling the Hispanic gangs because there was not
15 a lot of staff members that were bilingual. So, my job
16 basically became profiling, interviewing, and associating
17 members -- the inmate population with gangs.

18 Q And how long did you do that?

19 A From 2001 to 2007.

20 Q Not that anybody cares, but is that when I first met
21 you?

22 A Yes, sir.

23 Q Did you help me arrange a meeting with a prisoner I
24 needed to interview?

25 A Yes, sir.

1 Q Why did you leave that job?

2 A Just -- when you're the only -- one of the only ones
3 in the office that's bilingual and you're constantly
4 getting called out for different incidents dealing with the
5 Hispanic population that had grown up quite a bit from the
6 time I got there, and still having to do your daily duties
7 in the office and nobody is helping you, you tend to burn
8 out pretty quick, so --

9 Q So, if an incident --

10 A -- I made a decision to leave.

11 Q So, if an incident happened when they needed a
12 translator, your phone --

13 A I was -- I had to stop what I was doing and respond to
14 whatever incident with the Hispanic inmates.

15 Q What did you do after that?

16 A I went into real estate for a little bit, which was
17 not so good because that's when the market crashed.

18 Q And again from -- well, for the jury's edification,
19 what year is this when you quit the prison and --

20 A 2007.

21 Q And you're living where?

22 A In Brunson.

23 Q I'm sorry?

24 A Brunson.

25 Q So, how long did you stay in real estate?

1 A Maybe about a year and a half.

2 Q Your family is grown at this point, I presume?

3 A Yes, sir.

4 Q And did there come a point that you met the defendant,
5 Alex Murdaugh?

6 A Yes, sir.

7 Q Can you tell them how that happened, tell the ladies
8 and gentlemen how that transpired?

9 A When I first moved to Gifford with my husband, like I
10 said, I was bored, so I went to work at the grocery store.
11 At the grocery store -- and during the time that I moved,
12 there was not a lot of Hispanic families living in that
13 area. It has since grown in the years. I met a lady who I
14 befriended. You know, she was Hispanic, and we started
15 talking because she was the only other Hispanic person that
16 I had actually seen in the area. So, we started talking
17 back and forth, and it was nice to speak in your native
18 tongue with somebody.

19 And her son had an accident at the school, on his way
20 after school walking to the car, and he had gotten hurt.
21 One of the ladies that worked at the school had recommended
22 that she use an attorney from Walterboro, and a couple
23 months had gone by and I noticed that there was -- she was
24 under a lot of stress, and as she -- as I talked to her,
25 she said I just have to get all of these documents I don't

1 understand. She still -- she spoke English but it was very
2 broken English, so she was having a difficult time
3 explaining what she needed for the attorney. So, I told
4 her. I said, well, I'm going to find you an attorney.
5 I'll look around, I said, and we'll go ahead and fire that
6 attorney, hire you a new one. And -- because we didn't
7 want the statute of limitations to run out on her case.
8 So, at that point I started looking around, and I happened
9 to walk into the law firm, and it was the old offices,
10 where I met Alex.

11 Q Just walked in and that's where I met the defendant,
12 Alex Murdaugh?

13 A Yes, sir.

14 Q And you were trying to assist this individual who was
15 having -- communicating with her prior attorney, don't
16 mention whoever that attorney was, but you helped her get a
17 new attorney?

18 A Yes, sir.

19 Q Did you help with that case, that particular case with
20 this friend?

21 A Yes, sir. He told me he would take the case --

22 Q Who is he? Who's telling --

23 A Alex told me he would take the case as long as I
24 translated and helped them with the details because he
25 didn't have anybody in the office that was bilingual, and I

1 agreed.

2 Q You were a hot commodity, weren't you? And there was
3 a need for translators.

4 A Yes, sir.

5 Q So, you helped with that case.

6 A Yes, sir.

7 Q Did you assist in other cases with Alex Murdaugh?

8 A Yes, sir, I did. At times Alex would call me and ask
9 if I could assist in translating, or when there were
10 accidents and the folks were injured and if they were
11 not -- if they did not speak the English language, he would
12 ask me to translate.

13 Q And were you getting paid for this service?

14 A Yes, sir, and he would -- it wasn't a set fee. It was
15 just depending on the case, you know, whatever I did.
16 Whether it was to get them signed up with the law firm,
17 basically, you know, or if I had any type of -- in the
18 Hispanic community when you're in trouble or you're in need
19 of something, and a lot of times those accidents, when they
20 happen in the area, they are not from here, the language
21 barrier is a big thing for them. So, my instinct was more
22 to make sure they were well accommodated in whatever they
23 needed. So, sometimes he would reimburse me for my out of
24 pocket whenever I helped the individuals, you know, who are
25 in the accident.

1 Q And that went on for a period of time when you were
2 assisting either Alex Murdaugh or the law firm. Is that
3 correct?

4 A Yes, sir.

5 Q Did that change into a caregiver, if you will, or --
6 respectfully, I don't mean housekeeper or whatever term you
7 would like to use for Maggie Murdaugh?

8 A Yes, sir. Alex had called me and said Maggie was
9 looking for a person to help her in the home. And at that
10 point, real estate wasn't really doing much for me, and so
11 told him I couldn't find anybody. I had asked around. And
12 at that point I told him, I said, well, I'll help her. And
13 he was, like, are you sure? I was, like, yeah, I'll help
14 her. I said it's no big deal to me. It's honest work, so
15 I said that I would help her.

16 Q You were clearly qualified.

17 A Yes, sir.

18 Q So, what did you start doing either for the Murdaughs
19 or Maggie Murdaugh?

20 A I started helping the other ladies in the house with
21 the cleaning, with running errands, running to the bank for
22 her, whatever she needed me to do.

23 Q When did that start, Ms. Blanca?

24 A In 2007.

25 Q And were the two young children, or the two children,

1 Paul and Buster Murdaugh, were they younger at -- obviously
2 they're younger when you --

3 A Yes, sir, they were young.

4 Q And would you have interaction with them and/or Alex
5 Murdaugh during this time period?

6 A Yes, sir.

7 Q How often were you working for the Murdaughs?

8 A At that point it was maybe every other day depending
9 on how often she needed me.

10 Q And where was that? Where specifically were you
11 working? Where was her house?

12 A At the house on Holly Street in Hampton.

13 Q Okay. How long did that go on before you stopped?
14 Tell them why you stopped.

15 A I worked there with them on and off like I -- not on
16 and off, I shouldn't say that. Every two to three days,
17 you know. It wasn't a day thing at that point. Then I did
18 go probably about maybe -- I can't recall whether it was a
19 few months later or a couple of -- or a couple weeks later,
20 there was an incident at the house and somebody had tried
21 to burn the house, so that's when I actually went and
22 started helping her more full-time. Because she had to go
23 through a lot of the damages and all that, I helped her
24 document a lot of whatever damages were done from the
25 diesel oil and stuff that was spilled all throughout the

1 house by the individual.

2 Q And maybe I wasn't clear in my question. Did there
3 come a point where you had some health issues?

4 A Yes, sir. At one point I suffered a stroke, and I had
5 to stop working and go through rehab for awhile.

6 Q What year was that? '17 and '18 maybe?

7 A Yes, sir. Yes, sir.

8 Q So, prior to your stroke and you had to go to rehab,
9 how long had you worked for the Murdaughs?

10 A It was a few years by then.

11 Q How long were you out after you had your stroke,
12 Blanca?

13 A Maybe almost four years.

14 Q Did there come a point where you went back and started
15 working with Alex -- with the Murdaugh family?

16 A Yes, sir.

17 Q And tell these folks when that was.

18 A Shortly after the boating accident, I reached out to
19 Alex and Maggie and I told them if they needed anything,
20 that they could call on me, and at that point Maggie said
21 that she would like for me to come back if I was able to,
22 so I told her I would. At that point I was feeling better,
23 so I told her that I would go back. And once I went back,
24 it was like I actually never left.

25 Q I was just informed your stroke was in 2015, not 2017,

1 I apologize.

2 A Yes, sir.

3 Q So after your recovery, you started working and
4 actually called them, the Murdaugh family, and said if
5 y'all need anything --

6 A If y'all need anything, you know, I'm here.

7 Q And I don't think anybody will dispute that was in
8 February of 2019?

9 A Yes, sir.

10 Q That time period?

11 A Yes, sir.

12 Q Okay. So, when you went back to work with the family
13 after the boating accident, tell these folks, what were
14 your duties then? What was your job?

15 A I started right back at the same thing. I was helping
16 with the cleaning, I was helping running errands, I would
17 cash checks. I would -- and when I say by cashing checks
18 for Maggie, sometimes she didn't have time or she was busy
19 doing others things, so she would send me to the bank to
20 cash checks to pay them -- people that she had working
21 around the house. The --

22 Q And what -- go ahead, I'm sorry.

23 A The maintenance, you know, that sort of thing,
24 whatever she was doing around the house.

25 Q Okay, and where were they living, the Murdaugh family,

1 at this point in 2019?

2 A Both places.

3 Q Okay. Tell the folks where both places --

4 A Moselle and Hampton.

5 Q So, you're working at both residences?

6 A Yes, sir, both.

7 Q And did there come a time where they moved exclusively
8 for the primary residence to -- where was their primary
9 residence?

10 A Their primary residence was Holly Street, and once
11 they sold the house, they moved straight into Moselle
12 full-time.

13 Q We haven't heard much about Maggie, and I'm limited to
14 what I can say in a murder case, but did y'all get fairly
15 close?

16 A Yes, sir.

17 Q And when you had quit working for her and you had your
18 stroke, did you ever see her during that time period when
19 you weren't working for her?

20 A Yes, sir. Maggie would -- I would see her in town and
21 she would often signal me to pull over, so we just used to
22 stop sometimes and just talk and see how things were going
23 at the local CVS.

24 Q Just to catch up?

25 A Just to catch up and see how everything was doing.

1 Q And prior when you were working and after, would
2 you -- I'm not asking you to say what, but y'all got close
3 and would talk personal things.

4 A Yes, sir.

5 Q I would like for you to go back in your mind now and
6 take this jury back to June 7, 2021.

7 A Yes, sir.

8 Q You were working there for the Murdaughs then?

9 A Yes, sir.

10 Q That's a Monday, we all know that, June 7th?

11 A Yes, sir.

12 Q When had you worked prior to that at the Moselle
13 property for them?

14 A Friday.

15 Q Friday. Okay, and at that point had you seen -- what
16 family members did you see at Moselle on Friday, which
17 would have been the June 4th of 2021? Do you remember?

18 A Paul.

19 Q Okay, and what was your interaction with Paul that
20 day?

21 A Paul walked through the door, his usual self. I was
22 walking out of the laundry room coming into the kitchen,
23 and Paul came in the front door and he was holding a
24 laundry basket full of clothes, and as he was approaching
25 me, he saw me and he said what's up, Ms. B? And I just

1 looked at him and I said boy, I said, if you got all them
2 dirty clothes and you want me to take care of that, I said,
3 I'm getting ready to leave. He's, like, oh, come on,
4 Ms. B. You can help me out. He said I need them for the
5 weekend. I said, well, just pull a couple of them out,
6 what, you need and I'll take care of it. And I ended up
7 staying late to make sure that he had his clothing ready
8 for the weekend.

9 Q So, did you wash the clothes for the entire family?
10 Was that part of your --

11 A Yes, sir, I did.

12 Q And did Paul leave that Friday?

13 A I saw him leave. I don't know whether he was gone for
14 the weekend or if he was still --

15 Q Okay, and did you ever see him again?

16 A No, sir.

17 Q Did you have regular hours in June of 2021 that you
18 worked at Moselle for the Murdaugh family?

19 A There weren't set hours. Maggie was pretty -- she was
20 just easy going. If I had stuff to do, if I had stuff to
21 take care of, she wasn't really too keen on any specific
22 hours. So, you know, if I had a doctor's appointment or if
23 I had anything she would be, like, okay. Her main thing
24 was -- her main comment to me always was no worries.

25 Q No worries?

1 A No worries.

2 Q Well, June 7th specifically, were you scheduled to
3 work at Moselle?

4 A Yes, sir.

5 Q And did you have contact with Ms. Maggie Murdaugh
6 sometime prior to getting to Moselle that morning?

7 A Yes, sir.

8 Q And I think it's in evidence, but tell these folks
9 what contact you had with her.

10 A She --

11 Q What type of contact, I'm sorry.

12 A She texted me and asked me if I could stop at the
13 grocery store on my way to Moselle because Alex wanted some
14 Capri Suns.

15 Q Wanted some what?

16 A Capri Suns. He didn't -- she said apple -- I believe
17 she said pineapple first and then she came back with
18 another text and said no, he wants orange. I believe
19 that's what he said. That's what the text said.

20 Q And did you try to get some orange Capri Suns?

21 A Yes, sir.

22 Q Where did you go?

23 A I went to the Food Lion.

24 Q Were you successful in your search for orange Capri
25 Suns?

1 A No, sir.

2 Q I'm going to show you what's marked as State's 54,
3 Ms. Blanca -- excuse me, Defendant's 54 for the record.
4 Did you have any other texts with Ms. Maggie before you got
5 to Moselle?

6 A Yes. Maggie told me she had to go to a doctor's
7 appointment, and she said that -- in the text Maggie said
8 Alex wants me to come home. And she said -- and in the
9 phone conversation she told me, she said I left some food
10 in the refrigerator. Is there any way that you can cook?
11 Paul likes the way you cook. And so -- she said because I
12 don't think I'll be back in time. I said yeah, sure. I
13 said I'll do it. So, it was nothing -- I'd finished what I
14 was doing. Then I started cooking, making sure the meal
15 was ready for when Paul and -- they arrived at home that
16 afternoon.

17 And we had another conversation on the phone where she
18 told me, she said, Alex wants me to come home. And she
19 kind of sounded like she didn't want to come home, and
20 she -- because she really liked being at Edisto, and they
21 had a lot of work that was going on, and she was trying to
22 make sure everything was ready for the 4th of July
23 gathering that they -- she was planning. So, she wanted --
24 she was very detailed oriented, and so she wanted
25 everything perfect. So, she was kind of -- she sounded

1 like she was a little disappointed, and then she said,
2 well, Alex asked Paul to come home, too, because he's got
3 to fix the mess up out there that the -- that C.B. had
4 done.

5 Q Is that C.B. Rowe?

6 A Yes, sir, and he said Alex had told Paul to come and
7 fix it because they were planning on having a hunt that
8 weekend, so he wanted everything ready and good to go.

9 Q So, he had asked Maggie to come, and then he had asked
10 Alex to come -- excuse me, Paul to come?

11 A Paul. That's what Maggie told me over the phone.

12 Q In looking at State's -- excuse me, Defendant's 54,
13 can you read that?

14 A She said:

15 Thank you. I'm waiting at doctor. Alex wants me
16 to come home. I had to leave door open at Edisto
17 but trust Mexicans to shut and lock for me. His
18 dad is back in the hospital. The last
19 doctor claims not cancer, pneumonia.

20 And then she's got some emojis. She said:

21 "Alex is about to die. I hope he doesn't go down
22 there to sleep, needs to take care himself as
23 well.

24 Q And when she said I trust the Mexicans to leave the
25 door open, that didn't bother you.

1 A No, sir.

2 Q Okay. When she said -- I guess my question is you
3 didn't think she wanted to --

4 THE COURT: Mr. Meadors, you're standing in front of
5 some jurors.

6 MR. MEADORS: I'm sorry. I apologize.

7 Q When you -- you just testified you didn't think she
8 wanted to come home. Was she getting -- was work being
9 done at Edisto?

10 A Yes, sir.

11 Q Okay, and did she like being at Edisto?

12 A Yes, sir, she did.

13 Q And when would she stay at Edisto?

14 A Any chance she had.

15 Q Well, was there a time of the year that she liked
16 being there more than other times?

17 A Yes, sir. Come around spring/summer she preferred to
18 be in Edisto.

19 Q And, I guess, was she at Edisto the night -- Sunday
20 night, or do you know? Where was she Sunday night?

21 A I'm not sure --

22 MR. HARPOOTLIAN: Objection, Your Honor. Calls for
23 speculation, what she knows.

24 THE COURT: She can answer if she knows.

25 A I'm not sure.

1 Q Were you on schedule June 7th time wise? Were you
2 running late? Were you -- what time were you supposed to
3 be there at Moselle?

4 A I didn't have a set time to be there.

5 Q After you and Maggie talked and texted, did you go to
6 Moselle?

7 A Yes, I did.

8 Q And when you got there, was Maggie there?

9 A No, sir. She had just left.

10 Q Was Paul there?

11 A No.

12 Q Okay. Was the defendant, Alex Murdaugh, there?

13 A Yes, he was.

14 Q When you walked in the house, was he up?

15 A No, sir. He was in bed.

16 Q He was in bed. Based on the time you spent there and
17 your experience with the defendant, Alex Murdaugh, was he a
18 morning person?

19 A No, sir.

20 Q So, how long were you there working before you saw
21 Alex Murdaugh that morning on June 7th of '21?

22 A Probably a couple of hours.

23 Q And can you tell these folks, did there come a point
24 that morning where he left the house, Alex Murdaugh? Did
25 he leave and go to work or wherever?

1 A Yes, he did.

2 Q And can you tell them what he was wearing, Alex
3 Murdaugh, the best of your memory when he left Moselle?

4 A He had a pair of khaki pants, a greenish -- I call it
5 sea foam color polo shirt, and he put a sports coat, a blue
6 sports coat over it. And he put his shoes on, which were
7 usually right there next to a dresser that they had right
8 there in the living room area. That's where his shoes used
9 to go right there. So, he just used to kind of slide his
10 shoes on on his way out the door.

11 Q Do you remember what type shoes he had on June 7th of
12 2021 when he left?

13 A His regular work shoes, the brown -- it was a pair of
14 brown leather shoes.

15 Q Was it a long sleeve shirt or a short sleeve shirt
16 that he left on?

17 A The polo is a short sleeved shirt.

18 Q Okay, and staying out of everybody's view, do you
19 remember anything specifically about that shirt?

20 A As he put his coat on -- he was putting his shoes on
21 and he was trying to -- putting his coat on, and he was
22 getting ready to walk out, he turned around and I said
23 Alex, I said, hold on a minute. I said your collar is
24 sticking up. So, I -- he turned around and I fixed his
25 collar inside his jacket because one collar was sticking

1 up.

2 Q So, you actually helped -- did you, did you help move
3 his shirt?

4 A Yes, I did.

5 Q And you said it was a long or short sleeved? I'm
6 sorry.

7 A That polo was a short sleeve.

8 Q And did it have buttons on part of it, or do you know?

9 A Just from here to here.

10 Q Okay, and was it a blue blazer he put on top of it?

11 A It was dark colored.

12 Q Did he put a tie on? He didn't have a tie with that
13 on?

14 A No, sir.

15 Q Now, Ms. Maggie had asked you to fix dinner for the
16 family. Did you do that?

17 A I did.

18 Q Can you tell them what you made?

19 A She called it steak burger, but's cubed steak and
20 gravy, some white rise, and some green beans.

21 Q You're a good cook, aren't you?

22 A Yes, sir.

23 Q Did you see or talk to Maggie ever again after those
24 texts or those phone calls?

25 A Before I left Moselle, I texted her and I said the

1 dinner was on -- I believe I texted to the effect that I
2 left dinner on the stove for them. And -- I can't really
3 remember the text, but I did text her and let her know that
4 dinner was ready and that I was leaving.

5 Q And you said one of her phrases she used is no
6 worries. Had she said that to you that day?

7 A Yes.

8 Q When was that? It doesn't matter.

9 A I can't remember.

10 Q You've got a family of your own, right?

11 A Yes, sir.

12 Q Did you -- when you left Moselle, what did you do?

13 A Picked up my son at school.

14 Q All right, and your husband is working?

15 A Yes, sir.

16 Q Law enforcement?

17 A Yes, sir.

18 Q Okay, and when you got home that night, did anybody
19 call you that night?

20 A No.

21 Q Okay. When did you hear about the murder at Moselle
22 of Paul and Maggie Murdaugh?

23 A The next morning when I was getting ready to go out
24 there.

25 Q The next morning?

1 A Yes, sir.

2 Q Okay. How did you hear?

3 A Alex called me.

4 Q And what did he tell you? He called you the next
5 morning?

6 A He called me early the next morning.

7 Q And what did he say to you?

8 A He -- he sounded shaky on the phone. You could tell
9 he was -- his voice sounded really shaky, and he said B,
10 they're gone, they're gone. And my initial thought was did
11 she go back to Edisto? I -- that thought didn't cross my
12 mind that he meant that they were dead at that time.

13 Q You just didn't comprehend what was going on.

14 A No, sir, I did not. So, he told me again. He said,
15 he said no, B. They're dead. And at that point I don't
16 remember because I believe I dropped the phone. My husband
17 grabbed the phone and I don't remember after that.

18 Q You literally dropped the phone.

19 A Yes.

20 Q And did your husband get on the phone?

21 A I don't remember.

22 Q Okay.

23 A I don't remember. I don't remember. I -- all I
24 remember is when he said that they were dead, I dropped the
25 phone. And I believe I said "I'll be right over, I'll be

1 right over, but --

2 Q Did he, the defendant, Alex Murdaugh, tell you which
3 way to go when you got to the house?

4 A He said him and Buster were at Almeda, so I told him
5 he was going to Almeda. You know, I wanted to make sure
6 they were okay, so I went from my house to Almeda. And
7 then when I got ready to leave Almeda, he said, well, when
8 you go to the house, go in the front because there's a lot
9 of SLED agents by the kennels. You can't go in that way.
10 And he said just try to straighten up the way Maggie liked
11 everything, you know, in the house. He said you knew her
12 the best, so you know how she liked stuff. So, I did. I
13 went to the house.

14 Q So, you went to --

15 A I went to Moselle.

16 Q You went to Almeda to start with?

17 A Yes, I did, to check on Buster and Alex.

18 Q Okay. To comfort them.

19 A Yes, sir.

20 Q Okay, and at his request, you went to Moselle to start
21 cleaning up and getting the house in order?

22 A Yes, sir. He said there was going to be people
23 probably stopping by and bringing food and stuff. He said
24 I just want the house to look the way Maggie would like for
25 it to look. So I said okay, and I went to the house and

1 then --

2 Q Did you have a usual way that you went into Moselle
3 entrance wise?

4 A From the house I would -- if I was coming from my
5 house, I would come in on the -- I called it the Mylie's
6 side. So, I would actually enter the property through the
7 kennels, and if I was coming from Hampton or if I -- you
8 know, the other direction, then I would use the front
9 entrance. But normally I used the kennel entrance coming
10 from my house.

11 Q When you got to Moselle -- we're now in the morning of
12 June 8th, right, of 2021?

13 A Yes, sir.

14 Q Okay. Did you see anybody in the property before you
15 got to the main house?

16 A No, sir.

17 Q And when you got to the main house, take us right
18 there, Blanca. Right now as you're walking right in the
19 house, what were your observations?

20 A It was hard because I know she wasn't going to be
21 coming back. And I didn't want to move -- I didn't want to
22 move her stuff. It was just a weird feeling going through
23 when I unlocked the front door to get in. It felt cold.

24 Q You really cared for her, didn't you?

25 A I did.

1 Q What did you do when you got inside?

2 A When I got inside, I didn't turn on any lights; I
3 didn't do anything. I walked -- I walked through the front
4 door and I went in the kitchen, and I was kind of -- I was
5 kind of -- when I looked in the kitchen, I kind of just
6 stopped in my tracks and I looked at the stove, and then I
7 was kind of -- I don't know what the word is. When I
8 looked and I noticed the stove, that there was no pots on
9 the stove, it was kind of unusual because usually when they
10 ate dinner -- when they ate dinner the night before, the
11 pots usually stayed on the stove. Very, very seldom would
12 she put, you know, certain meals in the refrigerator. A
13 lot times it was just left on the stove until the next day.
14 And the pots were not -- they were not in the sink and they
15 were not on the stove.

16 And then as I walked through, I walked -- if you
17 walked through the kitchen like you're going to -- from the
18 kitchen -- if you walked through the kitchen, if you go to
19 the left there's two -- a freezer and a refrigerator, and
20 the laundry room sat right there to the -- there's a
21 backdoor to the back porch, and then there's a -- the
22 laundry room door. They're both right there. And as I
23 turned to go to the laundry room, I noticed that there was
24 -- her pajamas were in the middle of the doorway right in
25 the middle, laid neatly in the middle of doorway going into

1 the laundry room. It was her pajama pants, a pair of
2 underwear, and her pajama top.

3 Q Was that unusual?

4 A That was very unusual.

5 Q Why?

6 A Because she would -- she wouldn't lay her clothes out
7 like that, not in the middle of the door like that. It
8 just didn't look right to me.

9 Q And you took care of the house?

10 A Yes.

11 Q And you took care of the clothes?

12 A Yes.

13 Q And not to get too personal but sometime you can't
14 help it. Were the underwear there with the pajamas
15 unusual?

16 A Yes.

17 Q Why?

18 A She didn't wear underwear with her pajamas.

19 Q No underwear with the pajamas, but that struck --

20 A No underclothes with the pajamas.

21 Q But that struck you as unusual they were there with
22 the pajamas?

23 A Yes, sir, because the underwear appeared to be clean,
24 not dirty. They still had, like, fold marks.

25 Q And the pots, and I may have just missed it. You said

1 -- where would the pots end up when you found them?

2 A After I looked at the pajamas on the floor the way
3 that they were set, I turned around and I said, well, I
4 wonder where the pots are. So, I happened to -- I opened
5 the refrigerator door, and the pots were sitting inside the
6 refrigerator with lids on them, and I was, like, you know,
7 who did this? I don't know at that point, but that was not
8 normal for the pots -- the whole pot to be sitting in the
9 fridge.

10 Q Did you make any other observations in the house, the
11 bathroom, or anywhere else?

12 A In the master bathroom was -- her clothes were sitting
13 next to the tub. It was a small pile of clothes right
14 there next to the tub. And by the shower -- if you walk in
15 the master bedroom, there is a big garden tub, spa type
16 tub, and then right here is the shower, and there's a
17 window. On the floor next to the shower was a slight
18 puddle of water, a towel, and a pair of khaki pants. And
19 then as I went to the left to see if there was anything
20 else that was out, I looked in the closet, and in the
21 closet was a white, damp towel on the floor, and there was
22 a -- I'm pretty sure the t-shirt was white at one time,
23 but, you know, they get kind of dingy after a few years.
24 But it appeared that a t-shirt had fallen off a stack of
25 t-shirts that were on top of the shelf right there in the

1 closet. It was laying on the floor next to the tub.

2 Q When you took care of the home, was that -- tell us
3 how the clothes were laid out, the shirts, the shorts.
4 Were you saying up on a shelf, were the shirts -- how were
5 they?

6 A In the closet there was a shelf, there was some
7 shelves, smaller shelves right here. Then there was some
8 long ones. Maggie used to keep her clothes on these. And
9 then there was a shorter one kind of like a little box
10 looking thing. Alex used to keep his clothes, his belts
11 and stuff in that. And then on top there was also an area
12 where he kept t-shirts. They were folded and they were
13 kept on the shelf.

14 Q And when you say t-shirts, I know what a t-shirt is,
15 but, I mean, were they t-shirts like I'm wearing right now
16 or were they t-shirts with pockets? What was it?

17 A Usually there would be t-shirts like when if they
18 would go -- like when you go to a restaurant and they have
19 the logo, those type of t-shirts. He had a big collection
20 of those.

21 Q And would you put them on the shelf?

22 A Yes, sir, I did.

23 Q Did you iron t-shirts?

24 A Yes, sir, I did.

25 Q And you washed all the clothes?

1 A Yes, I did.

2 Q Did he have a certain place that he kept shorts versus
3 long pants?

4 A Yes, sir. When you walked in the master bedroom --
5 when you enter the master bedroom, the bed was right here
6 at the foot of the bed. You had a dresser here and a
7 dresser here. The right dresser, in the top drawers were
8 usually his underwear, his socks. The next drawer was his
9 t-shirts. On the bottom drawer were the pajama pants that
10 he would wear or his shorts that he would wear to sleep in.
11 In the left drawer -- and one sits on this side of the door
12 going into the bathroom, and the other one is right here.
13 On the left dresser he kept his white t-shirts that he
14 would wear under -- when he wore a suit he would wear, the
15 t-shirts were in one of those drawers, and then the other
16 two drawers were shorts, the dressier shorts, and then the
17 not-so-dressier shorts.

18 Q So, you testified a shirt looked like it had fallen
19 when you saw it this morning?

20 A Yes, sir.

21 Q June 8th of 2021. Okay. Was it still clean?

22 A Yes, sir.

23 Q Did you put it back?

24 A Yes, sir.

25 Q Okay. My boss, Don Zelenka, just reminded me that the

1 food that you cooked, did you look and see how much was
2 eaten in the pots?

3 A No, sir, I did not.

4 Q Okay. Now, you said there was a damp towel. Where
5 was that?

6 A In the closet on the floor.

7 Q And I know what damp means, but when you touched it,
8 did it feel --

9 A It was damp.

10 Q What did you do with it?

11 A Took it to the laundry room.

12 Q And you said there was some pants there.

13 A Yes, sir. There was a pair of khakis by the shower.

14 Q And what did you do with those?

15 A Took them to the laundry room.

16 Q Did you wash them?

17 A Yes, sir.

18 THE COURT: Ladies and gentlemen, let's stand for a
19 moment.

20 (Break in proceedings.)

21 THE COURT: Ladies and gentlemen, you may go to your
22 jury room.

23 (The jury left the courtroom.)

24 THE COURT: We'll take about 10 minutes.

25 (A break was taken.)

1 THE COURT: You may bring the jury.

2 (The jury returned to the courtroom.)

3 THE BAILIFF: The jury is present, sir.

4 THE COURT: Thank you. You may proceed.

5 MR. MEADORS: May it please Your Honor?

6 THE COURT: Mr. Harpootlian and Mr. Waters, if you
7 all would be seated.

8 MR. HARPOOTLIAN: I apologize, Your Honor.

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

10 CONTINUED DIRECT EXAMINATION

11 BY MR. MEADORS:

12 Q Ms. Simpson --

13 A Yes, sir.

14 Q -- I think where we left off -- well, let me kind of
15 try to refocus myself. Let me show you what is entered as
16 State's 7. Just -- can you see those pants in State's 7?

17 A Yes, sir.

18 Q Okay. Do you recognize those pants --

19 THE COURT: I can't hear your response, ma'am.

20 THE WITNESS: Yes, sir.

21 Q Okay. Do you recognize those pants in State's 7?

22 A Yes.

23 Q Okay, and how do you know those -- how do you
24 recognize them?

25 A I took care of the laundry.

1 Q Okay. Have you cleaned them?

2 A Yes, sir.

3 Q Okay. Where were these pants kept in State's 7?

4 A The left dresser in the third drawer -- third or
5 fourth drawer.

6 Q Do you know if that --

7 A They weren't in the ones where -- he had one drawer
8 with shorts that he would usually wear on the weekends,
9 you know, the dressier ones. Those were kept in the
10 drawer underneath that specific drawer.

11 Q So, you know what drawers these were in?

12 A Yes.

13 Q If you know from being there and taking care of the
14 clothes and taking care of the family, were these shorts
15 he liked to wear a lot or not? Did you see him in these
16 shorts much?

17 A No.

18 Q And were these shorts clean the last time you saw
19 them?

20 A Yes.

21 Q Okay. Now, this shirt that's also in State's 7, had
22 you seen that shirt before?

23 A Yes, sir.

24 Q Okay. Where was this shirt kept in the closet at
25 Moselle?

1 A The top shelf above where his clothes hang, the top
2 shelf. There was a shelf up there.

3 Q And you've testified it looked like a shirt had
4 fallen from that shelf when you got there on the morning
5 of June 8th, correct?

6 A Yes, sir.

7 Q Was this shirt kept in this same place as the shirt
8 that had fallen?

9 A Yes, sir.

10 Q And the shirt that had fallen, what did you do with
11 it after you picked it up?

12 A I folded it back up and I placed it back on the
13 shelf.

14 Q Was it clean?

15 A Yes, sir.

16 THE COURT: Ma'am, I understand that you all are
17 apparently having a personal conversation, but you need to
18 speak into the mic.

19 MR. MEADORS: Sorry, Judge.

20 Q Look at me this way. I'm sorry. Had you cleaned
21 this shirt that's in State's 7 prior to June 7th of 2021?

22 A I probably did.

23 Q And where would it have been placed after you cleaned
24 it? Where would you have put it?

25 A Up in the closet if there was no more room in the

1 drawer.

2 MR. MEADORS: Now, could we please play State's 306,
3 please?

4 Q Can you see -- would you look right there at your
5 monitor? As they're fixing that, when Mr. --

6 MR. MEADORS: Okay. You can freeze it right there?

7 A Yes, sir.

8 Q Okay. Now, this -- who's in the picture?

9 A Alex.

10 Q Okay, and can you tell what kind of pants he's got
11 on?

12 A Khaki pants.

13 Q Can you tell what kind of shoes he's got on from
14 that, Ms. Simpson?

15 A It appears to be a pair of loafers.

16 Q Loafers?

17 A Uh-huh, house shoes, loafers.

18 Q Okay. Well, tell me what you mean by house shoes.

19 A Just his shoes that he would usually wear around the
20 house if he was wearing shoes.

21 Q So, would you usually just wear them inside?

22 A Yes, sir.

23 Q Okay, but these appeared to be those shoes?

24 A It appears to be, yes.

25 Q And this shirt that Alex Murdaugh is wearing on

1 June 7th depicted in State's 306, had you seen that shirt
2 prior to June 7th?

3 A It was in the closet.

4 Q Okay, and what type of shirt is that?

5 A A Columbia shirt.

6 Q A Columbia shirt?

7 A Yes, sir.

8 Q And how many of those type shirts did he have?

9 A He had a few in the closet.

10 Q And what color is that shirt?

11 A It's like a greenish/aqua/sea foam color.

12 Q Why do you keep using the term sea foam? I'm not
13 fussing. I'm just asking.

14 A The term sea foam, when Maggie was looking at
15 different color pallets to paint, that color came up in
16 one of the color pallets, so we would refer to it as a sea
17 foam. But that's the term that was used for the color in
18 one of color pallets that she had.

19 Q After June 7th of 2021, did you ever see that shirt
20 again?

21 A No, sir. There was, like, a pink one, a white one, a
22 baby blue in the closet. I do not remember that shirt
23 being in there.

24 Q And on June 8th of 2021, in the morning hours when
25 you came back over there, was that shirt there?

1 A No, sir.

2 Q Were these shoes that you called house slippers, were
3 those there?

4 A No, sir.

5 Q Did you ever see those house shoes again?

6 A No, sir.

7 Q And where did he usually keep them?

8 A In the closet.

9 Q Did he have any other type shoes, canvas, or any kind
10 of boat shoes?

11 A He had a lot of shoes in the closet.

12 Q Okay. Do you remember any shoes that were canvas
13 type shoes?

14 A The boat shoes, the Sperry's.

15 Q Sperry shoes?

16 A Yes, sir.

17 Q And do you remember those?

18 A Yes, sir. They used to sit in the closet.

19 Q They used to sit in the closet?

20 A Uh-huh.

21 Q After June 7th of 2021, did you ever see those Sperry
22 boat shoes again?

23 A No, sir. I do not recall seeing them in the closet.

24 Q Never ever?

25 A No, sir.

1 Q Did you stay on and work for a period of time for
2 Alex Murdaugh at Moselle?

3 A Yes, sir, I did.

4 Q And did your day-to-day functions change after
5 June 7th as far as Moselle itself?

6 A Yes, sir, it did.

7 Q Well, tell them how that happened and what the change
8 was.

9 A After Alex -- after Alex -- after Maggie and Paul
10 were killed, Alex did not stay on the property. On the
11 10th, when I believe his father passed away after --

12 Q Solicitor Murdaugh?

13 A Yes. I believe after the service that we had for him
14 at the cemetery, Alex called and asked if my husband and I
15 would stay on the property because him and Buster were not
16 going to be able to stay there. So, we agreed to take
17 care of the property and maintain it while -- he said
18 until he decides what he's going to do with it.

19 Q And did, in fact, you and your husband start residing
20 there for a period of time?

21 A We did.

22 Q And were you paid for that?

23 A Yes, sir.

24 Q Well, do you mind telling them how much?

25 A He would give me 1500 a week to make sure that

1 anything needed for the farm was taken care of. And my
2 husband and I would maintain cutting the grass on that
3 property, which is a lot of grass out there, and it would
4 take in excess of two days to cut it.

5 Q Would you cut it?

6 A Yes, sir. My -- I would help my husband.

7 Q Were you also taking care of the dogs?

8 A Yes, sir.

9 Q Okay. Tell these folks. What were the dogs' names?

10 A Grady and Bubba.

11 Q Grady and Bubba.

12 A Yes, sir.

13 Q You fed them?

14 A Yes, sir.

15 Q Took care of them?

16 A Yes, sir.

17 Q Where is Bubba -- what's today? Whatever today is,
18 where is Bubba today?

19 A He's with me.

20 Q So, you have Bubba in your home?

21 A Yes, sir, I do.

22 Q Did Bubba have his own pen?

23 A Yes, he did.

24 Q Okay, and I don't know if you've seen, but could --
25 at some point -- and I'll keep going -- there's a video

1 of --

2 MR. MEADORS: Well, could we play that now, please?

3 Can we got to the video, the kennel video, please?

4 Creighton, before we get there --

5 Q -- and I'm sorry. I'm going back to this real quick.

6 Is that the shirt he left for the office in that day?

7 A No, sir.

8 Q Okay. Had you ever seen Bubba with an animal in his
9 mouth?

10 A Yes, sir.

11 Q Tell them about that, please, these ladies and
12 gentlemen.

13 A When Bubba was running around, if I would -- if I or
14 anybody -- if the chickens were running out of the coup,
15 he would chase the chickens, and he would just go after
16 the chickens, or the guineas, whatever was out there.

17 Q And would he ever catch them?

18 A Yes, he would.

19 Q And how would Bubba -- the chicken get out of Bubba's
20 mouth and --

21 A You would have to make several attempts to get the
22 chicken out of his mouth, and at points he would growl at
23 you. You would try to take his toy. Basically that's
24 what --

25 Q In your experience in being there, was it easier for

1 a family member or somebody Bubba knew to get the chicken
2 out?

3 A If he -- he's stubborn.

4 Q You're talking about Bubba?

5 A Yes, sir.

6 Q But would it take a period of time to get the chicken
7 out of Bubba's mouth?

8 A Yes, it would.

9 Q In August of 2021, Ms. Blanca --

10 A Yes, sir.

11 Q -- did you have a conversation with Alex Murdaugh
12 about a shirt?

13 A Yes, I did.

14 Q And let's go back. Where did this take place?

15 A At the little house.

16 Q All right. What do you mean the little house?

17 A After Paul and Maggie were killed, Alex was not
18 staying at Moselle. My husband and I were, and he would
19 often stay in different places, but all of his clothes and
20 toiletries and everything were placed in the house that
21 sits between Mr. Johnny Parker and his brother Randy.
22 There's a small two-bedroom house right there, and that's
23 where all of his belongings at the time went.

24 Q And where is that located?

25 A In Hampton.

1 Q Okay, in Hampton, and who furnished the little house
2 with clothes and toiletries and made sure stuff was there?

3 A I did.

4 Q Okay, and who was Alex Murdaugh staying there with
5 when he stayed there, if anybody?

6 A He never stayed there. He would just go get his
7 clothing and eat whatever -- you know, if he would have a
8 snack or something. He wasn't really eating.

9 Q Well, during the month of August, do you remember him
10 having a conversation with you about a shirt?

11 A Yes, sir.

12 Q Did you find that to be unusual?

13 A Yes, sir.

14 Q Okay. Tell them what the conversation was and why
15 you found it unusual, please.

16 A He walked into the little house and I was almost -- I
17 was getting ready to leave, and he said, B, I need to talk
18 to you. And he said come here. Sit down. So, I went in
19 the living room and I sat down, and he was pacing back and
20 forth in the living room, and he said I've got a bad
21 feeling. He said I've got a bad feeling. He said
22 something is not right. And then he said, well, you know,
23 there's a video -- there was a video that was out -- I
24 hadn't seen a video. And he said you remember the shirt I
25 was wearing, that Vinny Vines shirt? That's what he said

1 to me. And in my mind I was saying I don't know remember
2 a Vinny Vines shirt. It was the polo shirt, but I didn't
3 mention it. He said, well, you know that I was wearing
4 that shirt, you know, in the -- that day. And still I was
5 just -- I didn't say anything, but I was kind of thrown
6 back because I don't remember that. I don't remember him
7 wearing that shirt that day when I left. I know what
8 shirt he was wearing because I fixed the collar, and the
9 collar is different material.

10 Q And I don't know what a Vinny Vines shirt is. But
11 when he left that day, was he wearing a Vinny Vines shirt,
12 or was he wearing the collar that you have described?

13 A It was a polo shirt.

14 Q A polo shirt. Just using your common sense, did it
15 appear to you he was trying to tell you to say I was
16 wearing this shirt?

17 MR. HARPOOTLIAN: Objection, Your Honor.
18 Speculation.

19 THE COURT: The objection is sustained as to the form
20 of the question.

21 Q How did you take that conversation?

22 A I felt like he was -- I felt like -- I felt confused
23 at first, and then -- I know what he was wearing the day
24 he left the house, and I was basically confused. I didn't
25 really know whether he was trying to get me to say that

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County of Colleton) Fourteenth Judicial Circuit
2022-GS-15-0592
2022-GS-15-0593
2022-GS-15-0594
2022-GS-15-0595

The State of South Carolina,)
vs.) Transcript of Record
Volume 2
Richard Alexander Murdaugh.)
_____)

January 23 through March 3, 2023

B E F O R E:

The Honorable Clifton Newman, Judge, and a jury.

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19	S-391	Trace Documents	1848
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1	No.	Description	Ev.	
2	(EXHIBITS ADMITTED FOR PURPOSES OF IN-CAMERA HEARING ONLY.)			
3	S-395	Trace Documents	1848	
4	S-396	Trace Documents	1848	
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9	No.	Description	I.D.	Ev.
10	S-1	DVD of Body-worn Camera		475
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15	S-6	DVD of Body-worn Camera		541
16	S-7	Photo		551
17	S-9	DVD of 911 Call		571
18	S-11	DVD of 911 Call		577
19	S-12	GSR Chain of Custody Form		398
20	S-13	GSR Kit		801
21	S-17	Photo		765
22	S-18	Swabs		780
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7	S-29	Wadding		772
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10	S-32	Photo		768
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12	S-34	Fired Shell		772
13	S-35	Photo		768
14	S-36	Shoes	818	3660
15	S-38	Photo		768
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6	S-88	Rifle		936
7	S-89	Shotgun with Shell		942
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11	S-95	Shell Casing		806
12	S-96	Photo		805
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15	S-100	Seatbelt	812	2213
16	S-102	Metal Fragments	794	
17	S-103	300 Blackout Ammo		813
18	S-104	Photo		805
19	S-107	Photo (WITHDRAWN)		3051
20	S-109	Piece of Lead	818	1913
21	S-110	Pellets	818	1913
22	S-111	Wadding	818	1915
23	S-112	Pellets and Wadding	818	1915
24	S-113	Pellets	818	1915
25	S-114	Diagram		777

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1	No.	Description	I.D.	Ev.
2	S-115	Diagram		777
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8	S-121	Photo		823
9	S-122	Photo		823
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12	S-126	Cartridge Casing		831
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18	S-132	Cartridge Casing		828
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20	S-134	Cartridge Casing		828
21	S-135	Cartridge Casing		828
22	S-136	Cartridge Casing		828
23	S-137	Cartridge Casing		828
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25	S-139	Cartridge Casing		828

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1	No.	Description	I.D.	Ev.
2	S-140	Cartridge Casing		828
3	S-141	Cartridge Casing		829
4	S-142	Cartridge Casing		829
5	S-143	Unfired Shell		830
6	S-144	Unfired Shell		830
7	S-145	Unfired Shell		830
8	S-146	Unfired Shell		830
9	No.	Description	I.D.	Ev.
10	S-147	Unfired Shell		830
11	S-148	Unfired Shell		830
12	S-149	Unfired Shell		830
13	S-150	Cartridge Casing		830
14	S-151	Ammo		958
15	S-152	Magazine		833
16	S-153	DVD of Interview One		697
17	S-154	Chain of Custody Form	919	
18	S-155	Property Report		1000
19	S-156	Buccal Swab		1000
20	S-157	Buccal Swab		997
21	S-158	Photo	833	962
22	S-159	DVD of Body-worn Camera		924
23	S-160	DVD of Body-worn Camera		924
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1	No.	Description	I.D.	Ev.
2	S-163	Photo		962
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18	S-182	Photo	961	
19	S-183	Photo		963
20	S-184	Photo		978
21	S-185	Photo		978
22	S-186	Photo		978
23	S-187	Drone Video		627
24	S-188	Drone Video		627
25	S-189	Photo		628

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1	No.	Description	I.D.	Ev.
2	S-190	Photo		628
3	S-191	Photo		628
4	S-192	Photo		628
5	S-193	Photo - SEALED		637
6	S-194	Photo - SEALED		690
7	S-195	Photo - SEALED		638
8	S-196	Photo - SEALED		642
9	S-197	Photo - SEALED		642
10	S-198	Photo		769
11	S-199	Photo		769
12	S-200	Photo		643
13	S-201	Buccal Swabs		748
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17	S-205	Chain of Custody Form	748	
18	S-210	Ammo and Magazine		936
19	S-212	Unfired Round	838	
20	S-213	Empty Box of Ammo		931
21	S-214	Shell Boxes and Receipt		957
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1	No.	Description	I.D.	Ev.
2	S-222	Photo		2110
3	S-223	Photo		2110
4	S-224	Photo		2157
5	S-225	Photo		2160
6	S-226	Raincoat		2161
7	S-227	Google Map		1655
8	S-228	Photo		1657
9	S-229	Photo		1657
10	S-230	Photo		1657
11	S-231	Photo		1658
12	S-232	Photo		1658
13	S-233	Photo		1658
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19	S-239	Photo		1648
20	S-240	Photo		1648
21	S-241	Photo		1648
22	S-242	Photo		1648
23	S-243	DVD of Interview Two		986
24	S-245	Document for Firearms Purchase		1149
25	S-247	Checks/Receipt		1149

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1	No.	Description	I.D.	Ev.
2	S-248	DVD of Body-worn Camera		976
3	S-249	Buccal Swab		764
4	S-250	Projectile		835
5	S-251	Fingernail Clippings	818	3207
6	S-252	Fingernail Clippings	818	3207
7	S-254	Unfired Rounds	838	
8	S-255	Shotgun Shell	838	
9	S-256	Shotgun Shell	838	
10	S-257	Shotgun Shell	838	
11	S-258	Cartridge Case	833	
12	S-259	Swabs		836
13	S-260	Cartridges	838	1921
14	S-261	Collection of Shell Casings	839	1921
15	S-262	DVD with Cell Phone Data		1073
16	S-263	DVD with Cell Phone Data		1075
17	S-264	DVD with Cell Phone Data		1076
18	S-265	DVD with Cell Phone Data		1072
19	S-266	DVD with Cell Phone Data		1077
20	S-267	DVD with Cell Phone Data		1078
21	S-268	DVD with Cell Phone Data		1070
22	S-269	DVD with Cell Phone Data		1071
23	S-270	Explanatory Key		1079
24	S-271	Chain of Custody Form		1117
25	S-272	Photo		1118

	No.	Description	I.D.	Ev.
1				
2	S-273	Chain of Custody Form		1124
3	S-274	IPhone 11	1113	1285
4	S-275	Location Service for Phone		1194
5	S-276	Photo		1193
6	S-277	Photo		1191
7	S-278	Photo		1196
8	S-279	Photo		1198
9	S-280	External Harddrive		1202
10	S-281	Cellebrite Report		1205
11	S-282	Text Message Report - SEALED		1216
12	S-283	Cellebrite Timeline Report		1225
13	S-284	Data Report on Cell Phone		1246
14	S-285	IPhone		1257
15	S-286	External Hard drive		1259
16	S-287	Cellebrite Extraction - SEALED		1259
17	S-288	Cellebrite Extraction Report - SEALED		1266
18	S-289	Cellebrite Report - SEALED		1271
19	S-290	AXIOM Report		1271
20	S-292	External Hard Drive with Report		1286
21	S-293	External Hard Drive with Report - SEALED		1286
22	S-294	Cellebrite Report - SEALED		1290
23	S-295	Timeline Report - SEALED		1298
24	S-296	AXIOM Report		1312
25	S-297	DVD of Video from Phone		1321

1	No.	Description	I.D.	Ev.
2	S-298	Chain of Custody Form		1114
3	S-299	Chain of Custody Form		1112
4	S-300	GSR Form		1395
5	S-301	GSR Kit		1392
6	S-302	Photo		1143
7	S-303	Blow-up of Photo		1386
8	S-304	Snapchat Sheet		1528
9	S-305	Snapchat CD		1528
10	S-306	Snapchat CD		1510
11	S-307	Benelli Shotgun		1856
12	S-308	Swabs		1860
13	S-309	Swabs		1858
14	S-310	Employment Agreement	1541	2250
15	S-311	Settlement Documents	1546	
16	S-312	Expense Check with Documents	1553	2281
17	S-313	Check	1566	2294
18	S-314	Spreadsheet	1572	2301
19	S-315	Disbursement Documents	1572	2322
20	S-316	Disbursement Documents	1579	
21	S-317	Disbursement Documents	1579	2307
22	S-318	Disbursement Documents	1579	2310
23	S-319	Disbursement Documents	1580	2315
24	S-320	Disbursement Documents	1580	2317
25	S-321	Disbursement Documents	1580	2318

	No.	Description	I.D.	Ev.
1				
2	S-322	Disbursement Documents	1580	2325
3	S-323	Disbursement Documents	1580	2327
4	S-324	Disbursement Documents	1580	2328
5	S-325	Disbursement Documents	1580	2330
6	S-326	Disbursement Documents	1580	2331
7	S-327	Disbursement Documents	1580	2333
8	S-328	Disbursement Documents	1580	2334
9	S-329	Spreadsheet	1594	2336
10	S-330	Disbursement Documents	1594	2339
11	S-331	Disbursement Documents	1594	2343
12	S-332	Disbursement Documents	1594	2344
13	S-333	Disbursement Documents		2350
14	S-334	Disbursement Documents		2344
15	S-335	Fake Forge Account Documents		2298
16	S-336	Buccal Swab		1878
17	S-337	Buccal Swab		1878
18	S-338	Buccal Swab		1876
19	S-339	Buccal Swab		1876
20	S-340	Buccal Swab		1880
21	S-342	Buccal Swab		1882
22	S-343	Buccal Swab		1882
23	S-344	Buccal Swab		1882
24	S-345	Copy of Check	1738	2682
25	S-346	Copy of Checks	1738	2685

	No.	Description	I.D.	Ev.
1				
2	S-347	Copy of Checks	1738	2686
3	S-348	Emails	1744	2698
4	S-349	Email	1744	2720
5	S-350	Promissory Note	1744	2725
6	S-351	Text Messages	1744	2744
7	S-352	Confession of Judgment		2834
8	S-353	Disbarment Document	1744	
9	S-354	PSB Documents	1746	2854
10	S-355	PSB Minutes		2847
11	S-356	Account Statement	1786	2850
12	S-357	PSB Minutes	1786	2863
13	S-358	PSB Wire Request	1790	2858
14	S-359	Copy of Check	1790	
15	S-360	Copy of Check	1790	2872
16	S-361	Account Document	1791	
17	S-362	Promissory Note	1791	2856
18	S-363	Business Purpose Statement	1791	2856
19	S-364	Email	1791	2871
20	S-365	PSB Memo	1799	2855
21	S-366	PSB Note	1799	2865
22	S-367	PSB Statement	1802	2872
23	S-368	PSB Statement	1802	2873
24	S-369	PSB Statement	1803	2874
25	S-370	PSB Statement	1803	2874

				40
1	No.	Description	I.D.	Ev.
2	S-371	PSB Statement	1803	2875
3	S-372	Coversheet	1803	2818
4	S-398	Swab		1922
5	S-399	Unfired Shotshells		1924
6	S-400	Greer Report		1989
7	S-401	Text Message	2012	
8	S-402	Motion	2017	2925
9	S-403	Text Message	2017	
10	S-404	Email	2024	2941
11	S-405	Email	2024	2943
12	S-406	Email	2024	2945
13	S-407	Email	2027	2947
14	S-408	Email	2027	
15	S-409	Order	2060	
16	S-410	Photo		2119
17	S-411	Photo		2112
18	S-412	Photo		2110
19	S-413	Photo		2111
20	S-414	Photo		2158
21	S-415	Disc with Bank Records		2195
22	S-416	Disc with Bank Records		2195
23	S-417	Disc with Bank Records		2196
24	S-418	Shirt and Shorts		2206
25	S-419	Shoes		2214

				41
1	No.	Description	I.D.	Ev.
2	S-420	Particle Lifts		2217
3	S-421	Particle Lifts		2218
4	S-422	GSR Inventory Sheet	2207	
5	S-423	GSR Worksheet		2210
6	S-424	GSR Worksheet		2210
7	S-425	GSR Worksheet		2210
8	S-427	Particle Lifts		2217
9	S-428	Copy of Check		2263
10	S-429	Disbursement Documents		2272
11	S-430	Photo		2467
12	S-431	Photo		2467
13	S-432	Photo		2467
14	S-433	Photo		2467
15	S-434	Photo		2467
16	S-435	Photo		2467
17	S-436	Photo		2467
18	S-437	Photo		2467
19	S-438	Photo		2467
20	S-439	Photo		2467
21	S-440	Text Message		
22	S-441	Text Message		2549
23	S-442	Log Files		2619
24	S-443	DVD with Report		2614
25	S-444	Property Receipt		2593

				42
1	No.	Description	I.D.	Ev.
2	S-445	Property Receipt		2595
3	S-446	Call Log		2617
4	S-447	Car Module	2595	2605
5	S-448	Car Module	2595	2605
6	S-449	Report		2616
7	S-450	Text Message		2675
8	S-451	Phone Log		2705
9	S-452	Text Message		2707
10	S-453	Text messages		2826
11	S-454	Cell Phone Record	2829	
12	S-455	Photo of Insurance Card/Text Message		3002
13	S-457	Photo of Insurance Card/Text Message		3002
14	S-458	Cell Phone Data - SEALED		3081
15	S-459	DNA Items		3197
16	S-460	Cuttings		3215
17	S-461	Cuttings		3215
18	S-462	Raincoat Swabs		3217
19	S-463	Buccal Swab		3247
20	S-464	Buccal Swab		3190
21	S-465	Buccal Swabs		3190
22	S-466	Buccal Swabs		3190
23	S-467	Buccal Swabs		3190
24	S-468	Buccal Swabs		3190
25	S-471	Photo		3213

				43
1	No.	Description	I.D.	Ev.
2	S-472	Photo		3213
3	S-473	Photo		3212
4	S-474	Chart	3246	
5	S-475	Chart	3246	
6	S-478	Photo - SEALED		3336
7	S-479	Photo - SEALED		3336
8	S-480	Photo - SEALED		3336
9	S-481	Photo - SEALED		3336
10	S-482	Photo - SEALED		3336
11	S-483	Photo - SEALED		3343
12	S-484	Photo - SEALED		3343
13	S-485	Photo - SEALED		3343
14	S-486	Photo - SEALED		3343
15	S-487	Photo - SEALED		3343
16	S-488	Photo - SEALED		3372
17	S-489	Photo - SEALED		3372
18	S-490	Photo - SEALED		3372
19	S-491	Photo - SEALED		3372
20	S-492	Photo - SEALED		3372
21	S-493	Photo - SEALED		3372
22	S-495	Photo - SEALED		3372
23	S-498	Photo - SEALED		3372
24	S-499	Photo - SEALED		3372
25	S-500	Diagram		3357

1	No.	Description	I.D.	Ev.
2	S-501	Diagram		3378
3	S-502	Photo		3468
4	S-503	Photo		3468
5	S-504	Photo		3468
6	S-505	Photo		3469
7	S-506	Photo		3469
8	S-507	Photo		4834
9	S-511	Photo - WITHDRAWN		3639
10	S-512	Photo		3639
11	S-513	Photo		3639
12	S-515	DVD		3457
13	S-516	Photo		3469
14	S-517	DVD of Interview Three		3642
15	S-518	Copy of Check		3509
16	S-519	Timeline Report		3942
17	S-520	Timeline Report		3942
18	S-521	Spreadsheet of Movements		4018
19	S-523	Text Message		4043
20	S-524	OnStar Data		3946
21	S-526	Map		5441
22	S-528	Cell Phone Records		3745
23	S-529	Cell Phone Records		3738
24	S-530	Cell Phone Records		3736
25	S-531	Photo		3780

			45
1	<u>No.</u>	<u>Description</u>	<u>I.D.</u> <u>Ev.</u>
2	S-532	Photo	3780
3	S-533	Photo	3780
4	S-534	Photo	3783
5	S-535	Photo	3791
6	S-536	Photo	3791
7	S-537	Photo	3791
8	S-538	Photo	3791
9	S-539	Photo	3794
10	S-540	Photo	3794
11	S-541	Photo - SEALED	3813
12	S-542	Photo - SEALED	3828
13	S-543	DVD OF 911 Call	3881
14	S-544	Photo	3888
15	S-545	DVD of Body-worn Camera	3884
16	S-546	Photo	3889
17	S-547	Sketch	3894
18	S-548	Photo	3896
19	S-549	Photo	3897
20	S-550	Photo	3897
21	S-551	Photo	3900
22	S-552	DVD of Interview Four	3902
23	S-553	Extraction Documents	4045
24	S-554	Photo	4047
25	S-555	Photo	4047

			46
1	<u>No.</u>	<u>Description</u>	<u>I.D.</u> <u>Ev.</u>
2	S-556	Text Message Thread	4046
3	S-557	Photo	4575
4	S-558	Photo	4573
5	S-559	Photo	4573
6	S-560	Photo	4574
7	S-561	Photo	4574
8	S-562	Photo	4575
9	S-563	Photo	4575
10	S-564	Photo	4574
11	S-565	Photo	4571
12	S-566	Photo	4574
13	S-569	Photo	4838
14	S-570	Badge	4823
15	S-571	Badge	4823
16	S-572	Text Messages	4937
17	S-573	Photo	5031
18	S-575	Photo	5322
19			
20			
21	D-1	Photo - SEALED	517
22	D-2	Photo - SEALED	517
23	D-3	Search Warrant	716
24	D-4	Diagram	846
25	D-5	Measurements	849

			47
1	No.	Description	I.D. Ev.
2	D-6	Photo	850
3	D-7	DVD of FARO Software	854
4	D-9	Photo	862
5	D-10	Photo	862
6	D-11	Photo	861
7	D-12	Photo	862
8	D-13	Photo	862
9	D-14	Photo	862
10	D-15	Photo	862
11	D-16	Photo	863
12	D-17	Photo	863
13	D-18	Photo	863
14	D-19	Photo	863
15	D-20	Photo	863
16	D-21	Photo	863
17	D-22	Photo	863
18	D-23	Photo	863
19	D-24	Photo	863
20	D-25	Photo	863
21	D-26	Photo	863
22	D-27	Photo	863
23	D-28	Photo	863
24	D-29	Large Diagram	877
25	D-30	Photo	896

				48
1	No.	Description	I.D.	Ev.
2	D-31	Photo		894
3	D-32	Photo		894
4	D-33	Photo		897
5	D-38	KnowledgeC Database Report		1324
6	D-41	KnowledgeC Database Report		1328
7	D-42	Evidence Intake Form		1359
8	D-43	Worksheet from Report		1361
9	D-45	Database From M. Murdaugh's Phone		1365
10	D-46	Evidence Intake Form		1360
11	D-54	Text Message Report		1333
12	D-59	Photo - SEALED		1404
13	D-60	Vehicle Report		1349
14	D-61	DVD		1506
15	D-62	Receipt		1502
16	D-63	Excerpt of Report		1973
17	D-64	Excerpt of Report		1973
18	D-69	Excerpt of Report		1953
19	D-80	Motion by M. Tinsley	2031	
20	D-82	Motion to Compel	2032	
21	D-86	Blue Tarp	2123	2124
22	D-87	Photo		2152
23	D-90	Report on Vehicle		2655
24	D-91	Loan Review		2886
25	D-95	Memo - Zapata		3301

	No.	Description	I.D.	Ev.
1				
2	D-96	Photo		3301
3	D-97	Photo		3301
4	D-98	Photo		3302
5	D-99	Photo		3302
6	D-100	Photo		3302
7	D-101	Photo		3302
8	D-102	Photo		3302
9	D-103	Photo		3302
10	D-104	Photo		3302
11	D-105	Photo		3302
12	D-107	Photo of Text Messages		3051
13	D-109	Photo - SEALED		3425
14	D-111	Photo of X-ray - SEALED		3405
15	D-112	Photo of X-ray - SEALED		3405
16	D-113	Photo of X-ray - SEALED		3405
17	D-115	Photo - SEALED		3388
18	D-116	Photocopy - Page of Book		3415
19	D-122	Photo		3540
20	D-123	Photo		4182
21	D-124	Excerpt of Medical Records		3908
22	D-125	Photo		3912
23	D-126	News Release		4194
24	D-127	Photo		3912
25	D-129	Text Messages	4190	

	No.	Description	I.D.	Ev.
1				
2	D-130	Photo		4161
3	D-131	Photo		4161
4	D-132	Photo		4161
5	D-133	Photo		4161
6	D-134	Photo		4161
7	D-135	Photo		4162
8	D-136	Photo		4162
9	D-138	Text Message		4091
10	D-140	PowerPoint Printout		4297
11	D-141	Speed Graph - SEALED		4298
12	D-142	Speed Graph - SEALED		4298
13	D-143	DVD of PowerPoint - SEALED		4226
14	D-144	SLED Crime Scene Notes - SEALED		4382
15	D-145	PowerPoint Presentation (Paper)		4594
16	D-156	Report on Steps		4616
17	D-158	PowerPoint Presentation (Paper)		4623
18	D-159	Photo - SEALED		5156
19	D-160	Photo - SEALED		5156
20	D-161	Photo - SEALED		5156
21	D-162	Photo - SEALED		5152
22	D-163	Photo - SEALED		5210
23	D-164	Photo - SEALED		5210
24	D-165	Photo		5192
25	D-168	X-ray of P. Murdaugh		5156

				51
1	No.	Description	I.D.	Ev.
2	D-169	X-ray of P. Murdaugh		5156
3	D-177	MUSC File - M. Murdaugh		5113
4	D-178	MUSC File - P. Murdaugh		5113
5	D-179	Text Message		5069
6	D-180	Photo		5069
7	D-181	Photo		5204
8	D-182	Photo		5206
9	D-183	Photo		5204
10	D-186	Photo		5204
11	D-188	Photo		5204
12	D-189	Photo of Book Page - WITHDRAWN	5138	
13	D-190	Photo - SEALED		5190
14	D-191	Photo - SEALED		5190
15	D-192	Photo		5192
16	D-193	Photo - SEALED		5201
17	D-194	Photo - SEALED		5212
18	D-195	Photo		5360
19	D-196	Photo		5515
20	D-197	Photo		5515
21				
22				
23				
24				
25				

				52
1	<u>No.</u>	<u>Description</u>	<u>I.D.</u>	<u>Ev.</u>
2	C-1	Firearms Report		344
3	C-2	Email		457
4	C-3	Jury Note		3975
5	C-4	DVD of Interview		5737
6	C-5	Packet of Emails - SEALED		5737
7				
8				
9				
10				
11				
12				
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1 that shirt, if I was to be asked, if that was the shirt he
2 was wearing the day.

3 Q Now, Ms. Blanca, I'm going to show you what's marked
4 455 and 457 for ID only. Do you recognize these, and do
5 they relate to your testimony? Without saying what they
6 are.

7 A Yes.

8 Q Okay. On September 4th of 2021, did you have a
9 conversation with the defendant, Alex Murdaugh?

10 A I did.

11 Q Okay, and what had he asked you to do?

12 A He asked me to send him copies -- send him a photo of
13 the insurance cards.

14 Q And do you know what day of the week that was? And
15 I'll go back here so you can talk, and I'm sorry.

16 A I don't remember the day. All I know is it's on my
17 phone.

18 Q Okay. He asked you to send him a copy of his medical
19 card?

20 A Oh, it was on a Saturday morning because the next day
21 was my daughter's birthday. Early that morning when he
22 called me, he asked me -- when I sent him the picture of
23 the plastic insurance card he said no, I need the cardboard
24 one. Well, the cardboard one was in Maggie's purse. It
25 wasn't in the area where he usually kept the cards in the

1 cabinet. So, I told him, I said it's in Maggie's purse.
2 He said, well, go ahead and get the cards. Send me a
3 picture of them. And I asked him if he was okay, and he
4 said, well, I'm just getting some routine exams done, he
5 said, and I need the numbers so I can go ahead and schedule
6 these appointments. It was a Saturday because I was
7 thinking where is he going to go to get appointments done
8 on a Saturday? But I didn't say anything, I made -- I went
9 and I took pictures and I sent them all of the copies of
10 the cards that I found.

11 MR. MEADORS: Your Honor, we would offer State's 455
12 and 457.

13 MR. HARPOOTLIAN: Your Honor, first of all, he
14 obviously consulted with me about this as he walked up to
15 me a moment ago, and I just don't quite understand the
16 relevance of why him asking for -- I'm sorry. I thought he
17 would consult with me and tell me what the relevance is but
18 he hasn't told me.

19 MR. MEADORS: With your permission?

20 (Break in proceedings.)

21 MR. HARPOOTLIAN: Okay. No objection. Sorry, Your
22 Honor, we were just sort of surprised.

23 MR. MEADORS: Your Honor, I think with that, that's
24 455 and 457 without objection.

25 MR. HARPOOTLIAN: Reserving our previous objection, I

1 apologize.

2 THE COURT: What previous objection?

3 MR. HARPOOTLIAN: I'm sorry, Your Honor?

4 THE COURT: What previous objection? You said
5 reserving a previous objection.

6 MR. HARPOOTLIAN: I apologize. I'm so used to saying
7 that, I apologize. I have no previous made objection to
8 this document concerning this issue. I apologize.

9 THE COURT: Admitted without objection.

10 (PHOTO OF INSURANCE CARD/TEXT MARKED AS STATE'S
11 EXHIBIT NUMBER 455 WAS RECEIVED INTO EVIDENCE.)

12 (PHOTO OF INSURANCE CARD/TEXT MARKED AS STATE'S
13 EXHIBIT NUMBER 457 WAS RECEIVED INTO EVIDENCE.)

14 Q 455 -- I'll stand right here. Okay, were you texting
15 with Alex Murdaugh about sending these cards?

16 A Yes, I was.

17 Q Okay, and that's the text, and is that his medical
18 card you sent him a picture of?

19 A One of the medical cards I sent him a picture of, yes.

20 Q Please listen to me carefully. Don't go any farther
21 than my answer I ask. Okay?

22 A Yes, sir.

23 Q After this date, September 4th of 2021, did you and
24 your husband quit living at Moselle?

25 A We did.

1 Q Okay. A couple of other questions and I know
2 everybody will be glad I'm sitting down. In addition to
3 cleaning the house, did you ever look at Maggie's Mercedes
4 to try to clean it afterwards?

5 A I did.

6 Q What, if anything, did you find?

7 A As I was cleaning the vehicle, removing her --

8 MR. HARPOOTLIAN: I would object unless she can give
9 us a date, or at least a range of dates.

10 Q Do you remember when that was?

11 A That was about a week after.

12 Q Okay.

13 MR. HARPOOTLIAN: After?

14 Q After the murders? When did you -- do you remember
15 when you cleaned her car?

16 A I cleaned the car when they asked me to pick it up
17 from the sheriff's -- the impound, sheriff's department.

18 Q Okay, and who asked you to pick it up?

19 A Randy and his wife had dropped off Paul's truck, and
20 they were getting ready to leave to go out of town, so he
21 asked if my husband and I could go pick up the Mercedes
22 from the impound and bring it back to the house.

23 Q And did you clean it after that?

24 A I did.

25 Q Okay, and what did you find, if anything?

1 A Well, she still had paint for the Edisto house, that
2 she was trying to touch up some areas at the house in
3 Edisto. She had some pillows that she was going to return.
4 And as I moved the seat to clean -- to vacuum underneath
5 the driver's seat, I found her ring.

6 Q Her what?

7 A Her ring. Her wedding band.

8 Q Now, did Maggie, based on your time with her and
9 experience, like being at Moselle by herself?

10 A No.

11 Q And in leading up to the murders, was she anxious
12 about anything?

13 A She had a conversation with me -- she had a
14 conversation with me a few months prior. I walked in the
15 house and Maggie said hey, Blanca. She said I've got to
16 talk to you. I've got something to tell you. And so she
17 said let me make some coffee, and she went, made a pot of
18 coffee. She made me a cup, she made herself a cup, and we
19 went -- she said let's go talk. We went into the hunting
20 room and she closed the door, because Alex was sleeping in
21 the bedroom, which is on the other side of the house, but
22 she closed the door. When Maggie closed the door --

23 MR. HARPOOTLIAN: Your Honor, I would object.

24 Hearsay.

25 THE COURT: Response?

1 MR. MEADORS: Judge, I think --

2 Q Was she anxious about money issues?

3 THE COURT: Just, a moment --

4 MR. HARPOOTLIAN: Your Honor, I object to --

5 THE COURT: Well, I know you objected and --

6 MR. HARPOOTLIAN: But he is testifying.

7 THE COURT: I understand your objection.

8 MR. MEADORS: Judge, I'm not offering --

9 THE COURT: Well, I'm not sure what you're doing.

10 There's an objection to the previous question. The
11 objection is sustained. While entertaining the objection,
12 you cannot pose another question. The objection is
13 sustained.

14 MR. MEADORS: And I apologize.

15 THE COURT: Yes, sir. You may proceed.

16 MR. HARPOOTLIAN: Your Honor, and I hesitate, but
17 there's a matter that needs to be put on the record.

18 THE COURT: All right, ladies and gentlemen, we'll
19 have you go to the jury room. Please do not discuss the
20 case.

21 (The jury left the courtroom.)

22 MR. HARPOOTLIAN: Please the Court?

23 THE COURT: Yes, sir.

24 If everyone will be seated.

25 Yes.

1 MR. HARPOOTLIAN: I objected as to a conversation.
2 We're aware of that conversation, but I objected, knowing
3 where he was going, which was -- and in that same
4 interview, by the way, she gave about the statement where
5 Maggie said she was concerned about money, she also
6 indicated that Maggie was never concerned about money.
7 Either way it's hearsay. He said, before Your Honor ruled,
8 was she concerned about money, or wasn't she concerned
9 about money. He testified, which is to hearsay.

10 I would move for a mistrial. I think it's unduly
11 prejudicial based on the last three weeks we've heard of
12 financial misconduct on the part of the defendant, and I
13 would move for a mistrial. I would move that it's -- for
14 mistrial because I don't think -- even if you give this
15 jury an instruction, you can't un-ring the bell. You can't
16 correct that, and now I've had to draw attention to it even
17 more so by objecting to it. He knew that was wrong. Thank
18 you, Your Honor.

19 THE COURT: All right. Mr. Meadors?

20 MR. MEADORS: Your Honor, and for the record, I
21 apologize for that question. I don't even have to say it.
22 I'm sorry.

23 THE COURT: Well, we're not here about the apologies.

24 MR. MEADORS: Judge, under 803 -- and what I should
25 have brought to the Court's attention first, 803.3, we

1 think this would be admissible hearsay exception, then
2 existing mental emotional or physical condition. The
3 statement of the declarant to then exiting state of mind,
4 emotion, sensation, or physical condition. We think it
5 fits under that rule, how she was, and that's all I was
6 going to elicit, that's it.

7 I wasn't -- and hearsay was coming out a little bit.
8 A lot of hearsay has come out in this trial that wasn't
9 objected to, and it just was rolling and I wasn't trying to
10 plan that far away ahead.

11 But I do think, respectfully, it comes in under -- we
12 would like for you to consider under 803.3, Judge. And
13 that's what I should have said before I asked the question,
14 and again for the record say I'm sorry.

15 THE COURT: 803.3:

16 The following are not excluded by the hearsay
17 rule even though the declarant is available as a
18 witness. A statement of the declarant's then
19 exiting state of mind, emotion, sensation or
20 physical condition, such as intent, plan, motive,
21 design, mental feeling, pain, and bodily health,
22 but not including a statement of memory or belief
23 to prove the fact remembered or believed unless
24 it relates to the execution, revocation,
25 identification, or terms of the declarant's will.

1 Mr. Harpootlian?

2 MR. HARPOOTLIAN: Obviously, Your Honor, I don't think
3 that's covered by 803.

4 THE COURT: Why not?

5 MR. HARPOOTLIAN: Well, because it's the
6 declarant's -- maybe we need to ask her exactly what she
7 said before you rule on that. The only testimony we've
8 heard on that point is his.

9 THE COURT: All right. We heard a question, then an
10 objection, and then another question while the Court was
11 listening to your objection, so we'll have a proffer of
12 this testimony and see where it's going.

13 PROFFERED EXAMINATION

14 BY MR. MEADORS:

15 Q Was Maggie Murdaugh anxious, if anything, in the days
16 leading up to the murder that she expressed to you?

17 A Yes, sir.

18 Q Please tell the Judge what it was.

19 A She was worried because a lawsuit had been presented
20 stating that they wanted \$30 million. Maggie was crying.
21 Maggie said I -- we don't have that kind of money, Blan,
22 and that's what she used to call me. She said we don't
23 have that. She said if I could give them everything that I
24 got and make this go away, she said, I would do it in a
25 heartbeat. I'm not -- she said I'll start over. We'll

1 start over. She said I just want it gone.

2 THE COURT: Just a moment, we are listening to a
3 proffer. Go ahead.

4 Q Would that be the extent -- instead of that long --
5 would that be, like, money issues that she was worried
6 about?

7 A The money issues dealing with the lawsuit.

8 END OF PROFFER

9 MR. MEADORS: And, Your Honor, that's all I was going
10 to offer or ask of the money issues. I wasn't looking to
11 even go into detail of what she said there, that long
12 colloquy.

13 THE COURT: Yes, sir.

14 MR. HARPOOTLIAN: I don't quite understand how this
15 fits into, first, what you've allowed in under 403, 404,
16 and *res gestae*.

17 THE COURT: It's not a prior bad act obviously.

18 MR. HARPOOTLIAN: Right. It is her perception, her
19 perception to the lawsuit, you know, for \$30 million
20 putting financial stress on her. There's not any -- she's
21 not relating that Alex has any stress on him. He's the one
22 on trial. Her perception that the \$30 million would make
23 her -- was concerning her, I mean, she's not accused. That
24 is Maggie Murdaugh is not the defendant here. There's no
25 connecting it to the defendant.

1 I don't understand what -- I mean, not only is it hearsay,
2 it's not relevant to the issues being litigated here. Her
3 state of mind? Her state of mind on financial issues? I
4 don't know how that relates.

5 THE COURT: Anything further?

6 MR. HARPOOTLIAN: No, sir.

7 MR. MEADORS: No, sir.

8 THE COURT: We've had testimony elicited by the
9 defense throughout the trial and witnesses portraying the
10 family as loving, a loving and happy marriage. The
11 question posed to Mr. Gibson, I believe it was, and to the
12 other friend of Paul's and Buster's as to whether the
13 family was anxious or seemed to have any concerns or issues
14 going on at the time, and I find that this testimony
15 properly responds to that testimony and the objection is
16 overruled.

17 Anything else?

18 MR. HARPOOTLIAN: No, sir.

19 THE COURT: All right. Let's take a one minute
20 stretch before the jury comes back.

21 (Break in proceedings.)

22 THE COURT: In connection to denying the objection,
23 the motion for a mistrial is also denied.

24 You can bring the jury back.

25 (The jury returned to the courtroom.)

1 THE BAILIFF: The jury is present, sir.

2 THE COURT: Thank you. The last objection was
3 overruled, and you may proceed.

4 MR. MEADORS: May it please Your Honor?

5 CONTINUED DIRECT EXAMINATION

6 BY MR. MEADORS:

7 Q Ms. Simpson, in the days leading up to the murders of
8 Paul and Maggie Murdaugh, based on your time with her, was
9 Maggie Murdaugh anxious about anything?

10 A She was concerned about the amount of money that they
11 were requesting in the lawsuit. 30 million is what she
12 told me.

13 Q Now, we're going to show you what's marked 29 --

14 THE COURT: Just a moment. You posed a question,
15 there was an objection, the Court overruled the objection.
16 Do you want the witness to answer the question that you
17 posed?

18 MR. MEADORS: Yes, sir, she had --

19 THE COURT: Well, you posed a separate question.

20 MR. MEADORS: Yes, sir, and I thought she had
21 answered.

22 Q You said she was worried about 30 million? Can
23 you explain that more?

24 THE COURT: No, sir. That wasn't your question --

25 Q What was she anxious --

1 THE COURT: -- that there was an objection to. Do you
2 withdraw the question that you posed --

3 MR. MEADORS: No, sir --

4 THE COURT: -- prior to the Court's ruling on the
5 objection?

6 MR. MEADORS: No, sir, I don't.

7 THE COURT: Or you forgot the question?

8 MR. MEADORS: To the world, yes, sir, I'm sorry.

9 THE COURT: Proceed.

10 Q She was -- what was she anxious about?

11 A She said she knew the amount of money that they were
12 asking, but she felt that Alex was not being truthful to
13 her with regard to what exactly was going on with that
14 lawsuit. She said he doesn't tell me everything.

15 Q I'm going to now show you what's marked State's 297.
16 Excuse me, entered as 297.

17 (At this time a video was played.)

18 Q Ms. Blanca, had you seen that before?

19 A Yes, sir.

20 Q Okay, and I think maybe in prior statements or
21 something had you said -- do you remember -- recognize the
22 voices on there?

23 A Yes, sir.

24 Q Who do you recognize?

25 A It's Paul, Maggie, Alex.

1 Q And previously have you said in a memo or a memorandum
2 or interview that you thought you may have heard another
3 voice?

4 A Yes, sir, I did, at a distance.

5 Q But having listened to it again -- have you listened
6 to it this week? I mean, it's not -- on TV have you seen
7 it?

8 A I have. There's only three voices: Alex, Maggie, and
9 Paul.

10 Q So after hearing it several times, is that your
11 conclusion?

12 A Yes, sir.

13 Q Just a few more questions.

14 A Yes, sir.

15 Q Would Ms. Maggie Murdaugh -- did she go down to the
16 kennels at night by herself?

17 A No, sir.

18 Q Okay, and you say that emphatically. Why do you know
19 that?

20 A She was scared. It got dark out there.

21 Q So, would she go down there by herself?

22 A No.

23 Q Did she like to go down there when it wasn't dark?

24 A She did.

25 Q And did she like playing with the dogs?

1 A She always took the dogs with her.

2 Q Which dogs were hers?

3 A Grady and Bubba were always with her.

4 Q Okay. So, when she was at Edisto, where would Grady
5 and Bubba be?

6 A She would -- sometimes she would take both of them,
7 but the majority of the time in the last few months she was
8 alternating. She would take one or not the other.

9 Q Can you tell us about the defendant's -- did you ever
10 see him with his cell phone? Alex Murdaugh, did you ever
11 see him use his cell phone?

12 A Yes, sir.

13 Q Can you tell the jury his habits with the cell phone?
14 Would he have it a lot? Did he use it a lot?

15 A Yes, sir, he did.

16 Q Okay.

17 A He was always on his phone.

18 Q Say that again.

19 A He was always on his phone.

20 Q Okay. Paul, were you familiar with his habits
21 regarding cell phones?

22 A Not -- the times that he was there at the house, he
23 was always on his phone. If he's go in the shower or
24 whatever, he would play his country music on the phone, but
25 that's the extent that I know from what I observed being

1 there in the house.

2 Q When you were -- on June 8th, and you've talked about
3 it and I'm not trying to rehash that, but on June 8th of
4 2021, when you went to clean up the house, is that pretty
5 much what you saw in the bathroom, the pants and the damp
6 towel?

7 A Yes, sir. There was a rug right as you step out of
8 the shower, and there was, like, a slight puddle of water,
9 a towel, a white towel, and then a pair of khaki pants.

10 Q But you didn't see any bloody clothes or anything like
11 that, did you?

12 A No, sir.

13 MR. MEADORS: Beg the Court's indulgence just a few
14 seconds, Judge.

15 (Break in proceedings.)

16 MR. MEADORS: If I did this, I'm sorry, Judge.

17 Q Is the individual in State's 306, is that individual
18 in the courtroom?

19 A Yes, sir.

20 Q And would you please -- is it Alex Murdaugh sitting
21 between Mr. Harpootlian and Mr. Griffin?

22 A Sitting right -- yes, sir.

23 MR. MEADORS: And the record is reflecting. Thank
24 you, Judge.

25 Q Have you ever, ever, ever seen that blue -- that shirt

1 again?

2 A No, sir, not to my knowledge.

3 Q Have you ever seen these shoes again that he's wearing
4 here?

5 A No, sir.

6 Q And you said the Sperry cloth -- you say the Sperry
7 shoes, have you ever seen those again?

8 A No, sir.

9 MR. MEADORS: That's all. Thank you.

10 THE COURT: Cross-examination?

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

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. HARPOOTLIAN:

15 Q Ma'am, my name is Dick Harpootlian and I represent the
16 man you know as Alex, right?

17 A Yes, sir, I've met you before.

18 Q I don't think we've ever met before, have we?

19 A Yes, we have.

20 Q We've met?

21 A Yes, sir, at the house, Maggie's funeral.

22 Q Oh, at Maggie's funeral, yes, I apologize. There was
23 a lot of people there that day.

24 A Yes, sir.

25 Q Alex has always referred to you, when people ask who

1 you are, as his friend, correct?

2 A That is correct.

3 Q Never called you his housekeeper, right?

4 A That is correct.

5 Q He always, when he introduced you, as his friend.

6 A That's correct.

7 Q Now, you've also, I think in multiple interviews with
8 SLED and other folks, described -- I think that the words
9 were Maggie was his all. Isn't that what you told SLED?

10 A Yes, sir.

11 Q What does that mean, Maggie was his all?

12 A He adored her. He loved her; he adored her.

13 Q Worshiped her. I mean, just treated her as somebody
14 he adored, correct?

15 A Exactly, yes, sir.

16 Q Now, I think they also asked you if you ever saw them
17 have any arguments --

18 MR. MEADORS: Your Honor, I did not ask -- objection.

19 THE COURT: Restate the question, please.

20 Q SLED asked you if you had ever seen them have any
21 arguments.

22 MR. HARPOOTLIAN: I don't quite understand the basis
23 for the objection, Your Honor.

24 THE COURT: You restated the question.

25 You may respond.

1 A What was the question again, sir?

2 Q Did you ever see them have any arguments?

3 A I never saw them have arguments. It was just some
4 minor disagreement because of the remodeling.

5 Q And I think you cite specifically they had -- when you
6 said they had arguments about the paint colors, for
7 instance?

8 A One of them was Maggie was set on getting a certain
9 white and Alex was saying just get whatever white.
10 Basically, you know, he didn't care. She wanted a specific
11 white and he just didn't --

12 Q I'm sorry, but you never saw them have any violent
13 arguments or argue about money or argue about
14 relationships. It was all the minor things that most
15 couples go through, picking paint colors and those kind of
16 things. Is that correct?

17 A Yes, sir, to some -- they would disagree on -- it
18 wasn't that they disagreed. The only thing that I remember
19 Maggie saying was that she just wanted him to sit still and
20 listen to her for at least 10 minutes at a time because he
21 was always on the go.

22 Q Is that an uncommon complaint between husbands and
23 wives or wives to husbands, I want you to just listen to
24 me? Is that right?

25 A She just was -- she would get frustrated because of

1 that.

2 Q Right. Did you ever tell your husband that, just
3 listen to me? Sit, please?

4 A All of the time.

5 Q So, let me talk a little bit about the morning of the
6 7th --

7 A Yes, sir.

8 Q -- and then the morning of the 8th because I
9 understand you left before Paul, Maggie, or -- Alex was on
10 the Moselle property on the 7th, correct?

11 A Yes, sir.

12 Q Okay. We're going to talk about those texts in just a
13 minute between you and Maggie, but you fixed some dinner
14 for them.

15 A I did.

16 Q And did you set a table or did they have to go get
17 their own plates and put them out?

18 A No. I left the food on the stove.

19 Q Right, and normally the next day, the pots would still
20 be on the stove, right?

21 A Yes, sir.

22 Q Would they clean up their plates or leave those in the
23 sink, or how would that go?

24 A Sometimes the plates would be in the living room.
25 There was no plates in the living room; they were in the

1 sink.

2 Q Okay. When you got there on the morning of the 8th,
3 they were in the sink?

4 A The plates were in the sink. They were not in the
5 living room.

6 Q Okay. Now, are you aware of how many people were in
7 there, how many friends, law partners, his sister, who was
8 in the Moselle house on the night of the 7th?

9 A No, sir.

10 Q Okay. If I told you there were twelve to fifteen of
11 them, would that surprise you? I mean, Maggie and Paul had
12 just been killed. Was he very close to his law partners?

13 A Yes, sir.

14 Q Okay. His sister, Lynn, do you know Lynn?

15 A I met her at Maggie's -- when Maggie passed.

16 Q Okay, and would it surprise you to know that --

17 MR. MEADORS: Your Honor, I am going to object.

18 MR. HARPOOTLIAN: I was just going to ask her if she
19 knows, Your Honor.

20 THE COURT: Well, the objection is sustained.

21 You cannot testify.

22 Q I'll make it more general than this. Do you know if
23 any one that evening of those people moved the food from
24 the stove top to the refrigerator?

25 A I don't know.

1 Q Okay. Now, let's talk a little bit about the -- the
2 room, the bedroom and -- well, let me ask you this. Let's
3 back off just a little bit. You drove over from his mother
4 and father's house, correct --

5 A Correct.

6 Q -- that morning, the 8th, to Moselle, correct?

7 A Yes, sir.

8 Q And instead of coming in your normal way, which would
9 have been the entrance by the kennels where there -- did
10 you see all of the police down there?

11 A No, sir, I did not.

12 Q Okay. You drove up to the main entrance that would go
13 straight up to the house where, if you took a right on that
14 road, you could end up back down at the kennels, right?

15 A Yes, sir.

16 Q When you came up that, were there police around the
17 house up there?

18 A Not around the house.

19 Q Okay. Did anyone question whether you should go into
20 the house or not?

21 A No, sir.

22 Q Was there anybody in the house other than you?

23 A No, sir, it was me.

24 Q So, did you find it strange that this was a crime
25 scene --

1 MR. MEADORS: Objection.

2 THE COURT: I need to hear the question.

3 MR. MEADORS: I'm sorry.

4 Q The question would be did you find it strange there
5 was no law enforcement present at the house that morning?

6 THE COURT: All right, you may answer the question.

7 Q Go ahead.

8 A It wasn't strange because there was law enforcement
9 all over on the kennels side. It wasn't strange that they
10 allowed me to go into the house.

11 Q Let me ask you this. Did anybody from SLED show up
12 while you were there that morning?

13 A I believe there was an officer. I do not recall the
14 officer's --

15 Q Do you remember somebody coming in to search the house
16 while you were there?

17 A There were several agents that came through.

18 Q Right, but -- Okay, but you had been there for awhile
19 before they got there?

20 A Yes, sir.

21 Q Did they ask you about clothes that you found, or did
22 they ask you about anything that you found out of the
23 ordinary, anything like that?

24 A I didn't ask any questions. They didn't ask me. They
25 just went about doing what they were doing.

1 Q And where they going from room to room? Were they
2 looking for things under the bed? Do you remember?

3 A If appeared that that's what they were doing, sir.

4 Q Okay, but that was after you got there and picked up
5 the bathroom, picked up the towels?

6 A No, sir. I hadn't picked up anything at that point
7 because I was still in shock, and I was still trying to
8 process what had just happened to my friend.

9 Q So, they would have seen the khaki pants on the floor?

10 MR. MEADORS: Objection.

11 Q Did they go into the bathroom?

12 A I couldn't tell you, sir. The laundry room sits on
13 the other side of the house, and I had to take some time to
14 process what had happened to Maggie and Paul. I didn't --
15 I know I saw agents that went upstairs to Paul's room. I
16 saw them walking through the house, sir, but I don't know
17 what they took, what they didn't took. All I can tell you
18 is what I saw when I got there.

19 Q Okay. While they're there or after they left, is that
20 when you went into the bathroom and saw the khaki pants,
21 somebody taking a shower, there was a towel on the floor,
22 and khaki pants on the floor? Was that before or after
23 they left?

24 A After.

25 Q Okay. So, all of those items would have been -- they

1 would have been there for those folks to see as far as you
2 know?

3 A Yes, sir.

4 Q Now, let me ask you a couple things and about what you
5 saw. They keep showing you this picture by the tree of
6 Alex, and he appears to have on a khaki pair of pants in
7 that picture, correct?

8 A Yes, sir.

9 Q And, I mean, I'm sure he had a number of different
10 pairs of khaki pants, but were those khaki pants similar to
11 the ones he has on in the picture? Could they be the same
12 ones?

13 A They could be, but he had several.

14 Q Right, and in terms of somebody had taken a shower, it
15 looked like there was water on the floor?

16 A Yes, sir.

17 Q Now, did Alex take a number of showers every day? Was
18 he a prolific shower taker?

19 A Not that I'm aware. He would get up in the morning,
20 take a shower, and go to work.

21 Q But did he take showers at other times during the day?

22 A I wasn't there in the evening hours, so I don't know.

23 Q Okay. So, it wasn't unusual for, when you got there,
24 to find a towel on the floor and water on the floor for him
25 having taken a shower?

1 A That wasn't unusual.

2 Q Okay, and I think that when you were asked about a
3 shirt -- and we can pull this if you want to go back to it
4 -- whether there was a shirt there. Also, you said you
5 couldn't remember. Is that correct?

6 A With regard to?

7 Q Whether there was a shirt with the khakis on the
8 floor, you said I couldn't remember.

9 A I could not remember whether there was a shirt with
10 the khaki pants. All I remember was a white, damp towel
11 sitting there.

12 Q Okay, and the khaki pants?

13 A Yes, sir.

14 Q But you don't remember what -- and I think you told
15 the grand jury I don't remember whether there was a shirt
16 or wasn't a shirt, correct?

17 A That is correct.

18 Q And as today you can't tell this jury there wasn't a
19 shirt on the floor, you just can't -- you can tell them you
20 don't remember, correct?

21 A What was your question?

22 Q You can't tell this jury there wasn't a shirt on the
23 floor because you can't remember whether there was a shirt
24 on the floor or not. Isn't that what you told the grand
25 jury?

1 A Yes, sir.

2 Q Okay. So, we know there's a pair of khaki pants.

3 There may have been a shirt and those shoes -- well, let me
4 ask you this. You know on the night of the 7th --

5 A Yes, sir.

6 Q -- Alex had left, correct? He wasn't there when you
7 got there the next morning.

8 A No, sir, he wasn't there.

9 Q Okay. Matter of fact, he never spent another night at
10 Moselle that you --

11 A No, sir, he did not.

12 MR. MEADORS: Objection, Your Honor.

13 MR. HARPOOTLIAN: She knows, Your Honor.

14 THE COURT: You can answer it if you know whether or
15 not he's ever spent another night at Moselle.

16 Q After the murders, did he ever spend another night at
17 Moselle to your knowledge?

18 A He did not.

19 Q So, when he left that night on the night of the 7th
20 and went to his mother and father's house, you don't know
21 what clothes he took with him, what shoes he was wearing.
22 You have no idea, correct?

23 A That is correct.

24 Q And were you aware that SLED had confiscated the
25 clothes that he had on?

1 A At that moment, I didn't.

2 Q Okay. Well, you are now.

3 A Yes, sir, I do know now.

4 Q Okay. A white t-shirt, a pair of shorts that he
5 showed you, and whatever shoes he had on, some sneakers,
6 right?

7 A I didn't see the sneakers but I saw the clothing
8 items.

9 Q Okay, and so he had to put on, if they did that, other
10 clothes to go over to his mother's house, correct?

11 MR. MEADORS: Objection.

12 Q Would it stand to reason he would have to put on other
13 clothes or go in his underwear?

14 A I would assume so, yes.

15 Q Okay. Do you know what he wore over to his mother's
16 house?

17 A No, sir.

18 Q Do you know whether he wore those shoes?

19 A No, sir.

20 Q You don't know. So, did ---

21 MR. MEADORS: Your Honor, objection to -- objection.

22 THE COURT: Basis for the objection? To which
23 question?

24 MR. MEADORS: To that last one, shoes. I don't know
25 what specificity. He says to those shoes. I don't know

1 what he's --

2 Q I'm sorry. The shoes that you say you saw in the
3 Snapchat photo you say you never saw again, right?

4 A That is correct.

5 Q Okay. You don't know whether he wore those shoes the
6 night of the 7th over to his mama's house, do you?

7 A I don't know that. I wasn't there.

8 Q You don't know what he wore over there, correct?

9 A That's correct. I wasn't there.

10 Q He may have even worn that shirt that you saw you
11 never saw again, correct?

12 MR. MEADORS: Objection.

13 THE COURT: Objection is overruled.

14 Q Right?

15 A Correct.

16 Q Okay. Now, if somebody alleged that those khaki pants
17 was what Alex was wearing the night of --

18 MR. MEADORS: Your Honor, I'm going to object.

19 THE COURT: I need to hear the question.

20 MR. HARPOOTLIAN: I can't finish the question. I'm
21 sorry, Your Honor.

22 Q Let me state this. If somebody were to say that Alex
23 Murdaugh, as ridiculous as it sounds, was wearing those
24 khaki pants when he --

25 MR. MEADORS: Objection.

1 THE COURT: The objection is sustained.

2 Q Okay. Let me put it this way. Did you see any blood
3 on those khaki pants?

4 A No, sir.

5 Q You washed them, right?

6 A Yes, sir.

7 Q Did you put anything on them to get blood stains out
8 of them? Would there --

9 A Are you -- did I remove blood stains off of khaki
10 pants?

11 Q I'm asking you rhetorically. I'm asking you. Did you
12 see, see any blood stains?

13 A There appeared to be no blood stains on those pants.

14 Q And in the bathroom, did you see any bloody
15 footprints?

16 A I did not.

17 Q Did you see any blood on that towel?

18 A No, sir.

19 Q Did you see anything indicating to you there had been
20 anybody wearing bloody shoes or washing off after, washing
21 blood off, or anything that would indicate that somebody
22 after a murder had gone back to that room, changed clothes,
23 covered in blood, took a shower and changed clothes?

24 MR. MEADORS: Objection.

25 Q Did you see anything that would indicate that?