

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. XI**

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**RECORD ON APPEAL INDEX
VOLUME I**

ORDERS

Order Granting Motion of State to Admit Evidence of Other Crimes, filed February 6, 2023 ...1

ORDERS POST TRIAL

Court of Appeals Order, filed October 17, 2023 7

Supreme Court Order, filed January 3, 2024.....8

Circuit Court Order Denying Motion for New Trial, filed April 4, 2024 10

Supreme Court Order, filed August 13, 2024 35

Supreme Court Order, filed September 13, 2024.....37

JUDGMENTS

Judgment (Sentencing Sheets-4), filed March 3, 2023 39

DECREES

Notice of Alibi Defense, filed November 17, 2022 55

Notice of Direct Appeal, filed March 9, 2023 57

Notice of Jury Tampering Appeal, filed April 11, 2024.....59

INDICTMENTS:

Indictment #2021-GS-15-00592 61

Indictment #2021-GS-15-00593 63

Indictment #2021-GS-15-00594 65

Indictment #2021-GS-15-00595 67

MOTIONS AND MEMORANDUMS FILED WITH THE LOWER COURT

Motion to Exclude False Testimony About Evidence Destroyed by the State with Exhibits, filed November 23, 2022 69

Motion for Bill of Particulars, filed December 7, 2022.....164

State’s Response in Opposition to Defendant’s Motion for a Bill of Particulars; and State’s Motion to Admit Evidence of Motive, filed December 8, 2022 173

Memorandum in Opposition to Motion in Limine re: Evidence of Other Crimes and Bad Acts, filed December 19, 2022 196

Reply to Defendant’s Memorandum in Opposition to State’s Motion in Limine to Admit Evidence of Motive, filed December 28, 2022 215

Motion in Limine to Preclude or Limit Firearm Ballistic Opinion Testimony, or Alternatively, for a *Council* Hearing, filed January 23, 2023 233

State’s Response to Motion to Preclude or Limit Firearms Ballistics Evidence, filed January 24, 2023.....255

MOTIONS AND MEMORANDUMS FILED POST TRIAL

Motion to Suspend Appeal and for Leave to File a Motion for New Trial, filed September 5, 2023.....270

Return to Motion to Suspend Appeal and Leave to File Motion for a New Trial., filed September 15, 2023.....333

Reply to the State’s Return to Appellant’s Motion to Suspend Appeal and for Leave to File Motion for New Trial, filed September 21, 2023 337

Motion for New Trial, filed October 27, 2023.....345

State’s Response to Defendant’s Motion for a New Trial; and State’s Motions to Strike, filed November 6, 2023.....418

Defendant’s Pre-Hearing Brief RE: Motion for a New Trial, filed January 3, 2024.....466

VOLUME II

MOTIONS AND MEMORANUMS FILED POST TRIAL, CONTINUED

Defendant’s Pre-Hearing Brief RE: Motion for a New Trial, filed January 3, 2024, Cont. 483

State’s Pre-Hearing Brief in Opposition to Defense Motion for a New Trial, filed January 3, 2024.....490

Defendant’s Supplemental Pre-Hearing Brief, filed January 10, 2024 497

State’s Revised Pre-Hearing Brief in Opposition to Defense Motion for a New Trial, filed January 10, 2024 529

Defendant’s Second Supplemental Pre-Hearing Brief, filed January 12, 2024.....560

Defendant’s Reply to the State’s Pre-Hearing Brief, filed January 15, 2024 592

Motion to Certify to the Supreme Court with exhibits, filed July 10, 2024 611

VOLUME III

MOTIONS AND MEMORANDUMS FILED POST TRIAL, CONTINUED

Motion to Certify to the Supreme Court with exhibits, filed July 10, 2024, Continued	967

TRANSCRIPTS

Trial Transcript (January 23-March 3, 2023), Pages 1-5894 ¹	
Jury Voir Dire – Panel One.....	1286
Jury Voir Dire – Panel Two	1333
Jury Voir Dire – Panel Three	1387
Jury Voir Dire _ Panel Four.....	1426

VOLUME IV

TRANSCRIPTS, CONTINUED

Jury Voir Dire _ Panel Four, Continued	1449
Pre-Trial Hearing – Witness Paul Greer	
Voir Dire Examination by Mr. Fernandez	1546
Direct Examination by Mr. Fernandez	1563
Cross-examination by Mr. Griffin.....	1576
Jury Selection.....	1631
Opening Statement by Mr. Waters.....	1652
Opening Statement by Mr. Harpootlian.....	1670

State’s Case In Chief

Daniel Greene

Direct Examination by Mr. Waters	1692
Cross-examination by Mr. Harpootlian.....	1735
Redirect Examination by Mr. Waters.....	1762
Recross-examination by Mr. Harpootlian	1767

Chad McDowell

Direct Examination by Mr. Waters	1769
Cross-examination by Mr. Harpootlian.....	1785
Redirect Examination by Mr. Waters.....	1797

Tinish Bryson-Smith

Direct Examination by Ms. Goude.....	1801
Cross-examination by Mr. Harpootlian.....	1805

Amanda Stallings

Direct Examination by Ms. Goude.....	1806

Barry McRoy

Direct Examination by Ms. Goude.....	1811
Cross-examination by Mr. Harpootlian.....	1818

¹ At present, the following portions of the trial transcript appear to remain under seal: (1) 5526:24 – 5544:12; 5550: 23 – 5563:1; and 5669:4 – 5737:13.

Jason Chapman	Direct Examination by Mr. Fernandez	1825
	Cross-examination by Mr. Harpootlian.....	1878
	Redirect Examination by Mr. Fernandez	1906
Laura Rutland	Direct Examination by Mr. Meadors.....	1913

VOLUME V

TRANSCRIPTS, CONTINUED

Laura Rutland, Continued	Direct Examination by Mr. Meadors, Continued	1932
	Cross-examination by Mr. Griffin.....	1946
	Redirect Examination by Mr. Meadors	1970
	Recross-examination by Mr. Griffin	1976
Delila Ciricinone	Direct Examination by Ms. Goude.....	1977
	Cross-examination by Mr. Harpootlian.....	1984
Melinda Worley	Voir Dire Examination by Ms. Goude	1989
	Direct Examination by Ms. Goude.....	1992
	Cross-examination by Mr. Harpootlian.....	2074
	Redirect Examination by Ms. Goude	2132
	Recross-examination by Mr. Harpootlian	2138
Jeff Croft	Direct Examination by Mr. Waters	2143
	Cross-examination by Mr. Griffin.....	2235
	Redirect Examination by Mr. Waters.....	2281
	Recross-examination by Mr. Griffin	2298
Anthony Kniche	Direct Examination by Mr. Conrad.....	2301
	Cross-examination by Mr. Harpootlian.....	2329
	Redirect Examination by Mr. Conrad	2338
	Recross-examination by Mr. Harpootlian	2339
Paul McManigal	Direct Examination by Mr. Conrad.....	2342
	Cross-examination by Mr. Barber	2348
Jonathan VanHouten	Direct Examination by Mr. Conrad.....	2349
John Bedingfield	Direct Examination by Mr. Waters	2368
	Cross-examination by Mr. Griffin.....	2388
	Redirect Examination by Mr. Waters.....	2396
David Britton Dove	Voir Dire Examination by Mr. Conrad	2399

Direct Examination by Mr. Conrad.....	2405

VOLUME VI

TRANSCRIPTS, CONTINUED

David Britton Dove, Continued

Direct Examination by Mr. Conrad, Continued	2415
Cross-examination by Mr. Barber	2554
Redirect Examination by Mr. Conrad	2600
Recross-examination by Mr. Barber	2612

Dathan Varnadoe

Direct Examination by Mr. Meadors.....	2615
Cross-examination by Mr. Griffin.....	2632
Redirect Examination by Mr. Meadors	2637

Rogan Gibson

Direct Examination by Mr. Waters	2638
Cross-examination by Mr. Griffin.....	2676
Redirect Examination by Mr. Waters.....	2696

Will Loving

Direct Examination by Mr. Waters	2703
Cross-examination by Mr. Griffin.....	2727
Redirect Examination by Mr. Waters.....	2741

Heidi Galore

Direct Examination by Mr. Conrad.....	2758
Cross-examination by Mr. Barber	2765

Jeannie Seckinger (*In-Camera* Hearing)

Direct Examination by Mr. Waters	2769
Cross-examination by Mr. Griffin.....	2837
Redirect Examination by Mr. Waters.....	2856

VOLUME VII

TRANSCRIPTS, CONTINUED

Dylan Hightower

Direct Examination by Mr. Conrad.....	2873
Cross-examination by Mr. Harpootlian.....	2908
Redirect Examination by Mr. Conrad	2925

Katie McCallister

Direct Examination by Ms. Goude.....	2928
Cross-examination by Mr. Harpootlian.....	2935

Michael Gunn (*In-Camera* Hearing)

Direct Examination by Mr. Waters	2940
Cross-examination by Mr. Griffin.....	2956

James C. Wilson (*In-Camera* Hearing)

Direct Examination by Mr. Waters	2957

Jan Malinowski (*In-Camera* Hearing)

Direct Examination by Mr. Waters	3010

	Cross-examination by Mr. Griffin.....	3038
	Redirect Examination by Mr. Waters.....	3045
	Re-cross examination by Mr. Griffin	3049
Michael Tony Satterfield (<i>In-Camera Hearing</i>)		
	Direct Examination by Mr. Waters	3051
	Cross-examination by Mr. Griffin.....	3062
Carson Burney (<i>In-Camera Hearing</i>)		
	Direct Examination by Mr. James.....	3063
Tom Darnell		
	Voir Dire Examination by Ms. Goude	3082
	Direct Examination by Ms. Goude.....	3084
	Cross-examination by Mr. Harpootlian.....	3194
	Redirect Examination by Ms. Goude	3105
Blake Johnson		
	Direct Examination by Ms. Goude.....	3107
Lawrence Wiggins		
	Direct Examination by Ms. Goude.....	3109
Chandler Horney		
	Direct Examination by Ms. Goude.....	3111
Jomar Albayalde		
	Direct Examination by Ms. Goude.....	3113
Paul Greer		
	Voir Dire Examination by Mr. Fernandez	3117
	Direct Examination by Mr. Fernandez.....	3124
	Cross-examination by Mr. Griffin.....	3184
	Redirect Examination by Mr. Fernandez	3222
Mark Tinsley (<i>In-Camera Hearing</i>)		
	Direct Examination by Mr. Waters	3235
	Cross-examination by Mr. Griffin.....	3254
	Redirect Examination by Mr. Waters.....	3287
Ronnie Crosby (<i>In-Camera Hearing</i>)		
	Direct Examination by Mr. Waters	3294
	Cross-examination by Mr. Griffin.....	3298
Mushelle Shelley Smith		
	Direct Examination by Mr. Meadors.....	3313

VOLUME VIII

TRANSCRIPTS, CONTINUED

Mushelle Shelley Smith, Continued		
	Cross-examination by Mr. Griffin.....	3355
	Redirect Examination by Mr. Meadors	3368
	Recross-examination by Mr. Griffin	3384
Kristin Moore		
	Direct Examination by Ms. Goude.....	3388
	Cross-examination by Mr. Griffin.....	3395

	Redirect Examination by Ms. Goude	3400
William McElveen	Direct Examination by Mr. Fernandez	3402
	Cross-examination by Mr. Griffin.....	3413
Natasha Moodie	Direct Examination by Mr. James.....	3425
Jamie Hall	Direct Examination by Mr. Meadors.....	3429
	Cross-examination by Mr. Griffin.....	3454
Jeannie Seckinger	Direct Examination by Mr. Waters	3475
	Cross-examination by Mr. Griffin.....	3489
	Redirect Examination by Mr. Waters.....	3610
	Recross-examination by Mr. Griffin	3614
Ronnie Crosby	Direct Examination by Mr. Waters	3617
	Cross-examination by Mr. Griffin.....	3651
	Redirect Examination by Mr. Waters.....	3666
Megan Fletcher	Voir Dire Examination by Mr. Meadors	3668
	Direct Examination by Mr. Meadors.....	3674
	Cross-examination by Mr. Griffin.....	3714
	Redirect Examination by Mr. Meadors	3730
	Recross-examination by Mr. Griffin	3734
Annette Griswald	Direct Examination by Mr. Waters	3735
	Cross-examination by Mr. Griffin.....	3784
	Redirect Examination by Mr. Waters.....	3796
Michael Gunn	Direct Examination by Mr. James.....	3798
	Cross-examination by Mr. Griffin.....	3816
Brian Hudak	Direct Examination by Mr. Conrad.....	3821
Dwight Falkofske	Voir Dire Examination by Mr. Conrad	3829

VOLUME IX

TRANSCRIPTS, CONTINUED

Dwight Falkofske, Continued	Direct Examination by Mr. Conrad.....	3833
	Cross-examination by Mr. Barber	3877
	Cross-examination by Mr. Barber Resumed	3883
James C. Wilson	Direct Examination by Mr. Waters	3889

	Proffered Examination by Mr. Waters	3964
	Direct Examination by Mr. Waters Resumed	3967
	Cross-examination by Mr. Griffin.....	3979
	Redirect Examination by Mr. Waters.....	4026
Michael Tony Satterfield		
	Direct Examination by Mr. Waters	4045
	Cross-examination by Mr. Harpootlian.....	4067
	Redirect Examination by Mr. Waters.....	4072
Jan Malinowski		
	Direct Examination by Mr. Waters	4074
	Cross-examination by Mr. Griffin.....	4114
	Redirect Examination by Mr. Waters.....	4126
	Recross-examination by Mr. Griffin	4128
Mark Tinsley		
	Direct Examination by Mr. Waters	4128
	Direct Examination by Mr. Waters Resumed	4171
	Cross-examination by Mr. Barber	4183
	Redirect Examination by Mr. Waters.....	4185
Blanca Turrubiate-Simpson		
	Direct Examination by Mr. Meadors.....	4189
	Proffered Examination by Mr. Meadors	4293
	Direct Examination by Mr. Meadors Resumed.....	4296
	Cross-examination by Mr. Harpootlian.....	4301
	Proffered Examination by Mr. Harpootlian	4314

VOLUME X

TRANSCRIPTS, CONTINUED

Blanca Turrubiate-Simpson, Continued		
	Proffered Examination by Mr. Harpootlian, Continued.....	4315
	Cross-examination by Mr. Harpootlian Resumed.....	4322
	Redirect Examination by Mr. Meadors	4336
	Recross-examination by Mr. Harpootlian	4340
Belinda Rast		
	Direct Examination by Mr. Fernandez.....	4344
	Cross-examination by Mr. Harpootlian.....	4353
Matthew Wild		
	Voir Dire Examination by Mr. Conrad	4356
	Direct Examination by Mr. Conrad.....	4361
	Cross-examination by Mr. Barber	4413
	Redirect Examination by Mr. Conrad	4419
Nathan Tuten		
	Direct Examination by Mr. Fernandez.....	4421
	Cross-examination by Mr. Griffin.....	4444
	Redirect Examination by Mr. Fernandez	4452

Ryan Kelly	Direct Examination by Ms. Goude.....	4472
Rachel Nguyen	Voir Dire Examination by Ms. Goude	4476
	Direct Examination by Ms. Goude.....	4480
	Cross-examination Mr. Barber	4504
Sara Zapata	Voir Dire Examination by Ms. Goude	4516
	Direct Examination by Ms. Goude.....	4520
	Cross-examination by Mr. Barber	4571
	Redirect Examination by Ms. Goude	4604
	Recross-examination by Mr. Barber	4606
Ellen Riemer	Voir Dire Examination by Mr. Waters	4608
	Direct Examination by Mr. Waters	4612
	Cross-examination by Mr. Harpootlian.....	4671
	Redirect Examination by Mr. Waters.....	4726
	Recross-examination by Mr. Harpootlian	4733
Devon P. Newell	Direct Examination by Mr. Conrad.....	4737
	Cross-examination by Mr. Barber	4743
Roger Dale Davis	Direct Examination by Mr. Fernandez	4745
	Cross-examination by Mr. Griffin.....	4768
	Redirect examination by Mr. Fernandez	4779
Carson Burney	Voir Dire Examination by Mr. James	4782

VOLUME XI

TRANSCRIPTS, CONTINUED

Carson Burney, Continued	Direct Examination by Mr. James.....	4785
	Cross-examination by Mr. Griffin.....	4897
	Redirect Examination by Mr. James	4802
Marian Proctor	Direct Examination by Mr. Waters	4805
	Cross-examination by Mr. Griffin.....	4822
	Redirect Examination by Mr. Waters.....	4836
	Redirect Examination by Mr. Waters Resumed.....	4853
Barton Proctor	Direct Examination by Mr. Waters	4857
	Cross-examination by Mr. Griffin.....	4858
David Owen	Direct Examination by Mr. Meadors.....	4885
	Cross-examination by Mr. Griffin.....	4966

	Redirect Examination by Mr. Meadors	4994
	Recross-examination by Mr. Griffin	5012
David Grubbs		
	Voir Dire Examination by Mr. Conrad	5015
	Direct Examination by Mr. Conrad.....	5018
Kenneth L. Kinsey		
	Voir Dire Examination by Mr. Waters	5052
	Direct Examination by Mr. Waters	5061
	Cross-examination by Mr. Harpootlian.....	5117
	Redirect Examination by Mr. Waters.....	5156
	Recross-examination by Mr. Harpootlian	5159
Ryan Kelly		
	Direct Examination by Mr. Waters	5162
	Cross-examination by Mr. Harpootlian.....	5190
	Redirect Examination by Mr. Waters.....	5207
	Recross-examination by Mr. Harpootlian	5214
Peter Rudofski		
	Direct Examination by Mr. Waters	5223

VOLUME XII

TRANSCRIPTS, CONTINUED

Peter Rudofski, Continued

	Direct Examination by Mr. Waters, Continued.....	5268
	Cross-examination by Mr. Barber	5333
	Redirect Examination by Mr. Waters.....	5378
	Recross-examination by Mr. Barber	5381

The Defense Case

Richard Harvey

	Direct Examination by Mr. Harpootlian	5392
	Cross-examination by Mr. Zelenka.....	5400
	Redirect Examination by Mr. Harpootlian.....	5403

Shalene Tindal

	Direct Examination by Mr. Harpootlian	5405
	Cross-examination by Mr. Meadors.....	5413
	Redirect Examination by Mr. Harpootlian.....	5414

Richard A. Murdaugh, Jr.

	Direct Examination by Mr. Griffin	5423
	Cross-examination by Mr. Meadors.....	5488
	Redirect Examination by Mr. Griffin.....	5499

Michael Sutton

	Voir Dire Examination by Mr. Harpootlian	5500
	Direct Examination by Mr. Harpootlian	5509
	Cross-examination by Mr. Fernandez	5596

	Redirect Examination by Mr. Harpootlian	5664
	Recross-examination by Mr. Fernandez.....	5678
Mark Ball		
	Direct Examination by Mr. Griffin	5687
	Cross-examination by Mr. Waters	5720

VOLUME XIII

TRANSCRIPTS, CONTINUED

Mark Ball, Continued		
	Cross-examination by Mr. Waters, Continued.....	5751
	Redirect Examination by Mr. Griffin	5764
	Recross-examination by Mr. Waters	5775
Morris D. Cooke, Jr.		
	Direct Examination by Ms. Fox	5778
	Cross-examination by Mr. Waters	5789
	Redirect Examination by Ms. Fox.....	5795
	Recross-examination by Mr. Waters	5796
Kenneth Zercie		
	Voir Dire Examination by Mr. Harpootlian	5797
	Direct Examination by Mr. Harpootlian	5804
	Cross-examination by Mr. Meadors	5845
	Redirect Examination by Mr. Harpootlian	5874
	Recross-examination by Mr. Meadors	5878
Barbara Mixon		
	Direct Examination by Mr. Griffin	5880
	Cross-examination by Mr. Meadors.....	5888
Micah Sturgis		
	Voir Dire Examination by Mr. Barber	5890
	Direct Examination Mr. Barber.....	5895
	Cross-examination by Mr. Conrad	5917
	Redirect Examination by Mr. Barber	5932
	Recross-examination by Mr. Conrad	5936
Nolen Tuten		
	Direct Examination by Ms. Fox	5950
	Cross-examination by Mr. Fernandez	5957
	Redirect Examination by Ms. Fox.....	5977
Richard A. Murdaugh		
	Direct Examination by Mr. Griffin	5979
	Cross-examination by Mr. Waters	6086
	Cross-examination by Mr. Waters Resumed.....	6178

VOLUME XIV

TRANSCRIPTS, CONTINUED

Richard A. Murdaugh, Continued

Cross-examination by Mr. Waters Resumed, Continued	6234
Redirect Examination by Mr. Griffin	6350
Re-cross examination by Mr. Waters	6365

Jonathon Eisenstat

Voir Dire Examination by Mr. Harpootlian	6379
Direct Examination by Mr. Harpootlian	6391
Cross-examination by Ms. Goude	6444

Timonthy Palmbach

Voir Dire Examination by Mr. Griffin	6452
Direct Examination by Mr. Griffin	6458
Cross-examination by Ms. Goude	6505

John Marvin Murdaugh

Direct Examination by Mr. Griffin	6512
Proffered Examination by Mr. Griffin	6568
Direct Examination by Mr. Griffin, Continued	6570
Cross-examination by Mr. Conrad	6572

The State's Rebuttal Case

Ronnie Crosby

Direct Examination by Mr. Waters	6597
Cross-examination by Mr. Harpootlian	6608
Redirect Examination by Mr. Waters	6610
Recross-examination by Mr. Harpootlian	6622

Ellen Riemer

Direct Examination by Mr. Waters	6623
Cross-examination by Mr. Harpootlian	6636
Redirect Examination by Mr. Waters	6672

Thomas C. Smalls

Direct Examination by Mr. Waters	6674
Cross-examination by Mr. Griffin	6676
Redirect examination by Mr. Waters	6679

Paul McManigal

Voir Dire Examination by Mr. Conrad	6680
Direct Examination by Mr. Conrad	6682
Cross-examination by Mr. Barber	6687
Redirect Examination by Mr. Conrad	6697
Recross-examination by Mr. Barber	6699

Mark Ball

Direct Examination by Mr. Waters	6701
Cross-examination by Mr. Griffin	6706
Redirect Examination by Mr. Waters	6716

VOLUME XV

TRANSCRIPTS, CONTINUED

Mark Ball, Continued	
Recross-examination by Mr. Griffin	6717
Kenneth L. Kinsey	
Direct Examination by Mr. Wilson	6724
Cross-examination by Mr. Griffin	6767
Redirect Examination by Mr. Wilson	6807
In-camera Hearing	6811
In-camera Hearing	6835
Closing Argument by Mr. Waters	6871
In-camera Hearing	6954
Closing Argument by Mr. Griffin	7030
Final Closing Argument by Mr. Meadors	7102
Jury Charge	7137
Verdict	7155
Jury Polling	7157
Sentence of the Court	7177
Certificate Page	7180
Post-Trial Hearing Transcript (January 16, 2024)	7181

VOLUME XVI

TRANSCRIPTS, CONTINUED

Post-Trial Hearing Transcript (January 16, 2024), Continued	7200
Evidentiary Hearing Transcript (January 26 and January 29, 2024)	7261
Juror X	
Examination by the Court	7279
Examination by the Court Resumes	7283
Juror Z	
Examination by the Court	7304
Examination by the Court Resumes	7311
Juror C	
Examination by the Court	7323
Juror F	
Examination by the Court	7325
Examination by the Court Resumes	7329
Juror L	
Examination by the Court	7330
Juror E	
Examination by the Court	7333
Juror P	
Examination by the Court	7335
Juror O	
Examination by the Court	7339
Juror Y	
Examination by the Court	7342
Juror W	
Examination by the Court	7345
Juror Q	
Examination by the Court	7348
Juror K	
Examination by the Court	7351

Rebecca Hill	
Direct Examination by Mr. Waters	7365
Cross-examination by Mr. Harpootlian.....	7374
Redirect Examination by Mr. Waters.....	7402
Examination by the Court	7406
Further Direct Examination by Mr. Waters	7416
Further Cross-examination by Mr. Harpootlian.....	7420
Rhonda McElveen	
Direct Examination by Mr. Harpootlian	7434
Cross-examination by Mr. Waters	7450
Redirect Examination by Mr. Harpootlian.....	7458
Alternate Juror	
Direct Examination by Mr. Harpootlian	7461
Cross-examination by Mr. Meadors.....	7466
Redirect Examination by Mr. Harpootlian.....	7485
Closing Argument by Mr. Waters.....	7590
Closing Argument by Mr. Griffin.....	7500
Ruling of the Court	7508
Certificate Page.....	7516

EXHIBITS

State Exhibits (Trial)

#1 – Recording (Placeholder) – UNDER SEAL.....	7517
#6 – Recording (Placeholder) – UNDER SEAL.....	7518
#9 – 911 Call recording (Placeholder)	7519
#11 – 911 Call recordings (Placeholder)	7520
#22 – Photograph of scene.....	7521
#27 – Photograph of feed room	7523
#77 – Crime scene diagram.....	7325
#88 – PSA 300 Blackout Rifle (Placeholder)	7527
#89 – Mossberg Shotgun w/ 1 shotshell - buck mark (Placeholder)	7528
#90 – Browning Auto-5 Shotgun (Placeholder)	7529
#91 – Benelli Super Black Eagle 2 Shotgun w/ 2 shotshells (Placeholder).....	7530
#93 – Photograph of Chevrolet Suburban.....	7531
#117 – Photograph of gun room – rack & ammo	7533
#118 – Photograph of gun rack.....	7535
#153 – Interview recording.....	7537
#163 – Photograph of Croft BWC .300 Blackout on pool table.....	7538
#224 – Photograph of tarp in bin	7540
#225 – Photograph of raincoat.....	7542
#227 – Map	7544
#228 – Photograph of Maggie’s phone in woods	7546
#239 – Photograph of house (drone).....	7548
#243 – Interview recording (Placeholder)	7550
#297 – Kennel recording (Placeholder)	7551
#306 – Snapchat recording (Placeholder).....	7552

#312 – Check with documents	7553
#313 – Faris check	7575
#314 – Spreadsheet	7578
#315 – Disbursement documents	7581
#316 – Disbursement documents	7586
#317 – Disbursement documents	7592
#318 – Disbursement documents	7600
#319 – Disbursement documents	7606
#320 – Disbursement documents	7612
#321 – Disbursement documents	7621
#322 – Disbursement documents	7636
#323 – Disbursement documents	7654
#324 – Disbursement documents	7662

VOLUME XVII

EXHIBITS, CONTINUED

State Exhibits (Trial), Continued

#325 – Disbursement documents	7672
#326 – Disbursement documents	7684
#327 – Disbursement documents	7689
#328 – Disbursement documents	7696
#329 – Spreadsheet	7701
#330 – Disbursement documents	7703
#331 – Disbursement documents	7732
#332 – Disbursement documents	7736
#333 – Disbursement documents	7739
#334 – Disbursement documents	7763
#335 – Bank of American banking statement	7795
#347 – Checks	7802
#349 – Message	7807
#350 – Promissory Note	7809
#352 – Confession of Judgment	7811
#356 – Account Statement	7819
#358 – Wire Request	7821
#360 – Check	7824
#365 – Bank Memo	7826
#366 – Bank summary	7828
#367 – Bank statement	7830
#368 – Bank statement	7833
#370 – Bank statement	7836
#371 – Bank statement	7839
#400 – SLED Firearms report	7844
#407 – Email	7855
#410 – Photograph	7857
#411 – Photograph of raincoat in closet	7859

#414 – Photograph of Almeda closet.....	7861
#415 – Bank records	7863
#416 – Bank records	7864
#417 – Bank records	7865
#428 – Checks.....	7866
#429 – Disbursement documents	7870
#430 – Photograph of raincoat.....	7880
#442 – Log file excerpts	7882
#453 – Text messages	7887
#454 – Phone records.....	7889
#515 – Disc of GM search warrant return (Placeholder).....	7891
#516 – Photograph	7892
#517 – Interview recording (Placeholder)	7894
#519 – Timeline report.....	7895
#520 – Timeline report.....	7939
#521 – Spreadsheets.....	8028
#523 – Text message.....	8030
#524 – Vehicle report.....	8032
#543 – 911 call recordings.....	8092
#545 – Recording.....	8093
#547 – Sketch.....	8094
#552 – Interview recording	8096
#553 – Extraction document	8097
#556 – Text messages	8099
#569 – Photograph of Alex at hospital with badge.....	8101

Defense Exhibits (Trial)

#4 – Crime scene sketch	8103
#61 – Birthday Party recording (Placeholder)	8104
#86 – Blue tarp (Placeholder)	8105
#87 – Photograph of blue tarp/rain jacket.....	8106
#95 – Memo	8108
#122 – Photograph of Murdaugh Family.....	8133
#123 – Photograph of Murdaugh Family.....	8135
#130 – Photograph of Almeda back door	8137
#131 – Photograph of Almeda backyard	8139
#132 – Photograph of Almeda backyard	8141
#133 – Photograph of Almeda back door	8143
#134 – Photograph of Almeda back door	8145
#135 – Photograph of cars parked at Almeda.....	8147
#136 – Photograph of Almeda back door	8149

VOLUME XVIII

EXHIBITS

Defense Exhibits (Trial), Continued

#140 – PowerPoint.....	8151

#156 – Steps.....	8263
#158 – PowerPoint.....	8265
 <u>Court Exhibit (Trial)</u>	
#1 – SLED Firearms report.....	8297
 <u>Court Exhibits (Post-Trial)</u>	
#1 – Message.....	8307
#3 – Affidavit.....	8308
#4 – Note.....	8310
#5 – Affidavit.....	8311
 <u>Defense Exhibits (Post-Trial):</u>	
#1 – Proffer and Affidavit.....	8313
#2 – Emails	8316
 <u>OTHER</u>	
January 24, 2024, Law Clerk Email Concerning Questions for Jurors and January 25, 2024,	
Responsive Email from Creighton Waters	8320
Letter from Richard A. Harpootlian to Ret. Chief Justice Toal (with attachment), dated January 25, 2024.....	
	8323
Affidavit of Juror Z, January 29, 2024	8330
State’s Closing Argument PowerPoints from Trial	8331

1 Q As a forensic accountant, are you familiar with the
2 concept called tracing?

3 A I am.

4 Q What is tracing?

5 A Tracing in the context we're going to talk about, it's
6 looking at the sort of funds and tracing it out through to
7 see where the final disposition of those funds ultimately
8 end up.

9 Q And in your appointment as a forensic accountant, have
10 you had opportunity to conduct any trace analysis on
11 records provided as part of this case?

12 A I have. Pretty much all of the alleged stolen money I
13 have traced.

14 Q All right.

15 MR. JAMES: Your Honor, the State would at this time
16 qualify Mr. Burney as an expert in the forensic accounting,
17 particularly as to the tracing of funds.

18 MR. GRIFFIN: Your Honor, we don't have any objections
19 to his qualifications. We would renew our previously --
20 previous objections on this whole line of testimony under
21 404.

22 THE COURT: All right. He's qualified as an expert.

23 DIRECT EXAMINATION

24 BY MR. JAMES:

25 Q Are there different ways of tracing funds, Mr. Burney?

1 A There are. There are several different methods.

2 Q What method did you apply in this particular matter?

3 A I used a -- what's called a first in, first out
4 method. Simply put, the first money into an account that
5 I'm looking at is the first money out. In context of the
6 tracing, it would be the money from the source of the
7 checks and then the money, first money out.

8 Q Now, and I kind of jumped ahead of myself a little
9 bit. When money is moving around between different bank
10 accounts, the banks aren't transmitting, you know, the
11 serial numbers on particular dollar bills, are they?

12 A They are not.

13 Q All right. So, you can't necessary tell that a dollar
14 with the serial number is the same dollar as that serial
15 number and going across the multiple accounts, can you?

16 A No, you cannot.

17 Q And so are these methodologies how you go about
18 deciding that a dollar in one account is the same as the
19 dollar from another account?

20 A That's correct. When you have a bank account,
21 obviously it's a pool of money, so we have to apply some
22 rules to say this money comes from this source.

23 Q Now, you indicated you used the first in, first out
24 method. Is there any sort of lay explanation or a
25 description you can provide to us?

1 A Yes. I like to use the example of say you have \$10 in
2 your bank account, and for this example we'll say it's
3 legitimate money in that bank account. You go over to
4 grandma's house. You get sticky fingers. You take \$10 out
5 of grandma's purse. You put that money in the same bank
6 account. So, now you have co-mingled funds, and we'll call
7 the \$10 from grandma's purse illegitimate funds, and then
8 have a transaction. Let's say it's \$15. So, you're
9 pulling partially from the \$10 you previously had, the
10 legitimate funds, and then \$5 out of the \$10 from grandma's
11 account. So, that's how the first in, first out method
12 would work.

13 Q And so under that first in, first out method, what
14 portion of that \$15 would come from those legitimate funds,
15 and what portion of that would come from the sticky fingers
16 money?

17 A The \$10 would be the legitimate funds, and then the \$5
18 from grandma's \$10 you took and put into your bank account
19 without her permission.

20 Q What other methodologies are there from the tracing of
21 funds?

22 A There's the lowest intermediate balance rule.
23 Typically you see it in trust accounts -- trust fund
24 accounting. It's with co-mingled funds, and typically the
25 principle behind that is any withdrawals out of those co-

1 mingled funds are deemed to be personal funds, and the
2 funds remaining in that account would be trust funds. You
3 see it sometimes in bankruptcy proceedings.

4 Another one is the one I mentioned, the first in,
5 first out method. Then you have the reverse, which would
6 be the last in, first out method -- or last in, first out
7 method. And then one I call essentially a proximity rule.
8 You see a large transaction, a large deposit come in and
9 then almost immediately come out with a similar amount.
10 You can draw a conclusion that those funds were to fund
11 that other transaction.

12 Q So to go over that last one a little bit, if you're
13 looking at a bank account and you see a thousand dollars
14 come in and then right away a thousand dollars come out,
15 would that be the proximity rule that you just described?

16 A That's exactly correct.

17 Q And in that circumstance, you wouldn't even
18 necessarily need to apply that first in, first out, or last
19 in, first out, or any particularized math. You just say
20 thousand/thousand. It's all of the same.

21 A That's correct, yes.

22 Q Okay. In this particular case, were you asked to look
23 into the deposit of \$792,000 into accounts under the
24 control of Alex Murdaugh?

25 A I was.

1 Q All right. When was that money deposited into which
2 accounts?

3 A Can I review my notes?

4 Q Please do.

5 (Break in proceedings.)

6 A Okay. The \$792,000 you're referring to has been
7 called the *Faris* fees in previously -- in previous
8 testimony. It was three different checks all from the
9 Wilson Law Group. The dates deposited were March 10, 2021,
10 March 23rd, 2021, and April 20, 2021. The first check was
11 \$192,000, the second \$375,000, and the third was \$225,000.
12 And all had a check date of March 10, 2021.

13 Q And, I'm sorry, what was that last date again?

14 A The last date, the 225,000 was deposited on April 20,
15 2021.

16 Q And did you apply any trace analysis to the
17 disbursement of those funds?

18 A I did.

19 Q And which form of analysis did you apply to?

20 A I did the first in, first out method.

21 Q And without getting into any granular detail of the
22 expenses from the account from that money, what generally
23 was that money extended on?

24 A So, a large portion of the money was checks to
25 associates, known people to Alex Murdaugh, and then the

1 remaining of the funds primarily we see credit card
2 payments.

3 Q When was that \$792,000 exhausted under that first in,
4 first out analysis?

5 A So, it was completely exhausted out of the account by
6 May 25, 2021.

7 Q There has been a lot of attempts at math from the
8 stand over the course of this trial. Am I correct in
9 judging that to be roughly a month apart from the date of
10 the last check deposited?

11 A Yes, yes. That would be approximately a month from
12 April 20, 2021.

13 Q So, \$792,000 exhausted in just a little bit over a
14 month from the date of last deposit. What was the date of
15 the first deposit again? I apologize.

16 A The first one was March 10, 2021. So, from that date
17 to the last day, I believe two and a half approximately
18 months.

19 Q Were there -- into which -- and -- into which account
20 was that deposited again?

21 A So, the -- all three checks were deposited into a Bank
22 of America account ending in 6779 under the name of Alex
23 Murdaugh.

24 Q Now let's take a step back and talk a little bit about
25 the accounts of Alex Murdaugh. Is that Alex's only account

1 at Bank of America?

2 A No.

3 Q All right. What was his other accounts at Bank of
4 America?

5 A He had other accounts that have been called the fake
6 Forge accounts. There are two of those accounts, and the
7 accounts seemed to run consecutively. One account ended
8 and then a second one was created. The reason I'm not
9 exactly sure just from looking at the statements but there
10 were two different accounts. There's also a credit card
11 account at Bank of America.

12 Q And did Mr. Murdaugh have accounts at Palmetto State
13 Bank?

14 A He did. He had several accounts at Palmetto State
15 Bank.

16 Q Was there a particular account there that appeared in
17 your analysis to be his primary account?

18 A Yes, an account ending in 6092, a checking account.

19 Q Generally speaking, when following funds from Bank of
20 America -- well, let me rephrase that question. Was there
21 any pattern in the flow of funds after they were deposited
22 into either the fake Forge account or into that Bank of
23 America checking account?

24 A Yes. So, when checks were deposited to the fake Forge
25 account, typically they were transferred out or withdrawn

1 and cashed. If they were transferred out, normally they
2 would go to his personal banking account ending in 6779.
3 Occasionally we would see cashier's checks come out of one
4 of the Forge accounts.

5 Q Now, on those cashier's checks, would it say, hey,
6 this is from the fake Forge account on the face of it?

7 A No.

8 Q When he would cut checks from that personal banking
9 account, would it say, hey, this is stolen money on the
10 face of those checks?

11 A No.

12 Q So those who would receive those checks, it would just
13 say something to the effect of Alex Murdaugh or something
14 of that nature?

15 A That is correct.

16 Q Aside from those Bank of America accounts, did any
17 money make it to Palmetto State Bank?

18 A Yes. Occasionally once the checks went into the
19 personal account at Bank of America, another check would be
20 written typically just to Palmetto State Bank, and then
21 ultimately it would be deposited into one of his accounts
22 at Palmetto State Bank.

23 Q And would the funds thereafter be disbursed from that
24 account?

25 A Yes.

1 Q Circling back around to the \$792,000 of *Faris* fees or
2 *Mack Truck* fees, were you able to determine when any of
3 those fees or replacement fees were returned to Chris
4 Wilson?

5 A Yes.

6 Q Can you tell me a little bit about that?

7 A Yes. So, previous testimony had mentioned a \$350,000
8 wire from Palmetto State Bank that went to the Wilson law
9 group.

10 Q From which institution did that wire originate?

11 A Palmetto State Bank.

12 Q And the last \$350,000, were any additional funds
13 provided to Chris Wilson?

14 A Yes. So in Alex Murdaugh's accounts ending in 6779,
15 we see a check was mobile deposited for \$250,000. And then
16 the next day on July 16th of 2021, there was a wire for
17 that same amount of money, \$250,000, that went directly to
18 Wilson Law Group IOLTA account.

19 MR. JAMES: Mr. Griffin?

20 MR. GRIFFIN: Yeah, no additional objection.

21 Q I'm showing you a document that is labeled as State's
22 518. Do you recognize this document?

23 A I do.

24 Q And is this the document that you were just describing
25 about a \$250,000 instrument deposited into Alex's account?

1 A That is correct.

2 MR. JAMES: The state moves to introduce into evidence
3 Exhibit 518.

4 MR. GRIFFIN: No additional objections, Your Honor.

5 THE COURT: It's admitted.

6 (CHECK MARKED AS STATE'S EXHIBIT NUMBER 518 WAS
7 RECEIVED INTO EVIDENCE.)

8 Q Is that the instrument you were just describing a
9 moment ago?

10 A It is.

11 MR. JAMES: Can you pull it down a little bit? We
12 have such a glare. Thank you, Mr. Waters.

13 Q All right, and that is a check made out to Alex
14 Murdaugh for \$250,000. What's the name at the top of the
15 instrument?

16 A It says John E. Parker.

17 Q From your work with investigators throughout this
18 case, do you know who John E. Parker is?

19 A I do.

20 Q All right, and who is he?

21 A He is a former law partner of Alex Murdaugh's at what
22 we've been calling PMPED.

23 Q All right, and right here above Mr. Waters's cuticle,
24 there's something written in the memo line. What does that
25 say?

1 A It says loan.

2 Q So on the face of this check, does it purport to be a
3 loan to Mr. Murdaugh?

4 A It does.

5 Q So, that adds up to \$600,000. Did you identify any
6 additional funds sent back to Chris Wilson's office in
7 replacement of that \$792,000?

8 A I did not.

9 Q And I apologize, we took that --

10 MR. JAMES: With the Court's permission, and I suspect
11 without objection from counsel, we've redacted certainly
12 personal identifying account information from the face of
13 this.

14 MR. GRIFFIN: No objection.

15 Q What's the date on this instrument, Mr. Burney?

16 A It is July 15, 2021.

17 Q And is that the same date as the wire of funds from
18 Palmetto State Bank to Mr. Wilson's trust account?

19 A It is.

20 Q In the course of your analysis, you had a -- did you
21 have an opportunity to look at Mr. Murdaugh's balances on
22 or about June 2nd of 2021?

23 A I did.

24 Q And did you look at his balances in all of his deposit
25 accounts?

1 A I did.

2 Q And did you look at his balances on outstanding loans
3 and lines of credit?

4 A Yes. All of that I have identified, I've reviewed
5 them, yes.

6 Q In your opinion, Mr. Burney, on June 7, 2021, across
7 Mr. Murdaugh's deposit accounts and demand lines of credit,
8 did Richard Alexander Murdaugh have \$792,000 available to
9 return to Chris Wilson?

10 A He did not.

11 Q On that same date, June 7, 2021, across his deposit
12 accounts and his demands lines of credit, did Richard
13 Alexander Murdaugh have \$500,000 available to give to the
14 sons of Gloria Satterfield?

15 A He did not.

16 Q On June 7, 2021, did Richard Alexander Murdaugh across
17 his deposit accounts and his lines of credit, did he have
18 \$10 million available to meet the settlement demands of
19 Mark Tinsley?

20 A He did not have \$10 million.

21 Q And it might seem obvious, given that we went through
22 each of those individual scenarios, but on June 7, 2021,
23 did Richard Alexander Murdaugh have enough money to fulfill
24 all three of those conditions?

25 A He didn't. He was not able to fulfill all three

1 conditions, that's true.

2 MR. JAMES: No further questions for this witness,
3 Your Honor.

4 THE COURT: We're going to break for lunch now.

5 (A lunch break was taken.)

6 THE COURT: Okay. Very good. Cross-examination.

7 MR. GRIFFIN: Thank you, Your Honor.

8 THE COURT: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. GRIFFIN:

11 Q Good afternoon Mr. Burney.

12 A Afternoon, Mr. Griffin.

13 Q The -- I want to be sure we understand what you've
14 done. You did, I guess, an analysis of various bank
15 accounts seeing deposits in and money out. Is that
16 correct?

17 A So for the tracing, it was specifically the alleged
18 stolen funds. I would just trace them out as they went
19 through the bank accounts using that first in, first out
20 method.

21 Q And did you analyze any accounts that were stolen --
22 what you contend to be stolen funds were not deposited
23 into?

24 A There's probably one or two accounts maybe stolen
25 money didn't hit, but any account under Alex Murdaugh's

1 name at Palmetto State Bank and Bank of America, those were
2 the primary two accounts.

3 Q Were you aware that he earned income as a practicing
4 attorney?

5 A Yes. Yes.

6 Q And did you segregate that monthly income?

7 A Yes. So, what I would do is prior to these funds
8 going into those accounts, using that first in, first out
9 method, I would completely deplete whatever income or
10 deposit was in that account prior so we could separate each
11 check out.

12 Q And you -- in your testimony here today, you for the
13 most part limited your analysis to the \$792,000 of the
14 *Faris* fees. Is that right?

15 A Yeah. That's the only tracing we went over.

16 Q And then in the end you testified about essentially
17 Mr. Murdaugh's -- I guess it was an analysis of liabilities
18 versus assets --

19 A Right. So --

20 Q -- and whether he had enough to pay A, B, and C?

21 A Right. So, what I did for the date of June 7th, the
22 accounts we had, I looked at balances in addition to
23 outstanding loans, so that's how I was able to determine
24 that.

25 Q And that was just purely balances in financial

1 accounts. Is that right?

2 A That's correct.

3 Q And did that include any analysis of his 401(k) or
4 retirement account?

5 A No. With the balance sheet I had, no, because those
6 were retirement accounts. So obviously, you know, you have
7 tax implications and penalties and fees associated with
8 those.

9 Q And did that analysis include any -- the value of any
10 real estate holdings?

11 A So, I was just looking at outstanding what he owed the
12 bank. I didn't have up to date June 7, 2021, appraisals
13 for every land he owned.

14 Q Sure, and I think we all understood your answer, but
15 your answer was no, it did not include an analysis of any
16 equity in real estate holdings. Is that correct?

17 A No, because I would not be able to determine that to
18 the date.

19 Q And your analysis also did not include any interest he
20 may have in real estate partnerships, correct?

21 A Such as Red Beard and Zero United?

22 Q Well, let's start there, Red Beard and Zero United.

23 A So, I just had the loan statements and outstanding
24 principal on that, and as we know they were charged off, I
25 believe, in 2012, and interest was accruing. But this is

1 just a principal balance that I was looking at for those.

2 Q You didn't look to see what the value of Red Beard
3 was, and the value of United was?

4 A No. I had no idea what they would have been June 7,
5 2021.

6 Q And were you aware that he was a -- had equity
7 interest in a real estate partnership that owned the PMPED
8 law firm building in Hampton?

9 A I became aware when I saw he was paid out of that
10 account at the end in October, I believe. And then I would
11 see occasionally -- I called them rent checks, I think.
12 Every month or so he would get a few thousand from that
13 ownership.

14 Q But in your testimony of sort of a snapshot on
15 June 7th, you didn't take into account the value of his
16 interest in the PMPED law firm building.

17 A So, I was looking at liquid assets. So, would he have
18 the ability that day to pay those amounts.

19 Q All right. I take it then you also didn't take into
20 account his ability to raise capital through borrowing
21 money from Palmetto State Bank if he needed to.

22 A So, I was only looking at outstanding loans, so I
23 can't comment whether or not he could. We know after the
24 fact he got a loan from the bank, but I -- you know, at
25 that time I wouldn't know what he was eligible for or not

1 eligible for if he wanted to take out an additional loan.

2 Q Well, we know before the fact that he had never been
3 turned down for a loan at Palmetto State Bank, correct?

4 A To my knowledge, no.

5 Q All right. We know before the fact that he had paid
6 Palmetto State Bank over \$4 million in interest payments.
7 We know that.

8 A I have not calculated that myself, but if that's what
9 you're representing.

10 Q Okay. Well, we know before the fact that the chairman
11 of the board at Palmetto State Bank's position was if Alex
12 Murdaugh wants a loan from the bank, then we'll make it
13 happen. You're aware of that, aren't you?

14 A That's my understanding.

15 Q So, there's no -- and just to be clear, you aren't
16 telling the jury that on June 7th, Mr. Murdaugh's financial
17 freight train was about to go off into the ravine. That's
18 not what you're telling this jury, is it?

19 A I was looking at the account balances, outstanding
20 loans, the fact that money had to be borrowed to pay back
21 the Chris Wilson fees.

22 Q And he borrowed money from his partner Johnny Parker.
23 Is that right?

24 A That's correct.

25 Q And you know before the fact that Mr. Parker

1 frequently loaned money to other partners in the firm
2 because the cash flow in their business was, you know, not
3 great until the end of the year.

4 A I know Johnny Parker loaned Alex money. I'm not sure
5 about other partners, but you are correct. He did loan him
6 money.

7 Q Now, in your analysis of the \$792,000, you testified
8 that a large percent of the money went to associates and
9 then other -- I mean, the rest went to pay credit card
10 bills, right?

11 A Generally speaking, without getting into a granular
12 level data.

13 Q Sure. Well, can you generally tell me approximately
14 how much money of the \$792,000 was sent to Curtis Eddie
15 Smith?

16 A From my tracing, approximately half a million dollars.

17 Q Of the 792?

18 A Of the 792, yes, sir.

19 Q Okay.

20 MR. GRIFFIN: One second, Your Honor.

21 (Break in proceedings.)

22 MR. GRIFFIN: That's all of the questions I have.

23 THE COURT: Any redirect?

24 REDIRECT EXAMINATION

25 BY MR. JAMES:

1 Q Mr. Burney, you indicated that you were looking at the
2 liquid assets on June 7, 2021. Is that correct?

3 MR. GRIFFIN: Objection to leading.

4 Q Did I understand your testimony a moment ago correctly
5 that that's what you were looking at?

6 A Yes.

7 Q Mr. Burney, do you own a home?

8 A I do.

9 Q So, you've gone through the process of purchasing land
10 before. Is that correct?

11 A A couple of times, yes, sir.

12 Q When you were a buying or -- let me rephrase my
13 question here. Did you ever sell any real estate?

14 A I have once.

15 Q Was it an instant process or did it take some time?

16 A It took months.

17 Q Months?

18 A From listing to closing, yes.

19 Q So, did you get the money for your real estate right
20 when you sold it, or did it take all of the way to closing
21 to get that money?

22 A It took all the way to closing.

23 Q So, if Mr. Murdaugh needed money from his real estate
24 interests to sell, would that have taken some time?

25 A I imagine, yes.

1 MR. JAMES: Beg a moment of the Court's indulgence.

2 (Break in proceedings.)

3 Q Did I hear you correctly a moment ago in your
4 testimony or acknowledge in your testimony the possibility
5 that Mr. Murdaugh paid over \$4 million in interest to
6 Palmetto State Bank on various loans?

7 A That's what Mr. Griffin represented. I had not done
8 the calculations myself.

9 Q As you indicated a moment ago, what was your aim again
10 in tracing these funds?

11 A Looking at their ultimate dispositions, where the
12 money went to.

13 Q Did you start with particular instruments and then go
14 from there?

15 A I did.

16 Q And in analyzing where the funds from those
17 instruments went, did a portion of those instruments go to
18 loan payments?

19 A Yes.

20 Q At Palmetto State Bank?

21 A Yes. Loan payments at Palmetto State Bank, and to pay
22 back loans from other individuals.

23 Q And did a significant portion of those funds go
24 towards paying that four plus million dollars in interest
25 to Palmetto State Bank?

1 A Yes.

2 Q And did that represent a significant portion of where
3 the stolen funds were ultimately disposed?

4 A Yes.

5 MR. JAMES: No further questions, Your Honor.

6 MR. GRIFFIN: Nothing, Your Honor.

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

8 (The witness exited the stand.)

9 THE COURT: Your next witness.

10 MR. WATERS: Your Honor, the State calls Marian
11 Proctor.

12 THE COURT: What's the name again?

13 MR. WATERS: Marian Proctor.

14 THE COURT: All right. Is she here?

15 MR. WATERS: She's right there, Your Honor.

16 The witness, MARIAN PROCTOR, was first duly sworn and
17 testified as follows:

18 THE CLERK: If you would, please, ma'am, sit right up
19 there. State your full name for the record, spell your
20 last name, and then move the microphone a little bit to
21 you, okay?

22 THE WITNESS: I'm Marian Proctor, P-r-o-c-t-o-r.

23 DIRECT EXAMINATION

24 BY MR. WATERS:

25 Q Good afternoon, Ms. Proctor.

1 A Hi.

2 Q Go ahead and tell the jury, do you have any
3 relationship to Maggie and Paul?

4 A I am Maggie's sister, and Paul was my nephew.

5 Q Can you pull that mic just a little bit closer, or
6 slide your chair up just a little bit so you don't have to
7 lean forward?

8 A Okay.

9 Q And is that a fresh bottle of water there?

10 A It is.

11 Q Oh, it is? That's your water?

12 A Yes.

13 Q Okay. Go ahead and if you would, tell us a little bit
14 about yourself. Just where you grew up and just a little
15 bit about yourself so they get to know you just a little
16 bit.

17 A Okay. I grew up in Wilmington, North Carolina, Maggie
18 and I did. She's is -- was my only sibling, with two
19 parents. And we both went to college, both married, both
20 lived in South Carolina. We've been here ever since. I'm
21 married; I have three daughters, and we live in the
22 Charleston area.

23 Q Did -- where did Maggie go to college?

24 A South Carolina.

25 Q Did she go somewhere else and then transfer to South

1 Carolina?

2 A She did.

3 Q How far apart are you and Maggie?

4 A Five years.

5 Q And your parents, what are their names?

6 A Terry and Kennedy.

7 Q And do y'all have any other siblings, or was it just
8 you and Maggie?

9 A It was just Maggie and me.

10 Q Growing up, being seven years apart as younger folks
11 were -- was that a bit of an age difference as y'all grew
12 up?

13 A It was. For children, that's a lot. So, you know, I
14 was in college, she was in high school, so we weren't super
15 close when we were children, but later on as our lives
16 became more similar, we became very close.

17 Q And how long ago do you think that relationship grew
18 for you to be very close?

19 A When the children were little, we did a lot together.
20 It was easy. As they got older with their, you know,
21 commitments, sports and things like that, it was mostly
22 holidays, Christmas and Thanksgiving. And then when we
23 both became empty nesters, we were having a really good
24 time.

25 Q Did y'all talk almost every day?

1 A Almost every day.

2 Q Tell the jury a little bit about Maggie. How would
3 you describe her as somebody, just so they can get an idea
4 of who she was.

5 A Maggie was sweet. She was kind of a free spirit. She
6 was always up for anything that was going on. She loved
7 her family. She loved her boys; Buster and Paul were her
8 world. She loved my parents. We, you know, joked how we
9 would grow old together and take care of them. And she was
10 just a really, really good person.

11 Q Was Maggie a tomboy at all, or was she more of a
12 girl's girl?

13 A No. She was definitely a girl's girl, but she made
14 the best of having two boys. She was right in there
15 fishing, hunting. She didn't grow up doing that. We used
16 to laugh that she would get in the deer stand with her
17 *Southern Living* magazine and the boys would tell her she
18 was making too much noise turning the pages. And then, you
19 know, fishing, she loved going out on the boat. She loved
20 being at the beach. She loved going to the islands. I
21 don't know that she really fished that much, but she just
22 wanted to do what they were doing. She wanted to spend
23 time with them.

24 Q What about the Gamecocks?

25 A She was a big Gamecock fan.

1 Q Are you a Gamecock fan?

2 A I am a big Clemson fan.

3 Q And y'all still managed to get along.

4 A We got along great. We did. And we were together a
5 lot on those Clemson/Carolina days, and we would have a big
6 time.

7 Q Being kind of a girl's girl, did she like spending
8 time with you and your daughters and getting the chance to
9 do those sorts of things?

10 A She loved it, and my girls loved their Aunt Maggie.
11 She always, you know, said that she was their favorite
12 aunt. And she just, you know, loved catching up on all of
13 the latest makeup and, you know, hair trends, and shoes,
14 and she just loved doing girls stuff with us.

15 Q Did Maggie work over the years, or was she focused on
16 taking care of the boys and raising them?

17 A She was mostly a stay-at-home mom. She had a little
18 shop in Hampton for awhile; she and Ms. Libby did that
19 together, so that was fun. She was real involved with the
20 boys' schools, you know, all of their sporting events. I
21 don't know she probably ever missed one. But she was
22 mostly a stay-at-home mom.

23 Q What about Paul? Did you get to know him obviously as
24 your nephew?

25 A Yes.

1 Q Tell the jury just a little bit about Paul and what he
2 was like.

3 A Paul was a sweet, sweet boy. Misrepresented in the
4 media. He had such a kind side to him. He was always
5 wanting to help, you know. Aunt Marian, can I bring --
6 does Uncle Bart need some wood? He would bring us a load
7 of wood. He was a kind soul, and I loved him a lot.

8 Q Was Maggie very involved in the family finances to
9 your knowledge?

10 A Not at all.

11 Q Explain to the jury a little bit, if you would.

12 A She -- they had a comfortable life. Maggie was happy.
13 She -- it wasn't a lavish life, but it was a comfortable
14 life. And, I mean, money just -- it, it was never an issue
15 for her that she knew about.

16 Q That she knew about?

17 A Right.

18 Q And I think you said you don't think Maggie ever
19 balanced a checkbook because finances wasn't her thing.

20 A She didn't. So, I was the sister who balanced it to
21 the penny and went crazy if I made a mistake in my
22 checkbook. Maggie's was in the floor of her car with all
23 of her bills thrown all over it. She didn't --
24 organization was not her best skill.

25 Q Mr. Randolph, Paul's grandfather, did you know him?

1 A I did.

2 Q And then his spouse was who?

3 A Ms. Libby.

4 Q Towards the end of Maggie and Paul's life, can you
5 tell the jury just a little bit about Ms. Libby's health?

6 A Ms. Libby had Alzheimer's and it wasn't too bad at
7 first, but she -- she's been declining for years, and it's
8 real bad now. She -- I think she stays in bed all day.
9 She doesn't recognize her family, and she has to be helped
10 to do everything. She can't feed herself or go to the
11 bathroom or do anything.

12 Q Back in June of 2021, was her condition similar in
13 that regard?

14 A Yes.

15 Q Back in June of 2021, was Mr. Randolph suffering any
16 health issues?

17 A Mr. Randolph was really sick. He had had lots of
18 different things wrong with him, and I think that his days
19 were coming close to an end.

20 Q In the days leading up to Paul or Maggie's death, had
21 the family received some not encouraging news about Mr.
22 Randolph's --

23 A Correct?

24 Q -- prognosis.

25 A Correct. I think that they felt like everything had

1 been done for him that could be done. And I'm not sure
2 Mr. Randolph wanted anything else done to him either. It
3 had been a long road for him.

4 Q Backing up a little bit. The family, Alex and
5 Maggie's family properties, did they have a house in
6 Hampton at one time?

7 A They did. They built that house.

8 Q And did they have a beach house?

9 A They did.

10 Q Where was that?

11 A Edisto.

12 Q When did they get the beach house roughly? Do you
13 recall?

14 A Oh gosh, I really don't know. They've had it for a
15 long time, fifteen -- I really don't know. I'm sorry.

16 Q And what about Moselle? They had that property as
17 well?

18 A Yes. Moselle was their most recent property, and it
19 was kind of a hunting plantation type place. Great setup
20 for hunting everything, and lots of beds for Alex to have
21 men come out and have hunts. Not Maggie's favorite place
22 to be, but the boys loved it.

23 Q And in the summertime, where did Maggie typically
24 prefer to be, Edisto or --

25 A She loved the beach, yes.

1 Q Do you -- are you familiar with what people refer to
2 as the boat crash?

3 A I am.

4 Q And to your general recollection, that happened around
5 February of 2019?

6 A Correct.

7 Q After the boat crash, did the family, particularly
8 Maggie, feel like what she felt is some sort of -- sort of
9 backlash in the community or some sort of negative reaction
10 that bothered her?

11 A She did. That was a devastating blow for their
12 family. It was a horrible accident, but it was an
13 accident. And Maggie felt like the community -- the
14 Hampton community had turned against her. And Paul was
15 being mistreated. People would say mean things to him,
16 call him names, social media, you know, inappropriate
17 things were said to him, inappropriate things were said to
18 him when he went back to school, and it was very hard on
19 the family. It was very stressful.

20 Q Is that also part of the reason that Maggie preferred
21 staying in Edisto?

22 A I think so, yes.

23 Q During this time period, did Maggie start looking for
24 a house somewhere else?

25 A She did. She would -- well, they sold their Hampton

1 house and she was looking in the Hilton Head/Bluffton area
2 for something. She had been looking in that area for
3 awhile.

4 Q Okay. Did she find anything she liked?

5 A She did. She found one house that she just loved, and
6 she called me and my parents to come down and take a look
7 at it, and I believe Alex was there, too. And she really
8 thought that they might make an offer on that house, but in
9 the end they did not. I think Alex advised her that the
10 timing was just not right with the boat case going on.

11 Q With the boat case going on. So, we move closer to
12 June 7th of 2021. I believe you testified that the family
13 received some bad prognosis on Mr. Randolph. Is that
14 correct?

15 A Yes. Maggie called me that day and said she was at
16 Edisto. She had some men working on the house, and Mr.
17 Randolph was not doing well at all, and Alex really wanted
18 her to come home that night. She hadn't planned on it, but
19 that he needed her to come home, and Paul was going to be
20 there, too. And I said, well, Maggie, I said, you know,
21 Alex and his dad are super close, and that's probably what
22 you should do, go be with him if he needs you.

23 Q She said that Alex wanted her to come home that night?

24 A Yes.

25 Q What was your understanding of Maggie's intent for

1 what they were going to do that night?

2 A I was under the impression they were going over to
3 Almeda to visit his parents.

4 Q And that's why Alex wanted Maggie to come home?

5 A Correct.

6 Q And that was from your conversation with her.

7 A Yes.

8 Q She called you to let you know that that's what Alex
9 had called her about?

10 A Yes.

11 Q You said she was having some work done at Edisto on
12 June 7th?

13 A Yes. Just maintenance work, getting it ready for the
14 summer.

15 Q You encouraged her to go to Moselle?

16 A I did.

17 Q Was that the last time you talked to her?

18 A Yes. Thank you.

19 (Break in proceedings.)

20 Q Do you remember about what time of day that was?

21 A I think it was around 4:00 in the afternoon. I think
22 she was -- Maggie loved to call me when she was driving.
23 She was always driving from, you know, Moselle to Edisto to
24 Charleston, and I think it was around 4:00 that afternoon.

25 Q What was the rest of your day like? Just a normal

1 day?

2 A Just a normal day.

3 Q Did you go to bed that evening?

4 A Actually we were not in bed. We were watching a
5 movie. It was just Bart and me at home that night and --

6 Q Bart, your husband? Tell me how you found out.

7 A John -- I didn't realize this was going on. We were
8 watching a movie, and Bart had gotten up to, I thought, go
9 into the kitchen. And he had a text from John Marvin
10 saying that there had been -- no, I'm sorry, a text from
11 Randy saying that there had been a tragedy and could Bart
12 please call him on his cell phone. He had called on Alex's
13 cell phone, but wanted him to call -- wanted Bart to call
14 him back on his cell phone.

15 Q So what happened?

16 A So, Bart went outside and called him, so I still
17 didn't know anything was going on, and told him that Maggie
18 and Paul had been shot and they were dead.

19 Q What was your reaction?

20 A I just couldn't believe it. I didn't think it was
21 true. I said there has to be a mistake. I said there's
22 got to be some explanation. It just -- it just can't be
23 them.

24 Q What did y'all do after that?

25 A We gathered up our things and we went to tell my

1 parents, and --

2 Q Where do they live?

3 A They live in Summerville, and my mom had just had knee
4 replacement surgery. So, when I got to Summerville I
5 called and I said Mom, we're on the way and we've got some
6 bad news to share, but I want to be with you. And so she
7 was sitting in her recline chair with her leg all bundled
8 up. And so we got there and both of my parents were there.
9 I think my mom went into shock. She just -- she couldn't
10 be still, and she just kept making these noises. And it
11 was just the worst.

12 Q Did you go to Moselle at any point?

13 A We pretty much stayed with my parents all night. We
14 went back home, showered, and then we all went to Moselle
15 the next morning.

16 Q Over the next few days, were y'all staying back at
17 Summerville and going to Moselle, or what were you and your
18 parents doing and Bart?

19 A So, we had family coming in from Kentucky, and some of
20 them were staying with me, some of them were staying with
21 my parents, but we were in Moselle every day. We were
22 planning the funeral doing just -- we were in Moselle
23 after -- every day after that until the funeral.

24 Q Did that shock of finding out last for awhile?

25 A I'm sorry?

1 Q Did that shock of finding out last for awhile?

2 A It's still hard to face.

3 Q When you got to Moselle, did you see Alex, the
4 defendant?

5 A I did.

6 Q Did y'all hug?

7 A We did.

8 Q Did you cry?

9 A We did.

10 Q Over the course of the next couple of days, or in the
11 aftermath as the shock was wearing off just a little bit,
12 did you have any conversation with Alex about what had
13 happened?

14 A I didn't talk to Alex a lot. Alex was just really
15 busy, and the whole town was coming to see him, and he was
16 very, very, very torn up. I did at one point ask him if
17 Maggie had suffered, and he assured me that she did not.
18 Now I don't know that I think that's true. And I asked if
19 Paul had suffered, and he said no. And then later I asked
20 him, I said Alex, do you have any idea who's done this? I
21 said we have got to find out who has done -- who could do
22 this. And he said that he did not know who it was, but he
23 felt like whoever did it had thought about it for a really
24 long time.

25 Q Whoever had done it had thought about it for a really

1 long time. Did that strike you as odd?

2 A I just didn't know what that meant.

3 Q Were you ever privy or have any discussion with
4 anything Alex said about whether or not he went to the
5 kennels that night?

6 A I personally did not talk to him about that, but he
7 told my mom that he had dinner with Maggie and Paul and
8 then he took a nap, which he did. That was kind of a
9 routine. He would lay down on the sofa at night after work
10 and take a nap.

11 Q But he said he never went to the kennels.

12 A Correct.

13 Q After your conversation with Maggie, your last
14 conversation with her, did it strike you as odd that she
15 didn't go to the kennels -- or go to Almeda with Alex?

16 A Yes.

17 Q And why is that?

18 A Because that's the whole reason she went home that
19 night.

20 Q Did you think from your conversation with Maggie that
21 she was planning to see Mr. Randolph, too?

22 A I thought so. I didn't realize that Mr. Randolph
23 wasn't there at the time.

24 Q That was a surprise to you?

25 A Uh-huh.

1 Q In the days and weeks following Maggie and Paul's
2 murder, did Alex ever say anything about the boat case?

3 A We would talk about the boat case, and he was very
4 intent on clearing Paul's name.

5 Q What did he say?

6 A He said that his number, number one goal was clearing
7 Paul's name. And I thought that was so strange because my
8 number one goal was to find out who killed my sister and
9 Paul.

10 Q But that wasn't Alex's concern, main concern?

11 A I know he -- I know he -- I know he must have wanted
12 that, too, but it just -- I don't know how he could have
13 thought about anything else.

14 Q But he talked about the boat case. Did he ever act
15 scared or afraid that the real killers were out there
16 somewhere or anything like that, or was he concerned with
17 the boat case?

18 A We were afraid; we didn't know what was going on. My
19 family was scared. I was scared for Alex and Buster. I
20 felt like they needed protection. I think everybody was
21 afraid, and Alex didn't seem to be afraid.

22 Q Did he also talk about getting Buster back into law
23 school --

24 A Yes.

25 Q -- after the murders? Maggie loved those dogs, didn't

1 she?

2 A She did.

3 Q Did she like going down there and playing with them?

4 A She did.

5 Q Would she tend to walk down there, or would she take
6 another way to get down there?

7 A If she was dieting, she would walk. Sometimes she
8 would ride her bicycle and she would take the car. She
9 would go -- you know, just whatever she felt like, take her
10 car, take one of the golf cart things.

11 Q She wasn't a hunter, though, was she?

12 A No.

13 Q What did she think about those AR style guns that the
14 boys had?

15 A She seemed to be fine with those. I remember when she
16 wanted to give them those for Christmas, and I just -- it
17 just -- growing up with girls and not in the hunting world,
18 I said Maggie, why would you give those boys those guns?
19 And she said they love to shoot hogs, and -- which I
20 understood that the hogs were tearing up their property.
21 But it just scared me that they would -- that the boys
22 would have such a dangerous weapon. But I know nothing
23 about guns, so --

24 Q Hold for me one second, Ms. Proctor.

25 (Break in proceedings.)

1 MR. WATERS: Thank you for testifying. Please answer
2 any questions that the defense may have.

3 THE COURT: Mr. Griffin.

4 CROSS-EXAMINATION

5 BY MR. GRIFFIN:

6 Q Hey.

7 A Hi.

8 Q I'm sorry. This is hard for me, too. Maggie was a
9 very special person, wasn't she?

10 A She was.

11 Q And she and Alex had a very special relationship.

12 A They did.

13 Q And they had a very special family, did they not?

14 A They did.

15 Q And they loved to do things together as a family,
16 didn't they?

17 A They did.

18 Q And they -- and it just wasn't Alex and Maggie and
19 Paul and Buster, but your parents were part of their
20 family, right?

21 A Yes.

22 Q And I doubt you've heard all of the testimony here in
23 court, but a lot of Paul's friends referred to your dad as
24 Papa T. Is that what people referred to him as?

25 A Yes.

1 Q And your mother as Grandmar?

2 A Yes.

3 Q And it certainly seemed like Paul and Buster's friends
4 were part of your parents' extended family.

5 A Yes.

6 Q And you and your husband and Bart and your children,
7 y'all would all vacation together with -- not necessarily
8 with Buster and Paul's friends, but Maggie and Alex and
9 Paul and Buster, and y'all did things as a family a lot,
10 didn't you?

11 A We did.

12 Q And Alex was really close to your parents, wasn't he?

13 A Yes.

14 Q And he considered your dad as one of his best friends,
15 I believe.

16 A He was very kind to my dad.

17 Q Right, and y'all had vacationed -- I think you and
18 your husband had a house in the Keys. You would vacation
19 there, right?

20 A Correct.

21 Q And y'all would do a lot together on a place up on
22 Lake Keowee?

23 A Correct.

24 Q And, I mean, you said Maggie was, you know, a girl,
25 but she took to the boys and learned to be a mother of two

1 rambunctious sons, right?

2 A She did.

3 Q And you said earlier that about sporting events, that
4 Maggie never missed any of Paul and Buster's sporting
5 events. Is that right?

6 A Correct.

7 Q And Alex was there right by Maggie at every sporting
8 event, wasn't he?

9 A Coaching.

10 Q Coaching most of the time.

11 A Uh-huh.

12 Q The weeks leading up to the horrific day of June the
13 7th, you had a family get together up at Keowee?

14 A We did.

15 Q Your daughter was -- you were having a baby shower for
16 your daughter.

17 A Right.

18 Q You were about to be a grandmother for the first time?

19 A Yes.

20 Q And where was it?

21 A When was it?

22 Q Where.

23 A Where?

24 Q Yeah.

25 A My daughter lives in Greenville.

1 Q And the -- and it was the weekend, I think, of
2 May 21st.

3 A I think it was the weekend before Memorial Day
4 weekend.

5 Q Right, and I'm going to show you a photo and see if
6 you recognize this photo. And this is Defendant's
7 Exhibit 122.

8 A Yes.

9 Q Do you recognize that?

10 A I took that picture.

11 Q You took that picture?

12 A I did.

13 MR. GRIFFIN: Your Honor, we would introduce
14 Defendant's 122 into evidence at this time.

15 MR. WATERS: No objection, Your Honor.

16 THE COURT: It's admitted.

17 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 122 WAS
18 RECEIVED INTO EVIDENCE.)

19 MR. GRIFFIN: Can you pull up 122, Doug?

20 (Break in proceedings.)

21 Q I'm not sure, Marian, if the jury has actually seen a
22 picture of Maggie in this trial. She's obviously the only
23 female here in this photo.

24 A Uh-huh.

25 Q And y'all favor each other greatly, right?

1 A We do.

2 Q And this was a weekend just couple of -- I mean, you
3 said the weekend before Memorial Day, correct?

4 A Uh-huh.

5 Q And that's Buster on the left?

6 A Yes.

7 Q And that's Paul?

8 A Right.

9 Q And then Maggie and Alex, right?

10 A Correct.

11 MR. GRIFFIN: Thank you. You can take that down.

12 Q Did you see Maggie again after being with her up above
13 Greenville?

14 A I did not.

15 Q So, that was the last time you were together with her?

16 A Uh-huh. She -- they were at Edisto for Memorial Day,
17 and then the next weekend was my birthday and we were back
18 in the Upstate, and then I got the call on Monday.

19 Q And you understand the weekend after Memorial Day Alex
20 and Maggie went to Columbia for a super regional baseball
21 game with Buster and his girlfriend, Brooklynn?

22 A Right.

23 Q You were aware of that?

24 A I am.

25 Q And you mentioned that Maggie was a big Carolina fan,

1 and Alex was a big Carolina fan, right?

2 A They both graduated from there.

3 Q And they went to a lot of the Carolina sporting events
4 as a couple, correct?

5 A Yes.

6 Q And leading up to June 7th -- well, let me back up.
7 And I know we've talked about this and I don't want this to
8 come out the wrong way, but Maggie did a lot for Alex's mom
9 and dad, but didn't it make her somewhat sad to go over and
10 visit his mother because of her condition?

11 A Absolutely.

12 Q And -- which is really not high on her list of things
13 that she wanted to do.

14 A Maggie went there a lot. She just didn't feel like
15 she needed to go every day like Alex liked to go.

16 Q And Alex would go every day, and sometimes more than
17 once a day.

18 A As much as he could, he did.

19 Q And he -- but Maggie cared for Mr. Randolph. And I
20 know she loved him. I'm talking about she would, you know,
21 prepare food for him and tried to spoil him, wouldn't she?

22 A It was the no salt diet, and they were all struggling
23 to cook food that he would eat with no salt.

24 Q And she experimented with different things hopefully
25 that he would enjoy, right?

1 A Right. The whole family was taking turns and trying
2 to provide meals.

3 Q And you know now that on the 7th, I think, in the
4 afternoon, and we'll establish this later, but you know
5 around 4:00 or 4:30, Mr. Randolph got admitted back to the
6 hospital in Savannah?

7 A I know that now.

8 Q Right, and you said earlier that you expected from
9 your conversation with Maggie that she was going to go over
10 to Almeda and see Alex's parents on the evening of the 7th,
11 but -- and you found it odd afterwards when you found out
12 she didn't.

13 A Correct.

14 Q But knowing that Alex's dad was not there and he was
15 back in the hospital, it doesn't really seem that odd
16 anymore, does it?

17 A Probably not.

18 Q You, you and Bart received an awful phone call on the
19 night of the 7th about Maggie and Paul's death, right?

20 A We did.

21 Q And it was from John Marvin?

22 A Randy.

23 Q Randy?

24 A I'm sorry. I misspoke earlier.

25 Q And one of the requests was that you and Bart go tell

1 your parents in person, right?

2 A Uh-huh.

3 Q And --

4 A Well, I don't know that they requested, but I knew we
5 had to do that in person.

6 Q So, you did that in person.

7 A Yes.

8 Q And then the next day you came to Moselle with your
9 parents.

10 A Correct.

11 Q And Alex, was he grieving greatly?

12 A Oh, terrible.

13 Q And people have described him --

14 A We were all.

15 Q -- described him as being destroyed, is that -- would
16 you agree with that assessment?

17 A Yes.

18 Q And Buster was there?

19 A Yes.

20 Q I jumped ahead, but leading up -- and Maggie enjoyed
21 being with -- being at Edisto over Moselle in the
22 summertime.

23 A Correct. I think most people would.

24 Q Yeah, right.

25 A Yeah.

1 Q Enjoyed it a lot more than being at Moselle.

2 A Right.

3 Q But Alex had to stay at Moselle, or did stay at
4 Moselle because his work was right there in Hampton, right?

5 A Right.

6 Q And Alex was constantly wanting Maggie to come back
7 and stay with him at Moselle, wasn't he?

8 A Perhaps. I'm not sure. I don't think he really liked
9 being by himself.

10 Q But when he asked Maggie to come back on the 7th, I
11 mean, you didn't think that that was really an unusual
12 request because he wanted to be with Maggie.

13 A Right. No --

14 Q He didn't like being by himself.

15 A I did not think it was unusual and that's why I
16 encouraged her to do so.

17 Q And you -- from your conversation with Maggie, you
18 knew that Paul was going to be there.

19 A Correct.

20 Q And do you know what -- whether -- do you know what --
21 why Paul was going to be there? Have you heard?

22 A I had -- I didn't know at the time, I know now.

23 Q But anyway, he -- so -- and you encouraged Maggie to
24 go be with Alex because you know his dad was in bad shape,
25 right?

1 A Right.

2 Q Now, after Maggie and Paul were murdered, you know,
3 Mr. Randolph died two days later, I believe, or three days?

4 A Uh-huh.

5 Q So, it was a very difficult time for everyone, wasn't
6 it?

7 A Very.

8 Q And there were two funerals, one on a Saturday for
9 Maggie and Paul and one on Sunday for Mr. Randolph, right?
10 And then after a day or so, did Alex and Buster come to
11 Summerville and stay with your parents?

12 A Yes.

13 Q And did they stay with your parents a lot after the
14 murders?

15 A Yes, especially Alex.

16 Q Yeah. Alex -- to your knowledge, did Alex ever spend
17 another night at Moselle after this?

18 A He did not.

19 Q He stayed with your parents. He stayed -- he visited
20 with you and your husband and family down at Key West at
21 some time the end of July. Is that right?

22 A He did.

23 Q And then he and Buster came up to Greenville at one
24 point in time?

25 A They did.

1 Q And then -- and he was staying with his brother Randy
2 at times. He was all over the place.

3 A He was.

4 Q Now, you mentioned that after the murders that Alex
5 said that he was -- that he was very intent on clearing
6 Paul's name from the boating accident, right? And you knew
7 that Maggie felt very strongly that Paul was not driving
8 the boat when the beautiful, tragic -- beautiful Mallory
9 Beach came to her tragic death, right?

10 A Correct.

11 Q And Maggie was adamant. She was on a mission to clear
12 Paul's name, was she not?

13 A Sort of.

14 Q Sort of? And she was -- and you're not critical of
15 Alex for wanting to clear Paul's name after he was
16 murdered, are you?

17 A I'm not critical about that at all. I think that was
18 his way of honoring Paul after he was gone. I just thought
19 his priorities should have been focusing on finding out who
20 killed Maggie and Paul.

21 Q And how do you know if he -- that wasn't a priority
22 for him?

23 A We never talked about it; we never talked about
24 finding the person who could have done it. It was just
25 odd. And we were sort of living in fear because we thought

1 this horrible person was out there, and we didn't -- we
2 were mostly afraid for Alex and Buster, but we didn't know
3 the motive behind the killings. We thought it probably had
4 something to do with the boat case.

5 Q Right.

6 A And we thought that up until September.

7 Q Right.

8 A And things started to change a little bit.

9 Q Sure. Well, were you aware that Alex started carrying
10 a gun after that? You didn't know --

11 A Alex always carried a gun.

12 Q What's that?

13 A He always carried a gun.

14 Q On his person, that he started carrying a gun.

15 A Uh-huh.

16 Q Were you aware of that?

17 A I know he usually had one in his car.

18 Q Right. I want to ask you just some one topic kind of
19 questions. Bubba was Maggie and Alex's dog. Is that
20 right?

21 A Uh-huh.

22 Q Bubba could be a little hardheaded we've heard.

23 A Uh-huh.

24 THE COURT: You must use words, ma'am.

25 THE WITNESS: I'm sorry.

1 A Yes. Bubba, I think Bubba could be a handful.

2 Q But it was pretty clear that Alex could control Bubba
3 pretty well?

4 A Yes.

5 Q And Maggie enjoyed going down to the kennels as far as
6 you know to play with the dogs?

7 A She did.

8 Q All right, and she was a dog lover?

9 A She was.

10 Q And you're a dog lover?

11 A I am.

12 Q And y'all have dogs -- you know that they didn't allow
13 dogs in the house at Moselle?

14 A Correct.

15 Q Because of, I don't know --

16 A Allergies.

17 Q Yeah, allergies.

18 A Right, but she had -- they had a big porch and there
19 were dog beds all outside on the porch and --

20 Q Right.

21 A -- you know, huge buckets of water. When I was there,
22 the dogs were always up there at the house.

23 Q Did you know there was an electric fence around --

24 A I did not know that there was an electric fence,
25 but --

1 Q And did Maggie and Alex let dogs in the house down at
2 Edisto?

3 A I don't think so. They stayed mostly underneath the
4 house. She had a pen, a big pen down there.

5 Q And they had a dog run type thing under the house?

6 A Uh-huh.

7 THE COURT: Yes or no? Yes or no?

8 A Yes.

9 Q And did you ever go to Edisto and visit with --

10 A Yes.

11 Q -- with Maggie and Alex and the family?

12 A Yes.

13 Q And were Paul's friends and Buster's friends welcome
14 at --

15 A Always.

16 Q -- Edisto, and at Moselle?

17 A Yes.

18 Q And --

19 A Maggie loved having the boys' friends around.

20 Q And I think you mentioned this, but Moselle -- was
21 Moselle Paul's passion?

22 A Yes.

23 Q He loved that place?

24 A Yes.

25 Q And Alex enjoyed being there with Paul. Is that

1 right?

2 A Yes, he did.

3 Q Okay.

4 MR. GRIFFIN: One second, Your Honor.

5 (Break in proceedings.)

6 Q Just very briefly. In your own words, would you just
7 tell the jury what you believe Alex's relationship was with
8 Paul?

9 A I think they had a very good relationship. They loved
10 all the same things. They loved to hunt, they loved to
11 fish, they loved to work the land. I think the plan was
12 for Paul to take over Moselle one day. And they had a
13 great father/son relationship.

14 Q And in your own words, can you tell the jury what you
15 believed Alex's relationship with Maggie was?

16 A It was good. It wasn't perfect, but Maggie was happy
17 and -- I think she was happy.

18 MR. GRIFFIN: Thank you. That's all of the questions
19 I have.

20 THE COURT: Redirect.

21 MR. WATERS: May it please the Court, Your Honor?

22 REDIRECT EXAMINATION

23 BY MR. WATERS:

24 Q When Maggie called you on the afternoon of June 7,
25 2021, she reported to you that her whole purpose for going

1 home was to go with Alex to visit Almeda. Is that correct?

2 MR. GRIFFIN: Objection. Leading.

3 Q What did Maggie tell you her whole purpose was in
4 going home and Alex wanting her to come home on June 7th of
5 2021?

6 A She was going home to be with Alex and visit his
7 parents at Almeda.

8 Q And it was a -- was it such a point of contention that
9 you actually encouraged her to go?

10 A I did.

11 Q You were asked some questions about -- you testified
12 about Alex not being focused on trying to figure out who
13 killed Maggie and Paul, and then something happened in
14 September. Is that right?

15 A Correct.

16 Q And that changed for you as you started to look at the
17 motive. Is that correct? That's what you just testified,
18 correct?

19 A Correct.

20 Q And in September he got fired from the law firm,
21 right?

22 A Correct.

23 Q And it started to come out about years and years of
24 theft and misappropriation from clients. Is that correct?

25 MR. GRIFFIN: Objection. Leading.

1 THE COURT: The objection is sustained.

2 Q What came out in September that changed your calculus?

3 MR. GRIFFIN: And objection. Exceeding the scope of
4 cross.

5 THE COURT: The objection is overruled.

6 Q Please answer the question.

7 A We were on our way to a football game, and we received
8 a phone call that -- from a friend of ours saying how sorry
9 they were --

10 MR. GRIFFIN: Excuse me, Your Honor, objection.
11 There's a motion on this issue that has not been ruled
12 upon.

13 THE COURT: Ladies and gentlemen, we'll have you go to
14 the jury room. Please do not discuss the case.

15 (The jury left the courtroom.)

16 THE COURT: The nature of your objection?

17 MR. GRIFFIN: Your Honor, she was about to testify
18 that she had heard about the roadside shooting. The State
19 has not gone into the roadside shooting yet. Your Honor
20 has not ruled on whether that's admissible or not. We
21 object to it under 403 to being admissible. And
22 substantively that is the objection. Evidence of the
23 roadside shooting, it just opens up a whole new avenue of
24 issues. Secondly, what she knows thus far would be
25 hearsay, which is a technical objection. But the --

1 certainly we object to any evidence of the roadside
2 shooting.

3 THE COURT: All right. Mr. Waters.

4 MR. WATERS: Your Honor, at this point, of course,
5 this is responsive to a question that was raised on cross-
6 examination by Mr. Griffin in which she testified something
7 happened in September, so for that reason to begin with I
8 believe that door is opened as to her to explain what it
9 was that changed in that period in time, which was the
10 nature of my question to her.

11 Additionally, I think if we look beyond that, there is
12 a connection, if we want to talk and have an *in-camera*
13 hearing about her answer and about 403 and 404, there is a
14 logical connection between what happened in the roadside
15 shooting and what happened on June 7, 2021. And that
16 connection is, of course, that the evidence will show that
17 as the temperature increases, as there's a confrontation
18 for Alex Murdaugh, then things like this happen, and that's
19 what happened on September. But as it relates to this
20 specific witness, this was an answer that came up during
21 the defense cross, and it's fair to explore with this
22 witness now what changed in September, which she's already
23 testified to from a defense question.

24 THE COURT: And what was the question that prompted
25 the response that you now indicate opened the door -- opens

1 the door from this?

2 MR. WATERS: From the defense?

3 THE COURT: Yes.

4 MR. WATERS: So, again, that particular question, and
5 in her response he asked her -- and he had been, of course,
6 engaging in great detail about the family relationship and
7 that sort of thing, and put up a picture and all of the
8 rest of it, and asked her about, you know, her assessment
9 at that particular time, and she went in and started to
10 explain that. And he was specifically asking about Alex
11 being concerned about clearing Paul's name in the boat
12 case. And then she explained further that -- and he asked
13 her if that was any big deal, and then she went on to
14 explain her answer, and that's when she talked about how
15 everything changed in September. And that's what I was
16 exploring, what happened in September, which has been
17 testimony before this jury and I think now fair game for
18 them to understand what happened in September.

19 THE COURT: All right. Yes, sir?

20 MR. GRIFFIN: Your Honor, that was not the question.

21 THE COURT: Well, what was the question? That was my
22 question to Mr. Waters, and he's explained a whole lot. I
23 don't know if he responded to my question. Maybe you will.
24 What was the question that you posed that generated the
25 response about her concern and her concerns changing?

1 MR. GRIFFIN: The question that I asked related to
2 her -- I said you testified previously that you didn't
3 believe Alex was concerned about finding out who did
4 this -- more concerned about clearing Paul's name. And
5 then she says, well, it seemed odd he wasn't concerned
6 about finding out who did this. And I said why do you
7 think he was not concerned? And then she goes in to
8 testifying, well, initially we thought it was the boating
9 accident, and then after September we thought perhaps it
10 was something completely different. And, I mean, I was
11 exploring her testimony on direct when she offered up the
12 issue of the roadside shooting.

13 I didn't ask anything about the roadside shooting,
14 Your Honor. I was asking her why she thought Alex was not
15 trying to -- you know, what was the basis of her belief
16 that Alex wasn't trying to find out who did this.

17 THE COURT: All right, Mr. Waters.

18 MR. WATERS: I apologize if I wasn't more clear. I
19 don't remember the specific question, but I --

20 THE COURT: Well, we have -- that's why we have court
21 reporters. We'll have --

22 Ms. Harris, if you'll go back a bit to Mr. Griffin and
23 his questioning of Ms. Proctor. Go back to Maggie being
24 solely consumed about the -- I don't know how far that was,
25 Maggie being consumed about the boating accident, and it's

1 not too far back from there on where you are now.

2 (Break in proceedings.)

3 THE COURT: And if you need a break, we can take one
4 for you to locate it.

5 COURT REPORTER: I'm looking for the question.

6 THE COURT: Pardon?

7 COURT REPORTER: I'm looking for the question.

8 THE COURT: All right.

9 (Court Reporter Harris reads back testimony.)

10 MR. BARBER: Just a moment. You need to be loud
11 enough for me to hear you at least. Go ahead.

12 COURT REPORTER: Sorry?

13 THE COURT: Louder.

14 COURT REPORTER: Yes, sir.

15 (Court Reporter Harris reads back testimony.)

16 THE COURT: All right. Mr. Waters?

17 MR. WATERS: Your Honor, again, if you -- these were
18 indirect responses to his question as he was exploring her
19 statement about his concern on the boat case, and, in fact,
20 the reference to September was actually in response to a
21 follow-up question that the defense continued down that
22 line of questioning. That answer has now come out, and I
23 think that the witness, again, is entitled and is fair game
24 at this point.

25 THE COURT: You want her to testify as to what changed

1 in September in her mind?

2 MR. WATERS: Yes, sir, what she meant by that.

3 THE COURT: And what changed in September?

4 THE WITNESS: Do you want me to talk to the --

5 THE COURT: Yes, ma'am.

6 THE WITNESS: So, we received a phone call from a
7 friend of ours who said he was so sorry to hear about my
8 brother-in-law, and the call came in to my husband, Bart.
9 And Bart said what are you talking about? We don't know
10 anything. And he said, well, your brother-in-law has been
11 shot.

12 And we literally stopped the car, pulled over on the
13 side of the road, and it was just the worst feeling in the
14 world because I thought whoever had killed Maggie and Paul
15 had now shot Alex, and I was horrified that Buster was
16 next. So, we made a phone call to Buster, and Buster said
17 his dad had been shot but that he was okay, and that he was
18 on his way or in the hospital at that time. I can't
19 remember.

20 And then at some point -- and I'm not sure, I think I
21 was in shock -- at some point we spoke with Jim Griffin
22 that day, and he told us that, yes, Alex had been shot,
23 that he had been fired from the law firm because he had
24 been caught stealing money.

25 THE COURT: All right, thank you.

1 Yes, sir?

2 MR. WATERS: Again, that's her explanation, and I
3 believe that's fair game in this particular instance to
4 this particular witness's testimony that had come out on
5 cross-examination. And I probably would have one follow up
6 additionally I'll actually mention as well.

7 I think there's probably two other matters that
8 probably we should explore while the jury is out, in
9 fairness to the other side and the Court, I wanted to
10 inquire that were in reference to cross-examination. Those
11 are different issues.

12 THE COURT: What are the -- without going into them,
13 tell me what they are so I --

14 MR. WATERS: Sure. There were obviously extensive
15 cross-examination about the family relationship. But
16 there's extensive evidence offered by the defense on cross
17 about the family relationship, and there were two questions
18 I was going to ask her about fidelity concerns, and also
19 the -- Maggie and the family wrestling with opioid abuse
20 and pill usage by the defendant, and that both of those
21 have been issues that Maggie had wrestled with and had
22 expressed to her.

23 THE COURT: All right.

24 Mr. Griffin?

25 MR. GRIFFIN: Well, as to the -- I don't know if you

1 want me to address the roadside shooting, but certainly
2 that opens up Pandora's Box, 404B. They want to introduce
3 the roadside shooting as motive. How can you have motive
4 after the fact? And so it's not admissible, and it should
5 not be admissible under 403. But just what she says is not
6 that harmful, but they're not going to stop there, Your
7 Honor. And I did not open the door. I said --

8 THE COURT: Well, you're probing her about Alex's
9 fear. Doesn't Alex -- were you aware that he started
10 carrying a gun? Well, he always carries a gun in his car.
11 No. But then he started carrying it in his pockets. So,
12 you're having her -- cross-examining her to suggest that
13 Alex is living in fear as evidenced by the fact that he
14 continued -- or started carrying a gun not in his vehicle
15 but on his person.

16 MR. GRIFFIN: Sure.

17 THE COURT: And she -- and her response is, well, I
18 never -- didn't appear to me that he was living in fear. I
19 didn't know anything about that, and -- responding to you
20 -- until in September when this occurred for whatever
21 reason. Now with the truth of what occurred, she's not
22 testifying as an investigator. She said she heard he'd
23 been shot and that gave her -- changed her reason for
24 concern in some way. Whatever that might be, I don't know.

25 Did you still have a reason for concern or you --

1 about Alex's safety, or did -- was it changed? Was it
2 altered?

3 THE WITNESS: That day and for some time after that,
4 we were very concerned for the family. We felt like
5 someone was after them. But then we started finding out
6 about other things that had been going on in Alex's life
7 and --

8 THE COURT: And this is in part based on your
9 conversation with Mr. Griffin?

10 THE WITNESS: This is everything that has come out
11 since then.

12 THE COURT: Well, did you say that you had a
13 conversation with Mr. Griffin?

14 THE WITNESS: That day that we found out that Alex had
15 been shot, we did have a conversation with Mr. Griffin, and
16 he's the one --

17 THE COURT: And Mr. Griffin told you he'd been fired
18 and that he had been caught stealing money.

19 THE WITNESS: Correct.

20 MR. GRIFFIN: So, that's just hearsay.

21 THE COURT: Well, yeah. What kind of quandary does
22 that put you in? Are you going to be a witness as well?

23 MR. GRIFFIN: Well, it's -- that's a hearsay
24 statement, Your Honor, without a doubt. That's classic
25 hearsay.

1 THE COURT: Well, it's the basis for her fear or not
2 having fear, which is something you -- or fear or believing
3 that Alex was in fear, that's something that you're
4 probing. Aside from that issue, how about the family
5 relationship issue of fidelity, opioid abuse concerns?

6 MR. GRIFFIN: Well, Your Honor, with regard to the
7 fidelity, we can hear what she says about it. But the
8 evidence, as I understand it, is ten or fifteen years ago,
9 I don't know how long ago, but it was more than ten years
10 ago. There was some issue about someone that Alex had
11 known in college reaching out to him. Maggie got angry
12 about that --

13 THE COURT: Reaching out to him fifteen years ago
14 or recently?

15 MR. GRIFFIN: Yes, sir. Yes, sir. Yes, sir. And
16 that Maggie got mad, angry about it, contacted the woman's
17 husband who says it's not true. I know who she's seeing
18 because I have a private eye on her. That led to a
19 divorce.

20 THE COURT: So, you're now referring to a fifteen year
21 old conversation.

22 MR. GRIFFIN: Yes.

23 THE COURT: All right.

24 MR. GRIFFIN: And then opioid stuff, Your Honor,
25 it's -- I'm not sure what information she's going to share

1 about that frankly.

2 THE COURT: Well, you had one earlier witness read a
3 letter about him being in rehab.

4 MR. GRIFFIN: That they introduced, yes, sir.

5 THE COURT: That you published.

6 MR. GRIFFIN: It was already in evidence, Your Honor,
7 over objection.

8 THE COURT: Go ahead, Mr. Waters.

9 MR. WATERS: So on both of these issues, first of all
10 with the --

11 THE COURT: Ma'am, by the way, you can step down for a
12 break. Don't discuss your case.

13 THE WITNESS: I'm fine.

14 THE COURT: You're fine?

15 THE WITNESS: I'm fine, yes. Thank you.

16 THE COURT: All right.

17 MR. WATERS: I'll go to the issue of the first matter.
18 I think it's certainly a fair question to say did Maggie
19 ever express to you any concerns? Were there ever any
20 concerns and issues with the defendant's fidelity? I think
21 that's clearly in response to the extensive evidence that's
22 been offered by the defense.

23 THE COURT: But not fifteen -- you said has she ever,
24 such as fifteen years ago?

25 MR. WATERS: Well, I think that my follow-up question

1 would be was that something that remained in Maggie's mind
2 over the years up until --

3 THE COURT: And she would know that?

4 MR. WATERS: I think that if I asked her that
5 question, she could express an answer to that, yes, sir.

6 THE COURT: And what is the answer to that?

7 THE WITNESS: It was an affair that happened -- or
8 Maggie thought it was an affair that happened many years
9 ago. They were able to resolve the issues, but Maggie
10 still brought it up.

11 THE COURT: As recently as when?

12 THE WITNESS: A year ago.

13 THE COURT: All right.

14 THE WITNESS: She did not think anything was going on.
15 She just -- it still bothered her.

16 THE COURT: All right.

17 MR. WATERS: May I ask a follow-up, Your Honor?

18 THE COURT: Yes.

19 MR. WATERS: During -- when that event occurred, did
20 she make Alex leave the household for a period of time?

21 THE WITNESS: She did.

22 MR. GRIFFIN: Your Honor, we need a timeframe on this.
23 I --

24 THE COURT: Well, I understand. Fifteen years ago
25 or --

1 MR. WATERS: How long ago was that?

2 THE WITNESS: It was a very long time ago. I'm not
3 sure.

4 THE COURT: All right.

5 THE WITNESS: A very long time ago.

6 MR. WATERS: I think -- again, I'm not trying to make
7 it bigger than it is, but I think given the issues that
8 have been squarely in front of the jury, the State is
9 entitled to, at least in a limited fashion, to offer
10 this -- some testimony in this regard that, you know, that
11 everything was not perfect as the defense has repeatedly
12 elicited. And so on that particular issue, I only propose
13 a limited question, that, you know, had Maggie ever had any
14 concerns about fidelity, and had those concerns continued
15 to bother her, and that would be the extent of my proposed
16 examination to her on that issue.

17 THE COURT: All right. Anything else?

18 MR. GRIFFIN: Your Honor, 2007 is our understanding,
19 2007, fifteen years ago.

20 THE COURT: Well, yeah, 2007 was fifteen years ago,
21 yes.

22 MR. GRIFFIN: And that's when it occurred.

23 THE COURT: Well, that's been established. Give me
24 something new --

25 MR. GRIFFIN: Well --

1 THE COURT: -- other than repeating fifteen years ago.

2 MR. GRIFFIN: It's not admissible under 403, the
3 unfair prejudice outweighs the probative value of this.
4 Whether it still bothered her, I mean, she testified that
5 they weren't without their problems like all married
6 couples, but they had a good marriage. I mean, it's been
7 addressed. This is highly inflammatory.

8 THE COURT: That's why your questions have to not lead
9 into things that might be inflammatory. We're going to be
10 in recess for about 15 minutes.

11 (Break in proceedings.)

12 THE WITNESS: Please do not discuss your case.

13 (A break was taken.)

14 THE COURT: The witness can testify as to her concern
15 as to what occurred on September 7th that changed her
16 concern about Alex's living in fear. She cannot testify as
17 to -- on the fidelity issue because that's too remote in
18 time and would tend to confuse the jury. She can testify
19 that she discovered that he'd been fired and that -- and
20 that he had a drug problem.

21 MR. GRIFFIN: Your Honor, depending on how the
22 testimony goes, we would have hearsay objection if she's
23 testifying as to what someone told her.

24 THE COURT: Okay. Well, she's not testifying as to
25 the truth of it. She's responding as to why her concerns

1 were changed based on, in part, of her conversations with
2 you --

3 MR. GRIFFIN: No, I understand that.

4 THE COURT: -- as an agent for Mr. Murdaugh.

5 MR. GRIFFIN: No, I understand that. My point I just
6 stood to address is family wrestling with opioid and pill
7 use by the defendant, that is hearsay if that's how she
8 knows --

9 THE COURT: She heard he had a drug problem. I mean,
10 if you want to talk about specifically, I don't know to
11 what degree she discovered his drug problem or opioid
12 addition or whatever it is. But it's already in evidence
13 anyway.

14 MR. GRIFFIN: No, I understand. I'm just advising the
15 Court that I would be making hearsay objections if
16 that's --

17 THE COURT: Yes, sir, I understand.

18 Anything else before the jury comes?

19 MR. WATERS: Nothing from the state at this time, Your
20 Honor.

21 MR. GRIFFIN: Nothing from the defense, Your Honor.

22 THE COURT: All right. Bring the jury.

23 Ma'am, you understand you can't go into great details
24 on all of these issues.

25 THE WITNESS: Yes, sir.

1 (The jury returned to the courtroom.)

2 THE BAILIFF: The jury is present, sir.

3 THE COURT: The objection is overruled.

4 You may continue.

5 MR. WATERS: May it please the Court, Your Honor?

6 THE COURT: Yes.

7 CONTINUED REDIRECT EXAMINATION

8 BY MR. WATERS:

9 Q Ms. Proctor, when we left on the break, I was asking
10 you what happened in September that caused you to change
11 your assessment. Can you describe that to the jury,
12 please?

13 A On September 4th, we were headed to a football game,
14 and my husband, Bart, received a phone call from a friend
15 saying he was so sorry to hear about what had happened to
16 my brother-in-law, and we had no idea what he was talking
17 about. And he said, well, we've heard, you know -- he told
18 us he'd been shot.

19 So, we pulled over on the side of the road. We were
20 all in hysterics. We called Buster, and Buster said, yes,
21 that his dad had been shot, that he was being airlifted to
22 the hospital, that they thought he was -- hoped he was
23 going to be okay. So, we wanted more information, so we
24 called Jim Griffin, and he told us that Alex had been shot
25 in the head, and that he had been fired from his law firm

1 for stealing.

2 Q What was your concern when you heard that he been
3 shot?

4 A Initially I thought he might be dead. I had just lost
5 two of the family members, and I felt like they were being
6 targeted at that point. I felt like the family was being
7 targeted.

8 Q Subsequent to that, did your concern that the family
9 was being targeted, did that change as well?

10 A Over the course of a few weeks, we were still on high
11 alert worried for Buster, but at that point information
12 started coming out about some things that Alex had done
13 financially that we had no idea about.

14 Q And that changed your assessment about what you heard
15 about him being shot as well. Is that correct? Can you
16 answer out loud?

17 A The shooting, that was an event in itself, the
18 roadside shooting.

19 Q You just stated that the shooting itself, the roadside
20 shooting was an event in itself. Did other information
21 come to your attention that changed your assessment about
22 the roadside shooting at a later time?

23 A Yes.

24 Q And then changed that initial concern that Alex was
25 somehow being targeted.

1 A Yes.

2 Q Did Maggie have a nickname for Paul?

3 A Little -- what did -- Detective.

4 Q Little Detective?

5 A Uh-huh.

6 Q And what did that mean?

7 A She felt like that he was always looking to make sure
8 his dad was behaving.

9 Q And what specifically was the concern?

10 A Pills. Prescription pain pills.

11 Q And had Maggie expressed to you concern over time
12 about the defendant's pill usage?

13 A Yes.

14 Q And how long had that been going on?

15 A I am not sure, but I think it had been going on for
16 some time.

17 Q And did that concern continue up until recent times as
18 we moved to their -- Maggie and Paul's murder?

19 A Yes.

20 Q And what did specifically Little Detective mean as it
21 related to the pills?

22 A If there were pills in the house that his dad was
23 taking that he wasn't supposed to, Paul was determined that
24 he would find them.

25 Q And did that happen on occasions?

1 A I think so, yes.

2 Q Hold for me one second.

3 (Break in proceedings.)

4 Q What specifically changed your perception of the
5 roadside shooting after your initial concern?

6 A The story that was initially told about what happened
7 came to not be true.

8 Q The story told by who?

9 A Um, Alex.

10 Q Alex? Yes?

11 A Yes.

12 MR. WATERS: Thank you, Your Honor. Nothing further.

13 THE COURT: Anything further?

14 MR. GRIFFIN: No, Your Honor.

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

16 THE WITNESS: Thank you.

17 (The witness exited the stand.)

18 THE COURT: You can call your next witness.

19 MR. WATERS: Thank you, Your Honor. The State calls
20 Bart Proctor.

21 The witness, BART PROCTOR, was first duly sworn and
22 testified as follows:

23 THE CLERK: If you would, please, sir, sit in that
24 chair over there. State your full name for the record,
25 spell your last name, and then speak into the mic.

1 THE WITNESS: My name is Barton Proctor,
2 P-r-o-c-t-o-r.

3 DIRECT EXAMINATION

4 BY MR. WATERS:

5 Q Mr. Proctor, good afternoon.

6 A Afternoon.

7 Q Very quickly tell the jury. Are you Marian Proctor's
8 husband?

9 A For thirty-seven years.

10 Q Thirty-seven years? And obviously over the years as
11 being part of this family, had you gotten to know Maggie
12 and gotten to know Paul and gotten to know the defendant,
13 Alex Murdaugh?

14 A I have.

15 Q I don't want to belabor the points, but in the
16 aftermath of Maggie and Paul's murder, were you also privy
17 to some of the conversations that Alex had that your wife
18 related to this jury today?

19 A Yes.

20 Q And ultimately heard the same thing in those
21 conversations that she related here today?

22 A Yes.

23 Q Have you had an opportunity to review what's been
24 entered into evidence as State's 297, the kennel video?

25 A I've heard it.

1 MR. WATERS: May I have the computer input, please?

2 (Break in proceedings.)

3 MR. WATERS: For the record, I'm going to play State's
4 297.

5 (The video was played. Audio not transcribed.)

6 Q Do you recognize any voices on that video?

7 A I recognize three.

8 Q Can you tell the jury what voices you recognize?

9 A I recognize Paul Murdaugh, I recognize Maggie
10 Murdaugh, and I recognize Alex Murdaugh.

11 Q When you said Alex Murdaugh, do you see him in the
12 courtroom today?

13 A I do.

14 Q Can you point him out for the jury, please, or
15 describe him?

16 A Yes, sir. He's wearing a blue blazer and has his
17 glasses on his head.

18 Q And how sure are you?

19 A 100 percent.

20 MR. WATERS: Thank you. Please answer any questions
21 that the defense may have.

22 CROSS-EXAMINATION

23 BY MR. GRIFFIN:

24 Q Hey, Mr. Proctor. The -- were you ever shown a blue
25 raincoat by any SLED agents?

1 A Yes, sir.

2 Q And was that blue raincoat shown to you and your wife,
3 Marian, who just was here in the courtroom?

4 A Yes, sir, it was a picture.

5 Q A picture of the blue raincoat. And do you
6 recognize -- do you recognize the blue raincoat?

7 A No, sir.

8 Q Had you ever seen it before?

9 A No, sir.

10 Q Did you ever see Paul wear it, the blue raincoat?

11 A I had never recognized it before.

12 Q All right.

13 MR. GRIFFIN: That's all the questions I have, Your
14 Honor.

15 THE COURT: Anything further?

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

17 THE COURT: Thank you, sir.

18 (The witness exited the stand.)

19 THE COURT: Do you have another witness today?

20 MR. WATERS: Your Honor, as you're aware, there was a
21 circumstance beyond any of the parties' control --

22 THE COURT: Just yes or no.

23 MR. WATERS: No, because of a circumstance beyond the
24 parties' control.

25 THE COURT: All right, very good.

1 Ladies and gentlemen, there are no more witnesses
2 available today, and this is Valentine's Day, so we will
3 recess at this time and resume at 9:30 tomorrow morning.

4 (The jury left the courtroom.)

5 THE COURT: Okay. If everyone will be seated.

6 Mr. Waters, the jury has gone. You can further
7 explain if you would like. You can further explain --

8 MR. WATERS: The issue with the schedule?

9 THE COURT: Yes.

10 MR. WATERS: Yes, sir. There's witnesses that are
11 coming forward. There's an unavoidable, unfortunate
12 personal event that has arisen that unfortunately has
13 affected that witness's availability, Your Honor, and so
14 we -- that's why we had requested -- we are late in the day
15 but have requested a recess for the day.

16 Your Honor, I will say that with -- the side of the
17 road issue has always been out there. And at this point
18 there -- we believe there is some admissibility as to that,
19 particularly a statement of the defendant related to that
20 in which -- there's actually a few statements, but there's
21 one statement in particular. I don't know if Your Honor
22 wants to proffer that at this particular time since we have
23 a little time available outside of the jury's presence, but
24 I do think that at some point that's a bridge, given
25 developments, that needs to be crossed.

1 THE COURT: All right.

2 MR. HARPOOTLIAN: Your Honor.

3 THE COURT: Yes, sir.

4 MR. HARPOOTLIAN: We've prepared a memo, would be
5 prepare to argue that motion, but we're not today -- we
6 expected this to go with no motions to be argued today. I
7 apologize to the Court, but we would prefer not to go
8 forward with it today.

9 THE COURT: You say you have -- you're preparing or
10 have prepared a memo?

11 MR. HARPOOTLIAN: Let me ask the person preparing it.

12 THE COURT: All right.

13 (Break in proceedings.)

14 THE COURT: I guess I can have him stop the jury and
15 have them come at another time if need be. 10:00, 10:30,
16 whatever.

17 MR. HARPOOTLIAN: Your Honor, we're not done with
18 that. We're hoping -- we did not anticipate it coming up
19 at all --

20 THE COURT: Can you all -- don't leave with the jury
21 yet. If you can find out -- are they gone or still here?
22 Have them hold for a moment.

23 (Break in proceedings.)

24 MR. HARPOOTLIAN: We actually have completed the memo
25 and filed it -- Your Honor has it -- on the 404B issue.

1 There's a section on the roadside --

2 THE COURT: Has it been sent to me or is being sent
3 or --

4 MR. GRIFFIN: Your Honor, it was filed well before
5 trial, and it -- it's a consolidated memo. It addresses
6 all of the 404B stuff, the financial evidence that you
7 ruled in, and in a section of the memo we do address the
8 roadside shooting. We point out it's after June 7th. We
9 would point out that he's been indicted on insurance fraud
10 as a result of that, attempted insurance fraud. They --
11 their theory of motive is it is just another way for him to
12 gain sympathy when financial situations turn badly for him.
13 But we point out that he has been indicted by the Hampton
14 County Grand Jury for insurance fraud, for attempted
15 suicide to obtain \$10 million of insurance for his son,
16 Buster. And so we argue that it's not motive, and it's
17 not -- and it should not be admissible under 403 as well.

18 THE COURT: All right, and I'm happy to talk about all
19 of that and review what's been submitted overnight and
20 review whatever the State may have for me to consider, and
21 to hear anymore argument about it in the morning prior to
22 ruling. I've had them to stop the jury from leaving to
23 find out how much time you all might need tomorrow morning
24 because otherwise I've told them to be here at 9:30. If
25 they need to come at 10:00? 10:30?

1 Mr. Harpootlian.

2 MR. HARPOOTLIAN: Your Honor, I don't think this will
3 take 30 minutes to argue. I would prefer to argue it in
4 the morning simply because we haven't looked at it, and
5 while Mr. Griffin is an extraordinary advocate, I --

6 THE COURT: You want the jury to come in at 10:00
7 or --

8 MR. HARPOOTLIAN: That would be great.

9 MR. WATERS: I would say 10:30 to be safe, Your Honor.

10 THE COURT: 10:30? All right.

11 MR. HARPOOTLIAN: I don't know why I would argue
12 against that. I'm trying to think of a reason but I really
13 can't.

14 THE COURT: All right. So, we're going to have the
15 jury come in at 10:30 tomorrow morning instead of 9:30.
16 Thank you.

17 MR. HARPOOTLIAN: Thank you, Your Honor.

18 THE COURT: All right. In the interim, however, if
19 you all have something you want me to read overnight, early
20 in the morning, I'm happy to receive it.

21 MR. WATERS: Yes, sir.

22 THE COURT: I have what was previously filed now, the
23 defendant's memorandum in opposition to motion *in limine*
24 re: evidence of other crimes and bad acts.

25 MR. HARPOOTLIAN: Yes, Your Honor.

1 THE COURT: And I've ruled on a majority of this
2 already.

3 MR. HARPOOTLIAN: Yes, sir. We may polish that up a
4 little bit tonight, and if so we'll email it to your law
5 clerk, and she, I'm sure, will get it to you.

6 MR. GRIFFIN: Page 9 starts the roadside shooting
7 discussion.

8 MR. WATERS: And our initial motion, Your Honor, and
9 the reply also touched this ground as well. We can do the
10 same thing.

11 THE COURT: So, the middle of page 9 through the top
12 of page 12, so you have about two and a half pages that you
13 might want to -- if you want to supplement it, it will be
14 fine.

15 MR. GRIFFIN: Thank you.

16 THE COURT: If you want to.

17 And how about from the State's perspective?

18 MR. WATERS: Yes, sir, Your Honor, and I think I just
19 lost my glasses. I put them up. Your Honor, if you would
20 look at our response in opposition that was filed on
21 December 8th, we, on page 19 in the factual recitation, we
22 talk about specifically the shooting on the side of the
23 road in response to the confrontation with Chris Wilson.
24 And then, of course, from that point on and prior to that
25 there is analysis, general analysis on 404 and 403. I

1 believe our reply -- and I'm trying to put my hands on it,
2 also addresses those issues, but we can also polish up some
3 things as well for Your Honor.

4 There is -- thank you, Mr. James -- there is starting
5 at page 15 in the reply -- it is addressed as well, the
6 reply to their response or in that particular series of
7 filings it's in there, and again, we can polish that up.
8 There is -- again, there's a recorded interview and a
9 recorded statement that we certainly can provide to Your
10 Honor for review, but ultimately we believe -- they're
11 statements of the defendant, of course, that we believe
12 would be admissible under the theories as argued there.

13 THE COURT: And what is the State's theory of
14 admissibility of the roadside shooting?

15 MR. WATERS: Yes, sir. Your Honor, as I -- we argued
16 back in December, and as argued in those particular briefs,
17 you know, what we see is a chain of circumstances that are
18 connected for an extended period of time that, particularly
19 highlighted, start in June 7th. We've gone into --
20 obviously, Your Honor, moving into the financial situation
21 as it went into July and the efforts to shore up that
22 particular money, the loans that Mr. Burney testified
23 that -- to that today. But, of course, Mr. Murdaugh -- and
24 there's already been evidence admitted that he was \$192,000
25 short, and that Chris Wilson covered that.

1 The evidence goes on that in that particular interim
2 of time, and again, with the State's theory, that he's able
3 to do his best to try to cover things up in that interim
4 period, but then everything comes to a head, as already has
5 been testified to, on September 4th. Chris Wilson, of
6 course, has already testified that that particular day on
7 September 4th, that he had -- he finally got the defendant
8 to agree to meet with him and confronted him about that
9 192, which again, is right at the heart of the Faris fees,
10 which are right at the heart of June 7, 2021, and had that
11 confrontation with them. The admissions that were made
12 have already been testified to. And then with a short
13 period of time in response to that, that the side of the
14 road shooting happened.

15 We've already heard testimony here from Ms. Proctor
16 that, of course, the initial reaction of everyone is oh my
17 gosh, the real killers are back. And that is precisely,
18 under the State's theory, the effect that the defendant
19 intended. And there would be from these recorded
20 statements ultimately evidence offered that that was not
21 true, and he had told lies, Your Honor, about that
22 particular -- and that would be the recorded statement that
23 we would offer, about when he admitted, that he had been
24 untruthful to law enforcement about the circumstances of
25 that shooting. I don't intend to go into great detail

1 about that. I'm just trying to get from point A to point B
2 and then get out. I'm not trying to, to use the term that
3 I've used before, guild the lily.

4 THE COURT: The statement that you referenced that you
5 say you want to put in, you want to put in the recorded
6 statement?

7 MR. WATERS: That's correct, Your Honor, yes, sir.

8 THE COURT: And what's the length of that recorded
9 statement?

10 MR. WATERS: I don't know off the top of my head.

11 MR. HARPOOTLIAN: Your Honor.

12 MR. WATERS: I think it's less than 15 minutes, Your
13 Honor.

14 MR. HARPOOTLIAN: No, it's longer than that. No more
15 than 30. Mr. Griffin and I were there when he gave the
16 recorded statement. We called them to give the recorded
17 statement.

18 THE COURT: And the gist of the recorded statement is
19 what, Mr. Harpootlian?

20 MR. HARPOOTLIAN: Your Honor, so Mr. Murdaugh had
21 somebody shoot him in the head on the roadside to get -- to
22 have \$10 ten or \$12 million insurance policies paid to his
23 son, Buster. Now, he believed there was a
24 contestability -- suicide contestability clause, so he had
25 somebody shoot him in the head. No question they shot him

1 in the head. No question the intent was to kill him. He
2 fractured his skull, had a brain bleed, was airlifted to
3 Savannah Hospital. It didn't kill him. He intended to
4 die.

5 And the recorded statement -- he immediately went to
6 detox because he was having -- planning to go to detox
7 anyway. Mr. Griffin and I went down to Atlanta. We met
8 with him in detox. He'd been through a horrible
9 experience, shot in the head and then detox, and we
10 informed him the police were looking for whoever shot him,
11 and he at that point said look. This is what happened, and
12 I don't want them wasting -- literally he said I don't want
13 them wasting resources trying to solve this shooting when
14 those resources could be used to find who killed Maggie and
15 Paul. We picked up the phone, we called SLED, we put him
16 on the phone with SLED to give him -- to have him explain
17 exactly what happened. This wasn't the result of a SLED
18 interrogation. This was a voluntary statement so they'd
19 quit wasting resources looking for -- and he told them who
20 shot him in the head, a guy named Eddie Smith, who was his
21 drug dealer. So, that is --

22 THE COURT: And you all have brought his name up a
23 couple of times through cross-examination.

24 MR. HARPOOTLIAN: Yes, sir.

25 THE COURT: Is he on the State's witness list?

1 MR. WATERS: He is, Your Honor. But, Your Honor, one
2 aspect of that, and I think this is what highlights the
3 relevance in the connection with this particular case, is
4 that in the wake of the side of the road shooting, Mr.
5 Murdaugh's initial claim was, was that some unknown
6 individual had -- he had had a flat tire and some unknown
7 individual supposedly under the guise of stopping for help
8 and then suddenly shot him in the head. He went so far as
9 to draw a -- or have with a composite artist to draw a
10 composite photograph. Again, I'm not trying to get into
11 too much of the detail, but that, of course -- the
12 immediate effect of that is, is that he's been targeted by
13 some unknown individual. That was a complete lie and the
14 that's the point of that statement.

15 MR. HARPOOTLIAN: If the issue here is that Mr.
16 Murdaugh lies, I mean, really? Are we at that -- I mean,
17 we've come \$10 million through lies, and now this piece of
18 evidence becomes relevant because it proves he lied again?
19 Months after the murders.

20 There's no -- you know, he's trying -- he didn't do
21 it, and I think they will concede he didn't do it to get
22 some sort of sympathy. He did it to be dead. That's why
23 he did it. And unfortunately Eddie Smith at 4 feet
24 couldn't shoot somebody in the head and kill them. He
25 meant to.

1 THE COURT: And that's what Mr. Smith would say?

2 MR. HARPOOTLIAN: Mr. -- well, Mr. Smith has given no
3 less -- I'm set up to cross-examine him -- I know this, six
4 different explanations for that and any other event you ask
5 him about, from wasn't there; to I was there and I saw
6 Alex, he'd been shot; to I was there and I tried to stop
7 Alex; to yes, I shot him in the head. But the fact of the
8 matter is the cross-examination of Mr. Smith is something
9 I'm looking to now. But this particular event had nothing
10 to do with what happened on June 7th other than he lied
11 about something else.

12 And 404, unless there's a specific -- it's not motive.
13 I don't understand what the 404/403 analysis would be on
14 this. I know what the 403 analysis is: the prejudice
15 outweighs the probative. But 404 is what -- of the four
16 things that 404 is admitted for, which one is this?

17 THE COURT: Yes, sir?

18 MR. WATERS: Your Honor.

19 THE COURT: I know you all want to argue it in the
20 morning, so I'm just -- this is just a prelude to tomorrow
21 morning.

22 MR. WATERS: If Mr. Harpootlian wishes to stipulate in
23 front of the jury that his client is a liar, then the State
24 is willing to accept that stipulation.

25 MR. HARPOOTLIAN: And not go forward with this?

1 MR. WATERS: The second thing is, Your Honor, is that
2 what actually happened on the side of the road is now --
3 what's important to this particular case, what is
4 important, Your Honor, is that it's a reaction to the
5 confrontation with Chris Wilson about the Faris fees that
6 came to a head on June 7th of 2021, and it's about what the
7 defendant said, that he was attacked by an unknown
8 assailant as he was trying to change a tire, and went so
9 far as to do a composite drawing that created the effect as
10 this case had -- as this investigation had gone on that oh
11 my gosh, the real killers are back to finish the job. And
12 that's precisely what he intended, and he ultimately
13 admitted that was a lie.

14 So, the circumstances of what happened on the side of
15 the road are not what the State is focused on. What is
16 important is what the defendant said, how he attempted to
17 use that, and that it was actually a falsehood. And you
18 heard Ms. Proctor -- Ms. Proctor testify it had that exact
19 effect: that, oh my gosh, the real killers are back.

20 MR. HARPOOTLIAN: But I think the State will concede
21 his object on the side of the road was to be dead. That's
22 what the act -- the act was to kill himself. Now, what
23 happened after that, after he was taken to Savannah and had
24 a brain bleed and a fractured skull, and when he came out
25 of all that, realized I'm not dead, how is that relevant to

1 June 7th? Your Honor, we can beat this dead horse a little
2 bit more in the morning, but allow us to give you, I don't
3 know, it's a crazy idea of giving maybe some more law to
4 look at.

5 THE COURT: Okay. All right. Is this the sole
6 purpose of Mr. Smith's testimony, or you have other things
7 to talk with him about?

8 MR. WATERS: Well, he's on the witness list. I didn't
9 say necessarily that we're calling him. What I'm trying to
10 do, again, is to limit the presentation to just what's
11 relevant to this particular trial that we have here today.

12 THE COURT: And what witness --

13 MR. WATERS: And so I'll be happy --

14 THE COURT: We're talking -- discussing now this
15 motion excluding testimony, but who's your witness to talk
16 about what you're arguing?

17 MR. WATERS: We would have a law enforcement witness
18 come in and testify as to the circumstances of that
19 statement. And, again, I'm trying to limit it to what's
20 very focused to what's relevant to this trial, and that is
21 the intended effect that it had and his reaction to the
22 confrontation and the symmetry between June 7th and
23 September 4th.

24 THE COURT: And do you have anything in addition to
25 what you all provided a couple of months ago seemingly?

1 MR. WATERS: We have those two documents. We don't
2 have a written document prepared at this time, but we can
3 certainly work on some additional discussions this evening,
4 Your Honor.

5 THE COURT: All right. Okay. Well, we'll reconvene
6 at 9:30.

7 MR. HARPOOTLIAN: Thank you, Your Honor.

8 MR. WATERS: Thank you, Your Honor.

9 THE COURT: All right. Very good.

10 (Whereupon, the case was at ease.)

11 *WEDNESDAY, FEBRUARY 15, 2023*

12 (Court resumed at 9:36 a.m.)

13 THE COURT: Who is first?

14 MR. WATERS: I'm happy to go first so I can --

15 MR. HARPOOTLIAN: Your Honor, since he filed the memo
16 and we have not, we are more than happy for the Attorney
17 General to go first.

18 THE COURT: Yes, sir.

19 MR. WATERS: Your Honor, and I sent a memo early this
20 morning. Hopefully you've had a chance to see that. A lot
21 of it reiterates what we previously filed in our prior
22 motions. And, again, as it relates to this particular
23 evidence, as I argued yesterday, consciousness of guilt is
24 a very recognized class of the evidence as admissible
25 evidence of motive and identity in South Carolina courts.

1 Obviously we cited a number of cases in more classic senses
2 of consciousness of guilt evidence such as, you know,
3 witness intimidation, flight, but any sort of evasive
4 actions, any sort of action to evade detection or throw off
5 the scent has been admissible in our courts.

6 Your Honor, I see the Clerk from Barnwell here, and I
7 had a murder case in front of her not too long ago, or it's
8 been awhile, but in any event, in that particular case the
9 defendant had actually found in his car was a voodoo root
10 that said, you know -- had on there protect me from murder
11 charges. Save me, Judge Early. Protect me from murder
12 charges. And ultimately that was admitted and in an
13 unpublished opinion affirmed as evidence of consciousness
14 of guilt and evasive conduct because of what it meant to
15 the defendant. And so I just point that out as an example
16 as to how expansive that that can be.

17 When we look at this case, and again, one thing about
18 this case, Your Honor, is it's intricate and complex on a
19 scale that I think none of us have ever seen, and so we
20 have to look at it within that vain and in that context.
21 And what we have here, Your Honor, and why this is relevant
22 evidence of consciousness of guilt, it really doesn't
23 matter what exactly happened on the side of the road
24 because that's not the focus of what the State is seeking
25 to do. What the State is seeking to do, and what we

1 believe is relevant and admissible under these rules, is to
2 show what the defendant said about it and the fact that
3 that was not true.

4 And what he said about it, of course, was that he was
5 on the side of the road, he had a flat tire and with a car
6 that has run flats, that he was changing the tire and that
7 a nice looking, nice man stopped offering help, and then
8 all of the sudden he was shot in the back of the head. And
9 obviously the initial reaction, we've heard from Ms.
10 Proctor, we've heard and can hear from other witnesses, the
11 initial reaction was that oh my gosh, the real killers are
12 back. The bad guys are back. They've now targeted Alex.

13 And the other thing that's crucial about this that
14 connects it all together is not only does he make that
15 claim, that statement about being targeted by an unknown
16 assailant as things were heating up on him in this
17 investigation that then causes people to immediately assume
18 that he's been targeted and it has nothing -- no way could
19 he be responsible for Moselle, but we also have to look at
20 the symmetry of this particular event with what happened on
21 June the 7th. And on June the 7th as we know, and Your
22 Honor has heard extensive testimony both *in camera* and in
23 this trial, he is confronted is about the Faris fees that
24 morning. There's all kinds of circumstances that have been
25 put into evidence that are moving as to a perfect storm

1 arriving on that day, and, of course, what happens that
2 night Maggie and Paul are murdered? The community rallies.
3 Everything changes.

4 We have the same thing happening on September 3rd and
5 September 4th because finally, despite his best efforts,
6 the law firm has become privy and wise to what's going on
7 with his years of embezzlement and theft. They confront
8 him.

9 But, more importantly, if we go back to those Faris
10 fees, which are very crucial and temporally connected to
11 everything that happened on June 7th, is the fact -- and
12 you've heard testimony from Chris Wilson that he is calling
13 Mr. Murdaugh trying to get to meet with him because he
14 wants to know what's up. He particularly wants to know
15 what about the \$192,000 of those Faris fees that he covered
16 for Mr. Murdaugh, and they have that confrontation on the
17 porch of Almeda that afternoon, or early right before noon
18 as was testified to. And what happens? Yet again within a
19 couple of hours the side of the road happens, and everyone
20 is rushing to Alex Murdaugh's aid again. The fact that he
21 had just been exposed for embezzlement is forgotten about
22 and, of course, everybody is assuming oh my gosh, it must
23 be the real bad guys when, in fact, it was him all along.
24 And so that is extremely relevant evidence.

25 And it's also been -- just to add into the calculus,

1 Your Honor, is we, we do have the concept of what is --
2 what's been opened, the door, what issues have been
3 enjoined by the defense and put up here. And, of course,
4 that's how this issue all arose yesterday with the
5 testimony of Ms. Marian Proctor. So, we think it's very
6 admissible as clear consciousness of guilt evidence. It's
7 admissible under 404.

8 I've also argued, without getting into great detail,
9 when we talk about that symmetry, we talk about common
10 scheme or plan, and again, this isn't the kind of common
11 scheme or plan that is typical, but we have to look at this
12 case through a lense that recognizes just the intricacies
13 and the complexity of a set of circumstances like we've
14 never seen. And so of those legal theories, Your Honor, we
15 would assert justified admission of this evidence.

16 I will also say that -- expressed this to the defense,
17 but it's the State's intent to really quickly move from
18 point to point A to point B. We are not here to try to
19 litigate what happened on the side of the road in its
20 entirety. I believe that the testimony about this can be
21 done in, you know, just over an hour, and that includes
22 playing the recorded the statement. There's a number of
23 recorded statements. I'm not trying to play all of those.
24 It would just be simply having the agent come in, relate
25 the story that Alex Murdaugh told to 911 and told to law

1 enforcement, that initial story about the unknown
2 assailant. The fact that the investigation continued and
3 additional information came to light that conflicted with
4 that, and that he was eventually confronted with that, and
5 then there's a recorded statement at the end in which he
6 admits that, in fact, what he had told law enforcement was
7 a lie. And so in trying very -- it would be a very focused
8 presentation to get from point A to point B for purposes of
9 this trial and the relevance that it has to this trial.

10 So for those reasons, Your Honor, we would assert that
11 that limited presentation is admissible for those purposes.

12 MR. HARPOOTLIAN: Please the Court, Your Honor? The
13 State and we agree that *State v. Cartwright* would be
14 applicable to this situation, and it has four criteria
15 about a suicide. They seem to think that the unmistakable
16 nexus exists by clear and convincing evidence linking the
17 suicide with a guilty conscious about the murders.

18 The facts are that he was confronted by the law firm
19 on Friday, fired on Friday, and then persuades -- not
20 persuades, no persuasion was needed, Eddie Smith to shoot
21 him in the head thinking that it would get his son, Buster
22 Murdaugh, \$12 million insurance money that would otherwise
23 be excluded by the suicide exception in his -- exemption in
24 his insurance policy. So, all this is linked to is the
25 financial promise, not the murder. We're here trying a

1 murder, and yet all of the evidence -- not all, but a
2 significant amount of the evidence we've heard over the
3 last three and a half weeks has been about the financial
4 problems. This is guilty knowledge of the financial
5 crimes, not the murder, and this under 404, 403 analysis,
6 under Cartwright would not be admissible.

7 I further say this. If he's looking for a common
8 scheme, that is that when he's about to be found out, or is
9 being found out, he would have killed Buster based on his
10 theory to distract. This isn't a distraction. This is an
11 end.

12 And clearly you haven't heard the taped interviews
13 that he initiated from detox in Atlanta in which he
14 explained he was killing himself to get this money for
15 Buster because his financial crimes had been found out.
16 This is three months after the murder. This is in
17 September. It's not connected by time, it's not temporal
18 under the 404/403 analysis, and certainly it's not evidence
19 of guilty knowledge about -- I mean, his own statement
20 would indicate it had nothing to do with the murder. It's
21 only about the financial crimes.

22 And he contacted SLED. And on that recording, myself,
23 Mr. Griffin, and Mr. Murdaugh from detox -- he finally had
24 detoxed and wasn't on drugs anymore. He has a great
25 detailed statement about Eddie Smith buying the drugs for

1 him over a number of years, millions of dollars worth, and
2 how Eddie didn't hesitate to shoot him in the head on the
3 side of the road. I don't know how that is relevant.
4 Maybe the drug piece is, but they've got statements from
5 Eddie Smith about what drugs he bought and what he did with
6 those.

7 So, we would oppose going forward on any roadside,
8 roadside shooting evidence. We think the prejudicial far
9 outweighs the probative, and we would ask Your Honor not to
10 allow them to do that.

11 THE COURT: Yes, sir.

12 MR. WATERS: Your Honor, very quickly. I do want to
13 distinguish, again, between what Mr. Harpootlian keeps
14 wanting to argue about, and that's the prospect of there
15 being some sort of suicide on the side of the road. Again,
16 the State's real focus is not exactly on what happened on
17 the side of the road. What's important, and this is, I
18 think, different from a typical *Cartwright* situation, is
19 what the defendant said about it. And the fact that he
20 immediately tells this lie about him being targeted by an
21 unknown assailant, and that is what directly connects it
22 back to Moselle, and that's immediately what everybody
23 assumed, that everyone -- the first thing that jumped in
24 their mind is that connection back to Moselle. That
25 connection is unmistakable.

1 So, it's not as much about a traditional type of
2 *Cartwright* analysis. That's not what I'm arguing here.
3 What I'm arguing here is his explanation for what happened,
4 and the fact that that ultimately is not true, and that
5 nexus, I believe, is very clear. I think the other one
6 would be clear, too, but that former nexus is the stronger
7 one, and that is the focus of what the State is trying to
8 offer here today.

9 MR. HARPOOTLIAN: Your Honor, just briefly. This is
10 character evidence, which is precluded under -- I mean, the
11 only exception to 404/403 Your Honor has allowed in is
12 motive. Why did he do it? So -- and, I mean, it's just
13 incredible because if you put this up, you're going to hear
14 from one of the SLED agents. When he woke up in the
15 hospital and his skull had been fractured, he had a brain
16 bleed; this is when concocted that story. I mean, he
17 expected to never to wake up. So, you know, this was a
18 scheme to draw -- no. If it was a scheme, it was created
19 after Eddie Smith meant to shoot him -- actually, if it had
20 been a millimeter to the left, his brains would have been
21 blown out. He just missed but knocked him out and
22 fractured his skull. That's all I have.

23 MR. WATERS: Your Honor, those are not the facts.
24 He's telling that story at the scene to people who show up.
25 Out of gate that's what he's saying, that he was attacked

1 by an unknown assailant. There's an ambulance video where
2 the deputy comes in, and that's exactly the story he tells.
3 This is not --

4 MR. HARPOOTLIAN: I would concede he's correct. Once
5 he realizes he's still alive, he tells that story, but
6 obviously he didn't intend to still be alive. In other
7 words, it's not a scheme that was concocted at any point.
8 The scheme, if it's a scheme, is concocted after he
9 realized he wasn't dead.

10 THE COURT: Well, the financial evidence was allowed
11 on the issue of motive. This evidence I find goes beyond
12 motive, or is not evidence of motive but more toward common
13 scheme or plan. It does not survive the logical relevancy
14 test, and it goes more towards showing a propensity to
15 commit violent acts, which would cause it not to survive
16 the 403 analysis.

17 I believe that to allow this into evidence is a bridge
18 too far going down this path and allowing in essentially
19 any and all evidence in. We have guardrails, and the Court
20 is to place guardrails to keep things within a reasonable
21 realm, and I believe this, as I stated, would be a bridge
22 too far. It does not meet the logical relevancy test.

23 I agree with the defense that it would be admissible
24 perhaps if the trial was the trial on the financial theft
25 issues but not on murder. So, I grant the motion to

1 exclude this evidence at the time. Of course, as we have
2 seen, things change. Who knows?

3 MR. WATERS: Sure, Your Honor.

4 THE COURT: All right. Did you tell the jurors 10:00
5 or 10:30?

6 MR. WATERS: I think we said 10:30, Your Honor.

7 MR. HARPOOTLIAN: Your Honor, I said 10:00.

8 Mr. Waters said 10:30. Any acrimony here, please, focus it
9 where it belongs.

10 MR. WATERS: I routinely underestimate time, so one
11 time I overestimated.

12 THE COURT: Well, we tested the jurors this morning
13 and I am happy to say that they all tested negative, so
14 we're in good shape with the jury.

15 All right, any other matters we need to discuss at
16 this time?

17 MR. HARPOOTLIAN: Yes. Your Honor, I just think --
18 Mr. Waters and I have talked extensively about when he is
19 going to rest his case. We think that should be -- or he
20 thinks that should be, he thinks, tomorrow morning. I'm
21 projecting maybe tomorrow afternoon. But on Friday we
22 expect to start our case, and to that end if something were
23 to happen between now and Friday morning, we are flying in
24 experts. We don't need to tell Your Honor how expensive
25 that process is, so even if they don't finish, we may ask

1 the Court to allow our witness -- it's a footwear expert.
2 It's not anything that's explosive, but if he's here and
3 they can't finish by Friday afternoon, we would ask the
4 Court at that time to allow him to testify out of order
5 simply to save thousands of dollars for him to have to come
6 back the following Tuesday. I haven't asked Mr. Waters
7 about that --

8 MR. WATERS: I'm certainly going to be, within reason,
9 accommodating to the defense with things like that.

10 MR. HARPOOTLIAN: Great. I just thought I would
11 mention it so it doesn't like look it was a surprise to the
12 Court.

13 THE COURT: Yes, sir, I understand.

14 MR. HARPOOTLIAN: Thank you, Your Honor.

15 THE COURT: Anything else then?

16 MR. WATERS: Stand by, Your Honor.

17 (Break in proceedings.)

18 MR. WATERS: I don't believe we have anything, Your
19 Honor.

20 THE COURT: All right. We'll take a recess then for
21 about 15 or 20 or 30 minutes or 37 minutes. The jury is
22 here so if you all are ready to go, we can start before
23 10:30.

24 MR. WATERS: If they're all here, that's fine. If I
25 can maybe just have 10 minutes to reset and -- 10 or 15

1 minutes and then we can get started?

2 MR. HARPOOTLIAN: That will be fine, Your Honor.

3 THE COURT: All right. We'll take about 15 minutes
4 then.

5 (A break was taken.)

6 THE COURT: Bring the jury.

7 (The jury returned to the courtroom.)

8 THE BAILIFF: The jury is present, sir.

9 THE COURT: All right, thank you. Good morning.

10 (The jurors respond good morning.)

11 THE COURT: Day number eighteen, State's case.

12 MR. MEADORS: May it please the Court? The state of
13 South Carolina would call Special Agent David Owen to the
14 stand.

15 The witness, DAVID OWEN, was first duly sworn and
16 testified as follows:

17 THE CLERK: If you would, please be seated in that
18 seat here. State your full name for the record, and spell
19 your last name, and move the mic or chair to where they can
20 hear you better.

21 THE WITNESS: My name a David Owen, O-w-e-n.

22 DIRECT EXAMINATION

23 BY MR. MEADORS:

24 Q Good morning.

25 A Good morning, sir.

1 Q Would you please tell the ladies and gentlemen about
2 Special Agent David Owen, your background --

3 A Yes, sir.

4 Q -- where you're from, and your education and training
5 that led you into law enforcement, please?

6 A I was born and raised in Orangeburg, South Carolina.
7 Graduated from Orangeburg High School. Graduated from
8 Limestone College with a Bachelor's in criminal justice.
9 Began my law enforcement career in Orangeburg in 1996.
10 Moved to Charleston in 1999 where I have been since. And
11 began my career with SLED in 2000 -- SLED, South Carolina
12 Law Enforcement Division, in 2015.

13 Q And what -- have you worked different areas at SLED?

14 A No, sir. My entire time in SLED as been with the
15 Lowcountry Region, which encompasses twelve counties. We
16 do general investigations assisting the twelve counties
17 with whatever they request. Anything from public
18 corruption, officer involved incidents, violent crimes,
19 property crimes.

20 Q And when you say assist local counties, I know what
21 that means, but what does it mean in your world?

22 A SLED is an assisting agency. I like to explain it as
23 if you call 911 for an emergency, you're going to receive
24 local assistance from the police department and the
25 sheriff's office. SLED is not necessarily going to show up

1 unless requested from the local police chief or the
2 sheriff.

3 Q And that's -- is that done regularly, and has it been
4 done regularly in your career when you've been called upon
5 to assist local agencies?

6 A Yes, it is.

7 Q Okay, and just as an aside as we've gotten to know
8 each other recently, you've got some relatives in Anderson
9 that I knew in high school, didn't you?

10 A Yes, sir.

11 Q Small world.

12 A Small world.

13 Q Let's go straight to June 7th, Special Agent. Were
14 you on call June 7th of 2021?

15 A Yes, sir, I was.

16 Q How did you get -- how did -- specifically how did you
17 get the call?

18 A I received the call approximately 10:30 that night. I
19 was in bed trying to go to sleep and the phone rang, and I
20 was told that I needed to respond to 4147 Moselle Road in
21 Islandton, Colleton County, that there had been the
22 discovery of two deceased persons at that location.

23 Q And how long did it take you to get to 4147 Moselle?

24 A I arrived on scene approximately midnight.

25 Q I'm sure it's been said, but is 4147 Moselle in

1 Colleton County?

2 A Yes, sir, it is.

3 Q Now when you arrived, tell these ladies and gentlemen
4 what you observed.

5 A When I arrived, there was multiple law enforcement and
6 rescue personnel on the scene. Of course I had to find a
7 place to park out in the roadway, made my way up to the
8 scene. My normal course of business, or the procedure
9 being that we are requesting agency, I locate, locate the
10 agency that requested us, this being Colleton County, and
11 speak with the supervisors or detectives on scene and say
12 hey, what -- you know, what's going on? What have you
13 learned so far? What do you need from us? At that time
14 one of my supervisors, my captain, Ryan Neill, was on scene
15 and he was already talking with Colleton, so I was briefed
16 on the situation, what was discovered, and what had been
17 done so far.

18 Q And did you have a liaison, somebody that you
19 requested or told to work with on the scene that night?

20 A Yes, sir. Originally, as I stated, we were called in
21 to assist, so I was paired up with Detective Laura Rutland
22 with the Colleton County Sheriff's Office, and I was to
23 assist her in any fashion that she needed.

24 Q And, again, was that unusual for a local agency to
25 call you in to help with the crime scene?

1 A No, sir, it happens very frequently.

2 Q And when you got with Ms. Rutland, tell the folks.

3 When you were first at the scene, did you make observations
4 in your mind of the scene itself?

5 A Yes, sir. I observed the scene, trying to figure out
6 what's going on. Started working at walking the outside of
7 the scene trying to understand the lay of the land,
8 figuring out if anybody had been interviewed already, what
9 methods or avenues were being taken to try and figure out
10 what's going on, secure the area and whatnot.

11 Q And did you see the bodies that we're all -- of Paul
12 and Maggie?

13 A Yes, sir. Again, I was standing outside the crime
14 scene tape and, you know, what I know now to be Paul
15 Murdaugh and Maggie Murdaugh. I knew that there was a
16 white with male and a white female; they were covered up
17 with a sheet. I was not able to see them, but I saw where
18 they were.

19 Q Did you make any other observations of the actual
20 crime scene there itself then?

21 A Other than the placards, or evidence placards that
22 Colleton County had put out to protect evidence upon their
23 initial arrival. You know, I didn't go into the scene; our
24 Crime Scene Unit had not arrived yet. I have a history, I
25 have a background in crime scene, so I knew not to go in

1 there and disturb anything until it was documented
2 properly. I was aware that Colleton County had already
3 documented or located and marked some evidence for
4 protection purposes, so I just walked around the crime
5 scene tape. I knew that kennels -- there were dog kennels
6 on the left, there was a big shed on the right with a large
7 field behind it with another shed, and there were several
8 people and several cars back behind -- what I call back
9 behind the crime scene from where I was standing.

10 Q And at this point had you seen the defendant, Alex
11 Murdaugh?

12 A I was told that he was with the group of people
13 behind, which was told to me to be some family members and
14 some of his law partners.

15 Q And, I guess, you became -- at this point were you the
16 chief investigating officer?

17 A I don't recall how long. Within 30 minutes or so my
18 supervisor pulled me aside and said, you know, hey, we're
19 actually going to be the lead on this. So, my -- Detective
20 Rutland and my roles kind of reversed and I became the lead
21 investigator and she was my assistant.

22 Q But y'all were still working together.

23 A We were still working together.

24 Q Had you ever worked with her before?

25 A No, sir. I knew her but I had never worked with her

1 before.

2 Q Did you think it was important to talk to Alex
3 Murdaugh?

4 A I did.

5 Q And can you tell the jury specifically how that came
6 about?

7 A Well, I was told that he arrived on scene and
8 discovered his wife and son, and that he had made the 911
9 call. Being that he was -- it was his wife and son, and he
10 found the bodies and made the 911 call, it was paramount
11 that I talk to him. You know, what was his observations?
12 What's going on in his life? What's going on in Maggie and
13 Paul's life to try and figure out what happened. I still
14 didn't know if it was -- let me back up just a minute.

15 Going into a death scene investigation, homicide
16 investigators are taught to treat every scene as a homicide
17 until determined otherwise, and that encompasses suicide,
18 natural, accidental, or homicide, or unexplained. So,
19 automatically I was treating it as a homicide, and I didn't
20 know if it was or not. So, it was paramount that I speak
21 with Alex Murdaugh to try to determine what he saw, or what
22 he experienced, what's going on in their lives to kind of
23 help guide my investigation as it progressed.

24 Q And had it started -- had the weather started to
25 change about that time?

1 A It had been changing and continued to change. It was
2 raining intermittently as I was coming into Walterboro from
3 Charleston. It would stop raining, it would midst rain, it
4 would heavy rain. So, the weather was also a concern that
5 night, especially with it being an outside scene.

6 Q And that leads into my next question. Did you --
7 where did you request, and where did you take the first
8 statement from Alex Murdaugh?

9 A When I met Alex Murdaugh, there was really nowhere
10 else to interview him except the privacy of my patrol car,
11 which was a Dodge Durango.

12 Q We've have all seen the video, and I'm not going to
13 play it again. The jury will have that, but can you tell
14 us where? It was your car?

15 A Yes, sir.

16 Q And it was -- we've seen the video. Where was the
17 camera?

18 A It was a body camera. It's not an affixed in-car
19 camera like in most active patrol cars, but I clipped it to
20 my visor right above me and just angled it towards
21 Mr. Murdaugh.

22 Q And is that your practice to video when you're --
23 potential suspects or the -- you video --

24 A I video any --

25 Q -- when you can?

1 A I video any witness or audio record any witness that I
2 am able to do.

3 Q Okay. So, you're in your driver's seat.

4 A Yes, sir.

5 Q Where was the defendant, Mr. Murdaugh?

6 A Mr. Murdaugh was sitting to my right in the front
7 passenger seat.

8 Q And behind him?

9 A Behind him was Detective Rutland.

10 Q Okay, and to her left, if you will?

11 A To her left and behind me was Danny Henderson. At
12 that time I knew he was an attorney, but I didn't realize
13 his involvement other than an attorney. Later on I found
14 out that he was a partner and Alex Murdaugh's personal
15 attorney.

16 Q And how did he get in the car?

17 A Who got in the car?

18 Q I said how did --

19 A Mr. Murdaugh?

20 Q No, Danny get in the car.

21 A I mean, it's common if there's an attorney present
22 that wants to be involved in the interview, or sit on the
23 interview. I allowed him to sit in on the interview. It's
24 not an issue for me.

25 Q You said it was fine?

1 A It was fine.

2 Q Okay, and I want to ask specifically about your
3 observations of the defendant as far as his mind. Did he
4 appear to be under the influence of anything, any
5 intoxicant or anything else when you were talking to him?

6 A I did not notice any intoxicants, whether it be drugs
7 or alcohol. He didn't smell of alcohol. His eyes weren't,
8 you know, any -- dilated. They weren't bloodshot. He
9 seemed to have a full body and mind other than being
10 distraught that he had discovered his wife and son dead.

11 Q Did you have trouble understanding his words?

12 A No, sir, I did not.

13 Q Did he appear to have trouble understanding your
14 words?

15 A No, sir, he did not.

16 Q Were his answers to your questions subject matter
17 appropriate?

18 A Yes, sir, they were.

19 Q And were they timely?

20 A Yes.

21 Q And, again, without going into the details, did he
22 tell you roughly what happened earlier in the evening? How
23 long he'd been at the house, when he left, and when he came
24 back?

25 A Yes, sir. We went over his evening.

1 Q And after this statement -- well, with -- before
2 did you -- when you were out -- before you got in your car,
3 did you -- were you able just to look at him?

4 A Yes, sir.

5 Q Did you shake his hand?

6 A I did shake his hand.

7 Q Okay. Did you come up to him and y'all shook hands
8 like that?

9 A Yes, sir. I introduced myself.

10 Q What did he say when you introduced yourself?

11 A How are you doing. I don't remember the exact words
12 but how you doing? I know you need to talk to me, that
13 type language.

14 Q And could you see anything just from your naked eye --
15 I know you didn't have a microscope, but could you see
16 anything that appeared to be -- how did his clothes look?

17 A He had an on a white T-shirt. It didn't -- I didn't
18 notice anything out of the ordinary on his T-shirt. He had
19 on green cargo khaki type shorts, and I think bright in
20 color -- I think later I learned they were orange or pink
21 tennis shoes. I didn't notice anything out of the ordinary
22 about his appearance.

23 Q After you took this statement, you and Ms. Rutland,
24 did you want to take his clothes?

25 A Yes, sir.

1 Q Okay, and did, in fact, did you take his clothes?

2 A Yes, sir.

3 Q Tell the jury how that went about.

4 A Well, it was coming close to the end of the interview,
5 and I was going to discuss collecting his clothes from him,
6 but he had received a call that his oldest son was arriving
7 at the home. Knowing that he needed to go be with his son,
8 I said I'll catch up with you later, go ahead.

9 Shortly thereafter, maybe 10 or 15 minutes, I went up
10 to the house and told him I needed to get his clothes. I
11 was allowed into the house. There were multiple people
12 inside the house. When you walk in the house there's a
13 foyer. I walked into the foyer. Immediately to the left
14 there's some stairs going upstairs to the right. I believe
15 it was a dining room, and you walk into the living area, or
16 living room. Met Mr. Murdaugh again, told him I needed to
17 collect his clothing. He went to what I now know is the
18 master bedroom towards the left of the house -- left of
19 living room, and he said sure and immediately began to
20 disrobe his clothes and hand them to me.

21 Q All right. So, did you go to the bedroom?

22 A Yes, sir. I stood in the doorway of bedroom.

23 Q So if that's his bedroom, you stood right here?

24 A Yes, sir.

25 Q And could you see him changing?

1 A Yes, I did.

2 Q And -- but did you give him a little privacy?

3 A I did.

4 Q And so did he give you the same clothes that he had
5 on?

6 A Yes, sir.

7 Q You're sure about that?

8 A He still had on the orangish/pink tennis shoes, green
9 shorts, and white T-shirt.

10 Q And this is what has been entered as 419.

11 (Break in proceedings.)

12 Q And are those the tennis shoes that you saw the
13 defendant, Alex Murdaugh, in and that he took off and gave
14 to you?

15 A Under this light it's more red, but, you know, I
16 considered it orangish/pink that night, but these are the
17 shoes that I collected from him.

18 Q Do you remember the condition? I mean, how did they
19 feel when you touched them?

20 A They were a little damp. I mean, it was rainy that
21 night.

22 Q You said damp?

23 A Damp, yes. It was raining that night, summertime, hot
24 humidity, so the ground was -- there was a lot of
25 condensation on the ground. And these are the -- this is

1 the bag that I would have put them in. My initials are not
2 on them, but my handwriting says shoes 01:40. So that --
3 014, 01:40, which would have been the time that I collected
4 the shoes.

5 Q Is that 1:40 a.m.?

6 A Yes, sir.

7 Q On June 8th of 2021?

8 A Yes, sir.

9 Q Did you make any other observations? Did there appear
10 to be any other stains to your naked eye on those shoes
11 when you saw them at 1:40 a.m. on June 8th of 2021?

12 A No, sir. I did not make any other observations.

13 Q If you would leave your gloves on, please.

14 A Yes, sir.

15 Q I'm going to show you what's been entered as 418, and
16 tell me if you recognize this, and does it relate to your
17 testimony, please?

18 A This is a bag that's sealed up, but I know that it's a
19 T-shirt. It's got my writing on it with the time of 0141,
20 or 1:41 a.m. And again, my initials are not on it, but I
21 do recognize my signature, or my writing.

22 Q You put 1:41 a.m. on there?

23 A Yes, sir.

24 Q Now, had you packaged those clothes separately?

25 A Yes, I did.

1 Q Okay. Why?

2 A Again with my experience in law enforcement, my
3 experience in crime scene, any time you collect a piece of
4 evidence you keep it separate so you don't cross
5 contaminate.

6 Q And that was the shirt?

7 A Yes, sir.

8 Q Okay, and what is also contained in 418 that's been
9 entered? Can you tell me what that is?

10 A These are the shorts, 0141, and my handwriting.
11 Again, my initials are not on it, but I do recognize my
12 handwriting.

13 Q Would you open those, please?

14 (Break in proceedings.)

15 Q Now, are those the pants that you saw defendant, Alex
16 Murdaugh, wearing on June 7th/June 8th --

17 A Yes, sir.

18 Q -- of 2021?

19 A Yes, sir.

20 Q And those are the same pants that you took off of Alex
21 Murdaugh. Is that correct?

22 A It is.

23 Q Now, describe when you saw these pants on
24 June 7th/June 8th early a.m. morning, Special Agent David
25 Owen. How did they look to you?

1 A Green shorts. I didn't notice any stains on them.
2 Nothing was very apparent to the naked eye; they appeared
3 to just be normal, clean shorts.

4 Q And we've got these cuttings in the front. I know
5 this -- those weren't there, were they?

6 A No, sir, they were complete shorts. Those cuttings
7 were done during processing, evidence processing.

8 Q I want to go back. I just forgot. That first
9 interview --

10 A Yes, sir.

11 Q -- at some point maybe toward the end, I can't
12 remember, I think it was toward the end you kind of reached
13 over and just do like this to Alex Murdaugh. Do you
14 remember that?

15 A Yeah. I consoled him. He was upset.

16 Q And that's just -- you did that because that's you?

17 A That's just who I am.

18 Q Okay, and when you got to the house and after you had
19 collected these clothes, did you do anything else at the
20 house?

21 A I didn't do anything at the house. I mean, like I
22 stated, there were other people in the house: law partners,
23 family members, people moving about. I did look around and
24 make general observations. Nothing seemed out of the
25 ordinary; nothing seemed torn up or out of place. It was

1 first time I had ever been in there, but it didn't look
2 like there was a fight or a scuffle or, you know -- going
3 in, you know, being observant, I didn't notice.

4 I went in through the front door. It was the only
5 door I accessed the house from. I didn't notice any forced
6 entry. The door was open for me. It was open as a normal
7 door should. Met Mr. Murdaugh and collected the clothing.
8 I don't know if I spoke with Mr. Murdaugh or someone else
9 inside the house. I think it was Mr. Murdaugh. He'd
10 indicated early on in one of the -- in the initial
11 interview that he had attempted to contact some of Paul's
12 friends, and one of those friends was Nolen Tuten, and he
13 had indicated that Nolen was at the house during that
14 interview. So when I went to the house to collect the
15 clothing, I asked if Nolen was present. He said yes, he
16 was, and pointed to him. I noticed he was sitting on the
17 couch in the living room, so I introduced myself to Nolen
18 and conducted an interview with Nolen, again in my vehicle
19 for privacy.

20 Q So, you had located Nolen Tuten in the residence and
21 then conducted an interview with him in your car?

22 A Yes, sir.

23 Q And were they -- how many people were in the house?
24 We're in the early morning of June 8th of 2021, correct?

25 A Yes, sir.

1 Q I mean, how many people were inside approximately?

2 A I didn't go in every room. I didn't see every single
3 person, but, you know, eight to ten people from, you know,
4 first case -- first glance.

5 Q And had someone at SLED -- you mentioned there was a
6 crime scene tape. Did someone from SLED arrive at the
7 crime scene where the two bodies were, and were they
8 processing that?

9 A Yes, sir, they were.

10 Q And did SLED and/or the locals have that secure?

11 A Yes, sir. There were several investigators from
12 Colleton County. Two other investigators from my office.
13 Agent Altman and Agent Wiggins were there. My lieutenant,
14 Charles Ghent, arrived on the scene, as well as my captain
15 were already there when I arrived. So, there were several
16 officers and several investigators on that scene.

17 Q And was that scene secured and guarded until all of
18 the potential evidence at that crime scene was collected,
19 as far as you know?

20 A As far as I know, yes, sir.

21 Q Now, there was also a vehicle down there. Did you
22 determine where the defendant's -- if he personally had a
23 vehicle that he had been in that night?

24 A Yes, sir. There was a dark in color Chevrolet
25 Suburban down there.

1 Q And what, if anything, was done with that vehicle that
2 night?

3 A Early the next morning on Tuesday, June 8th, once we
4 completed the scene around the kennel area and sheds, that
5 vehicle was secured and towed to the Colleton County
6 Sheriff's Office so that it may be later processed.

7 Q So, it was taken into law enforcement custody?

8 A Yes, sir.

9 Q There has been pictures and testimony about the phone
10 that was on Paul.

11 A Yes, sir. So --

12 Q Go ahead.

13 A Once I left the house, our Crime Scene Units, when
14 they go into a scene and they, they look for evidence,
15 document evidence, and collect evidence before anybody
16 really goes in to manipulate the scene from there or, or
17 alter the scene. So, once a majority of the evidence, or
18 all of the evidence -- not all of the evidence, a majority
19 of the evidence on approach to the victims were documented
20 and collected, we went in and started investigating the
21 bodies. The coroner was, of course, with us. And once we
22 took the sheet off of Paul, there was a cell phone that was
23 placed on his rear end and on his right side.

24 Q And if you'll think back to your first interview --
25 you'd already had your first interview.

1 A Yes, sir.

2 Q How did the defendant tell you that phone had got on
3 his back side?

4 A Mr. Murdaugh stated that, you know, he tried to check
5 Paul for a pulse and he, you know, tried to turn him over
6 but thought better off it, and when he did, Paul's phone
7 popped out of his pocket. And then Mr. Murdaugh had picked
8 the phone up and stated that he thought of -- not the exact
9 words, but this is what he said was he thought of doing
10 something with it, thought better of it, and put it back
11 down.

12 Q Popped out of his pocket.

13 A Yes, sir.

14 Q And what did you do with that phone?

15 A Once it was photographed and documented that it was on
16 Paul's rear end, I collected the phone. Our crime scene --
17 our Crime Scene Unit doesn't normally collect electronic
18 devices. They don't process the electronic devices. It's
19 normally the case agent or one of the agents on scene will
20 collect that phone, so I collected the phone.

21 When we collect electronic devices, we normally put
22 them in -- or we put them in airplane mode, disconnect any
23 power sources, take out SIM cards. Once I collected Paul's
24 phone, I attempted to put it in airplane mode and, of
25 course, you have to try to activate it. I noticed that it

1 had a dead battery and would not power on and off, so I
2 secured it as evidence in my vehicle.

3 Q You attempted to put it in airplane mode why?

4 A So that any outside sources -- if you -- if someone
5 has access to your phone, like your I-Cloud account or your
6 Google account, or if you have an Android phone you could
7 remote access and wipe the phone, or anybody could. Or,
8 you know, some of the newer phones you can use a location
9 service even though the phone was off to find where that
10 phone is, so we put it in airplane mode and pulled the SIM
11 card out. But, like I said, with the battery being dead, I
12 couldn't put it in airplane mode.

13 Q Did Paul's phone become -- or was it a significant
14 piece of evidence in this case?

15 A Yes, it was.

16 Q How long did you stay there once you got there at 4147
17 Moselle?

18 A I believe I left about 8:30 or 9:00 the next morning.

19 Q So, you stayed all night.

20 A Yes, sir.

21 Q And did the Crime Scene Unit down where Paul and
22 Maggie were stay all night?

23 A Yes, sir.

24 Q So, night becomes day obviously.

25 A Yes, sir.

1 Q Did you see anybody else at the scene that morning
2 that you had an occasion to conduct an interview with?

3 A Approximately 7:00 a.m., y'all heard about C.B. Rowe,
4 the farmhand, the employee of Mr. Murdaugh. He was the
5 farmhand. He arrived on scene. We confronted him and said
6 hey, we need to speak with you.

7 It was earlier in the interview with Mr. Murdaugh. He
8 said that C.B. had -- or I call him C.B. Mr. Rowe had not
9 worked on Monday, that he had taken his father -- he had
10 related a story about Mr. Rowe having a conversation with
11 Paul where he was hired by FBI out of high school to be
12 some killer operative. So, of course, that kind of peaked
13 my interest and I needed to figure out where he was on
14 yesterday, or even that night.

15 So Mr. Rowe, when he showed up, immediately went into
16 an interview with him. Got his alibi, got his statement of
17 those events on Monday where he corroborated that he had to
18 take his father to the hospital, or to the doctor in Mt.
19 Pleasant on that Friday -- on that -- I'm sorry, on that
20 Monday, and that he was not there on Moselle property.

21 Q And let me go back just a minute. At some point, the
22 bodies of Maggie and Paul were taken away from the scene,
23 right?

24 A Yes, sir. The coroner took custody of bodies.

25 Q And that's the law. The coroner comes in and takes

1 custody, right?

2 A Yes, sir.

3 Q But prior to leaving, were you able to observe from
4 your own eyes around the bodies of Paul and Maggie?

5 A Yes, sir.

6 Q And how would you describe those?

7 A Very gruesome, very bloody.

8 Q Bloody?

9 A Very.

10 Q So, around the bodies bloody?

11 A Yes, sir. And also -- well, around Paul it was more
12 bloody because he was on concrete and a rock driveway. And
13 it had been raining that night, so you had the water to --
14 the bodily fluids, it's going to make them run a little bit
15 more, or spread more. Maggie was on dirt, grass, so it's
16 going to seep into the ground, so there wasn't as much
17 blood around her as was under her.

18 Q And did you -- and without going into what he said --
19 I think he's testified -- did you interview Rogan Gibson?

20 A I did not interview Rogan Gibson.

21 Q Was he interviewed --

22 A He was interviewed.

23 Q -- at that point?

24 A He was interviewed on June 8th, yes.

25 Q Interviewed what?

1 A He was interviewed on June 8th, yes.

2 Q Okay. So, y'all are investigating.

3 A Yes, sir.

4 Q Working with the locals.

5 A Yes, sir.

6 Q Interviewing people.

7 A Yes, sir.

8 Q Did you try to determine, or did you request anybody
9 to check the videos in the area?

10 A Yes, sir. Let me back up. After interviewing
11 Mr. Rowe, Dale Davis was the dog -- took care of the dogs,
12 also arrived and we interviewed him and tried to get some
13 information. Once we finished those interviews, our crime
14 scene was done, we responded back to our Lowcountry office
15 here in Walterboro. The Colleton County Sheriff's Office
16 was there. The 14th Circuit solicitors and their
17 investigators were present, as well as most of our office
18 and other agents that we called in so we can relay to them
19 what we had learned so far and what needed to be done. So,
20 we started assigning tasks to other agents and Colleton
21 County Sheriff's Office to go back out and start canvassing
22 the neighborhood.

23 You know, normally you would canvass the neighborhood
24 when you're out there at night, and some agents were, but
25 2:00 or 3:00 in the morning most people are sleeping. And

1 it's also the country. It's dark. You don't really get
2 the lay of the land, so you go back the next day when it's
3 daylight. So, we sent Colleton County out, and they went
4 from one end of Moselle Road to the other attempting to
5 locate video surveillance, talk to neighbors, see if they
6 heard anything, saw anything, having any problems with
7 burglaries, robberies in the area. Anything to develop a
8 lead that we could track down.

9 Q You were searching for any potential killers.

10 A Yes, sir.

11 Q And did the search of the videos in the surrounding
12 areas produce anything?

13 A No, sir. Not many homes are close to the road out
14 there, and the ones that did, not all of them had video or
15 video surveillance. The ones that did that we saw were at
16 night, and you couldn't see. You can tell a car is passing
17 but you couldn't tell the make, model, you couldn't see the
18 tag number, so it was really useless.

19 Q But y'all tried.

20 A We tried, yes, sir.

21 Q And I think you said after Dale Davis, and he
22 testified yesterday. When you talked to Rogan Gibson, is
23 that when you first learned about a conversation where he
24 may have heard some voices?

25 A Yes, sir.

1 Q I mean, that morning you heard that from him.

2 A Agent Croft and Agent McCallister interviewed Rogan
3 Gibson. I believe it was sometime midmorning or lunchtime.
4 And me being the lead agent, everything that they learned
5 they report back. So, I learned later on that afternoon
6 that they had interviewed Mr. Gibson, and that Rogan had
7 relayed a conversation that he had had with Paul on the
8 phone about an injured dog, and that Rogan had requested a
9 video, and that during the phone call what Rogan had heard
10 in the background.

11 Q Paul, Maggie, and 99 percent sure Alex?

12 A Yes, sir.

13 Q Okay, and at some point on June 8th of 2021, was the
14 big house or the main house, if you will, searched by law
15 enforcement?

16 A Yes, sir. Agent Croft and Agent McCallister, upon
17 their completion with Rogan Gibson, they went back to the
18 house, spoke with those that were present. I believe they
19 spoke with Attorney Lee Cope, which is a law partner of
20 Alex Murdaugh's, as well as Alex's brother John Marvin.
21 They told him while they were there they wanted to search
22 the house for evidence, and they were given consent, and
23 that search commenced.

24 Q Did we get Alex's phone that night?

25 A No, sir.

1 Q Okay. Now June 8th becomes June 9th. You're
2 investigating, correct?

3 A Yes, sir.

4 Q Working with the locals.

5 A Yes, sir.

6 Q Everybody is getting leads to follow?

7 A Yes, sir.

8 Q Did you have an occasion to speak with Alex Murdaugh
9 again?

10 A Yes, sir. On June 9th I contacted John Marvin
11 Murdaugh, Alex's brother, and stated that we needed to sit
12 down and have a more proper interview.

13 Q And what do you mean by that, more proper?

14 A During -- right after a tragic event, you want to get
15 as much information as possible, but you can imagine in
16 speaking with somebody who has experienced a tragic event
17 they're not going to remember everything. Later on once
18 they have time and kind of memory reset, they're going to
19 have more details; they're going to be thinking a little
20 bit more clearer. So we scheduled an additional interview,
21 which took place on June 10th with Alex Murdaugh and his
22 brothers to see what they may have known, what they may
23 have experienced in their lives that may have led to this.
24 I mean, you know, at that time you don't have any
25 information. You've got to go out and talk to everybody,

1 or as many people as you can.

2 Q And when you talked to -- we've seen it. Again, I'm
3 not going to play it again. The jury has got it, but that
4 second interview, who was there?

5 A With me was Alex Murdaugh, again, in the front seat.
6 Agent Jeff Croft was sitting behind Alex. And Alex's
7 attorney, Jim Griffin, who is at the defense table, was
8 also in the vehicle, too.

9 Q And this was a voluntary statement by the defendant,
10 correct?

11 A Yes, sir, it was.

12 Q Okay. No question that it was voluntary. He wanted
13 to give it, and you wanted to ask him questions.

14 A Yes, sir.

15 Q And I have to because it just comes out. Could you
16 understand him?

17 A Yes, sir.

18 Q Did he appear to be under the influence of any
19 alcohol, drugs, or other intoxicants?

20 A No, he did not.

21 Q Did he have trouble understanding David Owen when he
22 was asking him questions, in your mind?

23 A In my mind, if he wasn't -- again, if I wasn't clear,
24 if I wasn't clear, I think he said excuse me or, you know,
25 say that again if he didn't hear what I said, and, of

1 course, I repeated myself. But it wasn't that he didn't
2 understand me. It was more so that he didn't hear me.

3 Q And did you -- could you understand his words, and
4 were they appropriate to your answer -- to your questions?

5 A Yes, they were.

6 Q And there's a colloquy between all of y'all and
7 Mr. Griffin at several points in the interview, right?

8 A Yes.

9 Q Did he appear to be clear in his mind is what I'm
10 saying.

11 A Yes, sir.

12 Q And this was how many -- well, first of all, when you
13 talked to him that first statement, how long was it after
14 the 911 call?

15 A I interviewed him, I spoke with -- interviewed him
16 just before 1:00 a.m. on June 8th, and the 911 call came in
17 on that Monday night at approximately 10:06 p.m.

18 Q So, that's just a few hours afterwards.

19 A Yes, sir.

20 Q Would you say it was fresh in his mind then?

21 A Yes, sir, I would.

22 Q And this second interview was on what date and time?

23 A June 10th.

24 Q Okay, and what time did you say?

25 A 1:30ish. Hang on just a minute, sir.

1 (Break in proceedings.)

2 A It began approximately 1:45 p.m. I'm sorry, 1:54 p.m.

3 Q The first and the second interview, Special Agent
4 David Owens, based on your being there and listening and
5 asking questions, was the defendant clear about whether or
6 not he had gone back down to the kennels after he went to
7 the house?

8 A No, sir.

9 Q Was he clear that he had not gone back down there?

10 A Yes, sir.

11 Q That was clear he hadn't gone down there?

12 A That was clear.

13 MR. GRIFFIN: Objection. Leading.

14 THE COURT: You can't lead the witness.

15 Q Did you have trouble understanding that?

16 A No, sir, I did not.

17 Q And was he clear where he had gone after that --

18 A Yes, sir.

19 Q -- based on your questions?

20 A He went to visit his mother in Alameda.

21 Q And when he came back?

22 A When he came back, yes, sir.

23 Q And that's the 12th, the second interview?

24 A June 10th.

25 Q 10th, I'm sorry, I was skipping ahead. Did you

1 collect the defendant's phone that day?

2 A I asked for consent to do a cell phone extraction.
3 Dylan Hightower with the 14th Circuit actually conducted
4 that extraction, and he conducted a logical extraction
5 while Mr. Murdaugh was being interviewed.

6 Q Now Conrad is the expert on phones, but what does
7 logical extraction mean?

8 A So there's two types of -- I'm not a cell phone
9 expert, but what I understand is a logical extract --
10 there's two types, logical and physical. Logical is
11 basically the surface of your phone. You get the phone
12 calls, text messages, emails, photographs, very basic
13 information. The physical extraction, you get more files
14 on the phone such as orientation change or steps, more
15 intricate -- more information with the physical extraction.

16 Q So on the 10th, working with the 14th Circuit
17 Solicitor's Office investigator, y'all got a logical
18 extraction.

19 A Yes, sir.

20 Q And was the phone given back then?

21 A Yes, sir. Upon the completion of the extraction, it
22 was given back, yes.

23 Q But you're working with the local official at this
24 point, correct?

25 A Yes, sir.

1 Q After that, did you have an occasion to talk with
2 Marian Proctor and her family without saying what they
3 said?

4 A Yes, sir. I'm not sure of the exact date but it was
5 some time that week, or the following week, that I spoke
6 with Marian Proctor and her husband.

7 Q And was Maggie Murdaugh's Mercedes processed?

8 A Yes, it was.

9 Q Did y'all obtain search warrants?

10 A Yes, sir, we did.

11 Q Would you dispute if I told that was June 15th for
12 social media financial records, and to search the ponds of
13 Moselle and surrounding areas?

14 A No, sir.

15 Q And did y'all do that?

16 A Yes, sir, we did.

17 Q You actually went out and searched?

18 A Yes, sir.

19 Q Did you -- how did you search the ponds?

20 A We had SLED Dive Team come down. Once they arrived
21 and kind of surveyed the pond, it wasn't deep enough for
22 them to actually dive so they just waded, you know. They
23 had waders on, so they were basically walking basically on
24 their hands and knees searching the ponds. There were some
25 other waterways and ponds on the property that was

1 searched, and I believe they went back the next day to
2 complete searches. Also around that area, because going
3 into Hampton, it's a swampy area -- it's the Salkehatchie,
4 the Little Salkehatchie River. Those areas were searched.

5 Also that same day that the ponds were searched, we
6 did a land search in conjunction with Colleton County.
7 They had ATVs, UTVs, four by fours, and, you know, we were
8 searching the property looking for any evidence that might
9 help us develop leads or point us in the right direction in
10 the investigation.

11 Q So, SLED is working.

12 A Yes, sir.

13 Q Working with locals.

14 A Yes, sir.

15 Q And did -- was the property searched again on
16 June 16th?

17 A Yes, sir.

18 Q And where was that?

19 A That's when the dive team returned and completed their
20 search of the waterways and ponds.

21 Q Also there were some Blackout cartridge casings and
22 some shotgun shells that were seized later, correct, also?

23 A Yes, sir. The pond that was -- the first pond that
24 was searched was by the shooting range, or the shoot house
25 across Moselle from the main house. So going back to

1 June 8th, when Agent Croft went back out to the house and
2 they conducted a search, he located some additional 300
3 Blackout shell casings. We wanted -- we knew there was a
4 shoot house by the ponds, so we went over there and located
5 the 300 Blackout shell casings inside the shoot house, as
6 well as some shell -- shot shells from shotguns by the
7 pond, and those were collected.

8 Q Did you end up talking with the pathologist?

9 A Yes, sir.

10 Q Did you have an occasion to speak with a -- where
11 Maggie Murdaugh might have been on June 7th, any place she
12 might have visited?

13 A Yes, sir. According to the statement that Alex gave
14 me, that she was seen -- that she had been to Charleston to
15 see a doctor, and he gave me a name. I did some research,
16 and being from Charleston I was familiar with the doctor
17 and the location, so I went by and spoke with the doctor.
18 And they said -- they verified she was there that day.

19 She told them -- they told me what she was wearing,
20 which is the clothing that she was found that night. She
21 didn't appear to be in any distress. It appeared to be a
22 normal visit. I didn't get into what the visit was, but it
23 was a normal visit for them.

24 Q And days are becoming a week and you're moving on.

25 Did you talk with the defendant, Alex Murdaugh, again

1 during this time period?

2 A A few times, yes, sir.

3 Q A few times?

4 A Yes, sir.

5 Q Do you remember on July 28th meeting him at the
6 Colleton County Sheriff's Office?

7 A Yes, sir. I believe it was a few days prior to the
8 28th, he had contacted me, but we still have custody of his
9 Suburban, and he was seeking to have his Suburban returned
10 to him. I indicated to him it was inoperable. I was
11 unable to return it to him, and he asked to get some
12 personal belongings out of there. I believe he had some
13 clothing and some golf clubs in there. He was going on
14 vacation with Maggie's family and needed his golf clubs.

15 Q So, he called about his car?

16 A Yes, sir.

17 Q I mean, that was the point of his phone call?

18 A He asked about the investigation as well. Well, he
19 asked about the investigation. Later on on the 28th when I
20 did meet with him and to, you know, let him get some of the
21 clothing and some of his belongings out of the Suburban, he
22 indicated to me that he some questions and wanted to know
23 about the investigation, and I -- at that time I indicated,
24 I said, well, I have some additional questions as well. I
25 said I don't -- I think I had another interview scheduled.

1 I said I can't meet with you right now. Can we meet some
2 time tomorrow? He stated -- and again he stated, no, that
3 he was going out of town. And I said, well, go with your
4 family. Take a relaxing vacation. When you return, give
5 me a call and let's schedule something and we'll sit down.
6 A few days later, I believe it was August 3rd or
7 August 4th, he returned my phone call and said I'm back,
8 let's schedule something, and we scheduled the date for
9 August the 11th.

10 Q Okay. So he called, asked about the case, the car,
11 you said you couldn't meet. I could meet with you tomorrow
12 and he said he couldn't. He's is going on vacation?

13 A Yes, sir.

14 Q When he gets back, y'all agree on a date for another
15 interview?

16 A Yes, sir.

17 Q And specifically what had you told him about that
18 interview, or what did he ask you about that interview
19 prior to this, prior to actually the interview?

20 A About setting up the interview?

21 Q Yes, sir.

22 A He just stated he had some questions. He wanted to
23 know what we were doing, where we were at, if we had any
24 information, and I told him that we didn't have a whole
25 lot, and I had some questions that I needed clarification

1 on and I needed to sit down with him.

2 Q Now, and prior to this -- and Savannah handled this --
3 had y'all collected a bunch of buccal swabs?

4 A Yes, sir.

5 Q Okay. Why?

6 A Well, when our crime scene agents, when they process
7 the scene, they look for touch DNA. Of course, you can't
8 see it so you're just thinking, okay, where could somebody
9 have touched? I know they swabbed door handles. They
10 swabbed different areas. Evidently there were the shell
11 casings and shot shells. There were no weapons found that
12 night by the bodies, so we didn't have those to test, other
13 than the shotgun that Alex had taken -- gone and gotten
14 it -- gotten from the house during the 911 call.

15 At that time, you know, I wasn't familiar with the
16 Murdaugh family. I didn't know the Murdaugh family, but I
17 knew that there was a large boat case. I knew there was an
18 issue where Paul had been charged or indicted on the boat
19 accident and the death of Mallory Beach. So, you know,
20 that's a catastrophic event for that family. So, you know,
21 you immediately think okay. Well, that's something big, so
22 that needs to be addressed as well.

23 And I have friends and family over at my house all the
24 time, so their DNA is going to be there. I knew that Alex
25 had friends and family at his house all the time,

1 especially law partners. I saw them there. So if I'm
2 going to start collecting DNA, I need to eliminate the ones
3 that I know that were there. So, you start going out to
4 friends, family, people talking to people in the boat case
5 that were on the boat that night, trying to document their
6 alibis and getting their DNA to make sure -- you know, to
7 see, you know, if we find an unknown, is it them.

8 Q So, you were trying to either rule in or rule out any
9 other possible suspects.

10 A Yes.

11 Q And who brought up the boat case first in this case
12 when you got involved? When is the first time you heard
13 about it?

14 A During the 911 call. Alex mentioned it in the 911
15 call. He mentioned it to Sergeant Greene when he arrived.
16 He mentioned it to me during the interview.

17 Q So, you followed up on that?

18 A Yes, I did. Or yes, we did.

19 Q We did, and I missed -- I watched it but there some
20 testimony with the pathologist about possible scenarios.
21 What guns were found at or near Maggie and Paul when y'all
22 got there?

23 A None.

24 Q None?

25 A None. Other than the shotgun that was by Alex's truck

1 that he retrieved from the house, but there were no guns
2 found by Alex -- by Maggie or Paul.

3 Q And that gun was given to you by Alex, given to law
4 enforcement?

5 A It was given to law enforcement by Alex, yes, sir.

6 Q Okay. Let's -- did you have an occasion to talk with
7 the defendant again?

8 A On August the 11th.

9 Q Okay, and tell these folks where that took place.

10 A At the SLED's Lowcountry Regional Office here in
11 Walterboro.

12 Q How far is that from where we're standing or sitting
13 right now?

14 A 2, 3 minute drive. If you -- if you're from
15 Walterboro any length of time, it's the old hospital, the
16 mental health DSS building.

17 Q They got y'all in the old hospital in the mental
18 health building?

19 A Yes, sir.

20 Q What time was it, the interview?

21 A The interview began at approximately 11:09 a.m.

22 Q And describe the room, interview room itself.

23 A Well, I mean, it's plain walls. There's a table,
24 small conference table about -- basically about the size of
25 this desk and four chairs. Of course, we moved the chairs

1 in and out to accommodate the number of people. There's
2 video cameras up on the ceiling to record any interview
3 that occurs in there.

4 Q Are the video cameras visible?

5 A Yes, sir.

6 MR. MEADORS: Begs the Court's indulgence.

7 (Break in proceedings.)

8 Q I'm going to show you what's marked as State's 511,
9 512, and 513, and just ask, does that relate to what you're
10 saying right now, testifying to?

11 A Yes, it does.

12 MR. MEADORS: Your Honor, 511, 512, and 513, I believe
13 without objection.

14 MR. GRIFFIN: No objection, Your Honor.

15 THE COURT: They're admitted.

16 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 511 WAS
17 RECEIVED INTO EVIDENCE. LATER WITHDRAWN.)

18 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 512 WAS
19 RECEIVED INTO EVIDENCE.)

20 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 513 WAS
21 RECEIVED INTO EVIDENCE.)

22 MR. MEADORS: And the same put in the ELMO.

23 Actually, Judge, I'm going to -- out of an abundance
24 of caution I'm going to withdraw State's 511 without
25 objection, I believe. I apologize. 511 is withdrawn with

1 the Court's permission.

2 THE COURT: It's withdrawn.

3 (STATE'S 511, A PHOTO, WAS WITHDRAWN FROM EVIDENCE.)

4 Q Please -- this 512 and 513 I'm holding. Just tell the
5 folks what this is.

6 A That is the interview room in our Lowcountry SLED
7 office.

8 Q And can you see cameras in there?

9 A Yes, sir, up in the corners.

10 MR. MEADORS: Judge, I don't know if you want to take
11 a break. We were going to play the interview now which may
12 be semi-lengthy, and I just want to bring that to the
13 Court's attention. I hope you don't mind me saying that.

14 THE COURT: All right, ladies and gentlemen, we'll
15 have you go to the jury room for a short break.

16 (The jury left the courtroom.)

17 THE COURT: Take about five minute.

18 (A break was taken.)

19 THE COURT: You may bring the jury.

20 (The jury returned to the courtroom.)

21 THE BAILIFF: The jury is present, sir.

22 THE COURT: Very good.

23 You may proceed.

24 MR. MEADORS: May it please Your Honor?

25 CONTINUED DIRECT EXAMINATION

1 BY MR. MEADORS:

2 Q Special Agent David Owens, we stopped at -- right
3 at -- right before we were going to talk about the
4 interview on August 11th. Can you tell the ladies and
5 gentlemen of the jury who was at that interview? Who
6 participated in that interview?

7 A Alex Murdaugh and Cory Fleming.

8 Q And prior to playing the video, was this a voluntary
9 statement?

10 A Yes, it was.

11 Q Okay. The defendant was not in custody?

12 A No, he was not.

13 Q Was free to leave?

14 A Yes, he was.

15 Q Was there because he wanted to be there.

16 A Yes, sir.

17 Q All right. Did he tell you he wanted to ask some
18 questions?

19 A Yes, he did.

20 Q Did you tell him you wanted to ask him some questions?

21 A Yes, I did.

22 MR. MEADORS: Your Honor, I have -- we've now --
23 there's -- we have redacted the last part of this video
24 with the consent of both parties. What's contained on 517
25 includes the video without the redaction, and we now offer

1 517, I believe without objection.

2 MR. GRIFFIN: No objection.

3 THE COURT: It's admitted.

4 (DVD MARKED AS STATE'S EXHIBIT NUMBER 517 WAS RECEIVED
5 INTO EVIDENCE.)

6 MR. MEADORS: Permission to publish if someone would,
7 please.

8 (Break in proceedings.)

9 Q Before we get started, who is Cory Fleming?

10 A Cory Fleming was a defense attorney out of the
11 Beaufort area, also a friend of Alex Murdaugh's.

12 Q Did you know him prior to this?

13 A No, sir, I did not.

14 Q Cory Fleming?

15 A No, sir.

16 Q Thank you.

17 (Interview of the defendant, Alex Murdaugh, was
18 played. Audio not transcribed.)

19 Q Who is down to your right?

20 A To my right was Special Agent Jeff Croft.

21 Q Jeff Croft who has testified?

22 MR. MEADORS: Jeff, are you still in here?

23 Q That's the agent back there in the back?

24 A Yes, sir.

25 Q What time is this?

1 A It indicates 9:50. The time was incorrect on our
2 recording system. But my notes, or my report indicates
3 that it was 11 -- approximately 11:09 a.m.

4 Q Thank you.

5 MR. MEADORS: I'm sorry, Judge, one of the jurors is
6 requesting something, Judge.

7 (Break in proceedings.)

8 (The video continued to play.)

9 MR. MEADORS: And Creighton, if I -- stop it for one
10 second.

11 Q To the left of Mr. Murdaugh, I know we've got an inset
12 smaller, but to the left of Mr. Alex Murdaugh, the
13 defendant, is that Cory Fleming?

14 A Yes, it is.

15 Q Thank you.

16 (The video continued to play.)

17 Q So at that point in the interview, she said -- did he
18 tell you she came home because she was worried about his
19 dad?

20 A Yes.

21 MR. GRIFFIN: Objection, Your Honor.

22 THE COURT: Basis for the objection?

23 MR. GRIFFIN: Leading. He's just repeating what the
24 jury just heard.

25 THE COURT: Yes, sir?

1 MR. MEADORS: Your Honor, I can play it and come back
2 and ask him to clarify that. That's all.

3 THE COURT: Okay.

4 MR. MEADORS: Go ahead, please.

5 (The video continued to play.)

6 MR. MEADORS: Can you stop right there, please?

7 Q I'm not going to ask you to repeat that, but this next
8 question regarding him and a tree video, had you confronted
9 him with that before?

10 A No, sir, I had not.

11 Q Okay.

12 MR. MEADORS: Please go ahead.

13 (The video continued to play.)

14 Q Is he asking you now what time that picture was?

15 A Yes, sir.

16 Q Okay.

17 MR. MEADORS: Go ahead.

18 (The video continued to play.)

19 Q Had you talked with Shelley Smith at this point?

20 A She had been interviewed, yes, but I had not spoken to
21 her by this time.

22 Q 45 minutes to an hour?

23 A Yes.

24 (The video continued to play.)

25 THE COURT: Can you turn up Mr. Owen's volume?

1 MR. WATERS: On the video?

2 THE COURT: Yes. Turn up the volume.

3 MR. WATERS: Yes, sir.

4 (The video continued to play.)

5 Q So, right here in the interview your question was did
6 Paul tell you that. So, did he deny this, he'd had a
7 conversation with Paul about that --

8 A He never said he had a conversation.

9 MR. GRIFFIN: Objection. Leading.

10 THE COURT: Don't lead the witness.

11 Q What, if anything, did you he say about whether he'd
12 had a conversation with Paul about that?

13 A He didn't indicate that he had a conversation with
14 Paul. He said he had a conversation with Rogan Gibson.

15 Q That he'd heard that from Rogan?

16 A Yes, sir.

17 (The video continued to play.)

18 MR. MEADORS: Stop it right there. I'm sorry.

19 Q Had you confronted him with what you're about to ask
20 him prior to this?

21 A No, I had not.

22 Q The question you had just asked him, did that deal
23 with whether he went down to the kennels or not after
24 supper?

25 A Correct.

1 Q And he said he had not.

2 A He had not.

3 Q Okay.

4 MR. MEADORS: Go ahead, please.

5 (The video continued to play.)

6 Q And you're now asking him about shell casings that are
7 found by Paul. That's Maggie's body, correct?

8 A The cartridge casings found by Maggie, yes.

9 Q Had he ever been confronted with this information
10 prior to right now that you know of?

11 A Not that I'm aware of. I believe he was, but not by
12 me, I don't think.

13 Q Okay. That's fine.

14 MR. MEADORS: Go ahead.

15 (The video continued to play.)

16 Q Did he say when I went up to him the phone came out?

17 A Yes, sir. Or popped out is what he told me in the
18 first interview.

19 MR. MEADORS: Thank you.

20 (The video continued to play.)

21 Q Your question was you told the dispatcher hour or 2
22 hours ago?

23 A Hour and a half to 2 hours.

24 Q Hour and a half to 2 hours. What time was the 911
25 call?

1 A 10:06 p.m.

2 Q Hour and a half or 2 hours prior to that?

3 A Yes, sir.

4 MR. MEADORS: Go ahead.

5 (The video continued to play.)

6 Q Can I ask you a question?

7 A Yes.

8 Q At this point in the investigation, did you have the
9 video back from Paul's phone showing the dog in the
10 kennels?

11 A No, sir, I had not.

12 MR. MEADORS: Go ahead.

13 (The video continued to play.)

14 Q He said he thought they shot Maggie first, or Maggie
15 was shot first?

16 A He thought -- Alex said that he thought Maggie was
17 shot first because she'd been shot in the back of the head.

18 MR. MEADORS: Go ahead.

19 (The video continued to play.)

20 Q You just -- did you just ask him we've established
21 family guns were used?

22 A Yes, I did.

23 MR. GRIFFIN: Objection, Your Honor. Leading.

24 THE COURT: The objection is overruled.

25 Proceed.

1 Q What was his response? Would nothing be the answer?

2 A Correct.

3 MR. MEADORS: Go ahead.

4 (The video continued to play.)

5 Q Is that the first time he has ever asked you that?

6 A Yes, sir.

7 Q Ever?

8 A That I recall, yes.

9 Q In the whole investigation to this point?

10 A Yes, sir.

11 MR. MEADORS: Go ahead.

12 (The video continued to play.)

13 Q Where did you go?

14 A I had to step out and use the restroom.

15 (The video was played.)

16 THE COURT: Ladies and gentlemen, we're going to break
17 for lunch and return at 2:20.

18 (The jury left the courtroom.)

19 THE COURT: How long more is the video?

20 MR. MEADORS: Judge, we are literally just about 5
21 more minutes, 20 minutes, 19 minutes.

22 THE COURT: So, you don't know?

23 MR. MEADORS: No, sir.

24 THE COURT: We will be back at 2:20.

25 MR. MEADORS: 14 minutes, Your Honor.

1 (A lunch break was taken.)

2 THE COURT: You may bring the jury.

3 (The jury returned to the courtroom.)

4 THE BAILIFF: The jury is present, Your Honor.

5 THE COURT: Thank you.

6 You may proceed.

7 MR. MEADORS: May it please the Court?

8 THE COURT: Yes, sir.

9 MR. MEADORS: We will now continue with the interview,
10 Your Honor.

11 (The video continued to play.)

12 MR. MEADORS: Your Honor, apparently there's a period
13 here, we've agreed that we will fast forward, which we will
14 pick back up when he comes in. And the defense has agreed
15 with that, is my understanding.

16 MR. GRIFFIN: That's correct.

17 THE COURT: All right.

18 (The video was played.)

19 Q Talking with Mr. Griffin, there's one sentence after
20 that before we redacted we both agreed that I could leave
21 and ask you, after that last question did he say, well, I
22 understand, I mean, and shaking his head?

23 A Yes.

24 Q So on August 11 of 2021, after this interview, during
25 this interview, did you consider Alex Murdaugh a suspect in

1 the death of his son and his wife?

2 A He was the only known suspect at that time, yes.

3 Q And that day, was the case transferred from Solicitor
4 Duffy Stone to Attorney General Alan Wilson with the South
5 Carolina Attorney General's Office?

6 A Yes, it was.

7 Q I just want to go back right before we ended, and not
8 trying to get you to elicit or repeat this, but do you
9 remember when you asked -- or do you remember when he told
10 you I know y'all have got to look at me, and I've tried to
11 have as little discussions with people that y'all are
12 interviewing, you know, with all this talk about that. Do
13 you remember that?

14 A Yes, I do.

15 Q How did you take that statement to mean, his answer
16 when he said that?

17 A That he was trying to stay out of the investigation
18 and let us do our work.

19 Q Okay, and early in the investigation, he asked you
20 about -- well, that tree going back and forth, was he clear
21 on when that video was taken of him in the clothes on the
22 tree? Was he clear?

23 A He didn't recall.

24 Q At this point, had you already talked to Blanca
25 Simpson, or had she been talked to in reference --

1 A She had been interviewed, yes.

2 Q And at some point after August 11th, did Blanca
3 Simpson also provide some information in investigations
4 about a conversation she had with the defendant, Alex
5 Murdaugh?

6 A Yes.

7 Q And was that concerning the shirt?

8 A Yeah. Several months later she provided information
9 that she and Alex had had a conversation about --

10 Q Without -- go ahead.

11 A -- about what he'd been wearing that day when he left
12 to go to work.

13 Q And just briefly going through the interview, you
14 asked him about when Maggie coming -- was coming to Moselle
15 and why. Did you have -- in the course of the
16 investigation, did you have the emails from -- excuse me --
17 from Blanca and/or Maggie's phone to each other then?

18 A No, I did not.

19 Q Okay, and early on in the interview, you asked him how
20 long he'd stayed at his mama's house?

21 A Yes, and he stated approximately 45 minutes.

22 Q 45 minutes to an hour?

23 A Yes, sir. Yeah, 45 minutes to an hour, yes.

24 Q And at that point in the investigation, had you talked
25 Mushelle Shelley Smith about a conversation she had with

1 Alex Murdaugh and the amount of time that he said he was
2 there?

3 A Yes. She had been interviewed by that time. Again,
4 there were so many agents going out and doing interviews
5 and reporting back to me, but she stated that it was
6 somewhere around 20 minutes. I don't have her report, I
7 don't remember exactly what was said, but I know when --
8 our first interview, he had stated that it was around -- he
9 had spent about 20 minutes, 20 or 30 minutes with his
10 mother.

11 Q And did your investigation reveal any inconsistencies
12 regarding what Mr. Murdaugh had told you?

13 A Yes, it did.

14 Q And was that significant to you in your investigation?

15 A It was because it wasn't just -- it wasn't one
16 inconsistency. It was several inconsistencies over a
17 period of time that were repeated.

18 Q Now, you asked him about a list of guns several times
19 in these interviews. Did you ever get a list of guns from
20 Alex Murdaugh?

21 A I have not.

22 Q Between June 7, 2021, and August 11, 2021, this
23 interview, how many times did he call you asking about the
24 investigation?

25 A We spoke approximately five or six times.

1 Q What were the inconsistencies that stood out in your
2 mind?

3 A The times, for one. From the first interview with
4 his -- where he went to his mother's -- or let me refer
5 back to my notes.

6 (Break in proceedings.)

7 Q Time at his mother's, is it fair just to say that?

8 A So when he -- the first interview in June, he stated
9 that it was at his mother's for approximately -- I'm
10 sorry -- first off he stated for a little while. And then
11 the second interview on June the 10th it changed to -- I'm
12 sorry, give me just a second -- about 25 or 30 minutes.
13 And then the other -- the third interview it was 45 minutes
14 to an hour.

15 And then some other inconsistencies is how much time
16 he spent with Paul riding around. The first time it was 45
17 minutes to an hour; the next time he talks about riding on
18 the farm anywhere from an hour and a half to 2 hours.

19 And then the inconsistencies. You know, I had the
20 information from Rogan Gibson that he heard Alex -- he
21 believed he heard Alex in the background, and on the three
22 interviews Alex had never indicated that he was at the
23 kennels, that he was at the house either taking a nap,
24 playing on his phone, or watching TV, and this was after
25 dinner.

1 Q Was he ever inconsistent about whether or not he went
2 down to the kennel after supper that night?

3 A Yes.

4 Q Did he ever say he did go down there after dinner?

5 A He never told me he went down there after dinner.

6 Q Never told you that.

7 A He told me he took a nap, that he was at the house
8 after dinner. Maggie -- he knew that Maggie went to the
9 kennels. At first he wasn't sure where Paul went, but then
10 he realized that Paul must have gone to the kennels because
11 that's where he found him, but that he stayed at the house
12 and took a nap.

13 Q Now, there's been some discussion, and I think your
14 testimony was he brought it up in the 911 -- case -- about
15 the boat case?

16 A Yes, sir.

17 Q And that happened in what year?

18 A February of 2019.

19 Q 2019, and was that case nolle prossed, *nolle prosequi*,
20 dismissed by the Attorney General's Office in the -- after
21 Paul's death? Can you prosecute a dead man?

22 A No, sir, you cannot. And it's my understanding that
23 the Attorney General's Office nolle prossed Paul's case in
24 August of 2021.

25 Q So that case criminally, like we're in a criminal

1 courtroom, was over.

2 A Yes, sir.

3 Q At some point in 2021 in the fall, did a financial
4 investigation begin involving Alex Murdaugh?

5 A Yes, sir.

6 Q Would it be fair to say that overlapped with this
7 investigation?

8 A It did.

9 Q Would it be fair to say those investigations fed off
10 each other?

11 A They did. From the information that I was learning
12 from that investigation into the finances, it gave me
13 additional people to consider to look at, and consider even
14 to look at Mr. Murdaugh as, you know, a reason why or why
15 not.

16 Q Were there individuals in the financial investigation
17 that you also interviewed in reference to this
18 investigation?

19 A I did.

20 Q And did -- some of that information you learned from
21 the interviews or grand jury testimony?

22 A Yes, I did.

23 Q Did you then follow up on some of that information?

24 A Yes, I did.

25 Q And from August/September '21 to the summer of '22,

1 were you, as a member of the South Carolina Law Enforcement
2 Division, working exclusively or primarily on this case?

3 A That's correct.

4 Q And were search warrants still out there you were
5 waiting on?

6 A Yes, sir. There was a multitude of search warrants.

7 Q And let's talk just a moment -- I'm about through --
8 about the phones, if we could.

9 A Okay.

10 Q You, law enforcement, got Maggie Murdaugh's phone
11 when? I mean, when did you actually take physical custody
12 of it?

13 A Maggie Murdaugh's phone was recovered on June 8th of
14 2021 on the side of Moselle Road.

15 Q And what -- were you able to do -- you, law
16 enforcement is who I'm talking about -- able to get -- how
17 much information did you get from Maggie's phone in this
18 investigation?

19 A The family gave us -- I believe it actually came from
20 Alex or either Buster, but we got access to her phone
21 through her password, so we were able to do a full
22 extraction from her phone.

23 Q A full extraction?

24 A Yes, sir.

25 Q And some that is included in the timeline that's

1 already been entered -- going to be entered by Mr. Waters
2 in a little bit, right?

3 A Yes, sir.

4 Q Full extraction.

5 A Full extraction.

6 Q Now, how about Alex's phone? Was it initially taken
7 on June 7th or June 8th?

8 A It was not taken on June 7th or June 8th. We got an
9 extraction on June 10th when we met for our second
10 interview but that, again, that was just a logical
11 extraction, not a full extraction.

12 Q Which was -- I don't know if they all understand, but
13 that's a surface, right?

14 A That's just a surface.

15 Q Just basically get it off the top, right? Did you
16 ever get that phone back?

17 A In September, yes, sir.

18 Q In September. And at that point was further
19 information attempted to be gathered from Alex Murdaugh's
20 phone?

21 A Yes, sir.

22 Q And how successful was that?

23 A Being the time difference between June and September,
24 a lot of -- or a lot of the earlier on information had been
25 overwritten. It's just the way the computers work. You

1 have to clear out memory to make room for new memory. So,
2 some information had been not erased but cached out. So,
3 we were able to gain some information from the logical in
4 June and compare it to what we -- the full extraction that
5 we did in September.

6 Q And were you able to determine what had been erased
7 off of it?

8 A There were some phone calls that had been erased, yes.

9 Q Now, let's talk about Paul's phone. If we go back in
10 the interview just very briefly on Paul's phone --

11 MR. MEADORS: I'm sorry, Judge, one second. I
12 apologize.

13 (Break in proceedings.)

14 Q You had asked him when he turned Paul over and his
15 cell phone popped out. Do you remember that?

16 A Yes, I do.

17 Q And was his answer a little while ago I don't know? I
18 mean, when I went up to him the phone came out but I don't
19 remember having any intentions of doing anything with the
20 phone?

21 A Well, the first interview he stated that the phone
22 popped out, and then he picked it up and thought about
23 doing something with it, thought better of it, and put it
24 back down.

25 Q In this interview, he said it came out, right?

1 A Yes.

2 Q Now Paul's phone, did y'all attempt to do -- so, you
3 had it from June 7th until today.

4 A Yes.

5 Q Were you able to do a full extraction on Paul's phone?

6 A We were able to finally do a full extraction in March
7 of 2022.

8 Q Okay, March of 2022?

9 A Yes, sir.

10 Q And what, if any, information came as a result of that
11 extraction after March of 2022?

12 A The kennel video that showed --

13 Q That we've all --

14 A That we've all seen, yeah. The kennel video where
15 Paul is videotaping the chocolate lab and you can hear
16 Maggie, and Paul, and Alex in there. And that video is
17 time stamped at 8:44.

18 Q Say it again.

19 A 8:44 p.m.

20 Q And until that day -- what day was it, do you know?
21 If you don't, that's fine. But it came out what month?

22 A I believe I got the information on April 8th of 2022.

23 Q Until that day and it was extracted, to your knowledge
24 did anybody else in the world know that was on there except
25 Paul?

1 A Nobody, to my knowledge.

2 Q And up until this past -- well, was information in
3 this investigation gathered up through last weekend?

4 A Yes, it is.

5 Q And what was that?

6 A The General Motors information from Alex's 2021
7 Suburban.

8 Q So SLED from June 7th, in a combination with the
9 locals, the feds, have been in an investigation of this
10 case nonstop?

11 A That is correct.

12 (Break in proceedings.)

13 MR. MEADORS: I believe there's a housekeeping matter,
14 the -- Paul's shoes, move it into evidence, 103 (sic). I
15 don't believe there's an objection to that.

16 (Break in proceedings.)

17 MR. GRIFFIN: No objection, Your Honor.

18 MR. MEADORS: It's 103 without objection. Thank you
19 very much -- 36 without objection.

20 THE COURT: It's admitted.

21 (SHOES MARKED AS STATE'S EXHIBIT NUMBER 36 WERE
22 RECEIVED INTO EVIDENCE.)

23 THE COURT: Any further questions?

24 MR. MEADORS: Very briefly, yes, sir.

25 BY MR. MEADORS:

1 Q I don't believe I asked you this before. The --
2 couple of questions. Were there any other credible leads
3 that you investigated that led you to anybody else besides
4 Alex Murdaugh?

5 A Not credible, no, sir.

6 Q Did you follow up with every lead that came in on this
7 case, social media other otherwise?

8 A Yes, we did.

9 Q All of SLED did?

10 A Yes, sir.

11 Q Locals?

12 A Charleston -- Colleton County as well, yes.

13 Q Law enforcement really worked together on this case,
14 didn't they?

15 A Yes, we did.

16 Q And is the individual that you took this statement
17 from on August 11th of 2021 in the courtroom?

18 A Yes, he is.

19 Q Sitting between Mr. Harpootlian and Mr. Griffin?

20 A Yes, sir, a blue blazer and white shirt.

21 MR. MEADORS: We would ask the record so reflect.

22 That's all we have at this time. Thank you.

23 THE COURT: Cross-examination?

24 MR. GRIFFIN: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. GRIFFIN:

2 Q Good afternoon, Agent Owen.

3 A Good afternoon, sir.

4 Q Get my stuff organized here. We've heard you explain,
5 and I think Agent Croft explained, about sort of the
6 investigative circle.

7 A Yes, sir.

8 Q And I think you'd talked to Alex about that on the
9 video, that he is in the circle.

10 A Yes, sir.

11 Q And he was in the circle from the moment he called
12 911, correct?

13 A I would say yes.

14 Q And no one had to give you any lead to put him in the
15 circle, right?

16 A No, sir. He's the one -- he called 911 and he's the
17 one who discovered -- he was the one who discovered them.
18 He's closest in relation to them.

19 Q So, when you're asked about were you given any other
20 credible leads except the one that led to Alex Murdaugh, I
21 mean, he was there from the moment he called 911.

22 A Yes, sir.

23 Q And what has happened over the last year and a half,
24 two years, is, as you explained, you've been unable to get
25 him out of the circle. Isn't that right?

1 A That is correct.

2 Q So, if someone is in the circle and can't get
3 themselves out, they end up sitting over there where he is
4 today, that's what happens. Isn't that's right?

5 A As long as there's credible evidence to keep him in
6 that circle, yes.

7 Q Well, we're going to get to that. Here SLED failed to
8 take immediate steps. I mean, maybe it's not all SLED, but
9 SLED and the Colleton County Sheriff's Department failed to
10 take immediate steps to preserve evidence that could
11 possibly exclude Alex Murdaugh from that circle. Would you
12 agree with that?

13 A I don't think it was a failure, no, sir.

14 Q Well, let's get this right. Your investigation, as I
15 understand it, leads you to conclude that Paul and Maggie
16 were murdered sometime between 8:50 p.m. on June the 7th
17 and 9:06 p.m., correct?

18 A Yes, sir.

19 Q And whoever murdered Maggie and Paul would at a
20 minimum have in their possession an AR15 style assault
21 rifle and a 12 gage shotgun, correct?

22 A Not unless they got rid of it.

23 Q Well, the moment they were murdered --

24 A Yes.

25 Q -- someone had to have -- one person or two people had

1 to have murder weapons, right?

2 A Yes.

3 Q Paul was murdered with a 12 gauge, right?

4 A Yes, sir.

5 Q You would agree then that the murderer had a 12 gauge
6 shotgun.

7 A Yes, sir.

8 Q You would agree that the murderer had some AR15 style
9 assault weapon that killed Maggie, right?

10 A Yes, sir.

11 Q And you would agree at the time they were murdered,
12 they would have those weapons.

13 A Yes.

14 Q And would you agree that whoever murdered Maggie and
15 Paul would likely have blood and biological material on
16 them following the shotgun blast that essentially blew
17 Paul's brains out of his head?

18 A They would have some, yes.

19 Q And on the night of June the 7th, you said it was
20 after midnight, so we would go to the early morning hours.
21 1:00 a.m. on June the 8th, you interviewed Alex and he told
22 you that he had left Moselle some time between 9:00 and
23 9:10 to check on his mother. Is that right?

24 A That is correct.

25 Q So, if Alex was the perpetrator as alleged, he would

1 have had to brutally murder his wife and son some time
2 after 8:50 p.m. and 9:06, dispose of the murder weapons
3 either somewhere on the Moselle property, within the
4 Moselle residence, along the drive to Almeda, or at his
5 mother's residence or property at Almeda. Is that correct?

6 A Yes.

7 Q Now, immediately when law enforcement arrived, they
8 secured the immediate murder scene --

9 A That is my understanding, yes.

10 Q -- down at the kennels. And they eventually
11 thoroughly searched the Moselle residence. There was
12 search of the Moselle residence the next day, correct?

13 A That's correct.

14 Q Do you know what time that was? Early afternoon or
15 late morning?

16 A That is the approximate time, yes.

17 Q And no murder weapons were found in the residence. Is
18 that correct?

19 A That is correct.

20 Q And no murder weapons were found on the property at
21 Moselle. Is that correct?

22 A That is correct.

23 Q And was a search of the route between Moselle and
24 Almeda ever done?

25 A It wasn't walked from Moselle to Almeda, but it was

1 driven several times.

2 Q And you didn't find any weapons there, correct?

3 A No, sir.

4 Q And was a search of the waterways along the route done
5 between Moselle and Almeda?

6 A Most waterways, yes.

7 Q Excuse me?

8 A Most waterways. I don't know if every single one was
9 searched, but there were several waterways searched.

10 Q Now, we know from the General Motors OnStar data that
11 was delivered during the middle of this trial that Alex did
12 not stop from the moment he left Moselle to drive to
13 Almeda. Is that correct?

14 A Correct.

15 Q You've reviewed that.

16 A Yes.

17 Q There was no detours along the way, correct?

18 A No, sir.

19 Q And you never searched the Almeda property for any
20 signs of murder evidence -- guns, bloody clothes, or
21 anything -- until well after some time in mid to late
22 September. Is that correct?

23 A That is correct.

24 Q You could have searched Almeda that night, correct?

25 A If I had probable cause to, yes, sir.

1 Q Well, was anybody denying consent to search? When I
2 say anybody, did -- Alex Murdaugh gave you carte blanche
3 consent to search anywhere on his property, did he not?

4 A Yes, he did.

5 Q And John Marvin was assisting SLED in facilitating
6 wherever you wanted to look. Wasn't he doing that?

7 A He was, but the night of June 7th, even though Alex
8 was in the circle basically by default because of his close
9 relationship with the victims and finding them, I did not
10 consider him the main suspect, or the only suspect, because
11 I had no probable cause and no evidence to support that he
12 killed his wife and son.

13 Q Well, if a thorough, tight, quick, prompt
14 investigation had been taken from the Moselle property, the
15 route to Almeda, and the Almeda property, that could have
16 possibly excluded Alex from this circle, couldn't it, if
17 you found no evidence of guns, bloody clothes, or anything,
18 right?

19 A If you know what you're looking for and where to look,
20 it may have some type of information that would lead you to
21 that area, yes.

22 Q And that opportunity was missed. Would you agree with
23 that?

24 A I wouldn't say it was missed because it wasn't known
25 about other than, you know, several hours later when we get

1 to the bodies and there are no weapons found. It wasn't
2 until the casings and the shotshells were recovered that I
3 actually knew what the calibers were.

4 Q Okay. Pretty clear the night of the murders the
5 Colleton County sheriff's deputies on the scene recognized
6 the shell casings as being 300 blackouts, correct?

7 A That's what they told me, but I wanted to verify for
8 myself.

9 Q Right, and by 6:00, 7:00, 8:00 the next morning on
10 June the 8th, Rogan Gibson had been interviewed where he
11 said I thought I heard Alex Murdaugh's voice in the
12 background, right?

13 A Yes, sir.

14 Q And Alex had told you that he had gone to the -- that
15 he left Moselle and gone to Alemnda, right?

16 A Yes.

17 Q And so as of the late morning of June the 8th -- well,
18 let me back up. That first interview with Alex you state
19 that he did not inform you that he was down at the kennels
20 after dinner, right?

21 A That is correct. He said --

22 Q And you get the information from Rogan Gibson that
23 contradicted that.

24 A Yes.

25 Q And Alex Murdaugh is in the middle of this circle on

1 the morning of June 8th.

2 A Well, I still needed to build a timeline because
3 speaking with Alex, he was giving me some times and I
4 needed to build that timeline. And not having that,
5 coupled with Rogan's statement that he was -- he was
6 100 percent sure he was on the phone with Paul. He was
7 100 percent sure that he heard Maggie. He was only
8 99 percent sure. Even though it's a great percentage, he
9 said he was 99 percent sure it was Alex. I needed to
10 gather some more information before I just go back and
11 confront Alex on that.

12 Q Sure. Well, tell me what the thought process was
13 behind searching the Moselle residence. What were you
14 looking for?

15 A Any types of ammunition. It was 300 Blackout. We had
16 the 12 gauge shotshells. We know that it's -- hunting is
17 going on. Hunting goes on out there of all types. In the
18 shed there was some additional ammunition that was in a
19 bucket. I needed to see what type of ammunition or
20 firearms were in the house to try to get documentation of
21 what was missing, what was there.

22 Q And why was Agent McCallister looking in the tubs and
23 the drains for guns?

24 A Why was she?

25 Q Yeah.

1 A You'll have to ask her. I wasn't there.

2 Q I mean, it was obvious that you were searching to see
3 if there was any evidence of blood in the house. You would
4 want to do that, right?

5 A Yes.

6 Q Because Alex is in the circle and he'd been to the
7 house.

8 A Yes.

9 Q Alex is in the circle. He had been to Almeda, right?

10 A Yes, sir.

11 Q And no one went to Almeda to look for guns or blood or
12 bloody clothes, did they?

13 A Not that day, no, sir.

14 Q Would you agree that that was an opportunity missed?

15 A For Almeda, yes.

16 Q Now, we talked about the murder weapons. You would
17 expect that the murder weapons would also have on them, at
18 least the shotgun, the 12 gauge that killed Paul, would
19 have some biological material, blood on the shotgun, fair
20 enough?

21 A Fair enough.

22 Q And the assault weapon and the shotgun would have GSR
23 on it, would it not?

24 A Yes.

25 Q And if someone were transporting a shotgun with blood

1 on it and a rifle with GSR on it and you got their vehicle,
2 you would look for signs of that in the vehicle, would you
3 not?

4 A Yes.

5 Q And that was done here, was it not?

6 A It was done on the Suburban and the Mercedes, yes.

7 Q Excuse me?

8 A It was done on the Suburban and the Mercedes, yes.

9 Q Yeah, and so there's nothing in the Suburban, there's
10 no blood in the back where people would possibly carry
11 guns. Let's say the back. I'm talking the back/back.

12 A The cargo area, yes.

13 Q Yeah. There's no evidence of blood back there, right?

14 A No, sir.

15 Q No evidence of GSR back there, was there?

16 A No, sir.

17 Q There's no evidence of blood or GSR in the second or
18 third seats, correct?

19 A No, sir.

20 Q And the only GSR found in the Suburban was one speck,
21 one speck on a belt buckle -- I mean, a seatbelt buckle,
22 right?

23 A That is correct.

24 Q And there was one drip of blood confirmed on the
25 steering wheel that comes back with Maggie's DNA. Is that

1 right?

2 A Yes.

3 Q And we know from the General Motors stuff we just got
4 during the trial that that Suburban never went down to the
5 kennels until after Alex came back from Alameda. Is that
6 right?

7 A Yes, sir.

8 Q So, can we rule out that Alex put any guns from the
9 murder in the back of the Suburban?

10 A Unless it was wrapped in something.

11 Q Okay, and have you found anything it was wrapped in?

12 A We have a blue raincoat that has numerous particles of
13 GSR in it.

14 Q Let's talk about that blue raincoat for a second.

15 A Sure.

16 Q You developed information about a blue tarp from
17 interviewing -- or SLED agents interviewing Shelley Smith.
18 Is that correct?

19 A Yes, sir.

20 Q And when you're doing a search some time in September
21 at Alameda for this blue tarp, you find a blue rain jacket
22 rolled up in a closet, right?

23 A I believe it was balled up, yes, sir.

24 Q You say balled up, and you were there during the
25 search, right?

1 A Yes, sir.

2 Q And you also found a tarp somewhere else in the -- on
3 the property, right? I mean, excuse me, in the attic or
4 somewhere?

5 A Yes, sir. It was on the second floor folded up in a
6 tote in a closet with other things on top of the tote.

7 Q And so this blue rain jacket, you showed it to Shelley
8 Smith, didn't you, and said is this what you were talking
9 about?

10 A I showed her a picture.

11 Q You showed a picture to Shelley Smith?

12 A I showed a picture to Shelley Smith to ask her if it
13 was the similar color.

14 Q And when did you show Shelley Smith that picture?

15 A I believe it was last month.

16 Q Last month. It -- well, so, was it during the trial?

17 A No, sir.

18 Q Was it preparing for trial?

19 A I believe so, yes.

20 Q Okay, but you had not shown her that before Alex
21 Murdaugh had been indicted for murder, right?

22 A No, sir.

23 Q But you had shown that blue rain jacket to a number of
24 people to see if they recognized it?

25 A I showed it to family members to see if they

1 recognized it as being Alex, Maggie, Paul's, Buster's, or
2 anybody else in the family.

3 Q And not a single family member recognized that blue
4 rain jacket.

5 A No, they did not.

6 Q And Shelley Smith described the tarp, as she saw it,
7 laying out on Ms. Libby's retirement rocking chair, and it
8 was a tarp, right?

9 A She told me that it was a blue vinyl type looking tarp
10 type material, and that Alex came in and it was folded up,
11 or balled up in his arms, and then after he left she
12 noticed it laying on the chair.

13 Q And so you showed her a picture of this balled up rain
14 jacket and said is it this color? Is that what you did?

15 A I asked her -- well, I knew she wasn't going to be
16 able to identify the rain coat because the picture I showed
17 her was from our lab where it was opened up and spread out,
18 and she's telling me that it was balled up. So, I know
19 she's not going to be able to identify the rain coat, but
20 she can at least identify, or attempt to identify, the
21 color.

22 Q You read reports of her interview, and you probably
23 saw her entire interview by video, did you not?

24 A Yes.

25 Q And you understand that she said she saw that thing

1 two times, right?

2 A I don't recall that, sir.

3 Q You don't recall her --

4 A Well, the two times with her -- with Alex coming in
5 with it, and then seeing it on the chair.

6 Q Yeah, and it wasn't balled up when she saw it on the
7 chair, that's not the report you received, correct?

8 A No, but it wasn't -- also wasn't spread out, opened up
9 like it was in the picture that I showed her.

10 Q She didn't tell you it was spread up, opened up on the
11 retirement chair?

12 A She told me it was laid across the chair is the
13 information that I received.

14 Q It wasn't balled up though, right?

15 A No, sir.

16 Q Yet you didn't show her a picture of the rain jacket,
17 right?

18 A I did show her a picture of the rain jacket.

19 Q As balled up?

20 A No, sir.

21 Q You showed her a picture of the rain jacket that was
22 opened?

23 A I believe I showed -- I'm not sure. I know I showed
24 her the picture of it opened up to see if she recognized
25 the color.

1 Q Okay. I think the jury will remember what she
2 testified about --

3 MR. MEADORS: Objection, Your Honor.

4 THE COURT: The objection is sustained.

5 Q And you know that rain jacket did not have any blood.
6 I mean, it was tested for blood. There's no blood on it,
7 right?

8 A I'm aware of that, yes, sir.

9 Q And if someone had wrapped up the shotgun killing Paul
10 in that rain jacket, you would expect to find blood, would
11 you not?

12 A At least DNA, yes.

13 Q Well, there's no DNA either, right?

14 A Yes.

15 Q So, there's no DNA and no blood in that rain jacket,
16 correct?

17 A There's no DNA, yes.

18 Q And that -- and you know it was tested with LCV and
19 there was no presumptive sign of blood there, right?

20 A Correct.

21 Q So, are you willing to agree that it doesn't look like
22 that rain jacket was used to carry any murder weapons on
23 the night of June 7th?

24 A They had weapons in them. I would -- I would believe
25 that they had weapons in them at some time because there

1 was GSR in them.

2 Q Yeah, and we don't know if that was five years ago,
3 three years ago, one year ago, do we?

4 A Correct.

5 Q We do know from folks working on the investigation
6 that you're leading is there's no blood or no DNA on that
7 rain jacket.

8 A Correct.

9 Q And you know from your experience that there would be
10 blood on the shotgun, and if you were wrapping it up in
11 that jacket, you're going to have blood on the jacket,
12 right?

13 A Well, you would believe that there would be blood or
14 DNA on the barrel of the shotgun, but until you actually
15 have it to test it, I can't sit here and say yes, it would
16 be there.

17 Q Okay, and we know it wasn't cleaned off because if it
18 had been washed off, the GSR would have been washed off,
19 correct?

20 A If they wiped the exterior of the barrel for blood or
21 DNA, but it still doesn't wipe off the particles that are
22 in the barrel that could fall down and out.

23 Q All right, and let's talk about wash down. Did you
24 notice any wet spots in the back of the Suburban?

25 A No, sir.

1 Q Did you notice any wet spots in the back seat of the
2 Suburban?

3 A No, sir.

4 Q Did it look like the Suburban, anything wet and then
5 placed in the Suburban?

6 A No, sir.

7 Q And if Alex Murdaugh had cleaned up after committing
8 these horrendous murders, wouldn't you expect to sign --
9 find some trace evidence of blood somewhere in the house if
10 that's where it occurred?

11 A If he cleaned up in the house, yes.

12 Q And did you find any trace evidence of blood in the
13 house indicating Alex had cleaned up?

14 A If he cleaned up in the house, no.

15 Q So the answer is no, you didn't find any trace
16 evidence of blood in the house, correct?

17 A No, sir.

18 Q That's not correct?

19 A There was no trace evidence of blood found in the
20 house, no.

21 Q Thank you. Did you find any blood on the carpet
22 floors or anywhere throughout the house?

23 A No, sir.

24 Q Now, let's talk about Alex's clothes. On July 7,
25 2021, you obtained a Snapchat video of Alex in khakis and

1 this short sleeve dress shirt taken by Paul some time on
2 June 7th. Is that correct?

3 A I did not receive it on June the 7th, but I did
4 receive it, yes.

5 Q Do you have notes when you received it?

6 A There was a Snapchat. Well, it was an extraction from
7 his phone, from Paul's phone, and then we did a search
8 warrant to Snapchat to get that video.

9 Q And you got the video in early July of 2021?

10 A I believe that's when we got it back.

11 Q And, Agent Owen, it may not be in your narrative in
12 your case management notes, but --

13 A I don't see it indicated in my notes, but I know I did
14 not get that Snapchat video the night of June 7th or the
15 early hours of June 8th.

16 Q I said July. I'm sorry.

17 A We got it a couple of weeks after, yes.

18 Q Yeah. So by early July, you had the Snapchat video.

19 A Yes.

20 Q And it's in evidence as Exhibit 306.

21 MR. GRIFFIN: Will you please just pull it up, Doug,
22 and let's freeze it? Stop it right there.

23 Q Now, is this the same video that you showed Alex
24 during the August 11, 2021, interview that the jury and all
25 of us just watched?

1 A It appears to be the same one, yes.

2 Q And you're pointing out to Alex in that interview, you
3 know, here is a picture of you in these clothes and when
4 did you change. That was your question, right?

5 A Yes, sir.

6 Q And his answer was I don't really remember when I
7 changed. Is that right?

8 A That is correct.

9 Q And does -- it looks like he's wearing khaki pants,
10 right?

11 A Yes.

12 Q And it looks like a dress shirt. I think that's what
13 you called it in the interview. Is that right?

14 A Yes.

15 Q Would you agree it looks like a blue dress shirt?

16 A It's a light blue, yes.

17 Q And you agree that on August the 11th at the
18 conclusion of the interview, you essentially confronted
19 him. Did you kill Maggie? Did you kill Paul? And he
20 asked am I a suspect. That happened on August the 11th.
21 Is that right?

22 A Yes, it did.

23 Q And you said I've got to go where the evidence leads
24 me. Is that right?

25 A Yes.

1 Q And you testified here today that on that day, Alex
2 Murdaugh was the one and only suspect.

3 A He was the only known suspect at that time, yes.

4 Q And I think you testified that you had interviewed
5 Blanca, or you got some information from Blanca, but
6 that -- where Blanca had talked about a conversation she
7 had with Alex after this interview on August 11th.

8 A It was some time later, yes.

9 Q And Alex was asking during this conversation with
10 Blanca, you know, what do you remember --

11 MR. MEADORS: Objection.

12 Q -- I'm wearing.

13 MR. MEADORS: Objection.

14 THE COURT: Nature for the -- of the objection?

15 MR. MEADORS: *State vs. Sweets*, self-serving hearsay
16 it calls for. He's asking him what the defendant said.

17 THE COURT: All right. The objection is sustained.

18 Q Did you learn in the course of your investigation that
19 after you confronted Alex with being a suspect and showing
20 him this video that he had -- he questioned Blanca about
21 what he was wearing that day? Is that fair?

22 A Yes.

23 Q Up until August 11th, Alex had given you carte blanche
24 to search anywhere any time on any property that he had.

25 Is that right?

1 A That is correct.

2 Q And on August 11th, he was encouraging you to try to
3 get information from General Motors, and he would do
4 whatever he could to facilitate that exchange, right?

5 A Yes.

6 Q And up until August the 11th, I mean, you had reached
7 out to Alex, me, John Marvin, whenever you needed to go on
8 property to do anything and you always got consent,
9 correct?

10 A That is correct.

11 Q And anything you asked, for the most part it was
12 provided.

13 A Yes.

14 Q At no time prior to August the 11, 2021, did you ask
15 Alex Murdaugh where is that blue shirt? Where are those
16 khaki pants? Where are those shoes? Did you?

17 A No, sir, I did not.

18 Q And you have never asked him for that blue shirt,
19 those tan shoes, and those khaki pants, have you?

20 A No, sir.

21 Q And the reason you didn't is because you weren't
22 concerned about those clothes. Your investigation had been
23 focused since early June on the T-shirt he was wearing, the
24 shorts he was wearing, and the shoes he was wearing at the
25 time he called 911, right?

1 A Yes.

2 Q Is that correct?

3 A Yes.

4 Q And you were actively investigating whether or not the
5 T-shirt had evidence of high velocity blood spatter, which
6 you would expect to find on someone who was shooting Paul.

7 A Back spatter, yes.

8 Q Back spatter. And your agency, in fact, engaged an
9 expert out of state to give his assessment on whether there
10 was high velocity back spatter on the T-shirt, shorts, or
11 any part of the clothing, correct?

12 A Yes. We asked an individual to examine it to look for
13 back spatter.

14 Q And that was after it had been sprayed with the -- the
15 shirt had been sprayed with the LCV to see if there was any
16 indication of blood on the shirt.

17 A Yes.

18 Q Okay, and I noticed that you opened up in these
19 exhibit boxes -- I mean, you opened up, pulled out Alex's
20 shoes. You pulled out Alex's shorts. Mr. Meadors paraded
21 the shorts around the courtroom, but you didn't pull out
22 the shirt. Is that correct?

23 A No, sir.

24 Q Because the shirt has turned purple completely, has it
25 not?

1 A Yes.

2 Q And that was from treating it with this LCV.

3 A That is correct. That is my understanding.

4 Q Right. Now, when you presented this case to the
5 Colleton County Grand Jury to obtain a true billed
6 indictment, you testified under oath that an expert had
7 found multiple --

8 MR. MEADORS: Your Honor, is he talking about grand
9 jury presentation, Colleton County? That's -- you can't --
10 there's not a record of a county grand jury.

11 THE COURT: I didn't hear the complete question. It
12 sounds objectionable but let me hear the question.

13 Q Well, let me lay a foundation. Mr. -- excuse me,
14 Agent Owen, before you testified before the Colleton County
15 Grand Jury, you prepared an outline of your presentation,
16 did you not?

17 A I did.

18 Q And in that outline, you identified essentially a
19 narrative of what you were going to tell the grand jury,
20 correct?

21 A Yes.

22 Q And did you follow that narrative?

23 A For the most part, yes.

24 Q And in that narrative, didn't you state that an expert
25 found multiple particles of blood spatter on the shoulders

1 and front of Alex's shirt? Isn't that correct?

2 A Yes.

3 Q And is that what you told the Colleton County Grand
4 Jury?

5 A Yes.

6 Q However, what SLED and this expert out in Oklahoma
7 overlooked is Agent Zapata's confirmatory blood testing,
8 about which she testified earlier in this trial, that out
9 of 74 cuttings from Alex's T-shirt, that zero tested
10 positive for human blood. Completely overlooked the fact
11 that when you did the human tracing test to confirm whether
12 it's blood, it came up negative. Wasn't that overlooked?

13 A I had never seen the report.

14 Q When did you see the report?

15 A November of 2022.

16 Q After Alex had been indicted and months from trial.
17 Is that right?

18 A Yes.

19 Q Now, a couple of things you talked about. On the tape
20 that we just saw when you interviewed Alex, you told him
21 that there's no unknown DNA taken from the crime scene. Do
22 you remember that on the tape?

23 A At that time, yes.

24 Q Making that representation?

25 A Yes.

1 Q That was August 11th --

2 A Yes, sir.

3 Q -- 2021? On August 11th of 2021, did you know that
4 there was unknown DNA of a male obtained from Maggie's
5 fingernail clippings?

6 A I believe what it was explained to me is that there
7 was one allele under the fingernail, which is not enough
8 for confirmatory test on the DNA.

9 Q Okay. Well, did you hear in court that there were
10 three alleles?

11 A I heard there was one.

12 Q Okay, and another thing. What was tested for DNA? Do
13 you remember?

14 A I do not have that report in front of me, so I'm not
15 going to attempt to speak on that right now.

16 Q Yes, sir, but --

17 A There was a multitude of items. I know that.

18 Q Well, let me -- well, let's start with Paul's --
19 excuse me, Alex's shirt was tested for DNA, was it not?

20 A Yes.

21 Q Maggie's clothes were not tested for DNA, were they?

22 A No, they were not.

23 Q Paul's clothes were not tested for DNA, were they?

24 A No, they were not.

25 Q Now, in your communication with Mr. Bevel out in

1 Oklahoma, at one point in time he asked you to look into
2 whether there was a blood mark in Paul's pocket, and
3 whether there was a matching blood mark on the outside of
4 Paul's pocket. Do you remember that?

5 A Yes, sir.

6 Q Was any DNA testing done of that area?

7 A No, sir.

8 Q But Alex's shirt was DNA tested front and back, right?

9 A Correct.

10 Q But Alex wasn't the victim of any crime on the night
11 of June the 7th, was he?

12 A Not to my knowledge, no.

13 Q So, why are you testing Alex Murdaugh's clothes for
14 DNA? What were you expecting to find?

15 A Evidence to include or exclude him.

16 Q And -- okay. So, he had told you that he had gone up
17 to the bodies of Paul and Maggie, right?

18 A Yes.

19 Q Okay, and what DNA result would have excluded him?

20 A I'm sorry, the lack of any other DNA would have
21 excluded him.

22 Q All right. So, you didn't find any other DNA except,
23 I guess, Nolen Tuten when he hugged him that night, right?

24 A Correct.

25 Q So, did that exclude him?

1 A Well, the shirt wasn't our only piece of evidence.

2 Q Well, the shorts, did you find any --

3 A The shorts weren't our -- the shorts weren't our only
4 piece of evidence.

5 Q I'm trying to focus on DNA.

6 A Okay.

7 Q I mean, so the DNA didn't really add much whatsoever.
8 Is that correct?

9 A Correct.

10 Q In fact, it certainly supported the conclusion that he
11 could not have been wearing those clothes at the time Paul
12 was murdered, right?

13 A That's a distinct possibility, yes.

14 Q Well, I mean, we already talked about and the jury has
15 already seen how gruesome Paul's injuries were. They've
16 seen the blood in the feed room. They've seen everything
17 that -- unimaginable. There was no DNA found on Alex's
18 shirt from Paul, was there, except for a little piece
19 down --

20 A I think there was some DNA on Paul's shirt, yes.

21 Q There was a little piece on the hem. Is that right?

22 A I believe there was one other spot, but yes.

23 Q In your outline to the Colleton County Grand Jury, it
24 indicates on page 18 that you found DNA in the areas of
25 spatter that were identified belonging to Alex, Maggie, and

1 Paul. Do you remember that?

2 A Yes, and that was from the report that I had in my
3 possession.

4 Q And was that accurate?

5 A Now that I have that hematrace report, the hematrace
6 indicates that the parts that she tested, no human blood
7 was found.

8 Q So, you didn't know at the time but you know now that
9 what you told the Colleton County Grand Jury was not
10 correct. Is that fair?

11 A In reference to the shirt, correct.

12 Q Talk about a few other things right quick. On the
13 night of -- or early morning of June the 8th, you obtained
14 Alex's clothes: his shirt, short, shoes. Correct?

15 A Yes, sir.

16 Q And you mentioned in your testimony that you wanted to
17 get them there and then, but Buster was coming to the house
18 and so you graciously allowed Alex to go greet his son, and
19 then you went up and got his clothes, correct?

20 A Yes.

21 Q And when you got his shirt, did you -- well, let me
22 back up. You were standing in the doorway as he was
23 changing?

24 A Yes.

25 Q So you could see him changing?

1 A Well, when he took his shorts, off I gave him some
2 privacy.

3 Q And then he came out and dropped the shorts in a bag?

4 A Yes. I can't remember if he dropped them in there or
5 if he handed them to me and then I put them in there.

6 Q And if he handed them to you, you would have had latex
7 gloves on for sure, right?

8 A Yes.

9 Q And did you put the shorts in one bag?

10 A Yes.

11 Q And then dropped the T-shirt in another bag?

12 A Yes.

13 Q And the shoes, I guess, in a third bag?

14 A Yes, sir.

15 Q And did that happen sort of in the hallway?

16 A That happened right there while I was standing in the
17 doorway, yes.

18 Q And at the time Alex was wearing, I guess, sort of
19 like gym shorts or something he had put on?

20 A He put on clothes after he had changed, yes.

21 Q Do you remember what kind of clothes he put on,
22 like --

23 A Not exactly, no, sir.

24 Q Were they shorts?

25 A I don't recall what he put on afterwards.

1 Q Was it a T-shirt?

2 A I do not recall what he put on afterwards.

3 Q Can you say for sure it wasn't a pair of khaki pants?

4 MR. MEADORS: It's asked and answered, Your Honor.

5 THE COURT: The objection is overruled.

6 Q Can you say for sure it was not a pair of khaki pants?

7 A I do not know what he put on afterwards.

8 Q Now, we've heard about a pair of khaki pants laying on
9 the floor in the bathroom. Did SLED Agent McCallister or
10 anyone ever seize a pair of khaki pants from the house?

11 A Not to my knowledge.

12 Q One of the things that you testified to, and I just
13 wanted to see if we can clear it up. I don't -- you stated
14 in your testimony that Alex indicated he attempted to
15 contact Nolen Tuten that night. Are you sure it was Nolen
16 and it wasn't Rogan?

17 A He contacted Nolen Tuten that night and attempted to
18 contact Rogan Gibson that night.

19 Q Okay, and you also mentioned that as you're driving
20 from Charleston, it's intermittently raining: sometimes
21 hard, sometimes not so hard?

22 A Yes, sir.

23 Q And then when you got to Moselle, it looked like it
24 had been raining. Sometimes it rained hard, sometimes not
25 so hard?

1 A Yes, sir.

2 Q And wasn't it true that rain was dripping off the
3 rooftop of the kennels and above the feed room onto Paul's
4 body?

5 A That's a fair assessment.

6 Q And on his body, and then it would -- and was washing
7 down the concrete pad. I mean, that's a fair assessment
8 also, isn't it?

9 A Yes, sir.

10 Q And if the jury has seen in this trial photos of
11 puddles of water that may look like blood, it's very easily
12 explainable that it came from the rain dropping on Paul's
13 body, right?

14 A Yes.

15 Q I think you covered this. Alex Murdaugh called you
16 multiple times in June and July and early August asking for
17 an update, did he not?

18 A We communicated. Sometimes it was via text and
19 sometimes it was via phone call.

20 Q And not only did he want an update for himself, but he
21 also kept wanting you to update Maggie's parents as well.

22 A And I met with Maggie's parents, yes.

23 Q Sure, but Alex was requesting that of you, was he not?

24 A Well, he was requesting that of me, yes. But I also
25 intended to meet with Maggie's parents regardless if he

1 requested it or not.

2 Q And you're also aware that Alex and Buster and his
3 family put up a reward for tips.

4 A I knew a reward was offered. It was under my
5 impression that that it came from the law firm, but I know
6 that a reward was offered of \$100,000 with an expiration
7 date.

8 Q In the interview of August the 11th, one of questions
9 that Alex had of you was essentially whether Maggie and/or
10 Paul suffered.

11 A Uh-huh.

12 Q Do you remember that?

13 A Yes, sir.

14 Q And I think you told them that if they did, it wasn't
15 for very long, a matter of seconds. Is that right?

16 A Yes, sir.

17 Q Now, let's talk about the shotshells, the shotshells
18 that were found in the feed room where Paul was murdered.
19 There was a buckshot, and I think it was Winchester Drylok?

20 A Uh-huh.

21 Q Waterfowl?

22 A Yes, sir.

23 Q That's not turkey load, right?

24 A I was told it was turkey load at first. I'm not a
25 hunter. I'm not 100 percent sure. I know it was small

1 pellets and big pellets.

2 Q Right.

3 A I know the difference between small pellets and
4 buckshot.

5 Q Right, and after -- okay. So you were operating, lead
6 investigators, under the impression that it was buckshot
7 and turkey load, right?

8 A Yes. Someone told me -- someone told me that night
9 that it was turkey load.

10 Q And turns out it wasn't turkey load. Do you agree
11 with that?

12 A I agree.

13 Q And I think Agent Croft got involved because of his
14 knowledge of firearms and shotshells and the works,
15 correct?

16 A Correct.

17 Q And you mentioned that -- in the interview that you
18 told Alex that there were multiple guns found on the
19 property that were loaded with buckshot and turkey load.
20 Do you remember that?

21 A I believe I used buckshot/bird shot.

22 Q Okay. I mean, Agent Croft has testified, but can you
23 identify any weapons that were loaded with buckshot and
24 birdshot that were found in the house?

25 A Repeat the question.

1 Q Can you identify any weapons found in the house at
2 Moselle that were loaded with buckshot and birdshot?

3 A No, sir.

4 Q Now, when you told Alex that there were multiple
5 weapons loaded with that same load, buckshot and birdshot,
6 was that an investigative tool, or were you just under the
7 misimpression that that was the case?

8 A Investigative tool.

9 Q So, you lied to him?

10 A I'm allowed to use trickery to illicit a response.

11 Q I understand. So, you were trying to trick him. You
12 agree?

13 A I'm allowed to use trickery to illicit a response,
14 yes.

15 Q And you're allowed to do it and you did it.

16 A Yes.

17 Q But you also testified under oath in front of the
18 State Grand jury. You said basically the same thing, that
19 there were four shotguns on the Moselle property and they
20 were loaded with buckshot and turkey load.

21 A Yes.

22 Q Now, were you mistaken then or were you trying to
23 trick the State Grand Jury?

24 A No. I was not trying to trick the State -- or trick
25 the State Grand Jury.

1 Q You were mistaken.

2 A No.

3 Q Well, did you not --

4 A The shotguns that we recovered from the house had two
5 different loads in them. They weren't
6 Winchester-Winchester, or Federal-Federal. They had
7 different loads in them. So, when I tell the State Grand
8 Jury there's different loads in the shotguns, there were
9 different loads in the shotgun.

10 Q So, you're saying you weren't telling them it was
11 buckshot and turkey key load, but you were telling them it
12 was just different brand names of the -- of something.

13 A I may have used buckshot and turkey load or birdshot,
14 but they were two different loads.

15 Q Well, I think we've established that you did not find
16 -- SLED did not find any weapons at the house with buckshot
17 and turkey load loaded in them, right?

18 A That is correct.

19 Q I'm going to show you page 48, line 7 through 14 of
20 your Statewide Grand Jury testimony. Agent Owen, do you
21 recognize that to be a copy of your State Grand Jury
22 testimony?

23 A Yes, I do.

24 Q And what date was that given?

25 A Tuesday, November 16, 2021.

1 Q All right, and if you'll go to the page I had open,
2 and I tell you I'm going to read the question. If you'll
3 read the response. It says at line 7:

4 All right, and were all of them to your
5 recollection loaded that -- like that?

6 And your answer was?

7 A They were -- they were located loaded in a
8 similar fashion, yes.

9 Q Question: In a similar fashion?

10 A Yes, sir.

11 Q Question: With one turkey load and one buckshot load.

12 A Response: Yes, sir.

13 Q All right. Thank you. And that was not accurate,
14 correct?

15 A Correct.

16 Q And people do make mistakes, do they not?

17 A Yes, they do make mistakes.

18 Q And people make mistakes about time frequently. Is
19 that right?

20 A I would believe that would be the most mistakes made
21 is time.

22 Q Okay, and here you were asked to identify
23 inconsistencies with Alex's statements to you, and the one
24 that you pointed out was times. Do you recall that?

25 A Well, the inconsistencies is they kept changing.

1 Q Well, that's right. I mean, you said on -- you said
2 that he said on June 8th he was at his mother's for a
3 little while, and then you said he changed it on June 10th
4 to 25 to 30 minutes. Do you remember testifying to that?

5 A I do.

6 Q And then you said on August the 11th he said he was
7 there for 45 minutes to an hour.

8 A Yes.

9 Q Okay, and you found that those were inconsistent?

10 A Well, there's a difference between 30 minutes -- 20 to
11 30 minutes and 45 minutes to an hour.

12 Q Well, let's work on that. He left -- well, let me
13 tell you. He told you that he left the Moselle Property
14 between 9:00 and 9:10, did he not?

15 A He showed me his text messages and it was narrowed
16 down to 9:06, yes.

17 Q All right. So, clearly --

18 A 9:04 or 9:06.

19 Q So on the night of June 7th, early morning hours of
20 June 8th, you -- he told you looking at the text message I
21 left here at 9:06. Is that right?

22 A Correct.

23 Q And he got back when he called 911 about 10:06, right?

24 A Correct.

25 Q And so he was gone to his mother's almost an hour, was

1 he not?

2 A He was away from Moselle for an hour. But my question
3 to him was how long were you at your mother's, or how long
4 were you at Almeda.

5 Q And in your investigation, as we established in my
6 cross-examination of you moments -- well, or hour -- I
7 don't know how long I've been standing here, a few minutes
8 ago, it's your investigative belief that Maggie and Paul
9 were murdered sometime between 8:50 and 9:06, correct?

10 A Yes.

11 Q So for your investigative purposes, does it make any
12 difference if he's at his mother's house 25 minutes? 35
13 minutes? Obviously he couldn't be there an hour and make
14 it back and call 911, but, I mean, isn't that really not
15 material, how long he was at his mom's?

16 A If I'm trying to build a timeline, yes, it is.

17 Q Well, your timeline is -- you're focused on is 8:50 to
18 9:06, right?

19 A Well, my timeline in what we're talking about is how
20 long he was away from the house when he says he went to
21 Almeda. So, he leaves Moselle at approximately 9:06 is
22 when he sends the text to Maggie, and the 911 call comes in
23 at 10:06. So, I know he's away from Moselle for a hour.
24 And he says he goes to Almeda. How long did you spend at
25 Almeda?

1 Q Right.

2 A He tells me 20 to 30 minutes. Then he goes 45 minutes
3 to a hour.

4 Q I see. I got it. So, it's possible that he was only
5 at Almeda for 5 minutes and he was spending the other time
6 hiding evidence. I mean, that's -- I understand that would
7 be what you're looking at, right?

8 A Yes.

9 Q But General Motors has sent their records in, and we
10 know it was straight to Almeda and drove straight back,
11 right?

12 A That is true. But if you look at the GPS points that
13 came from General Motors, one of them puts him way in the
14 backyard of Almeda.

15 Q Right.

16 A Not in the driveway or where it's normal for them to
17 park.

18 Q In the backyard at the door where Ms. Shelley Smith
19 says he knocked on.

20 A I believe that point is closer to Ms. Libby's work
21 shed.

22 Q Okay. Well, we'll get there. But we know from phone
23 records essentially when he got there, like 9:22, correct?

24 A Yes, sir. I believe that's the time, yes, sir.

25 Q And we know from the GM telemetry data and the GM

1 OnStar and other records what time he left, about 9:45,
2 correct?

3 A Yes, sir.

4 Q So, we know exactly how long he was there.

5 A Yes.

6 Q But the fact that he couldn't recall whether he and
7 Paul rode around for an hour and a half or two and a half
8 hours, you found that significant in your investigation.

9 A Yes.

10 Q Now, you also testified that in the fall of 2021,
11 there started up a financial investigation into Alex's
12 financial dealings. Is that correct?

13 A Yes, sir.

14 Q And you said that overlapped and fed off each other
15 with what your murder investigation was doing?

16 A Yes. I mean, it involved Alex, so we were looking at
17 the totality of the circumstances and seeing if there was
18 any paths that crossed or --

19 Q Okay, I tell you what. Let -- I skipped one part. In
20 your interview as of August 11th, you told us that you had
21 excluded everyone from the circle who had come into the
22 circle except for Alex, and he was your one and only
23 suspect at that point in time.

24 A Yes.

25 Q And, and, and you talked about interviewing C.B. Rowe

1 and him telling you where he was on June 7th, right?

2 A Yes.

3 Q But he later -- you found out he lied to you about
4 where he was on June 7th, right?

5 A Yeah. He came forward with -- and was honest with us
6 without us even approaching him.

7 Q All right, but he was -- initially told you one thing
8 about where he was, subsequently came and told you I was
9 not honest about where I was.

10 A Yes. He didn't want Mr. Murdaugh to know that he was
11 looking for another job in fear of being fired.

12 Q Okay, but part of this financial investigation that
13 overlapped, you developed information that Alex was
14 stealing money from the law firm, client money, to support
15 a drug addiction, did you not?

16 A That's what was purported, that it was for a drug
17 addiction, yes.

18 Q And you learned through your investigation that Alex
19 was paying up to \$50,000 a week to a guy named Curtis Eddie
20 Smith for drugs, right?

21 A That's what was told to us, yes.

22 Q And you learned through this investigation what was
23 told to you, that Eddie was buying these drugs from other
24 folks, members of Sandhill drug gang, right?

25 A Yes.

1 Q And the Sandhill drug gang was a precursor to the
2 Cowboys drug ring, right?

3 A I'm not familiar with the Cowboys, but that's what
4 I've been told, yes.

5 Q And you learned that Eddie owed these drug gang
6 members a lot of money for drugs that were sold to Alex,
7 didn't you?

8 A I believe the information came in to that they weren't
9 worried about what was owed because they knew they were
10 going to get paid.

11 Q That came to you after the -- Maggie and Paul were
12 murdered, right?

13 A That came to us after the September incident as well.

14 Q And did you ever conduct a cell phone analysis of
15 these drug gang members to see where they were on the night
16 of June the 7th?

17 A I didn't have their phone numbers. In my experience,
18 they don't keep the same phone numbers. They use what's
19 called burner phones. But we also did an analysis around
20 Moselle trying to encompass anybody else coming in, and
21 that information did not pan out. There was only two
22 people identified and they were emergency first responders.

23 Q And you're talking about the Geofencing stuff.

24 A Yes, sir.

25 Q Okay. Well, did you ever obtain any DNA samples from

1 these drug gang members to see if they matched Maggie's
2 fingernails?

3 A No, sir.

4 Q And you really never put them in the circle, did you?

5 A The investigation into that, in my understanding --
6 I'm not investigating the drug aspect. That investigation
7 is still ongoing, from my understanding.

8 MR. GRIFFIN: One second, Your Honor.

9 (Break in proceedings.)

10 THE COURT: Ladies and gentlemen, if you all will go
11 to the jury room for a break.

12 (The jury left the courtroom.)

13 MR. MEADORS: May it please the Court? I know we've
14 been in trial four weeks. I don't certainly don't want to
15 mistry this, and I don't think anybody in the world does,
16 but it's the State's belief in his last questions that they
17 opened the door to the roadside shooting. Before I ask --

18 THE COURT: What do you want to do? You want to start
19 questioning this witness about that?

20 MR. MEADORS: To follow up when Eddie Smith came into
21 the -- how he came into the investigation.

22 THE COURT: He's in the middle of -- he's in the
23 middle of cross-examination at this moment.

24 MR. MEADORS: Okay. I just -- can I ask him when
25 Eddie Smith came into the investigation?

1 THE COURT: You want to ask him a question?

2 MR. MEADORS: Just to proffer -- well, just wanted --
3 I didn't want to do anything to mistry and I was surprised
4 that came up.

5 THE COURT: I understand, and I agree with you. But
6 now is not the time for you to -- in the middle his cross-
7 examination to.

8 MR. MEADORS: I'm sorry.

9 THE COURT: Bring the jury.

10 (The jury returned to the courtroom.)

11 THE BAILIFF: The jury is present, sir.

12 THE COURT: You may continue.

13 BY MR. GRIFFIN:

14 Q Just a few lose ends, Agent Owen. In your
15 investigation, you did not identify any life insurance on
16 the lives of Maggie and Paul. Is that correct?

17 A No, I did not.

18 Q And one of the things that was asked of Dr. Riemer
19 about a conversation she had with you as to the stain on
20 her -- on Maggie's calf. Do you remember whether
21 Dr. Riemer her told that there's a bruise there as well?

22 A It's in my notes. Hang on just a moment.

23 (Break in proceedings)

24 A According to my notes, we talk about believes first
25 shot was to Maggie's legs, then abdomen, followed by the

1 wrist. The headshot was final, rear headshot. There was a
2 bruise on Maggie's left calf that coincided with possibly a
3 shoe print or -- but Dr. Riemer did not feel that someone
4 intentionally stood on her leg. And that's according to my
5 notes.

6 Q Yes, sir, and your notes related to there was a muddy
7 thing on the back of her calf and Dr. Riemer noticed there
8 was a bruise there as well. Is that right?

9 A Yes.

10 Q Okay. Lastly you have fingerprints. Were there any
11 dusting for fingerprints done in the feed room at Moselle?

12 A I am not aware if there was or not. I wasn't in the
13 food room with the crime scene the entire time.

14 Q Okay, and the -- we talked about the DNA swabs. I
15 mean, one of the people that was supplying Curtis Eddie
16 Smith is in custody, is he not?

17 A He's in custody, yes, sir.

18 Q Have you gotten a DNA swab from him?

19 A I have not, but I know one has been obtained, yes.

20 Q Do you know if it has been cross-checked against --

21 A It was not obtained in this case. I don't know. I
22 believe it has been crossed-checked. I don't have that
23 report in front of me.

24 Q Another point. Just -- I understand you were not made
25 aware of the negative hematrace confirmatory blood test

1 until some time in November of 2022. Is that right?

2 A That is correct.

3 Q How is it that the lead case agent is left out of the
4 information channel for something so significant?

5 A From what I was able to figure out, when the lab
6 issues reports for -- pursuant to my case or any -- or
7 agent's case, we have email notifications to go in and find
8 that report, or, you know, there's a new report available.
9 Once I figured out that report existed, I searched my
10 emails and I did not have an email notification that that
11 report was there. There was multiple other reports. I had
12 been in there multiple times looking at other reports, and
13 I just -- that report, I did not see that report. I was
14 not made aware of its existence.

15 Q Sure, and it wasn't until after you saw that report
16 that now you changed focus to the clothes he was wearing in
17 the Snapchat video. Is that correct?

18 A Restate that question.

19 Q It wasn't until after you became aware that there's no
20 blood, a hematrace confirmatory test of blood on Alex's
21 shirt that you start, you know, asking questions of folks
22 about the clothing that Alex was wearing in the Snapchat
23 video.

24 A Well, I asked him an August the 11th of 2021 because I
25 was -- had that Snapchat video of when did he change

1 clothes.

2 Q And he said --

3 A He didn't know.

4 Q -- he didn't know, but you never asked for those
5 clothes, never tried to find those clothes, never executed
6 a serve warrant for those clothes, have you?

7 A No, sir.

8 Q Did you develop any information that Eddie Smith was
9 skimming money that Alex was paying him for the drugs, that
10 he wasn't paying the Sandhills Gang everything they were
11 due?

12 A I am not aware of that information.

13 Q And the last thing. You had mentioned that part of
14 your -- and on this -- on the tape interview with Alex, you
15 had mentioned that the Blackout cartridges that were found
16 near Maggie's body matched -- or that were ejected,
17 extracted from the same firearm as used to eject, extract
18 cartridges at the house and the shooting range. Do you
19 remember telling Alex that?

20 A Yes.

21 Q But you were informed, though, that forensically at
22 the lab they could not say with 100 percent confirmation
23 that they actually matched until the missing firearm was
24 recovered.

25 A That was my understanding, yes.

1 Q That's what Agent Greer or others that he worked for
2 told you as the leading case agent.

3 A That's what Mr. Greer told me, yes.

4 Q That he couldn't say with 100 percent certainty. Is
5 that right?

6 A Of what -- he couldn't say 100 percent certainty which
7 firearm that came out of until he had a firearm to compare
8 it to.

9 Q Thank you.

10 MR. GRIFFIN: That's all of the questions I have, Your
11 Honor.

12 THE COURT: Redirect.

13 REDIRECT EXAMINATION

14 BY MR. MEADORS:

15 Q Did he say that those shell casings from Maggie's
16 blood at the side of the house and the shooting range were
17 all cylindered and came -- had been in the same gun at one
18 time?

19 A Yes.

20 Q And when you asked the defendant on that -- in the
21 third interview that said this was a -- told him exactly
22 what I told you, so he -- it was a family owned gun, right?

23 A Yes.

24 Q And then he kind of responded how did they get it. He
25 was almost going with you. How did they get it, right?

1 A Yes, sir.

2 Q Now, is one of the ways you get somebody out of the
3 center by asking them to give statements?

4 A Yes, sir.

5 Q Tell me what happened?

6 A Yes, sir.

7 Q And on June 7th, did you say tell me what happened?

8 A Yes, sir.

9 Q And on June 10th, did you say tell me what happened?

10 A Yes, sir, and on June 10th I wanted more detail.

11 Q I'm sorry?

12 A I wanted more detail on June 10th.

13 Q And did you get more detail?

14 A I got more detail on June 10th, yes.

15 Q And on August 11th, did you give some information and
16 then try to gain some information?

17 A That's correct.

18 Q And Mr. Griffin asked you about that shirt and all.
19 Did he say, Bo, hold on, let me go get that thing and bring
20 it back to you right now?

21 A The shirt? No, sir.

22 Q He didn't say hold on. I'll go and get that shirt
23 right now.

24 A Talking about the white T-shirt?

25 Q No, sir. I'm talking about the -- August 11th when --

1 A Oh, August 11th --

2 Q -- the shirt he was talking --

3 A -- no, sir.

4 Q And he tried to describe it to this -- wasn't this
5 described as a seafoam shirt? Were you familiar --

6 MR. GRIFFIN: Objection, Your Honor. Leading and
7 misleading.

8 Q How would that shirt have been described? Do you know
9 in your investigation by the witness who saw it, Ms. Blanca
10 Simpson?

11 A Ms. Blanca described me that she saw him leaving the
12 house that Monday morning in a seafoam pullover. I believe
13 she characterized it as a Vinny Vines shirt.

14 Q She said a polo shirt leaving that morning.

15 A Yes.

16 Q On this video he showed you with the tree, how had she
17 described that shirt in the tree?

18 A A blue button-up. She described it as a Columbia
19 style shirt.

20 Q Columbia shirt. Seafoam?

21 MR. GRIFFIN: Objection, Your Honor. Leading.

22 THE COURT: Don't lead the witness.

23 Q Did she tell you what color she thought it was?

24 A The one leaving that morning --

25 Q No, sir, the one in the tree.

1 A The one -- blue.

2 Q On June 7th, June 10th, August 11th, did Alex Murdaugh
3 ever mention anybody else that might be a potential suspect
4 in this case?

5 A No, sir, other than he mentioned -- he continued to
6 mention the boat case, but no specific individual.

7 Q Did he mention to you anything about these cowboys
8 that Mr. Griffin has asked you about?

9 A No, sir.

10 Q Did he mention to you anything about a Curtis Edward
11 Smith?

12 A No, sir.

13 Q June 7th he didn't?

14 A No, sir.

15 Q June 10th he didn't?

16 A No, sir.

17 Q August 11th he didn't?

18 A No, sir.

19 Q When did he ask you about Curtis Edward Smith -- or
20 when did he bring in Curtis Edward Smith into this
21 investigation, he being Alex Murdaugh?

22 A September 4th of 2021.

23 Q September 4th of 2021. And can you tell us how that
24 came about?

25 MR. GRIFFIN: Objection, Your Honor.

1 THE COURT: The objection is overruled.

2 THE WITNESS: Continue?

3 Q How did it come about that Mr. Murdaugh told you about
4 Curtis Edward Smith?

5 A On September 4th of 2021, I received a phone call from
6 Randy Murdaugh that Alex had been shot, and they were
7 concerned for his safety, and what was going on. And I
8 immediately responded with all the other agents to the
9 scene.

10 Q What scene?

11 A The scene on Old Salkehatchie Road in Varnville,
12 Hampton County.

13 Q And did you go to that scene?

14 A I did.

15 Q And did you see the defendant, Alex Murdaugh, at the
16 scene?

17 A No, I did not. He had been transported to the
18 hospital.

19 Q Okay. Do you know where he was transported?

20 A I believe it was Savannah, a hospital in Savannah.

21 Q Okay, and at that point, did you or another SLED agent
22 go to Savannah hospital to go to interview the defendant?

23 A Two other agents went to the hospital to interview
24 Alex.

25 Q And is one of those Agent Neill?

1 A No, Agent Kelly.

2 Q Agent Kelly?

3 MR. MEADORS: Are you in courtroom?

4 SPEAKER: Yes.

5 MR. MEADORS: Will you please stand?

6 Q Is that him?

7 A Yes, sir.

8 MR. MEADORS: Thank you.

9 Q And in the hospital -- and what day was this?

10 A September 4th of 2021.

11 Q September 4th of 2021. And at that point did the
12 defendant -- or did you learn through an investigation, did
13 he say somebody shot him on the side of the road?

14 A Yes. Through the investigation, that's what was told
15 to us.

16 Q Well, did he identify anybody on September 4th who
17 shot him?

18 A Not by name. He gave a description.

19 Q He gave a description.

20 A Yes.

21 Q Okay. Did he attempt to pick somebody out of a book?

22 A No, sir. There was -- I believe a SLED forensic
23 composite artist went down and did a composite drawing with
24 him.

25 Q So, he helped get a sketch of the person who shot him?

1 A Yes, sir.

2 Q Described the person?

3 A Yes, sir.

4 Q Did they actually do a sketch?

5 A Yes, sir, they did.

6 Q And at that point, had he mentioned anybody's name
7 else in the investigation that you ought to go back and
8 look at about Paul and Maggie's murder?

9 A No, sir.

10 Q After that, did the defendant tell you or your law
11 enforcement friends he was lying about the roadside
12 incident?

13 MR. GRIFFIN: Objection to the extent it's hearsay.
14 He didn't tell this agent. This is not appropriate.

15 THE COURT: Yes, sir.

16 MR. MEADORS: Can I ask --

17 THE COURT: Yes, sir.

18 Q Did defendant give another statement about the
19 roadside?

20 A Yes, he did.

21 Q Did he admit he was lying?

22 MR. GRIFFIN: Objection.

23 THE COURT: Statement to you or to someone else?

24 THE WITNESS: Statement to someone else, sir.

25 THE COURT: The objection is sustained.

1 Q At what point in response to their question did the
2 defendant bring in Curtis Eddie Smith's name to this?

3 A I don't believe he ever brought Curtis Smith's name
4 into it. It was through investigation that we developed
5 him as a suspect or the subject involved in the shooting.

6 Q And did the defendant give an interview with
7 Mr. Harpootlian and Mr. Griffin via audio phone call where
8 they mentioned Curtis Edward Smith?

9 MR. GRIFFIN: Objection. Hearsay.

10 THE COURT: The objection is overruled.

11 A I know an interview was conducted. I don't know who
12 was present. I was not present for that interview.

13 Q Did Curtis Edward Smith through this chief
14 investigator's -- name come out of that interview?

15 A I did not know, sir.

16 Q But prior to that day, had Alex Murdaugh ever
17 mentioned to you Curtis Edward Smith or anybody else that
18 might have been involved in his son's or mother's -- or
19 son's or his wife's murder?

20 A No, sir.

21 Q So, after the roadside incident and whatever he told
22 whoever is going to be called, that's when he brought in
23 other people.

24 A Yes, sir.

25 Q Now, Mr. Griffin has asked a lot of questions about

1 the search. The crime scene where the two bodies were, was
2 that secured?

3 A Yes, it was.

4 Q Was evidence gathered?

5 A Yes, it was.

6 Q Were swabs taken?

7 A Yes, they were.

8 Q And I think he asked you about the Suburban, his
9 Suburban, and whether or not there was anything wet in the
10 back of his car. Are you familiar with what's known as a
11 cooler?

12 A Yes, sir.

13 Q A good old cooler?

14 A Yes, sir.

15 Q Could you put wet garments in a cooler?

16 A You can, yes.

17 Q You can.

18 A Yes.

19 Q Okay, and he asked you about anything in the car. Was
20 there blood on the steering wheel of the Suburban, that
21 car?

22 A There was blood found on that steering wheel, yes.

23 Q And that DNA from that blood came back to whom?

24 A Maggie Murdaugh.

25 Q Maggie Murdaugh.

1 A Yes, sir.

2 Q And he asked you about some guns. Did the defendant
3 hand you a gun?

4 A He handed first responders a gun, yes, sir.

5 Q What type of gun was that?

6 A It was a 12 gauge shotgun.

7 Q And when I say you, sometimes I mean law enforcement.
8 I apologize.

9 A I understand.

10 Q And as a result of swabs, was blood identified on that
11 gun?

12 A Yes, sir.

13 Q And whose blood -- whose DNA was that?

14 A Maggie Murdaugh.

15 Q Maggie Murdaugh.

16 A Yes, sir.

17 Q And was that 12 gauge shotgun consistent or
18 inconsistent with the weapon that killed Paul Murdaugh?

19 A It was the same gauge being a 12 gauge, and the
20 firearms examiner was not able to exclude the gun.

21 Q Which means he could include it but not exclude it.

22 A Correct.

23 Q And Mr. Griffin asked you about getting out of the
24 circle. But when you talk to somebody, are you looking for
25 consistent statements, inconsistent when you're examining

1 or talking to somebody that might be involved? Why are you
2 asking them questions?

3 A To learn more, to see if they tell the same story.

4 Q And if that story is contradicted by other witnesses,
5 do you want to know that?

6 A Yes, sir.

7 Q And were you going out to check his story with other
8 witnesses?

9 A Yes, sir.

10 Q What he told you versus what other witnesses told you?

11 A Correct.

12 Q As a result of that, were there contradictions between
13 what Mr. Murdaugh told you and what witnesses told you?

14 A Yes.

15 Q Shelley Smith?

16 A Yes.

17 Q Blanca Simpson?

18 A Yes.

19 Q And he asked you and spent a long time about this
20 timeframe. Why does it matter when he got out to Almeda?
21 Would it matter if somebody is hiding guns somewhere on
22 Almeda? Would you need time to do that?

23 A You would need time, but if you're familiar with it, I
24 don't think you would need that much time.

25 Q But would it take time to go hide guns?

1 A 5 minutes, 10 minutes.

2 Q Okay. Would it take time -- would that be a reason
3 why you might have a contradictory statement of how long
4 you would visited somebody?

5 A Yes.

6 Q And your car would still be there, wouldn't it?

7 A Yes.

8 Q Did C.B. -- he asked you about C.B. Rowe. Did he ever
9 identify an -- did he ever tell you about a cooler that was
10 found out there at some point that wasn't usually there?

11 A Yes. Out by what's been referred to as the skin shed
12 where they process meat.

13 Q What, what -- where -- what was that about that
14 cooler?

15 MR. GRIFFIN: Objection. Hearsay.

16 Q In the course of your investigation, had that cooler
17 been there before that night?

18 A C.B. Rowe told us it was not. When he left on Friday
19 prior to the --

20 MR. GRIFFIN: Objection, Your Honor. Hearsay.

21 THE COURT: Objection is sustained.

22 Q Did you see that cooler after Friday?

23 A Did I see the cooler on -- when C.B. Rowe pointed it
24 out? Yes.

25 Q You did see it.

1 A Yes.

2 Q And was it there Saturday -- excuse me. Did you see
3 it on Monday or Monday afternoon or Tuesday morning?

4 A Monday night/Tuesday morning, yes, I did see it.

5 Q Did you see that cooler again?

6 A I don't recall.

7 Q Okay. He asked you about the rain jacket, the tarp,
8 and asked you if was there any blood or -- does that coat,
9 does that repel water, that jacket, the rain jacket?

10 A Yes, I would think so being a rain jacket.

11 Q Was there GSR located on that rain jacket?

12 A On the inside of it, yes.

13 Q Say it again, on the where?

14 A On the inside.

15 Q And he asked you about blood or DNA. Was there a
16 whole bunch of GSR found on that -- inside of that rain
17 jacket?

18 A Yes, it was.

19 Q And he asked you about, I believe, Shelley's testimony
20 or -- about seeing that rain jacket. Did she say he was
21 holding it like this?

22 A Yes. She said it was balled up in his arms.

23 Q And he was asking you about timing, I think, unless
24 I'm crazy, that that could be there five years, ten years.

25 When did Blanca Simpson, when did she -- Shelley Smith, I'm

1 sorry, tell your investigation hey, I saw him with this
2 blue vinyl coat? When was that in relation to the murders?
3 Was that five years? Ten years? How long was that?

4 MR. GRIFFIN: Objection, Your Honor. He's misstating
5 --

6 THE COURT: The objection is overruled.

7 MR. GRIFFIN: -- the record.

8 A She told us she saw it the day after Mr. Randolph
9 Murdaugh's funeral, which in my investigation was --

10 MR. GRIFFIN: Objection. Hearsay.

11 THE COURT: Objection is overruled.

12 A Which would be June 14th, the following Monday after
13 Paul and Maggie were murdered, so seven days.

14 Q Was there -- now, he asked you about your testimony to
15 the Colleton County Grand Jury.

16 A Yes, sir.

17 Q I didn't know it was out there. Did you give them a
18 summary of the case?

19 A The grand jury? Yes.

20 Q Did that include timeline?

21 A I believe so, yes.

22 Q Some of his financial crimes?

23 A Yes.

24 Q Background?

25 A Yes, sir.

1 Q Did that include information the jury hears from some
2 of these lawyers in the financial issues?

3 A Yes, sir.

4 Q Did that include whether Blackout casings near Maggie
5 were consistent with those, or matched those found near the
6 house and the property?

7 A It did.

8 Q Did it include that the family had three Blackout
9 rifles?

10 A Yes.

11 Q Alex originally had two but remembered in the follow
12 up one of them had been replaced?

13 A Yes, sir.

14 Q And that you had confirmed that?

15 A Yes.

16 Q Did you present whether or not shotguns of similar
17 make and load were found on the property?

18 A Yes.

19 Q Did you present that Alex was in possession of a
20 shotgun that was consistent with one of murderous weapons?
21 Couldn't be excluded?

22 A Correct.

23 Q And did you mention to them about Shelley Smith and
24 kind of what we've just been talking about?

25 A Yes, sir.

1 Q Did you mention to them about defendant denying going
2 to the kennels three times?

3 A Yes.

4 MR. GRIFFIN: Objection, Your Honor. He's leading the
5 witness.

6 THE COURT: Don't lead the witness.

7 Q What did you tell them about him going to the kennels?

8 A That after dinner he stayed at the house and took a
9 nap when Maggie went to the kennels and Paul left. He
10 wasn't sure where he went, but that he was never at the
11 kennels after dinner.

12 Q Did you mention to them about Rogan Gibson?

13 A In the phone call that he had had with Paul, and that
14 Rogan had heard Paul, was talking to Paul on the phone and
15 heard Maggie in the background, and he was 99 percent sure
16 that he heard Alex in the background. And that phone call
17 would have been around 8:44 p.m.

18 Q Did you mention about this to the grand jury, this
19 video ultimately got located or downloaded?

20 A That it was found on Paul's phone.

21 Q Did you tell them the contents of that video?

22 A Yes. That Paul was taking a video of the dog, Rogan
23 Gibson's dog, his chocolate lab, and that Maggie was in the
24 background, and that Alex was in the background.

25 Q And did you present to them about the -- I think some

1 of what we heard -- the money he acquired, he being Alex,
2 after this incident, the money he came into?

3 A Yes.

4 Q Did you mention to them about whether Maggie intended
5 to go to Moselle --

6 MR. GRIFFIN: Objection. Leading.

7 Q -- that night or not? What did you say to them about
8 Maggie going to -- and her plans or whether she was going
9 to go to Moselle that night or wanted to, if anything?

10 A That Maggie had intended to go to Edisto but had
11 received a call from Alex requesting her to come home, that
12 Paul was there, which contradicted the statements from the
13 sister, Marian, where Maggie -- I'm sorry. I misspoke.

14 Maggie had called Marian and said that she had
15 received a call from Alex, that Alex wanted her to come to
16 Moselle, that Paul was there, and his dad was in the
17 hospital. But during the interview with Alex in August, he
18 stated that it was basically a surprise. He didn't know
19 she was coming.

20 Q And did you mention to them that an award -- reward
21 had been offered by the law firm?

22 A That a reward was offered, \$100,000, with an
23 expiration date.

24 Q And did you tell them whether or not there was any
25 other information, or any other credible evidence pointing

1 to anybody else?

2 A I did.

3 Q He asked you -- Mr. Griffin asked you about the scene.

4 It was bloody?

5 A Very bloody.

6 Q Defendant said he had touched and rolled, tried to

7 move Paul.

8 A Yes, sir.

9 Q Did you see any evidence of that on him? You, your

10 eyes, did you see any?

11 A I did not see any on Alex, no, sir.

12 Q Mr. Griffin has gone -- I don't know if this is a good

13 question or not. Did they say go to Almeda?

14 A Who?

15 Q Him.

16 A No, sir.

17 Q Alex Murdaugh or any of the lawyers there.

18 A No.

19 Q Did they give you consent to search Almeda that night?

20 A No, sir.

21 Q Did they say go search Almeda?

22 A No, sir.

23 MR. MEADORS: Is that funny? I'm sorry.

24 MR. HARPOOTLIAN: Your Honor, I object, he's

25 addressing me. If I found the question humorous --

1 MR. MEADORS: I apologize.

2 MR. HARPOOTLIAN: -- I'm sorry. I thought it was a
3 funny question. It was a rhetorical question. I would ask
4 the Court to instruct him not to address me but the
5 witness. Thank you.

6 THE COURT: You may proceed.

7 Q I guess the point, Mr. Griffin said they were bending
8 over wanting to help, wanting to do all this. Never
9 mentioned Curtis Smith or anybody else until September,
10 right?

11 MR. GRIFFIN: Objection. Leading.

12 THE COURT: Don't lead the witness.

13 MR. MEADORS: I'm sorry. I apologize.

14 Q Did he ever mention anybody else who could have done
15 this, who could have been involved, who could have killed
16 my wife and my son from June 7th of 2021 until September of
17 '21? Did he ever mention anybody else?

18 A No, he did not.

19 MR. GRIFFIN: Objection. Leading.

20 THE COURT: He's already answered.

21 MR. MEADORS: Thank you.

22 THE COURT: Further questions?

23 MR. GRIFFIN: Yes, Your Honor.

24 RECROSS-EXAMINATION

25 BY MR. GRIFFIN:

1 Q Is it police procedure that the suspect of your
2 investigation is supposed to solve the crime?

3 A No, it's not, but it helps to have information from
4 other sources.

5 Q And you were asked a number of what-ifs. One what-if
6 was like what if he hid the guns at Alameda, how long would
7 that take? And you said 5 minutes, right?

8 A I said 5 or 10 minutes depending on if you know the
9 area.

10 Q What if you'd gone over there that night and searched
11 Alameda? How long would that have taken?

12 A Quite some time. Large property.

13 Q And we would know today that there were no guns hidden
14 on the property.

15 A Well, that night Alex was not considered a main
16 suspect, and I had no information to go search Alameda for
17 guns.

18 Q At what point in time did you ask Alex did you hide
19 guns at Alameda?

20 A I didn't.

21 Q The first time that question ever came to you was on
22 February 15th at 4:30 in the afternoon. Is that right?

23 A Yes, sir.

24 Q And I think you testified about Item 22, and I just
25 may not have heard you correctly, but -- and Mr. Greer's

1 testimony will speak for itself, but the results were he
2 can't say if it's -- Item 22 is the shotgun that Alex had
3 when Deputy Greene came in, but he can't say -- he can't
4 exclude it. He can't exclude it. He can't say anything
5 about it.

6 A Correct.

7 Q Okay. Now, you mentioned what Shelley Smith told you
8 in an interview, I take it. Did she tell you? Did you
9 ever interview Shelley Smith?

10 A Yes, I did.

11 Q And you testified that she told you that Alex came
12 over there on June 14th in the morning, right? That's what
13 you testified to this jury that's what she told you.

14 A She told me it was the day after Mr. Murdaugh's --
15 Randolph Murdaugh's funeral. Through my research would
16 have been June 14th.

17 Q And you were here in the courtroom when she testified
18 under oath in front of this jury that Alex came over there
19 three days later, and it was June 16th on Wednesday. You
20 heard that testimony, didn't you?

21 A That's what she said in court, yes.

22 Q That was her sworn testimony, correct?

23 A Yes.

24 MR. GRIFFIN: All right, that's all of the questions I
25 have, Your Honor.

1 THE COURT: You may step down.

2 THE WITNESS: Thank you, sir.

3 (The witness exited the stand.)

4 THE COURT: Call your next witness.

5 MR. CONRAD: The state calls David Grubbs.

6 The witness, DAVID GRUBBS, was first duly sworn and
7 testified as follows:

8 THE CLERK: Take a seat in the witness stand. If you,
9 please state your name and spell your last name for the
10 record.

11 THE WITNESS: My name is David Grubbs, G-r-u-b-b-s.

12 VOIR DIRE EXAMINATION

13 BY MR. CONRAD:

14 Q All right. Good afternoon, Mr. Grubbs.

15 A Good afternoon.

16 Q Where are you employed, sir?

17 A I'm employed with the with South Carolina Attorney
18 General's Office.

19 Q All right, and what is your job title at the Attorney
20 General's Office?

21 A I'm the chief forensic investigator for the Internet
22 Crimes Against Children Task Force.

23 Q All right, and just briefly let the jury know what the
24 Internet Crimes Against Children Task Force does.

25 A So we assist agencies throughout the state, as well as

1 have our own investigators. And we look into peer-to-peer
2 downloads that go over the internet usually containing
3 child pornography. And then we also do chat-ops throughout
4 the state posing as minors to attract suspects. My unit
5 specifically does the computer forensics for those cases.

6 Q Okay. When you say forensics, you mean forensics --
7 cell phone forensics, correct?

8 A Yes.

9 Q So as part of your job duties, you perform cell phone
10 downloads, extractions, and analyze them, correct?

11 A Correct.

12 Q All right, and you've gone through a number of
13 trainings in the past that's focused on that. Is that
14 correct?

15 A Yes, sir.

16 Q Can you read for the jury your training in this area,
17 please?

18 A So, I am a Cellebrite certified operator, and a
19 Cellebrite certificate certified physical analyst. I'm a
20 certified blacklight examiner, which both of those are cell
21 phone data extraction tools. I'm certified in Forensic
22 Explorer, which is used to analyze computers; Graphite
23 Analyzed Training; Tego in the area of Magnet Forensics,
24 which is -- Magnet makes the tool Axiom, which is one of
25 our primary tools that we use.

1 I've received advanced IOS in GrayKey training;
2 advanced IOS examinations; Magnet Axiom advanced mobile
3 forensics, Axiom based computer forensic examination; Axiom
4 advanced computer forensics. I'm also a member of the
5 United States Secret Service Cyber Task Force, Cyber Fraud
6 Task Force to be specific, which runs the National Computer
7 Forensic Institute in Hoover, Alabama, where I've been sent
8 to for basic network investigations; McIntosh Forensic
9 Training Digital Investigation Supervisors Course; and I
10 received an award in 2020 and 2021 being ranked in the top
11 forensic examiners with the Secret Service.

12 I've had training for the National White Collar Crime
13 Center, which is the -- it's called NW3C, and basic data
14 recovery and acquisition, intermediate data recovery and
15 acquisition; basic cell phone investigation; cell phone
16 interrogation; advanced wireless network investigations;
17 GPS interrogation; Windows artifacts; social media;
18 identifying and seizing electronic evidence, encryption,
19 and legal concerns for digital evidence responders. I've
20 also been to the SANS Institute on -- for multiple
21 trainings for advanced network forensics and analysis,
22 advanced digital forensics and incident response, hacker
23 tools, technique, and exploits in incident handling. And
24 I've taken a course with Texas A&M Engineering Service for
25 information security.

1 And then for other forensic softwares I have had
2 Access Data boot camp, Access Data Mac forensics, in-case
3 computer forensics. And in addition to that, pretty much
4 every year, except for when Covid was going on, I will go
5 to a National Training for Law Enforcement on Child
6 Exploitation in Atlanta.

7 Q All right. Thank you.

8 MR. CONRAD: At this time the State would move to
9 enter Investigator Grubbs as an expert in cell phone
10 forensics.

11 THE COURT: What says the defense?

12 MR. BARBER: No objection, Your Honor.

13 THE COURT: So qualified.

14 DIRECT EXAMINATION

15 BY MR. CONRAD:

16 Q And, Investigator Grubbs, there are three cell phones
17 in evidence in this case and the data associated, you've
18 analyzed some of it, haven't you?

19 A Yes, sir.

20 Q All right. Let's talk specifically about Paul's
21 phone. To your knowledge, was that originally extracted by
22 Jon VanHouten of the Secret Service?

23 A Yes, sir.

24 Q And then provided to -- that information provided to
25 Lieutenant Britt Dove?

1 A Yes, sir.

2 Q All right, and you've received that cell phone
3 information from him and you've analyzed it as well,
4 correct?

5 A I did.

6 Q Okay, and you were asked to focus on a couple of
7 specific areas in your analysis of those -- of Paul's
8 phone, correct?

9 A Yes, sir.

10 Q Okay, one of which was Paul's battery habits and
11 battery usage on his cell phone, correct?

12 A Yes, sir.

13 Q All right. I'm going to show you what has been marked
14 as State's Exhibit 530. Do you recognize that, sir?

15 A I do.

16 Q What is that?

17 A That is a report that I generated concerning Paul's
18 phone and battery and shutdown time with the phone.

19 Q Okay, and you looked -- in the week prior to the
20 murders, you looked at how many times Paul's phone had died
21 because its battery ran out, correct?

22 A Correct.

23 Q And you identified those times, right?

24 A Yes, sir.

25 Q Dates and times.

1 A Yes, sir.

2 Q So, how many times that week did his phone die in
3 total that week from the battery?

4 A Four.

5 Q And what days were those on?

6 A It looks like June 3rd, twice on June 5th, and then on
7 June 7th.

8 Q And June 7th it died when?

9 A It is 22:34:24, or 10:34 p.m.

10 Q So 10:34 p.m. Okay, and one of the pieces of
11 information that cell phones log is when a phone is plugged
12 back in after it's died to charge, correct?

13 A Yes.

14 Q All right, and when you looked at this data of when
15 the phone died that week, Paul's phone died, did you
16 identify when it was plugged in?

17 A I did, sir.

18 Q All right, and can you just tell the jury on those two
19 when the phone died each of those times and when it was
20 plugged back in, please?

21 A Sure. So, it is logged that on June the 3rd at
22 12:30:27 p.m. The phone died, the battery went dead, and
23 at 12:34:03 it had power again. It was reconnected.

24 Q And I'm going to take that from you.

25 MR. CONRAD: And at this time the State would move

1 Exhibit 530 into evidence.

2 MR. BARBER: No objection.

3 THE COURT: It's admitted.

4 (CELL PHONE RECORDS MARKED AS STATE'S EXHIBIT NUMBER
5 530 WERE RECEIVED INTO EVIDENCE.)

6 (Break in proceedings.)

7 Q Do you see anything on your screen up there? Oh, here
8 it comes. Okay. So, do you -- zoom in a little bit.
9 There we go. All right. So on June 3, 2021, what time did
10 Paul's phone die?

11 A On the 3rd, 12:30:27.

12 Q All right, and what time was it plugged in?

13 A 12:34:03.

14 Q About 4 minutes later, correct?

15 A Yes, sir.

16 Q A little less than 4 minutes, correct?

17 A Yes.

18 Q June 5th, the first time, at what time did the phone
19 die?

20 A 10:18:33.

21 Q All right, and what time was it plugged back in?

22 A 10:36:17.

23 Q So, it will be roughly 17 minutes or so?

24 A Yes, sir.

25 Q All right, and then June 5th, the second time, what

1 time did it die?

2 A 21:23:21, 29 -- excuse me, or 9:23 p.m.

3 Q Okay, and what time was it plugged back in?

4 A 21:30:21, or 9:30.

5 Q So, roughly about 7 minutes later, correct?

6 A Yes, sir.

7 Q Okay. All right, and you just didn't focus on when
8 Paul's phone died in the data review, correct?

9 A Correct.

10 Q And did you find in what you reviewed, did Paul
11 frequently let his battery get low?

12 A Yeah. He seemed to kind of fly close to the sun. The
13 phone was always getting down to one to two percent before
14 he would plug it in.

15 Q And would you say in your opinion from the data
16 reviewed that the majority of the time he let it get that
17 low, would he ultimately get it plugged in before it died?

18 A Yes, sir.

19 Q Except during that week for those specific occasions,
20 correct?

21 A Correct.

22 Q All right, and one other thing you were asked to look
23 at on Paul's phone were the times when his screen came on,
24 correct?

25 A Yes.

1 Q And when it -- when it came off, correct?

2 A Yes, sir.

3 Q And that is sometimes referred to as the backlight on
4 a phone, correct?

5 A Correct.

6 Q All right, and you were specifically asked to look at
7 the time on Paul's phone starting at about 8:49 p.m. on the
8 night of June 7th, correct?

9 A Yes, sir.

10 Q All right, and I'm going show you what has been marked
11 as State's 529. Take a look at that. And what are -- do
12 you recognize that, sir?

13 A Yes, I created this.

14 Q All right, and what is that?

15 A It shows the backlight for the phone when it's kind of
16 going on and off throughout that night.

17 Q For what time period?

18 A From the period of 8:49, and then the final time of
19 10:34.

20 Q Okay.

21 MR. CONRAD: At this time, the State would move to
22 enter Exhibit 529 into evidence.

23 MR. BARBER: No objection.

24 THE COURT: It's admitted.

25 (CELL PHONE RECORDS MARKED AS STATE'S EXHIBIT NUMBER

1 529 WERE RECEIVED INTO EVIDENCE.)

2 Q And let's, let's -- before we talk about this specific
3 data, let's just -- the jury has heard some testimony on
4 this screen backlight and the screen coming on. Under what
5 conditions generally speaking would a cell phone screen on
6 come on?

7 A There's a lot -- excuse me, there's a lot of
8 conditions that will cause a cell phone screen to come up.
9 If you pick up your phone, that can have the phone -- the
10 screen turn on. If you get a message or an alert from an
11 app that you have, that can cause the screen to turn on.
12 If the phone senses motion in a particular way, it will
13 turn on. There's a whole variety of ways that the
14 backlight will activate.

15 Q I think you mentioned this, but the screen can be
16 tapped.

17 A Yes. You can simply tap your screen and that will
18 cause it to turn on as well.

19 Q And so just in a nutshell, the screen can come on
20 for -- sometimes there's no human interaction, correct?

21 A Yes. Correct.

22 Q But it also can be turned on by human interaction,
23 correct?

24 A Yes, sir.

25 Q Okay. Let's look at the information on your report

1 real quick. All right. Okay. So at 8:49 p.m., it looks
2 like the screen goes off, correct --

3 A Correct.

4 Q -- on Paul's phone. And what time does it get -- the
5 next time that screen lights up?

6 A The next screen on is at 10:18:08 p.m.

7 Q Okay, and in your review of Paul's phone, did you
8 determine during that same timeframe starting at 8:49, was
9 Paul's phone locked or unlocked?

10 A It was locked.

11 Q Okay. So, it was locked and the screen was off
12 between 8:49 and 10:18, correct?

13 A Yes.

14 Q And then at 10:18:08 we see the screen come on,
15 correct?

16 A Yes. It appears to come on for 12 seconds at
17 10:18:20.

18 Q Okay, and then the screen goes back off starting at
19 what time?

20 A 10:18:20.

21 Q Okay, and then it comes back on --

22 A At 10:20:08.

23 Q All right. How long does it come on at 10:20:08?

24 A It goes until 10:20:20, so 12 seconds.

25 Q 12 seconds? All right, and then what happens with his

1 screen?

2 A It goes back off at 10:20:20.

3 Q Okay, and it stays off until when?

4 A 10:34:16.

5 Q And is that the time Paul's phone died?

6 A Yes.

7 Q And so the screen may have come on briefly as the
8 phone was shutting off?

9 A It looks like for 4 seconds.

10 Q Okay. All right. In your review of Paul's phone, did
11 you identify some of the communications that came into his
12 phone?

13 A Yes, I did.

14 Q And did you identify the last text that was sent to
15 Paul's phone?

16 A Yes.

17 Q And do you recall who sent that text?

18 A Rogan.

19 Q All right, and you may not remember this exactly,
20 but -- well, first of all, was that -- do you recall the
21 contents of that very last text from Rogan?

22 A Yeah. It just says: Yo.

23 Q All right, and did we've -- this jury has heard
24 testimony that cell phones will log when someone actually
25 reads a text, correct?

1 A They do.

2 Q And did you find any log that that text yo was read?

3 A It was not read.

4 Q Okay, and do you recall roughly the time that text hit
5 Paul's phone?

6 A I don't off the top of my head.

7 Q All right. Was it between 9:00 and 10:00 p.m.?

8 A Yes.

9 Q Roughly speaking? Okay, and -- but that was the last
10 text. No other text came to his phone after that text from
11 Rogan that said yo.

12 A Correct.

13 Q All right, and in your opinion, if anybody had been
14 looking at that screen that came on at either 10:18:08 or
15 at 10:20:08, would they have seen a notification on that
16 screen?

17 A Most likely, yes. You can set your phone to not show
18 contents, or sometimes if you have a text that comes
19 through it will show the whole text and the content. It
20 depends on how -- its setting, but yes, typically if you
21 were to see the home screen on the phone, there would be
22 the notification.

23 Q All right, and so depending on the settings, it is --
24 there's a good chance if anybody happened to be looking at
25 that phone screen at any of those times, they would have

1 seen a noted miss -- a text notification from Rogan Gibson,
2 correct?

3 A Yes.

4 Q Okay, and you just testified we don't know exactly why
5 the screen came on at that time, correct?

6 A We do not.

7 Q All right. It could have been somebody tapped it,
8 correct?

9 A Yes.

10 Q Somebody may have briefly picked up the phone,
11 correct?

12 A Yes.

13 Q It could have been any number of things, correct?

14 A Yeah, any number of things.

15 Q All right, and you can't tell us exactly why.

16 A I cannot.

17 Q Now, this jury has heard a good bit of testimony about
18 phone orientation changes, and we'll talk a little bit more
19 about that a minute. But in your opinion, is it possible
20 for someone to just briefly pick up a phone, see the screen
21 come, put it back down, and for the phone not to record an
22 orientation change?

23 A Sure.

24 Q Okay. Moving on. All right, and you were also asked
25 to look at Maggie's phone, correct?

1 A Yes, sir.

2 Q All right, and specifically what database were you
3 asked to take a look at on Maggie's phone?

4 A Knowledge C.

5 Q The jury has heard some on KnowledgeC database, but
6 just please refresh our memories what that is and what kind
7 of information is contained in the KnowledgeC database on
8 that phone.

9 A Sure. So, the KnowledgeC database is something that
10 Apple uses in the background to kind of track things that
11 you're doing. It tracks your battery level, it tracks when
12 you plug your phone in and when you unplug it, a whole
13 bunch of stuff that is going on in the background that
14 typically people have no idea is even running.

15 Q Okay, and -- okay. All sorts of information in that.

16 A All sorts of information.

17 Q And is it -- would some folks be surprised if they saw
18 the amount of information a phone is recording at any given
19 time?

20 A It can hold millions of artifacts.

21 Q Okay. I'm going to show you State's Exhibit 528 and
22 ask if you recognize that, sir.

23 A Yes, sir.

24 Q And have you reviewed the contents of that CD?

25 A I have. It's a digital copy of some timeline

1 reports --

2 Q Okay.

3 A -- from Maggie's phone.

4 Q And specifically for Maggie's phone?

5 A Yes, sir.

6 Q All right, and that timeline report would be from the
7 KnowledgeC database?

8 A Yes, sir.

9 Q All right, and specifically you said that a KnowledgeC
10 database can contain millions of artifacts, correct?

11 A Yes.

12 Q When you prepared that timeline, did you kind of
13 narrow it down a little bit to focus?

14 A Yes, I did.

15 Q And roughly what times are on that?

16 A I believe from 8:00 to past 10:00.

17 Q All right.

18 MR. CONRAD: And at this time, the State would move to
19 enter Exhibit 528 into evidence.

20 MR. BARBER: No objection.

21 THE COURT: It's admitted.

22 (CELL PHONE RECORDS MARKED AS STATE'S EXHIBIT NUMBER
23 528 WERE RECEIVED INTO EVIDENCE.)

24 MR. CONRAD: Can I have the computer, please?

25 (Break in proceedings.)

1 Q Okay, I'm going to pull up this spreadsheet on the
2 computer that's in evidence on the CD. Even with a fairly
3 narrow timeframe, there's still a voluminous amount of data
4 contained in this database. Is that correct?

5 A Lots of data, yes, sir.

6 Q Okay. All right, and specifically let's --
7 first let's state the start time and end time. For this
8 particular report, you're kind of limited between -- what's
9 that start time, that first one there?

10 A 23:53, so 8:53 p.m.

11 Q Okay. We'll scroll down to the bottom real quick.
12 And it looks like it stops at what time?

13 A 21:08, so 9:08.

14 Q 9:08 p.m.?

15 A Yes, sir.

16 Q On what date?

17 A That would be June 7th of 2021.

18 Q All right, and there's just a whole bunch of stuff
19 here, right?

20 A Yes, sir.

21 Q Well, let's take a look at a couple of things
22 specifically. Excuse me. Starting at 20:53, we see some
23 orientation changes, correct?

24 A Yes, sir.

25 Q All right, and in your opinion, when you see an

1 orientation change on a phone recorded in the KnowledgeC
2 database, what does that information tell you?

3 A Typically that somebody is handling the phone.

4 Q Okay. So while a screen coming on or off may not
5 necessarily tell you somebody is handling a phone, the
6 orientation change definitely does, correct?

7 A Yes. It's the phone logging that it's going from
8 vertical or landscape to the other.

9 Q Okay. All right. So, here -- let's look at line
10 1149, starting down to about 1154. Do you see what I'm
11 talking about there --

12 A Yes, sir.

13 Q -- these lines here? And it says camera. What -- in
14 your review of this information, can you draw any
15 conclusions about what's going on and why that camera pops
16 up at about 8:54 in this database?

17 A All I can say is that the phone is interacting with
18 the camera in some way.

19 Q All right, and did it interact for a significant
20 period of time?

21 A No, sir.

22 Q Do you recall roughly how long that interaction took
23 place?

24 A I believe it's 1 second.

25 Q Okay. All right. Let's go down to line 1210; this is

1 at 8:55, or 20:55. And we see some things that says IOS
2 snapshots.

3 A Yes, sir.

4 Q And there's a -- it looks like it says something about
5 Facebook to the far right there, correct?

6 A Correct.

7 Q What -- in your opinion, what's going on with the
8 phone at this point?

9 A So a snapshot, or an IOS snapshot, is something that
10 your phone does when you minimize an app in the background.
11 So if you close Facebook and put it in the background, it
12 takes little snapshot of it so when you pull it up, you can
13 see what it is. It'll do this for -- as we see here,
14 Facebook, which we can pull up and see, it does this for a
15 budge of apps. Not all apps take a picture of it. Some
16 things will be just be a blank screen. For example, if you
17 do your camera, it's not going to store a picture of what
18 your camera was looking at. When you have it, it's just a
19 black screen.

20 Q Okay, and so in your opinion, does this mean anybody
21 is actually accessing the Facebook app or actually
22 physically taking snapshots on this phone?

23 A No.

24 Q All right. In fact, it's not doing that, correct?

25 A Correct.

1 Q All right, and, in fact, in your review, this -- the
2 timeframe on this report is 8:53 to approximately
3 9:08 p.m., correct?

4 A Yes.

5 Q And during that time, in your review, was Maggie's
6 phone locked or unlocked?

7 A It was locked.

8 Q Okay, and it remained locked starting at what time?
9 You may have to draw your memory, but this doesn't start
10 until 8:53, but it's prior to 8:53, correct?

11 A Yes.

12 Q All right, and it remains locked until the next day,
13 correct?

14 A Yes.

15 Q Okay. All right, and then we're going to scroll down
16 starting at line 1243. I see a whole bunch of stuff here.
17 And just generally speaking, what is all of this stuff in
18 this database at this time?

19 A It's just background processes that your phone is
20 running.

21 Q Okay. I think we already skipped by it, so I'm just
22 going to ask you real quick, but in this timeframe we also
23 see it looks like the Siri App pop up in the KnowledgeC
24 database, correct?

25 A Yes.

1 Q And how can the Siri App be triggered?

2 A It could be a background process that's going on, or
3 it can be triggered by somebody holding the power button or
4 interacting with Siri.

5 Q Okay. All right.

6 THE COURT: Ladies and gentlemen, we're going to
7 adjourn. We're going to adjourn at 5:15, so --

8 MR. CONRAD: I'll be done by then, Your Honor.

9 THE COURT: Okay.

10 Q Okay. Well, the information that's in this log, but
11 did you identify a time after 9:00 when Maggie's screen
12 turned off?

13 A When her screen turned off?

14 Q Yes.

15 A Yes.

16 Q And was that at 9:07 p.m.?

17 A Yes.

18 Q Okay, and after 9:07 p.m., did you identify at any
19 point over the next few minutes -- or over the next 20
20 minutes that Maggie's screen turned on?

21 A I believe it turned back on at 9:31.

22 Q Okay. So between 9:07 and 9:31, Maggie's screen is
23 off, correct?

24 A Yes.

25 Q And also -- you just said this a minute ago. It's

1 also locked during that time, correct?

2 A Yes.

3 Q All right, and so if Maggie's phone were thrown
4 between 9:07 and 9:31 and the screen is off and the phone
5 is locked, in your opinion would you see an orientation
6 change?

7 A No, sir. That version of the IOS that she had on her
8 phone did not log that at that particular time.

9 Q So that version, which was what at that time?

10 A 14.6.

11 Q All right. In that version of IOS, if a screen is off
12 and the phone is locked, the phone is not going to record
13 an orientation change, correct?

14 A That is correct.

15 Q Okay.

16 MR. CONRAD: No further questions, Your Honor.

17 THE COURT: All right, we're going to adjourn for the
18 day, ladies and gentlemen, and resume at 9:30 in the
19 morning.

20 (The jury left the courtroom.)

21 THE COURT: All right, if everyone will be seated.

22 With regard to the Court's earlier ruling excluding
23 the -- not allowing the roadside shooting incident during
24 cross-examination, I find that the defense opened the door
25 to all of that testimony by questioning the witness as to

1 the relationship between Mr. Murdaugh and Eddie Smith:
2 payment of money to buy drugs, indebtedness, the overall
3 relationship. And in order to not mislead the jury and to
4 the doctrine of completeness and fairness, the court
5 reverses its decision and will allow the examination of
6 witnesses regarding that relationship.

7 And we'll be in recess until tomorrow morning at 9:30.

8 (Whereupon, the case was at ease.)

9 *THURSDAY, FEBRUARY 16, 2023*

10 (Court resumed at 9:34 a.m.)

11 THE COURT: Mr. Griffin?

12 MR. GRIFFIN: Yes. Thank you, Your Honor. Before we
13 bring the jury in, I would like to put on the record the
14 basis of my objection to the redirect of Agent Owen
15 regarding the roadside shooting, understanding the Court's
16 ruling was that I opened the door to that based on my
17 cross-examination.

18 This is the first case I've had the benefit of being
19 able to go back to YouTube and see exactly what was asked
20 on direct and what was asked on cross. I have typed it
21 out, Your Honor. It's very brief.

22 On direct examination, Mr. Meadors asked Agent Owens,
23 question: At some point in 2021 in the fall, did a
24 financial investigation begin into Alex Murdaugh? His
25 answer was: Yes, sir. Question: Would it be fair to say

1 that the investigations overlapped with each other?

2 Answer: It did. Question: Would be it be fair to say that
3 the two investigations fed off each other? The answer is:
4 Yes, it did. From the information I was learning from the
5 financial investigation, it gave me additional people to
6 consider and to look at Mr. Murdaugh as a reason why or why
7 not. The next question: Were there individuals in the
8 finance investigation that you also interviewed in this
9 investigation? He said: Yes, I did. And the question: Did
10 you learn information from the grand jury testimony? He
11 says: Yes, I did. And then the question: Did you follow up
12 on that information? He said: Yes, I did.

13 That was elicited on direct examination. My cross-
14 examination, I began on this topic: You also testified in
15 the fall of 2021 there was a -- there started up a
16 financial investigation. Yes. You said it fed off and
17 overlapped with the murder investigation. Yes. You
18 developed information that Alex was stealing money to
19 support a drug addiction. Yes, that was reported.
20 Question: You learned that Alex was paying up to \$50,000 a
21 week to buy drugs. Yes, that is what was reported. You
22 learned that Alex was buying from Curtis Eddie Smith. Yes.
23 You learned that Eddie was buying from the Sandhill drug
24 gang. Yes. You learned that Eddie owed the Sandhill drug
25 gang a lot of money. Yes. But they were not worried about

1 getting their money because it was Murdaugh. Question: Did
2 you ever conduct a cell phone analysis of the Sandhill drug
3 dealer's cell phones to see if they were at Moselle on June
4 the 8th? Answer: No. Because in my experience they use
5 burner phones. Question: You never got DNA from them to
6 cross-check against the unknown DNA on Maggie's
7 fingernails. Answer: No. Question: You never put them in
8 the investigative circle, did you? Answer: My
9 understanding is that investigation is continuing.

10 And is being conducted by the DEA.

11 And from that, Your Honor, there were no questions
12 related to the roadside shooting, no questions related to
13 whether Alex lied to the police in connection with the
14 roadside shooting. It was all about him stealing money
15 from clients to support his drug addiction, which is
16 evidence that was already in the case.

17 Your Honor, I sent the Court a -- via email earlier
18 today the case of *State v. Heyward*, 426 SC 630, which is a
19 2019 case where the Supreme Court reversed Judge Young on
20 an opening the door theory --

21 THE COURT: The Supreme Court reversed the Court of
22 Appeals.

23 MR. GRIFFIN: Excuse me. The Supreme Court reversed
24 the Court of -- sure.

25 THE COURT: Yes, sir.

1 MR. GRIFFIN: The defendant was convicted. It went --
2 the Supreme Court -- the Court of Appeals affirmed and the
3 Supreme Court reversed the Court of Appeals, that's right.

4 THE COURT: Yes.

5 MR. GRIFFIN: And vacated the conviction based upon
6 the introduction of propensity evidence, 404B -- 404
7 evidence on the theory of opening the door. And in that
8 opinion, Justice Hearn was very specific to state that
9 courts have been very careful and very wary of thinly
10 failed attempts to show propensity while -- by way of the
11 Open Door Doctrine, and the testimony in response must be
12 proportional and confined to the topics to which counsel
13 had opened the door. And, again, I go back. We did not
14 open the door to any roadside shooting, any insurance
15 fraud, anything with regard to Alex lying to the police,
16 and so that was the basis. I just objected, so I wanted to
17 put that in the record.

18 Today they intend to present a full panoply of
19 evidence on the roadside shooting. And, Your Honor, we
20 would oppose that --

21 THE COURT: What do you mean a full panoply?

22 MR. GRIFFIN: Well, they've asked to -- that they're
23 going -- my understanding is they're putting up Agent Kelly
24 to talk about his investigation of the roadside shooting.
25 We got a request this morning for them to play the hospital

1 videotape of Alex in the Savannah Hospital, which is over
2 an hour, where he is being interviewed by SLED agents, and
3 he is meeting with a sketch artist to draw up a sketch of
4 the roadside shooter, and that they plan to introduce that
5 evidence. They plan to introduce, as we understand it,
6 follow-up evidence of when Alex gets to detox in Atlanta
7 and when he calls back with Mr. Harpootlian and I and gives
8 a full statement about the roadside shooting, and about how
9 he had lied to them previously.

10 THE COURT: Is that the same video or different?

11 MR. GRIFFIN: Two separate. I mean, the second is
12 just an audiotape. But, Your Honor, I just go back to
13 *State v. Heyward* where the Court says testimony in response
14 must be proportional and confined to the topics which
15 counsel has opened the door. And so they intend to spend
16 3 hours of testimony here today, and it's not proportional,
17 and it's not related to the topic for which the Court, I
18 believe, should find that -- I don't think I opened any
19 door because I think the evidence was already in the
20 case.

21 THE COURT: All right.

22 MR. GRIFFIN: And it was in response to direct. It
23 wasn't something I brought up.

24 MR. WATERS: May it please the Court, Your Honor? To
25 go back, obviously we had this issue and we addressed it

1 yesterday morning.

2 THE COURT: At this time, we're dealing with the issue
3 and the Court's exception or statement for the record that
4 Mr. Griffin wanted to make concerning the Court's ruling
5 yesterday, we're not dealing with any anticipated testimony
6 today at this time. I'm not ruling based on what -- well,
7 I've already ruled, but I am entertaining these comments
8 for the record regarding yesterday's ruling. So, go ahead.

9 MR. WATERS: I think, Your Honor, if you listened
10 obviously to the excerpts that Mr. Griffin just read, if
11 you put that into context of everything that had developed,
12 starting with Marian Proctor, that the door is more than
13 opened, and the State's intent in that regard is to fully
14 respond to and flesh out the very examination --

15 THE COURT: I don't care about the State's intent in
16 that regard. We're talking about yesterday's ruling so we
17 can close the door on that. Do you have anything else to
18 say about the Court's ruling yesterday?

19 MR. WATERS: Other than the examination, or redirect
20 examination clearly was in response to an appropriate
21 opening the door after that examination, and that's -- I
22 think that Your Honor's ruling was appropriate in that
23 regard, and I think that, again, that has opened the door
24 to exploration of those issues.

25 THE COURT: Concerning the Court's ruling yesterday,

1 and also *State v. Heyward*, with Mr. Owens in questioning
2 Mr. Griffin in cross-examination -- cross-examining
3 Investigator Owen got into this circle of interest, that
4 Alex was in the circle. He then crossed the witness
5 regarding, well, did you take -- consider Eddie Smith to be
6 in the circle? Did you consider some unknown gang members,
7 whoever they might be, to be in this circle? Did you know
8 that Alex was spending \$50,000 per week supporting a drug
9 habit presumably with -- through Eddie Smith and that he
10 owed money, he was indebted? So, Mr. Griffin introduced
11 the relationship between the defendant and Eddie Smith.

12 The State, when the Court conducted a pretrial hearing
13 outside the presence of the jury, addressed the issue.
14 Made it clear that the roadside shooting was a bridge too
15 far. Then the defense decided to build a road over that
16 bridge and decided to just go right there as if they can
17 advance through fire without getting burned, scarred, or
18 anything. The door was opened.

19 It's not the same as a situation in *State v. Heyward*
20 where a codefendant's -- a cooperating codefendant is being
21 questioned about unrelated matters, totally unrelated to
22 the case, and the Supreme Court felt judge -- the presiding
23 judge went too far in allowing evidence not proportional to
24 what was opened and which he already ruled should not
25 have -- should not be introduced.

1 I find that what this Court allowed on yesterday was
2 proportional because it was in relation to evidence
3 elicited not by the State but by the defendant, and the
4 State is entitled to explore this relationship with or
5 between the defendant and Eddie Smith. If the -- and then
6 we'll have further discussion at some point regarding this
7 limitation, just randomly throwing out the names of people,
8 suspicion and speculation regarding the issue of third
9 party guilt. But to the extent that the defense sought to
10 introduce the relationship between the defendant and Eddie
11 Smith, and then to seek to infer that Eddie Smith might
12 have been or should be a suspect in the murder, then to
13 prohibit the State from saying, well, if he's a -- if Eddie
14 Smith should be a suspect and Mr. Murdaugh, who at the
15 outset engaged in this form of problem solving by telling
16 the State what this case was all about and the murder was
17 all about, meaning the boat crash, then later engaging in
18 what appears to be a conspiracy along with a person that
19 the defense seeks to insinuate to be, or should have been,
20 a suspect, the State is entitled to explore that. The
21 extent of which the State should be entitled to explore
22 that, you know, that's open for discussion today but not
23 based on the Court's ruling yesterday.

24 The Court in the *Heyward* case did indicate that the
25 Court should be careful with the nature and extent to which

1 these other matters should be allowed to go into, and I
2 intend to do that. But the record is protected to the
3 extent that Mr. Griffin went through YouTube and citing
4 what his version of what he said yesterday, excluding the
5 portion that's more relevant and important to the Court's
6 ruling, but the record speaks for itself on all of that,
7 and the Court's ruling stands that was given yesterday.

8 MR. HARPOOTLIAN: Your Honor, obviously we except to
9 your ruling, but --

10 THE COURT: Well -- okay. We have a ruling, we have a
11 for the record, now we have an exception to the ruling, and
12 another comment. Go ahead.

13 MR. HARPOOTLIAN: So, what I would like to discuss now
14 is what the State will be allowed to submit in support of
15 this position. Now, clearly there is a taped statement by
16 Mr. Murdaugh from a detox facility in Atlanta, which was
17 initiated by Mr. Griffin and I, so certainly there's no
18 objection to that. I mean, there could be but there's no
19 real objection to that. Secondly --

20 THE COURT: So, no objection to the statements.

21 MR. HARPOOTLIAN: Well, no objection to the statement
22 pursuant to and conditioned by our previous objection to --
23 I want to make the record clear we're objecting to any of
24 this.

25 THE COURT: Well, I understand. You have objected to

1 everything throughout the trial, I understand.

2 , MR. HARPOOTLIAN: Well, there's a couple of things we
3 missed.

4 THE COURT: All right.

5 MR. HARPOOTLIAN: If you would like to rehear some of
6 those. But, Your Honor, so -- but then -- and again,
7 Mr. Waters and I discussed last night after your ruling a
8 way perhaps, and I know this is shocking, to expedite this
9 process. For instance, there is a statement made to EMS,
10 the statement they're wanting to get to which is, you know,
11 a drive-by shooting, you know, all of those sorts of things
12 which he later on admitted in a telephone conversation, or
13 a statement that was taken was not true. We get that. He
14 didn't need to be Mirandized on the side of the road by
15 EMS.

16 However, there are two recorded statements taken at
17 the Savannah Hospital by Agent Kelly after he is -- and
18 we've got the medical records here if you want to look at
19 them. He clearly has suffered a wound to his head, a
20 fracture skull.

21 THE COURT: And I'm always suspect of that word
22 clearly and clear when everything is in controversy.

23 MR. HARPOOTLIAN: I don't think this is in
24 controversy.

25 THE COURT: Tell me what's clear again?

1 MR. HARPOOTLIAN: A bullet wound to the head, fracture
2 skull, brain bleed. I think that's it. The medical
3 records indicate medications that he was under while at the
4 hospital. We would think there would have to be a *Jackson*
5 *v. Denno* hearing on that -- those interviews just under the
6 issue of was he competent, a competency hearing. To do
7 that, we would have to bring the physicians and the
8 treating physicians from Savannah here to testify. And
9 again, and I think Mr. Waters will concede, it was at 6 I
10 emailed him and said all good, what we talked about
11 yesterday, and he came back a little while later and
12 indicated that he would like to put those in. Mr. Griffin
13 and I over a cup of coffee said there's competency issues,
14 and we informed him of that this morning. Nobody is
15 playing gotcha here. So, we don't believe those should
16 come in without Your Honor being able to rule that he is
17 competent, to hear from the doctors.

18 And I think we may have worked out a compromise on
19 that, and I just wanted to confirm that for the record.
20 But what we have worked out is this. The statement that he
21 would not -- he would not have to bring the EMS people.
22 There's a statement that they made. Agent Kelly can
23 publish that statement without having them the need to be
24 here. There were -- there was a knife recovered at the
25 scene. They don't have to bring and show -- I mean, Kelly

1 can identify that. There was a --

2 MR. WATERS: Your Honor, so what we talked about
3 yesterday, just to kind of wrap this up, was, again, my
4 intent to do this in a very expedited and focused fashion,
5 not get into every detail or litigate that entire matter.
6 I suggested to the defense, and they agreed yesterday, that
7 I could have Agent Kelly, who's the lead investigator on
8 the side of the road, come up and essentially and in a very
9 abbreviated fashion walk through the case without the need
10 to call the 911 operator or the ambulance driver or the
11 roadside deputy or the DNA analyst or the person who found
12 the knife and so forth and so on. And I plan to do that,
13 again, in a very expedited fashion. I'm not talking about
14 anything 3 hours or the like.

15 We also discussed this morning that I do need to be
16 able to relate to the jury, though, the defendant's claim,
17 which I have argued to you is particularly relevant, that
18 he was attacked by an unknown assailant on the side of the
19 road when, in fact, he knew exactly who it was. He had
20 actually arranged for it. And so in our discussion that I
21 thought we had an agreement on it, and I think we still do,
22 is that Agent Kelly -- there was an interview in the
23 hospital on 9/4 and one on 9/6, and that I would have Agent
24 Kelly just summarize and reiterate the defendant's claim
25 about what happened on the side of the road, as well as the

1 fact that he worked with a sketch artist and show that
2 sketch picture, and then just move through it like that.
3 And then we will play for the jury, which I think they --
4 so they don't object to, there were no additional
5 objections, the telephone interview in which he ultimately
6 admitted to law enforcement in the presence of his
7 attorneys that had been a lie.

8 THE COURT: Yes, sir.

9 MR. HARPOOTLIAN: That's the deal. But I feel a
10 little more comfortable if we could just have -- and I'm
11 not trying to delay court, but this recording is 47 minutes
12 long --

13 MR. WATERS: 41.

14 MR. HARPOOTLIAN: Whatever, 40 plus. So many
15 recordings I'm confusing them, but 41 minutes long. Could
16 we take -- I mean, if you could just -- and by the way,
17 I've agreed to allow him to lead unless I see something
18 reprehensible going on, which for me is difficult to
19 restrain myself from objecting which would expedite it even
20 more. But at 6:30 in the morning, we were not in the
21 position to discuss what Agent Kelly's -- what is sort of
22 acceptable what had happened at the hospital thing. I
23 would just like 5 or 10 minutes just to review that with
24 him, and then I think we're on go.

25 Although, just for the record, we are objecting to any

1 of this. I don't want this kumbaya moment to confuse any
2 waiver of our objections.

3 MR. WATERS: The only thing I just want to put on the
4 record is, again, this is in the discussions with defense
5 counsel, moving expeditiously with Agent Kelly without
6 raising hearsay and that sort of thing. Making us go
7 through that pace has been a strategic decision that the
8 defense has made.

9 MR. HARPOOTLIAN: Pursuant to -- I just want to make
10 it clear. I hate to sound like a broken record, but I
11 don't think want any appellate record ever to look at this
12 and say, well, you agreed to it. We're agreeing to this
13 process pursuant to Your Honor's ruling this morning.

14 THE COURT: I have not reviewed any of the evidence
15 that you all are now referencing. So, to the extent that
16 you all have an agreement on it, moving forward with this
17 evidence, considering the objections, I'm fine with taking
18 5 or 10 minutes if that would expedite things. I deal with
19 what you all disagree on, not what you all agree on.

20 MR. HARPOOTLIAN: Yes, sir.

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

22 MR. HARPOOTLIAN: If you're going to -- Your Honor,
23 when you take this recess, we're going to take -- myself,
24 Mr. Griffin, and maybe even Mr. Barber -- he seems busy --
25 to a room where we can have some peace and quiet and have a

1 discussion without being interrupted every 2 minutes.

2 THE COURT: All right. We'll be in recess then for
3 hopefully about 10 minutes.

4 (A break was taken.)

5 THE COURT: Mr. Waters?

6 MR. WATERS: Yes, sir. I believe we're ready to
7 proceed. I know we still have cross on that other witness.
8 Just so the Court knows, we do have Dr. Kinsey, who's our
9 expert who will go after that, so we can get him on the
10 way. And then after that, we would move to Mr. Kelly --
11 excuse me, Special Agent Kelly, and I think we've had a
12 discussion and have the same sheet of music so that there
13 is at least no additional objection to the ones they've
14 already read.

15 THE COURT: Mr. Harpootlian?

16 MR. HARPOOTLIAN: Sounds reasonable to me. And, Your
17 Honor, my goal here is to be reasonable.

18 THE COURT: Yes, sir.

19 You may bring the jury.

20 (The jury returned to the courtroom.)

21 THE BAILIFF: The jury is present, sir.

22 THE COURT: All right. Good morning.

23 (The jurors responded good morning.)

24 THE COURT: Day number nineteen. State's case.

25 Cross-examination, Mr. Barber.

1 MR. BARBER: No questions, Your Honor.

2 THE COURT: All right. Thank you, sir.

3 Call your next witness.

4 MR. WATERS: Thank you, Your Honor. We call Dr. Kenny
5 Kinsey.

6 The witness, KENNETH L. KINSEY, was first duly sworn
7 and testified as follows:

8 THE CLERK: If you would, please, sir, be seated in
9 that witness chair over there. State your full name for
10 the record, spell your last name, and try to talk in the
11 mic as good as you can.

12 VOIR DIRE EXAMINATION

13 BY MR. WATERS:

14 Q Dr. Kinsey, how are you doing today?

15 A Kenneth Lee Kinsey. K-i-n-s-e-y.

16 Q All right.

17 A I am fine, sir.

18 Q Good. Dr. Kinsey, let's talk a little bit about your
19 career and who you are. First of all, just kind of
20 introduce to the jury a little bit and tell them where you
21 grew up and where you went to school, and then we'll start
22 to talk about your law enforcement career and your expert
23 qualifications.

24 A Yes, sir, happily. I grew up a long way from here in
25 a little county called Orangeburg. I was there about

1 fifty-four years, my whole life. I went away for college a
2 couple of times and came back, and I'm currently the chief
3 deputy of the Orangeburg County Sheriff's Office. And I'm
4 also a professor of criminal justice at Claflin University,
5 where I teach crime scene related classes.

6 Q All right, and pull that mic a little bit closer to
7 you. And, first of all, before we get to the professorship
8 and what led to that, let's talk about your law enforcement
9 career. So, walk me back to the beginning, and if you
10 could just kind of walk through the various stages of your
11 career and the things that you did along the way that led
12 you to become the chief deputy for Orangeburg.

13 A Yes, sir. I began my law enforcement career
14 approximately thirty years ago, and I've held many
15 positions in those thirty years, but for the last twenty-
16 two years my concentration, other than administrative, has
17 been crime scene investigations and working violent crime
18 scenes. I have ran the Crime Scene Unit in Orangeburg for
19 six or seven years, and then I went on to SLED for
20 approximately four years, and then I came back and now I
21 directly supervise the captain of investigations, and
22 investigations includes the Crime Scene Unit. So, I'm
23 still hands on the crime scenes, either as a primary or a
24 backup crime scene investigator.

25 And as I mentioned earlier, I teach crime scene

1 investigation and other criminal justice related courses.

2 I received my Bachelor's Degree from Clemson University in
3 1991, my Master's Degree in Science from Troy University in
4 2011, and my Ph.D from Walden University in 2019, with a
5 concentration on use of force cases involving police
6 officers. And my research is use of force and crime scene
7 investigations.

8 Q So, we could call you Dr. Kinsey, correct?

9 A My grandmother told me it's what you answer to, but
10 yes, sir, I'll answer to that, Kenny, or Chief Kinsey.

11 Q And we can call, too -- we can call you Professor
12 Kinsey, correct?

13 A Yes, sir, that is correct.

14 Q And then we can call you Chief Kinsey as well.

15 A Yes, sir.

16 Q Well, let's talk a little bit more about the law
17 enforcement. Then I want to talk a little bit more about
18 the education. Now, you mentioned that you've done a lot
19 of administration. And tell the jury just a little bit
20 about what it is to be the chief, and just what that
21 entails, and then we'll talk a little bit more sort of
22 about the crime scene stuff, if you will.

23 A Yes, sir. I answer directly to an elected sheriff,
24 I'm the number two man at the sheriff's office. And I
25 supervise approximately, when we are full, when every slot

1 is full, I supervise over 127 people. 105 are certified
2 law enforcement men and women. And that encompasses about
3 nine different divisions at the sheriff's office, including
4 narcotic special operations, criminal investigations,
5 civil, courtroom, school resource officers -- there are
6 several groups in there -- and our civilian employees.

7 Q All right. Now as you already testified, you don't
8 just do the administration stuff as the number two man, but
9 over your career you've also extensively done actual law
10 enforcement work, processing homicide and other major crime
11 scenes. Is that correct?

12 A Yes, sir, I have. I have boots on the ground
13 processed north of 800 death scenes. Not all of those are
14 homicides. That also includes suicides, accidental deaths,
15 and unexplained deaths. That is either as a primary
16 investigator or as a secondary investigator in my career.
17 And I still have a directive that I placed with my
18 coworkers eleven, approximately eleven years ago. I still
19 go to every death scene if possible.

20 Q All right. Over that time, you said over 800 death
21 scenes over the course of your career. Is that correct?

22 A That is correct.

23 Q And then, you know, how many pieces of forensic
24 evidence do you think you've processed over the years?

25 A That would be hard to determine. Multiple pieces for

1 each scene. But part of my duties --

2 Q Homicides then.

3 A Yes, sir. Part of my duties when I was at SLED was to
4 also process evidence that was submitted through the door.
5 And what through the door means, these are items of
6 evidence from other agencies that have worked their on
7 crime scenes and they send their items to SLED for an
8 analysis, and that's in the thousands. I would have no way
9 to give you a quantitative number.

10 Q In the thousands.

11 A Yes, sir.

12 Q Is it also over the years, have you attended autopsies
13 as part of your investigative work as it relates to death
14 scenes?

15 A That is correct. Every agency I have worked at had a
16 mandate that you attend autopsies to collect evidence, to
17 major case prints, GSR, and that kind of thing, and also to
18 give the pathologist an idea of your interpretation of what
19 happened.

20 Q And have you ever had to -- been asked to consult on
21 death cases in jurisdictions throughout the state or even
22 in other states?

23 A Yes, sir, I have.

24 Q And describe that to the jury, please.

25 A As a consultant I work for -- to be frank and honest,

1 sometimes it's against the law enforcement, sometimes it's
2 defending law enforcement, just depending on what I believe
3 is wrong and right, and I have participated with private
4 attorneys in the civil process doing both. And I have also
5 been asked for colleague -- by colleagues and comrades
6 across the country to review a piece of evidence if they
7 may have needed a qualified examiner to technically or
8 administratively review that piece of evidence or their
9 findings.

10 Q All right. Before I come back to the specific crime
11 scene training and experience that you have, I just want to
12 go back again to your education. You went to Clemson,
13 right?

14 A Yes, sir.

15 Q All right, and started your law enforcement career not
16 long after that?

17 A That's correct.

18 Q And what year did you graduate Clemson?

19 A I was on a five year plan. , I graduated in 1991, and
20 I started as a reserve deputy. The records are a little
21 shaky because back then you worked until they had a
22 certification class, but best I can guess was somewhere
23 around '92, '93.

24 Q So, '91 Clemson.

25 A Yes, sir.

1 Q I was '92 Carolina, so -- all right, and then you went
2 on to Troy University at some point later in your career?

3 A I did, yes, sir. I attended Troy's satellite campus,
4 which is in Sumter, an actual brick and mortar school. The
5 purpose of Troy being placed in Sumter is because of Shaw
6 Air Force Base. A lot your -- our men and woman who
7 protect our country use their GI bills to further their
8 education at such campuses, and I had to travel three
9 nights -- well, one night a week and two days a week for
10 approximately a year and a half to complete that and pass
11 proficiency.

12 Q All right. That competency exam, is that a pretty
13 tough exam?

14 A It's the second toughest thing I've ever done, yes,
15 sir.

16 Q Is the pass rate very low on that the first time?

17 A It is very low. We probably had thirty people in our
18 class, and I only know of four that passed the competency
19 the first time.

20 Q And were you one of them?

21 A Yes, sir.

22 Q All right, and then you went on and got your
23 doctorate. Is that right?

24 A I did, yes, sir.

25 Q And that was at Walden University, a program there?

1 A It was, yes, sir.

2 Q Did you have to do any residencies with that?

3 MR. HARPOOTLIAN: Your Honor, I hate to interrupt.

4 We'll stipulate to him as a qualified expert if we can just
5 go ahead and move on.

6 MR. WATERS: Your Honor, the State is entitled to
7 explore the extent of his qualifications. That goes
8 directly to the value of his opinion to the jury. I'll do
9 it expeditiously, but I think we're entitled to do that.

10 THE COURT: Do you accept the stipulation or not?

11 MR. WATERS: I do accept the stipulation. I would
12 like to very quickly finish up the qualification process so
13 that the jury understands it.

14 THE COURT: Ladies and gentlemen, he is so qualified.
15 You may proceed.

16 MR. WATERS: Thank you, Your Honor.

17 Q All right. So real quick, you did some residencies in
18 your doctorate. Is that correct?

19 A I did four residencies in Atlanta, yes, sir.

20 Q And ultimately did a dissertation and all that comes
21 with getting your doctorate relevant to criminal justice
22 and criminology. Is that correct?

23 A I defended my prospectus and my dissertation, yes,
24 sir, successfully.

25 Q All right. Now, let's get to the last thing I want to

1 cover as far as your qualifications, but what specific
2 areas of crime scene investigation and reconstruction have
3 you had training and experience and previous qualifications
4 in?

5 A Yes, sir. I have been certified internationally by
6 the International Association for Identification as a crime
7 scene technician. That's a five year deal, and then five
8 years as a crime scene investigator where you have to do
9 oral -- not oral, practical and written examinations, and
10 you have to have statistics in your background, a certain
11 number of each item, to even be able to take the test.

12 Q All right.

13 A And that encompasses all of the different aspects of
14 crime scene investigation. My training also encompasses
15 footwear and tire tread examination, blood stain pattern
16 analysis, crime scene reconstruction, fingerprint
17 examination, and fabric impression, but I haven't done a
18 lot of the fabric impression.

19 Q All right. Have you ever been qualified in courts of
20 record as a expert in crime scene examination and
21 reconstruction?

22 A Yes, sir, I have.

23 Q How many times?

24 A Approximately thirty-five, thirty-six times.

25 Q Have you ever been qualified as an expert in

1 fingerprint examination?

2 A I have, yes, sir.

3 Q How many times?

4 A Maybe twenty or twenty-five. Sometimes -- and let me
5 explain why. Sometimes it's not individually. Sometimes
6 you'll qualify for two or three of the different
7 disciplines, and I didn't keep track of which time, you
8 know, was singular or which time was multiple
9 qualifications.

10 Q All right, and then have you ever been qualified as an
11 expert in footwear examination?

12 A I have, sir, approximately eight times.

13 Q And tire tread as well?

14 A Yes, sir.

15 Q All right.

16 MR. WATERS: I believe that that's what I wanted to go
17 through with the qualifications, which I believe you
18 stipulate in those areas. Is that correct?

19 MR. HARPOOTLIAN: Yes.

20 DIRECT EXAMINATION

21 BY MR. WATERS:

22 Q All right, let's move on. Did you have an opportunity
23 to review, at the request of the State, the crime scene
24 here as it relates to Maggie and Paul?

25 A I did, yes, sir.

1 Q All right, and just very quickly, what are some of the
2 types of things that you reviewed as part of your process?

3 A When I do a reconstruction, I look at the available
4 evidence as I feel it's pertinent to help me answer some
5 questions. And the questions that I -- or the things I
6 wanted to accomplish from this reconstruction, you can
7 determine sequence, you can determine movements. A lot of
8 times you can determine the number of blows or -- in the
9 event of a hand to hand combat or a firearm was used, those
10 kind of things. So, I examined forensic reports that were
11 issued by law enforcement laboratories. I also examined
12 extensively photographs that were taken on the scene,
13 measurements, that kind of thing. And I also responded to
14 the scene -- it was rather close -- and I took my own
15 measurements.

16 Q When you say responded to the scene, when did you
17 first get involved in this case?

18 A The end of 2022. And I'm not talking about when the
19 scene was actually going on. I went after the fact and did
20 my own measurements.

21 Q All right, and when you were retained by the State in
22 this case, were you told any particular goal, or were you
23 told to just take a fresh look at it and offer your
24 opinions?

25 A I was told to look at all of the evidence and

1 determine what I may be helpful on, and to use my own
2 judgment objectively, independently, and come up with my
3 own conclusions.

4 Q All right. Let's talk about, if we can -- and again,
5 we're going to have to deal with some of -- maybe not the
6 images as much, but deal with some of the injuries that
7 Maggie and Paul suffered, correct?

8 A Yes, sir.

9 Q Okay. Let's, if you could, just remind the jury.
10 What were the injuries that Paul suffered, please?

11 A They were very, very severe firearms injuries. One
12 was a shotgun wound to just a little anatomical left of the
13 midline of the body. One was to the shoulder, and it
14 proceeded into the jaw and ultimately into the head.

15 Q And was that the first injury or the second?

16 A The first injury was the shotgun wound to the middle
17 of the chest and it was nonfatal, at least not fatal
18 immediately.

19 Q All right, and then what about the second injury?

20 A The second injury was immediate. Immediate death.

21 Q All right, and then were you able to, in reviewing
22 crime scene evidence, to come to any conclusions as to the
23 order in which Paul suffered those gunshot wounds from the
24 shooter?

25 A Yes, sir, I was.

1 Q All right, and please relate that to the jury.

2 A My conclusion was that the first nonfatal wound to the
3 midline of the body occurred as Paul was standing with his
4 body canted in the middle of that dog food room pointed
5 slightly southwest, and the shot entered the midline of his
6 chest, exited his underarm, entered his underarm, on the
7 actual arm, and exited the outside of his arm. And most of
8 those nine pellets proceeded through the back window of
9 that dog food room. He's --

10 Q All right, and then just real quick, you said nine
11 pellets. So, explain that to the jury why you say nine
12 pellets.

13 A That double ought buckshot shotshell contains nine
14 pellets, and they -- I guess you could describe it as
15 styrofoam packing to keep it tight so it doesn't shake.
16 And when that cartridge is expelled out of the end of that
17 barrel, the styrofoam packing dissipates, or goes its own
18 way, and those projectiles continue in the correct path.

19 Q And hold on for me real quick. I want to get a couple
20 of things marked.

21 (Break in proceedings.)

22 Q All right. I'm going to show you --

23 MR. WATERS: Can I have the ELMO, please?

24 (Break in proceedings.)

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

1 531, 532, and 533 and see if you recognize these particular
2 images.

3 A Yes, sir, I do.

4 Q All right, and tell the jury just generally what these
5 are, please.

6 A These are views of the floor of the feed room, and a
7 view from the entrance to the feed room, and some digitally
8 placed foot -- footprints -- not footprints, legs that I
9 place in there to show Paul's approximate position in that
10 food room at the time of the shooting.

11 MR. WATERS: Your Honor, at this time I would offer
12 State's 531, 532, and 533, I believe without objection.

13 MR. HARPOOTLIAN: No objection, Your Honor.

14 THE COURT: They're admitted.

15 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 531 WAS
16 RECEIVED INTO EVIDENCE.)

17 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 532 WAS
18 RECEIVED INTO EVIDENCE.)

19 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 533 WAS
20 RECEIVED INTO EVIDENCE.)

21 Q All right, I'm going to put 531 up on the screen here,
22 make -- and we can see it all right.

23 (Break in proceedings.)

24 Q All right, Dr. Kinsey, you were talking a little bit
25 about Paul's position and his location when that shot first

1 happened. And if you could, tell the jury your conclusion
2 as to where he was located when that shot was fired, and
3 then if you want to step down, and if you could maybe point
4 out what was added to this image to kind reflect your
5 conclusion in that regard.

6 THE WITNESS: May I step down, Your Honor?

7 THE COURT: Yes, sir.

8 THE WITNESS: Thank you.

9 Q There's a dowel stick right behind you if you want to
10 use that.

11 A Okay. As you see here, those are the digital legs
12 that I placed there showing Paul's approximate position as
13 he was standing when he had the first gunshot wound. Here
14 along the floor, what you see are passive or 90 degree
15 blood droplets. And when blood -- you can tell a lot of
16 from the direction of blood by the way it strikes an
17 object. Blood has a cohesive factor; it's viscous. You've
18 probably heard that term before with the motor oil for your
19 car. It's thicker than water. And the things that causes
20 that blood droplet to change shape is the friction and the
21 direction and how much force was used. Well, a 90 degree
22 drop just is exactly that, it's perpendicular to the
23 ground.

24 So, these 90 degree drops right here tell me that Paul
25 was standing there for a moment. Can't tell you how long,

1 but those drops were running down from that wound on his
2 arm, more than likely his arm because his chest area had a
3 shirt on it and it takes a little while for that blood to
4 make it through the shirt, but it'll run down the outside
5 of your arm and drip off your fingers. And you can see
6 these 90 degree droplets here, here, and then they actually
7 lead to the door. You can follow the path to the door.
8 He's not moving very fast because most of them are almost
9 perfectly circular, or 90 degrees. Had he been moving real
10 fast, you could see some directionality in them, a tail,
11 because the tail always tells you the direction with a
12 blood drop. So, I know he was moving slowly, and I know he
13 was standing in the middle of this room for some time after
14 he -- after the first shotgun wound.

15 Q All right, and approximately how far was Paul inside
16 the feed room? Can you describe a little bit about the
17 dimensions of the feed room and your conclusion as to how
18 far within the room Paul was when he was struck by that
19 first blast?

20 A Yes, sir. Well, the feed room is 10 foot deep by my
21 own calculations and by looking at the other sketches, and
22 where you see his feet here is just on the other side of
23 the halfway point. So, I went -- you know, I'm guessing,
24 because I have no way of running a tape measure, because
25 when I went there, everything was moved. But this door is

1 36 inches, and it's approximately a foot and a half or 2
2 foot past the door, so that's how I come up with that
3 determination. And he's just on the other side of that 10
4 foot room.

5 Q Which is about how far from the doorway?

6 A 5 foot.

7 Q All right, and I'm going to show you what's been
8 marked for 534, State's 54, and see if you recognize that.

9 A I do, yes, sir.

10 Q All right, and tell the jury what that is real quick.

11 A That is a general view from outside the feed room that
12 was taken at the time the crime scene was originally
13 processed, and I added a digital enhanced arrow showing the
14 reader, or the viewer, the direction of the shot path.

15 MR. WATERS: Your Honor, at this time I would offer
16 State's 534 into evidence.

17 MR. HARPOOTLIAN: No objection.

18 THE COURT: Admitted.

19 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 534 WAS
20 RECEIVED INTO EVIDENCE.)

21 Q All right, I'm going to put 534 up on the screen. And
22 if you would, just show the arrow that you're talking about
23 that's been added to this image.

24 A Yes, sir. Right here.

25 Q All right, and then as well just show generally where

1 those blood spots are. It's not the best image in the
2 world, but where those blood spots are that led to your
3 conclusion about Paul's location within the feed room when
4 the first blast struck him.

5 A The placard hasn't been moved, although it's hard to
6 see the droplets, and, of course, I didn't add the legs to
7 this, but just on the other side of that placard. And then
8 you have here a quantity of 90 degree blood droplets with a
9 partial footwear impression in it. And then you can follow
10 the blood droplets to the door.

11 Q Going back to State's 531, again point out to the
12 jury, if you would, the sort of digitally added feet that
13 you had added.

14 A (Witness complied.)

15 Q All right, and if you would, if you could, just if
16 that's the feed room doorway, can you just sort of position
17 me in your opinion how Paul was standing when that first
18 blast happened?

19 A That's the doorway coming in?

20 Q Yes.

21 A About right here.

22 Q All right, and let me ask you this. In your review of
23 the evidence and the available crime scene evidence that
24 you have reviewed, in your expert opinion, is there any way
25 that Paul's arms were raised when he shot -- when he

1 suffered that first blast to the chest?

2 A I see no possible way his arms were up when he
3 suffered that first shotgun wound.

4 Q And can you explain the basis for your conclusion to
5 the jury in that regard?

6 A Yes, sir, I can.

7 Q All right.

8 A The shot pellets are real close because they stayed
9 together. They went in as one, as a unit, and then they
10 did what a shot pellet does: they separated once they
11 struck the skin, made entry, run along inside his body
12 cavity, and exited his underarm. If his arms would have
13 been up, he would have had no entry wounds on the bottom of
14 his arm and then more exit wounds on the outside. He had
15 over twenty entry and exit wounds, and you've only got nine
16 pellets, so the only way the math works out is if his arm
17 was down.

18 And additionally the wad stopped and was under his
19 arm. Had his arms been up, in my opinion that wad would
20 have went on and exited his body because it's only plastic.
21 It doesn't take as much resistance to stop that wad as it
22 does a shot pellet, and the wad stopped. It was right --
23 you could grab it with your fingers if you would have been
24 medical personnel and needed to. It was right there.

25 Q All right, and let me ask you this. Do you have a lot

1 of general experience with firearms?

2 A I do. I'm a firearms instructor for handguns,
3 shotguns, patrol rifles, sub-guns, and fully automatic
4 patrol rifles. Everything but a precision rifle.

5 Q All right, and when you say an instructor, where is
6 that?

7 A I'm certified. I have credentials through the South
8 Carolina Criminal Justice Academy. I've also been
9 certified as an NRA law enforcement instructor, and I
10 currently have a CWP endorsement to teach concealed weapon
11 permits from the South Carolina Law Enforcement Division.

12 Q And you testified how many buckshot are typically in
13 your buckshot shell?

14 A According to the literature, and according to my
15 experience, there are nine in that particular buckshot
16 shotshell.

17 Q Did you see any evidence -- and I think you've already
18 mentioned this, but did you see any evidence from the crime
19 scene as to what happened to some of those pellets as Paul
20 was struck as they continued on?

21 A Yes, sir, I did. They exited on through the back
22 window.

23 Q All right, and I'm going to show what's already been
24 admitted as 532 and put that up on the screen. And if you
25 could describe to the jury what you're talking about in

1 that regard, please.

2 A This is that window at the back of the feed room, and
3 you can see the shotshell pellet defects here as they went
4 through the window and continued on their path.

5 Q And those are kind of big holes. Are those
6 consistent, though, with a buckshot pellet striking that?

7 A Yes, sir, they are. And some are bigger than others
8 because it's just the make up of glass. I mean, sometimes
9 you'll get one individual hole and sometimes it'll take
10 out, you know, a large portion. So, I have no way to know
11 that.

12 Q All right, and just real quick, I've got 533, and I'm
13 going to put that up on the screen. And, again, is that
14 just a close-up of where Paul was standing about 5 feet or
15 so inside that feed room?

16 A It is, yes, sir.

17 Q Based on your review of the blood evidence that you
18 saw?

19 A Yes, sir. And here is a partial footwear impression,
20 here you can see the 90 degree blood droplets, and some
21 other biological materials.

22 Q All right, and in your conclusion, what's the most --
23 just again, what's the most likely explanation for those 90
24 degree blood drops? How is that physically happening?

25 A It's the arm wound. Even though it was nonfatal,

1 there's less restriction from clothing or anything else on
2 the arm. You know, here you've got the T-shirt that's got
3 to be completely saturate before it gets to the bottom and
4 drops, but here on the arm you've got nothing. So, once
5 those pellets exited, entered, and exited again, that blood
6 is free pouring -- or not free pouring. Free running down
7 his arm, and then they'll drop off the ends of your
8 fingers.

9 Q One thing I want to ask you about is you've testified
10 as to your conclusions as to the position of Paul when that
11 first shot struck him. Is there anything about the
12 entrance wound itself that supports your conclusion as to
13 the shape of the entrance wound?

14 A Yes. It's oblong instead of completely round, and had
15 he been standing facing that door and took that
16 double-ought buckshot to the middle of the chest -- I've
17 seen it dozens and dozens the times. Instead of coming out
18 this side, a shotshell or a projectile doesn't make a 90
19 degree right generally; it's going to follow the same path
20 unless it hits something hard enough to make it ricochet.
21 It would have went on through his body. It still would
22 have exited the window. It just wouldn't have done the
23 damage to his arm and his underarm. So, he had to be
24 canted in this direction. And the wound is not perfectly
25 circle, it's more oblong, which tells you that he was

1 canted to some degree.

2 Q All right. In your review of the crime scene
3 evidence, did you come to any conclusion about the location
4 of the shooter when that first buckshot blast struck Paul
5 in his chest?

6 A It would be hard to say exact, but I can say to a bare
7 minimum the breach of the shotgun -- because I don't have
8 the shotgun, I don't know the length of the barrel, that
9 kind of thing, or I could run it from the door. But the
10 breach of the shotgun where it ejects the shotshell casing
11 after it fires was somewhere inside the door because had it
12 been on the other side of the door, the shotshell would
13 have been located outside. So, depending on the length of
14 the shotgun, at least I can say the ejection port was
15 inside the door of the shed.

16 Q All right, and then the shooter -- I have this image
17 up here, which I apologize, is State's 534, and can you
18 kind of illustrate what you're talking about to the jury
19 using that image?

20 A Yes, sir. The breach, the ejection port where you
21 load and unload that shotgun, which is a little less than
22 midpoint from the shooter, was inside this doorframe, at
23 least to some degree inside.

24 Q All right, and where were the extended shotshells
25 found on this crime scene?

1 A According to the photographs and the original crime
2 scene, behind this door.

3 Q All right, and is that consistent with your review of
4 the evidence? Does that support your review of the
5 evidence that you just -- that conclusion you just related
6 to the jury?

7 A Very easily. This is -- if you look, this room is
8 kind of cluttered, and I measured that door myself. It had
9 been pressured washed, but the same door, found the same
10 shotshell pellet defects in that door an inch and a half at
11 the bottom of the door. That's plenty of room for a
12 shotshell to bounce and roll under the door. So, I have no
13 reason to believe it didn't end up there because of the
14 location of the shooter.

15 Q All right. Let me get a couple of other things
16 marked. You can kind of head back to your home base and
17 let me just get these marked real quick.

18 (Break in proceedings.)

19 Q All right, Dr. Kinsey, I want to show you what has
20 been marked as 535, 536, 537, and 538, State's Exhibits,
21 and see if you generally recognize those images.

22 A Yes, sir, I do.

23 Q All right. Generally explain to the jury what these
24 images are and then we'll talk about them specifically.

25 A Those are images at the door that I've added some

1 visual enhancements to help the reader understand the
2 flight path of the second shot, and the different elements
3 that I looked at in determining where the shooter was for
4 the second or the fatal shot to Paul.

5 Q All right.

6 MR. WATERS: Your Honor, at this time I would offer
7 State's 535, 536, 537, and 538 into evidence, I believe
8 without objection.

9 MR. HARPOOTLIAN: No objection.

10 THE COURT: They're admitted.

11 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 535 WAS
12 RECEIVED INTO EVIDENCE.)

13 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 536 WAS
14 RECEIVED INTO EVIDENCE.)

15 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 537 WAS
16 RECEIVED INTO EVIDENCE.)

17 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 538 WAS
18 RECEIVED INTO EVIDENCE.)

19 Q All right, let's look first at 535. And before we get
20 to that, generally describe, again, to the jury your
21 conclusion as to that second injury suffered by Paul, the
22 fatal shot as you've described it.

23 A Well, the first thing is once Paul received that
24 second shot, he never walked again; he never made any
25 movement. Any movement he made was involuntary and it was

1 due to gravity pulling his body down to the ground. When
2 you sustain an injury to your brain like that, that ceases
3 all movement.

4 So, he was found outside the feed door. He fell over
5 forward after sustaining that movement. Some wounds are
6 fatal later. You can actually see someone that receives a
7 fatal wound and they -- I've seen them run 100 yards. They
8 can move for a little while. This is not that type of
9 wound. Once he received this wound, it ceased all
10 movement.

11 Q All right, and did you -- I'm going to put
12 attachment -- excuse me, State's 535 up on the screen. And
13 tell the jury what this particular image reflects, please.

14 A Yes, sir. If you can look at the green funnel that
15 I've added just visually, if you look at that green funnel,
16 that is approximately the shotshell path -- the shot path
17 from the shotshell after it did the injuries to Paul, or
18 the direction of the shot from the shotshell. And I
19 determined that by shotshell pellet defects that are still
20 in the door even though the door had been cleaned.

21 I went and looked at it myself, run my own
22 measurements, took the width of the door. I took Paul's
23 approximate height. It's listed as several different
24 things. DMV shows him at 5-6; the pathologist listed him,
25 I believe, at 5-9. So, I had to split the difference. I

1 went somewhere in the middle. Then I deducted the distance
2 between the top of your head and the top of your shoulder,
3 so I took another foot off. Then I took the width of the
4 door.

5 It was one other thing I looked at, and that was a
6 void pattern that's on the doorframe of the door. A void
7 pattern is caused by something being there when the blood
8 and biological materials are let. We call it a
9 bloodletting from the wound, and there's a void pattern,
10 which tells me something was in that way, and because of
11 the narrow door, in my opinion, it was Paul. So, that's
12 what caused that void pattern on that door. So, I used all
13 of that. And I used a dowel rod, and I used a protractor
14 on the doorknob side of that doorframe, and I ran it up,
15 and that's what helped me establish the angle of that shot
16 pattern.

17 Q All right, and we're going to use the images to kind
18 of talk about that a little bit more specifically, but
19 quickly I want to show you 539 and 540 and see if you
20 recognize these images.

21 A Yes, sir, I do. 540 is my photograph when I visited
22 the scene. And 539 is also my photograph, and it shows
23 that top hinge of that door is approximately 72 inches at
24 the top of the hinge.

25 Q All right.

1 MR. WATERS: Your Honor, at this time I would move
2 into evidence, I believe without objection, State's 539 and
3 540.

4 MR. HARPOOTLIAN: No objection.

5 THE COURT: They're admitted.

6 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 539 WAS
7 RECEIVED INTO EVIDENCE.)

8 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 540 WAS
9 RECEIVED INTO EVIDENCE.)

10 Q All right. Let's -- if you could, I'm going ask you
11 to step down again. I know I just sent you back there, but
12 come on down. I'm going to put 539 up on the screen, and
13 if you could tell me what this image reflects if you could,
14 please.

15 A Yes, sir. These are 36 inch standard yellow yard
16 sticks. We use them to measure certain things. And it --
17 right here is the top of the top hinge. It's a three hinge
18 door, and this is the top of the hinge. And then four
19 inches above this are where those shot pellet defects were
20 that I used to figure out my angle.

21 Q All right, and looking at 540, who took this
22 particular image?

23 A I took this image.

24 Q So, this would have been long after -- this would have
25 been long after the actual event occurred. Is that

1 correct?

2 A This was last December, yes, sir.

3 Q All right, and tell the jury what this image reflects.

4 A You can still see the pellet defects in the door, and
5 this is the approximate center of it here. So, that's 4
6 inches above 72. That's approximately 76 inches on an 80
7 inch door.

8 Q I'm going to show you State's 536, and explain to the
9 jury what this is, and in particular how that's relevant to
10 your conclusion about the angle in which Paul suffered the
11 fatal head wound.

12 A This is the original crime scene pictures, and this is
13 where the pellets took their path. This is where they
14 struck and did damage to the door. And you can actually
15 still see the dents that are documented in my photograph.
16 You can see them in the original crime scene. This is a
17 concentration of blood that's caused by the brain exiting
18 Paul's body in the path of the shotshells. And then you
19 also have biological material, hair and blood, here at the
20 top of the doorframe, and that's where I drew my
21 conclusion. At some time those body parts made contact
22 with these sections of the door, and my opinion is that it
23 hit here, hit here, and then landed on the sidewalk.

24 Q Looking at State's 537, can you explain what the jury
25 is seeing in image and how it relates to your opinion about

1 the manner in which Paul suffered that fatal wound?

2 A I can. With a major bloodletting --

3 Q And, Dr. Kinsey, let me ask you to -- I'm going to
4 move this podium and actually ask you to actually step back
5 just a hair so that the jurors over here can see what
6 you're saying.

7 A Yes, sir. With a shotgun wound, you know, you've got
8 hundreds -- well, not hundreds. You've got over a hundred
9 pellets that are making damage. It's not like a
10 projectile, a single projectile from a pistol or a rifle,
11 so there's mass damage, and it throws body fluids and blood
12 in several different directions, but they follow the path.

13 When I mentioned that it was a void pattern, this is
14 the last blood drop -- you can see it in the photograph --
15 that I can see, and it's approximately 5 feet right there.
16 And this is not green tape. That is a digital affect I put
17 on the photograph to show the void I was talking about.
18 So, at some time it's my opinion that Paul was up against
19 that door, or real close to that door, to keep that blood
20 from striking the door at the point in time that he was
21 shot.

22 Q All right, and the green tape reflects that blood path
23 or that void area that is consistent with Paul blocking
24 that area. Is that correct?

25 A Yes, sir, digital tape. It's not really tape. Yes,

1 sir.

2 Q All right. So, that's been added to --

3 A Yes, sir.

4 Q Okay. To illustrate your opinion, correct?

5 A Yes, sir.

6 Q And then 538. I'm going to show you this image, and
7 again, if you can point out what's been added and how this
8 relates to the conclusion that you're offering to the jury?

9 A Yes, sir. One thing that I looked at to determine
10 that it happened in the doorway and a little bit outside
11 the doorway, more outside than inside -- you don't just
12 look for the presence of biological material in blood. You
13 look for the absence of biological material in blood. Here
14 at the top it didn't have a scale or a ruler, so I can't
15 tell you exactly, but looking at some of these other
16 objects, I was able to scale it.

17 Approximately 4 inches up here you have a void, so I
18 know that it happened -- the second wound happened far
19 enough outside of that doorframe that the actual frame kept
20 the biological material from hitting at the very top right
21 here. I also looked at these items. You've got some
22 medication, K-9 medication, or some cleaning materials and
23 that kind of thing up here. You can see all of the spatter
24 at the front of those containers, and then we've got what I
25 call a demarcation line right here, here, and I drew it

1 through most of these cans, and that separates the blood --
2 the blood contaminated area and the clean area. So, that
3 tells me that it was at least forward of the angle on those
4 containers, and that's why I believe he was shot -- the
5 second wound happened just outside of the doorframe, but
6 his feet were probably still in the doorframe.

7 Q All right. Just quickly point to the jury, can we see
8 part of the doorframe in this particular image?

9 A You can, yes, sir, right here.

10 Q All right. Once -- and going back now to State's 535.
11 And just for the record, we were just looking at
12 State's 538 and 537.

13 Going back to State's 535, did you reach a conclusion
14 as to the location of the shooter on that second fatal shot
15 that Paul suffered to his head?

16 A Yes, sir, I did.

17 Q All right, and explain this to the jury, if you would,
18 please.

19 A The shooter was right here. If you're facing that
20 door, to the right of the doorway outside.

21 Q All right, and would you have expected there to be in
22 that particular range any sort of biological evidence in
23 that area in proximity to the shooter?

24 A Yes, sir, I would.

25 Q Would the doorframe have potentially blocked any of

1 that as well?

2 A It would block some, and just depending on the
3 positioning how much of the body of the shooter was
4 exposed. Because, you know, once you have that kind of
5 catastrophic injury, it's real, real, real fine blood
6 particles and biological fluids that go in all directions,
7 and the closer the shooter was to the muzzle, to the exit
8 end of that firearm, the more stuff you would expect.

9 Q Let me ask you this. In your expert opinion, is there
10 any way that Paul's fatal head injury came from the top in
11 a contact fashion, or a close fashion?

12 A No, sir. I see no possible way for that.

13 Q And explain your conclusion in that regard for the
14 jury if you would, please. What factors weigh against that
15 in your expert opinion?

16 A Well, number one, I don't know of a way to mimic this
17 blood evidence on this door, that pattern where that shot
18 traveled through Paul's shoulder into his jaw, into his
19 brain, and then took a path up and placed the biological
20 material here at the top of the door. If he was shot in
21 the head, then you would have biological material out here
22 on the ground, or at least going down, you know, on the
23 sidewalk in front of him. And it would be different than
24 just free pouring blood. You would see this pattern, and
25 you would see those high velocity blood droplets there on

1 the ground. And plus the shooter would have to be on the
2 roof to shoot down into him. But you wouldn't have this on
3 the door.

4 Q In your expert opinion, did you see any support -- or
5 evidence in this crime scene that could support that the
6 injuries suffered by Paul were in any manner a suicide or
7 self-inflicted?

8 A I don't see the possibility, knowing that it's not a
9 contact shotgun wound. And I'm fairly strong and I'm
10 bigger than Paul was, and I don't know of any way you could
11 hold that shotgun out and shoot yourself in that direction
12 at that angle and put that biological material on top of
13 that door like that. I don't think it's possible.

14 Q All right, thank you. All right, and I hate to keep
15 sending you back and forth, but I'm going to send you back
16 one more time. Now, let me ask you this. The second
17 wound, the fatal wound that Paul sustained to his head, was
18 that buck or was that birdshot?

19 A The second wound was birdshot.

20 Q All right, and can you describe to the jury the
21 difference between the composition of a buckshot round as
22 it relates pellets and a birdshot round?

23 A Yes, sir, I can.

24 Q All right. Please do that.

25 A With buckshot you've got a number of larger pellets,

1 approximately 30 or 36 caliber pellets, and you've got
2 fewer of them. They're made for bringing down larger game.
3 So, in the typical double-ought buckshot, you're going to
4 have nine pellets. In your typical number two -- and it's
5 called many things, you know, bird -- the typical person
6 calls it birdshot, birdshot, chill shot, steel shot, coded
7 shot. I've heard it called it many things, so I just
8 typically called it birdshot. But in this particular shot
9 there's approximately 150 to 156 pellets in that Drylok
10 shotshell, so that's the difference.

11 With the buckshot you've got fewer and they're larger,
12 and with the birdshot you've got many, and that they're
13 greater. They're for bringing down winged animals,
14 squirrels, rabbits, dove, quail, turkey, duck. I mean,
15 just depending on the number of shot, that's what that's
16 for.

17 Q All right, and about how many approximately birdshot
18 might be in an average shotgun shell?

19 A The literature says it's 156 in a Drylok. I cut one
20 open and I only counted 150, but that may have been human
21 error.

22 Q Around 150.

23 A Yes, sir.

24 Q In your expert opinion, when you have birdshot, is, is
25 there a forensic value for collecting every single pellet,

1 or can you explain those concepts to the jury when you're
2 dealing with birdshot?

3 A I always try to collect enough that the firearms
4 examiner can weigh it and he can have a good representative
5 sample of what was used to cause this injury. With a
6 projectile, or a bullet, you have what's called lands and
7 grooves, markings, rifling. Some people call it rifling,
8 and it's caused from that projectile spinning as it goes
9 down the barrel. You don't have that in a shotgun, and a
10 pellet is so small that you couldn't -- probably couldn't
11 find it if you could have it in a shotgun. So, in my
12 opinion there's no forensic value as long as you have
13 enough to determine what type of shot or what type of shell
14 and the weight of it.

15 Q In your opinion, was the -- and you've talked about
16 this, but was the shooter, when that fatal shot was fired,
17 inside or outside of that doorframe?

18 A The second shot?

19 Q The second shot.

20 A Yes, sir, it was outside the doorframe.

21 Q All right, and where was that second shotshell
22 located?

23 A It was also located under the door.

24 Q All right, and is that still consistent with your
25 opinion?

1 A Absolutely.

2 Q And can you explain that to the jury, please?

3 A Yes, sir. Like I mentioned earlier, the ejection port
4 on a shotgun typically -- and there are left-handed
5 shotguns, but typically the majority of shotguns, the
6 ejection port is on the right side. So, as long as that
7 shooter had it at an angle, and had that ejection port
8 pointed toward the door even just the least little bit,
9 that would give plenty of opportunity for that shotshell to
10 be ejected and go inside that door.

11 Q All right. I know I just sent you back. I'm going to
12 bring you back down. I'm sorry. Before we move on from
13 Paul, I would -- and if you could just use me an manakin,
14 but can you sort of describe to me your conclusions about
15 the positioning of Paul when he suffered that fatal head
16 wound and just how -- the trajectory of that wound and that
17 shot as you've described and as supported by the evidence
18 as you see it?

19 A Can I describe it --

20 Q Yes.

21 A -- and demonstrate it?

22 Q Yes, please.

23 A I'm going to step back so the jurors can see me. The
24 second wound, as I mentioned, went in his arm and caused an
25 injury here, a large entrance, exit, entrance, and then, of

1 course, exit here. So, it had to be -- typically with the
2 kind of nonfatal wound Paul suffered to his chest and his
3 arm, it's my belief that now his 5-foot-8 frame is dipping
4 or favoring that arm because, as you know, that's over 20
5 something entrances and exits. I believe it would have
6 hurt him; I believe he would have been in pain, and I
7 believe he would have been somewhat affected. And the
8 reason I believe that is because I've got the 90 degree
9 blood drops moving really, really slow. If he wasn't
10 feeling it, or if it hadn't affected him some way, I
11 believe his youthfulness would have allowed him to get out
12 of there faster, but he's moving real slow to the door, so
13 that's going to drop that angle just a couple inches. And
14 I can demonstrate --

15 Q All right, and if we can make sure that juror can see.

16 A Yes, sir, absolutely.

17 Q All right.

18 A That wound went in approximately right here. It
19 traveled in, out, in, and out in a straight line, in a
20 straight line.

21 Q Then when you're pressing the dowel stick there,
22 you're showing the projection of the wound, not implying
23 that was a contact wound. Is that right?

24 A No, I'm not. I'm not implying it's contact. I'm just
25 showing the level of the wound.

1 Q All right. While I'm thinking about it, the wound to
2 Paul's chest, did it show evidence of stippling?

3 A It did, yes, sir.

4 Q All right, and just very quickly, what is stippling?

5 A Commonly referred to as tattooing. It's particles and
6 material that's in that shell that don't burn up because
7 it's super heated at the time that the powder charge
8 ignites. It doesn't explode. It ignites and burns
9 rapidly, and that's unburnt particles of powder and other
10 contents of that shell. They're hot and when they hit the
11 body, they cause stippling, or in the old days they called
12 it tattooing, and that's basically what it is. It works as
13 an ink.

14 Q Looking at this particular image, Paul is about 5 feet
15 in the feed room when he suffers the first wound, correct?

16 A Yes, sir, that is correct.

17 Q And then he moves towards the door. Is that correct?

18 A That is correct.

19 Q And suffers the second wound somewhere near the
20 doorframe on the inside of it, correct?

21 A Yes, sir. With his shoulder just outside of that
22 doorframe.

23 Q And when he suffers that second wound, what happens to
24 Paul?

25 A He falls immediately.

1 Q All right, and where does he fall?

2 A He falls outside of the feed room.

3 Q All right. Let's move on now and let's talk a little
4 bit, if we can, about the injuries to Maggie Murdaugh. And
5 if you could, start out by reminding the jury of the
6 injuries that she suffered, and then let's talk about your
7 conclusions as to the manner and the order in which those
8 were suffered.

9 A Yes, sir.

10 Q All right. So, if you could, just remind us again of
11 those injuries, and if you could go ahead and describe them
12 in the order that in your expert opinion they were
13 suffered.

14 A Yes, sir. Ms. Maggie Murdaugh suffered three nonfatal
15 injuries from a firearm. One was through her wrist. One
16 was her left upper thigh above the knee. One was at her
17 abdomen here and it exited somewhere around her kidneys.
18 Now, I'm not that kind of doctor. I can't tell you all the
19 damage it did inside, all of those organs and things, but
20 it ran a straight line through her body.

21 This one on her left leg and this one on her
22 midsection were approximately same angle, and they were
23 really, really close in distance. One had stippling that
24 said that it was a foot closer than the other, but that
25 would probably fit. This was either a total separate,

1 nonfatal wound, or it could have been a continuation of one
2 of the two fatal wounds.

3 Her fatal wounds were she had an abrasion or a burn on the
4 left side of her abdomen from the outside in. That bullet
5 followed a straight path. It entered the end of her breast
6 and did extensive damage to the end of her breast, entered
7 her left jaw side of her face area, and went into her
8 brain. That's the first fatal injury. And it was
9 immediate and she dropped right where she was at. I saw no
10 evidence that her body had been manipulated, moved, or
11 rolled over.

12 The second fatal injury was down into her head, and it
13 actually did what in the day they call a keyhole injury
14 just from appearances. The entrance and exit in the top of
15 her head were so close it made one big injury, and then it
16 entered into her upper shoulders and went down into her
17 body. That would have also been a fatal wound, but it was
18 second. In my opinion, that one came second.

19 Q All right. Let's talk about that a little bit -- in a
20 little bit more detail. Those first two wounds that you
21 described, you believe those are the first two wounds she
22 suffered?

23 A Yes, sir, and possibly three. I can't tell you much
24 about this because the arm could have been moving or it
25 could have been here.

1 Q All right. Well, let's talk about the thigh wound and
2 abdomen wounds. Can you -- did you have any conclusions
3 about the location of THE shooter as those two wounds were
4 suffered?

5 A Yes, sir, I did.

6 Q All right, and explain that to the jury if you would,
7 please.

8 A About here and here. Here and here.

9 Q All right, and in your opinion, were those two shots
10 fired at a fairly quick succession, or around the same
11 time?

12 A I think it would have been really, really difficult to
13 get a similar angle if they weren't. All the shooter had
14 to do was raise the weapon or lower the weapon and you're
15 still on the same plane.

16 Q And did those wounds to the abdomen and to the thigh
17 reflect the presence of stippling?

18 A They did.

19 Q And what does that indicate to you about the distance
20 between Maggie and the shooter when those wounds were
21 suffered?

22 A I guess 4 or 5 feet.

23 Q Okay. Fairly close?

24 A Yes, sir.

25 Q All right, and after those two wounds were suffered --

1 and again, we'll put aside the wrist wound for a bit --
2 what would have happened after that in your expert opinion?

3 A In my opinion, at bare minimum she would have bent
4 over. She would have been in pain. I believe some time in
5 close proximity she fell to the ground, and that's when the
6 first fatal wound was delivered.

7 Q Would she have been prone on the ground or still
8 somewhat raised above the ground or in a bent over position
9 when that first fatal wound was suffered?

10 A In my opinion, from the angle she would have been on
11 her knees and had at least one hand on the ground.

12 Q All right. Those first two shots -- well, let me ask
13 you this. There were obviously six shell cases that -- of
14 300 Blackout that were used to murder Maggie Murdaugh found
15 at the scene. Is that correct?

16 A That is correct.

17 Q Explain to the jury. Is there -- what conclusions, if
18 any, can you draw about the location of those shell cases,
19 if anything? Explain that to the jury a little bit, if you
20 will.

21 A Once again, just like with a shotgun, I'm not saying
22 it doesn't exist, but I don't think there are many
23 left-handed AR platforms, so generally speaking, the
24 ejection ports will be on the right side. I own seven.
25 Some of them throw it -- the shell -- the shell casing a

1 little bit forward. Some throw it a little bit back. Some
2 throw it a perfect 90 degrees to the ejection port. If
3 they were always uniform where they came out, if you go
4 target practice you could place a bucket there and all of
5 your shell casings would drop in the bucket. You wouldn't
6 have to bend over and pick up your shell cases.

7 Unfortunately, that's not a real world. So, I don't
8 put a lot into that unless I have the actual weapon, and we
9 can test the weapon with the same ammunition, and you can
10 generally get an idea where that shell casing is going to
11 go. So, no, sir, I don't pay a lot of attention to it, and
12 I definitely don't think the sequence from one end to the
13 other, or from this end to this end, means that's
14 necessarily the movement of the shooter.

15 Q Got you. All right. You said that when she suffered
16 that first fatal wound in your opinion, I mean, she would
17 have been bent over and perhaps been on her hands and
18 knees. Is that correct?

19 A Yes, sir.

20 Q All right. I'm going to get down on my hands and
21 knees, and if you could come around here and kind of show
22 me they where the trajectory of that wound would have gone,
23 the first wound that was fatal for Maggie Murdaugh. I
24 guess you can come behind me?

25 A Yes, sir.

1 Q All right.

2 A Right there. The shooter was right here,
3 approximately right here.

4 Q All right, and show us the trajectory as it went
5 through Maggie into her brain.

6 A Yes. It burnt or abraded her stomach outside to
7 inside, went through the end of her breast, into her jaw,
8 and then into her brain.

9 Q Okay, and what would have been the effect on her once
10 that shot was suffered?

11 A She would have immediately fell down with the front of
12 her body.

13 Q All right.

14 A And that is the position her arms were in the original
15 crime scene photographs.

16 Q And while I'm down here so I don't have to get up
17 again, tell me about the fatal shot and position of the
18 shooter as the evidence indicates to you.

19 A The second shot was not as close, but it still wasn't
20 a long distance. It was approximately here into the crown
21 of the head.

22 Q And use the dowel stick to show that injury that
23 Maggie suffered.

24 A In, out, in, in that line.

25 Q Thank you. All right. I need to go to the dry

1 cleaner after this.

2 The first shot, the first fatal shot, that would have
3 immediately been fatal. Is that correct?

4 A Yes, sir.

5 Q The second shot also would have been fatal had she
6 still been living, but in your opinion she was not at that
7 point. Is that correct?

8 A Yes, sir.

9 Q All right.

10 A Well, she may have had a sign of life, but there was
11 no movement; she was not capable of any movement at that
12 time.

13 Q All right. Go ahead and have a seat for me. Of
14 course as soon as I tell you -- say that to you, I'm
15 probably going to have you get back up. Let me talk about
16 something else real quick before we come back to this.

17 (Break in proceedings.)

18 MR. HARPOOTLIAN: No objection.

19 Q I'm going to show you what's been marked as State's
20 541 and see if you recognize this document.

21 MR. HARPOOTLIAN: Is it under seal?

22 MR. WATERS: I'll bring it back to you. Hold on.

23 (Break in proceedings.)

24 A Yes, sir, I do.

25 Q All right. Tell the jury generally what this document

1 is, please.

2 A That's a comparison and presentation that I put
3 together over an unidentified impression on Ms. Maggie
4 Murdaugh's left calf.

5 Q Okay.

6 MR. WATERS: Your Honor, at this time I would move
7 State's 541 into evidence under seal.

8 MR. HARPOOTLIAN: No objection.

9 THE COURT: It's admitted without objection.

10 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 541 WAS
11 RECEIVED INTO EVIDENCE.)

12 MR. WATERS: If we could make sure the monitors are
13 secured, please.

14 Q All right. I'm going to --

15 MR. WATERS: Are all monitors secured?

16 Q I want to put State's 541 up on the screen. Moving to
17 541 and putting it up on the screen, if you could tell me,
18 first of all, what do we see here before we can get to your
19 analysis on this particular issue?

20 A This is a general photograph of an impression on
21 Ms. Maggie Murdaugh's left calf.

22 Q Okay, and do we also see a wound on this particular --
23 in this picture?

24 A You can see the exit wound from that thigh wound that
25 I described earlier.

1 Q All right, and what, if anything, did you notice about
2 or conclude from the sort of blood pattern on the back of
3 her thigh there?

4 A She stood a little while. I can't tell you how much
5 time, just like with Paul, but she was standing after she
6 suffered that thigh wound because the blood is running down
7 the leg, and gravity always pulls it to the earth.

8 Q All right, and then -- you know I sent you back there.
9 I'm just going to bring you back on down. I'm sorry about
10 this.

11 A That's all right.

12 Q Bring your stick, if you would, and again make sure
13 you're out of the way of the jurors. Was there any sort of
14 mark, or any sort of mud mark on the back of her leg?

15 A Yes, sir, it was.

16 Q All right, and point that out to the jury, please.

17 A Right here, an unknown impression on her leg.

18 Q Okay, and did you engage in an analysis of that
19 particular impression?

20 A I did, yes, sir.

21 Q All right. If you would just stay there, I think it
22 probably would be easier than sending you on back. I'm
23 going to move to the next slide, and just tell me what this
24 is, if you would, please.

25 A That is the same impression, unknown impression. I

1 just cropped everything out so you can concentrate on the
2 actual impression.

3 Q All right. Moving on to the third page of this
4 exhibit, what is this?

5 A This is a , all terrain vehicle that was in close
6 proximity to Ms. Maggie Murdaugh's body where she -- the
7 final spot where they located her, and this is in close
8 proximity to where she was located.

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

10 (Break in proceedings.)

11 Q And I'm going to show you what's previously been
12 admitted into evidence as State's 70 and State's 71. And
13 can you tell me what these images reflect?

14 A That is that Polaris ATV that I mentioned.

15 Q All right. Generally remind the jury where this was
16 located.

17 A Ms. Murdaugh was laying face down. That was to her
18 left underneath a overhang or a -- I don't know what you
19 call it, a shed that was attached to that airplane hanger.
20 A lean-to, that's what I was trying to think of.

21 Q All right, and do you see any indication of any
22 biological material in the crime scene images that were
23 taken of that Polaris?

24 A That was my first indicator. That's what made me
25 concentrate on a specific tire, yes, sir.

1 Q Okay. We can see how washed out that is if I can
2 maybe fix it. And can you point out an example of what
3 you're talking about on that image?

4 A Yes, sir, I can.

5 Q And I can bring you the original image if that's
6 better.

7 A Right here we've got some kind of biological material,
8 and I'll tell you the reason I believe that it be so. Like
9 I said, blood has viscosity, or a cohesive factor to it.
10 That's why a blood drop stays together. You know, if you
11 throw a drop of water on a tire, what's going to happen?
12 It's going to run down. But here, here, here, and actually
13 here on the front of that four wheeler, in my opinion,
14 that's some type of biological material.

15 Q All right. I'm going to do one other thing. I'll
16 slide by you real quick.

17 (Break in proceedings.)

18 Q All right, looking now at Defense 29. Again, if you
19 could just -- this is the feed room right here. Is that
20 right?

21 A Yes, sir.

22 Q And just, if you could, just point to the general
23 location of this ATV and where it was located in the crime
24 scene.

25 A Right here in this area.

1 Q All right, and that would again on this -- this is not
2 the scale, but that would be at least on this diagram where
3 Maggie was. Is that correct?

4 A Yes, sir, that's her approximate location.

5 Q All right, thank you. All right. Let me -- going
6 back this particular slide and your analysis of this tire,
7 if you would, explain a little bit about what you see here
8 and what an examiner looks at in looking at sort of this
9 particular tire as it relates to your analysis.

10 A Yes, sir. What we look at as footwear and tire tread,
11 or tire tracks examiners, we look at the actual tread
12 pattern and design of that tire or that shoe, and there are
13 a couple of different conclusions you can come up with. We
14 compare known and unknown. It's not like you see on TV
15 where you take a picture of a shoe and feed it into a
16 computer. Some people have footwear data bases, but it
17 still has to be examined by a human. There's no magic
18 machine. If there is, I've never seen it.

19 What we look at, we look at the dimensions of the
20 tread pattern. We look at the shape, the sole, the outsole
21 design, the tread design, the measurements, and we try to
22 find class characteristics. That's shape, size, sometimes
23 depth, or the physical properties included in that pattern,
24 and then to make a complete identification. That's a class
25 characteristic. That's saying there's an association.

1 Either this shoe or this tire could have made this unknown
2 impression, or another one just like it could have made
3 this unknown impression. So, that's a class or an
4 association. Then you've got an identification. That's
5 where you say to the exclusion of all others this shoe or
6 this tire made this print.

7 Now, to make an actual complete identification to the
8 exclusion all others, you've either got to have a -- you've
9 got to have what's a random, unique characteristic: a
10 thumbtack in the bottom of someone's shoe, bubble gum,
11 damage to the tread pattern on that tire. You know, you
12 hit something and it then cut a tread pattern. So, that's
13 pretty difficult unless you have the actual tire, the
14 actual shoe, and then you take it and compare it to the
15 unknown.

16 And what you'll do is take that tire and you -- three
17 dimensional comparisons are always better than two
18 dimensional. Two dimensional is a photograph. You can't
19 tell depth. If you have the actual cast of that footprint
20 or that tire, now you've got three dimensional: you've got
21 the width, the length, and the depth. So, it's a little
22 bit better to have a three dimensional to compare with, but
23 you can do a lot with a two dimensional.

24 You can -- if you can get it scaled to the size, you
25 can associate it with another thing. You're looking for

1 them: unique, random characteristics. They call them
2 accidentals. It's something that happens by accident --
3 just because of the way you walk, the way you drive, what
4 you might hit -- and that's what you look at when you do a
5 tire or footwear impression analysis.

6 Q All right. I'm going to move on now to the next page
7 in your exhibit, and tell the jury what these two images
8 are, please.

9 A Yes, sir. This is the unknown impression on
10 Ms. Maggie Murdaugh's left calf, and this is a photograph
11 of the known front driver's side tire of that .

12 Q All right, and when you were starting to compare those
13 two, did you have to make any account for the relationship
14 of Maggie's thigh and this ATV tire?

15 A I did.

16 Q And explain that to the jury, please.

17 A Just like if you're driving in your car and an
18 ambulance comes up behind you and you look in the rear view
19 mirror, you can read ambulance. But if you look at the
20 front of that ambulance, it's written backwards because
21 you're looking through a mirror. Well, with a shoe, a
22 tire, or Ms. Maggie Murdaugh's leg, you can't see through
23 her leg, you can't see through the tire, so you have to
24 flip one of them or the other. So, flipping the tire, in my
25 opinion, because it has some characteristics on it that I

1 wanted the reader to be able to look at, I chose to flip
2 the impression on her leg to do the comparison because
3 unless you do footwear and tire tread examinations, you're
4 not going to be able to look at something in reverse and
5 find those points.

6 Q So, this is the original orientation. Is that
7 correct?

8 A It is, yes, sir.

9 Q And then flipping over to your next slide, that's
10 where you reverse the image. Is that correct?

11 A Same photograph. I just pulled it over. In the old
12 days with 35-millimeter film -- and I'm from the old days
13 -- we just flip the negative. That's all you had to do.
14 It's a little bit more complicated in the digital world but
15 not that hard to do. But this is a direct representation.
16 It's just in reverse.

17 Q All right. Continuing on as we go through your
18 analysis, what does this reflect?

19 A This is just a so you could understand the
20 orientation here, here, here, and here. Those are the two
21 treads that we're talking about now.

22 Q All right.

23 A And, by the way, those on the tire are the only treads
24 at that level on her calf that I believe needed to be
25 examined.

1 Q All right, and again, these are just additional images
2 illustrating the -- what you were focusing on in your
3 analysis?

4 A Yes, sir.

5 Q Okay, and then this one right here?

6 A Yes, sir. That's a side by side view once again with
7 all the background cut out of it.

8 Q All right, and then the final one. Is this -- explain
9 this to the jury, how this supports your opinion.

10 A This is my actual comparison, and we use a process
11 called ACE-V where you analyze, compare, evaluate, and
12 verify. It's a peer review process. I never go by just my
13 results. I always have another competent examiner with
14 like experience and like skills look at my work because if
15 you're going to make a mistake, that's where the mistake is
16 found. You don't want to put a conclusion out for
17 something important and you miss that, and that is a very
18 important process in the examination world that you use
19 peer review process. You have someone else look at it.

20 And so what I do so that person and the jury and the
21 Court, Your Honor, so that person can look at these
22 details, I've got a markup here showing some unique, random
23 characteristic that I've used, but I've also put the actual
24 impression there so you can make your own decision. I
25 didn't want to look like I was being deceptive and put

1 enhancements in there and point things -- you can look at
2 it and make your own conclusion. But I wanted to put it
3 right next to mine so you know I'm being straight, or here
4 you can make your own opinion.

5 Q All right, and very quickly, is it your expert opinion
6 that this mark on the back of Maggie's leg is a tire
7 impression and not anything else?

8 A That is a tire tread impression. That is my opinion.

9 Q All right. Now, I see you have a number of arrows
10 here that have different colors, and so I would like to
11 move through those and explain what you're pointing to with
12 those arrows in this image, okay?

13 A Absolutely.

14 Q Let's start with the baby blue one, and tell the jury
15 what that indicates to you.

16 A Now, you're going to have to tell me because I can't
17 tell shade from here.

18 Q All right.

19 A Okay. The top one?

20 Q Yep.

21 A Yes, sir. All right. Here you've got your unknown
22 impression. Can you see down there? Here you've got your
23 unknown impression. And what I pointed here is that the
24 start of that impression -- and it's in mud, by the way,
25 it's in mud, and so it's really, really fragile but it's

1 still here. You've got an unknown impression. And here is
2 approximately where it starts in the unknown, and here is
3 where it starts in the known. And you can look at both,
4 the markup one and the actual impression itself.

5 Q All right.

6 A And it's here.

7 Q All right, and then moving on to the -- to this right
8 here, kind of -- we've got a purple one and then kind of
9 that --

10 A Yes, sir, I see it.

11 Q -- whatever that one is.

12 A Yes, sir.

13 Q But explain to the jury what you're seeing there and
14 how that supports your conclusion.

15 A Right here is the other side of that tread, and this
16 tread is this tread is this tread. Those two are the same.
17 And right here you can see it come up, and it actually
18 makes a complete corner there, comes up and it curves out
19 just a little bit there.

20 Q All right, and is that consistent with the sort of
21 unique shape of that top tire track?

22 A Yes, sir, it is. Right here and then it comes up.
23 Now, it's not -- it's exaggerated a little bit in the
24 drawing, but that's the best I can do with a stylus trying
25 to get it there.

1 Q All right, and are those very distinct patterns that
2 you see in the mud that match up with that particular tire
3 track?

4 A Yes, sir. Not so much the corner there, but these in
5 here are. You can see a unique, random characteristic
6 here, and all that is, is a void pattern in the mud. You
7 can also see it here, I mean, almost perfect. You can see
8 one here where the yellow arrow is. You can see it here.
9 It's right there.

10 Q All right. You're kind a doing a little mountain or a
11 little hump, and expand on that with the jury. Why is that
12 particular -- why is that significant to you?

13 A Because that's not in the -- that's not in the process
14 of making the tire. That's because whoever drove that
15 last hit some dirt or some mud, and that is a pattern
16 that's left in mud on the tire, and in my opinion it
17 transferred to Ms. Maggie Murdaugh's calf.

18 Q All right, and show the jury where you're talking
19 about the little hump --

20 A Yes, sir.

21 Q -- on this image right here, if you can show it and --

22 A It's marked with a yellow arrow, and here it is right
23 here. I've marked it there, but you can look at the one
24 that's not marked, and you can also see it here.

25 Q All right. Talking about this bottom impression,

1 we've got a white arrow to that line right there. Explain
2 that to the jury and what's significant in your analysis
3 about that.

4 A I mark that because unless you examine, you might --
5 unless you've got really, really good eyesight, you might
6 not pick up on that, but here you've only got a partial
7 line. The whole line didn't show through in the transfer
8 of the mud or dirt or debris. And I kept myself honest. I
9 only highlighted the length of that, but you can also see
10 it here, and here you can see that side of the tire tread.

11 Q All right, and moving on now to the -- this green one
12 right here and -- kind of green to the baby blue to that
13 blue, just kind of going around that there, if you could
14 explain that to the jury and the significance, if any, to
15 your analysis.

16 A It's just a continuation. And there's a little break
17 in there, but they're still the same angle, same lines, and
18 they match up, and that's just because the dirt didn't
19 transfer completely. But you've got plenty of skeletonized
20 line here to show the outline of that tread here, here, and
21 here, and that's here, here, and here.

22 Q In your opinion, that's a tire impression. Is that
23 correct?

24 A That is a tire impression; that's my opinion.

25 Q And in your opinion, based on these very significant

1 mirror images and accidentals and that sort of thing, is
2 that most likely that specific tire tread that's on the
3 back of Maggie's calf?

4 A It is most likely that tire. If it's not that tire,
5 it's a similar tire with the same tread design.

6 Q And that particular tire was in close proximity to
7 where Maggie was found, correct?

8 A In close proximity.

9 Q All right. Looking at how you had Maggie in that
10 first shot, I think you had it kind of angled a little bit
11 like that. Is that correct?

12 A Yes, sir.

13 Q And if she was angled that way near that front tire,
14 would she be facing toward the feed room?

15 A Yes, sir.

16 Q All right, and are those two shots that were suffered
17 in the abdomen and the thigh, are those consistent with the
18 shooter coming from the direction of the feed room?

19 A It certainly could be, yes, sir.

20 Q All right. Go ahead and have a seat for me, if you
21 would; I'm sure I will have you back up in a minute. All
22 right, additionally with this particular tire tread
23 impression on the back of Maggie's calf, is that consistent
24 with her running into it or backing up into it with her
25 calf hitting that tire as it was parked --

1 MR. HARPOOTLIAN: Your Honor, I object. Leading. I
2 have not -- this is my first leading objection on this, but
3 I object to leading.

4 MR. WATERS: I'll rephrase, Your Honor.

5 THE COURT: All right. Yes, sir, restate the
6 question.

7 Q All right. With -- let me ask you this. With this
8 particular tire impression and what you see on Maggie's
9 calf, is there a reasonable explanation as to how that
10 impression got on her calf?

11 A At some point in time, Ms. Maggie Murdaugh's left calf
12 made contact with the inside of that front driver's side
13 tire, or one just like it, and I saw no evidence that she
14 was run over. So, she had to make some contact at some
15 point in time.

16 Q Got you. All right. Hold on for me one second.
17 We've just got a few more matters.

18 (Break in proceedings.)

19 Q All right, I'm going to show you -- and I want you to
20 be careful.

21 MR. WATERS: This one will be under seal, so can we
22 secure the monitors, please?

23 Q I'm going to show you what's been marked as 542 and
24 see if you recognize this image.

25 A I do.

1 Q All right, and just generally tell the jury what that
2 is.

3 A It's a cell phone sitting up on the back right hand
4 side pocket of the victim Paul Murdaugh.

5 Q All right.

6 MR. WATERS: Your Honor, at this time I would move
7 State's 542 into evidence under seal.

8 MR. HARPOOTLIAN: No objection, Your Honor.

9 THE COURT: It's admitted.

10 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 542 WAS
11 RECEIVED INTO EVIDENCE.)

12 MR. WATERS: All right, are the monitors secured?

13 Q I'm going to put this image up on the screen. All
14 right, and again, is this your understanding of how Paul's
15 phone was found at the crime scene?

16 A It is.

17 Q All right, and did you make any assessment or analysis
18 of whether or not Paul's phone could have popped up and be
19 found in that position?

20 A I did.

21 Q All right, and can you relate that to the jury,
22 please?

23 A It's my opinion that his phone was placed there by
24 someone else.

25 Q All right, and tell the jury your basis for that

1 conclusion, please.

2 A Well, after I mentioned the fatality, the fatal shot,
3 at that point in time you have no movement, even
4 involuntary movement, and there's no way Paul could have
5 retrieved that phone from his pocket and placed it on top
6 of the back of his pants.

7 Q All right, and in your opinion, if he had been
8 carrying that in his hand, could it have landed in that
9 fashion following the fatal shot he suffered to his head?

10 A Mathematically you may could have made it happen, but
11 I don't believe it's possible. I believe the phone would
12 have fell to the ground, and it wouldn't have fell behind
13 him up in the air and landed on him.

14 Q A couple of other things. You've testified about your
15 experience in crime scene and that sort of thing. Is that
16 correct?

17 A Yes, sir.

18 Q All right. Is there any forensic value in a residence
19 belonging to certain family members and doing any sort of
20 DNA swabs of the bathroom sink or the shower drain or
21 anything like that?

22 A If it's an unknown person maybe, but not if someone
23 lives there. I see very little forensic value in that.

24 Q And why is that? Can you explain that to the jury?

25 A Because we as humans, we swab -- we lose biological

1 material every day. We brush our teeth, or we should, we
2 brush our teeth, and we shampoo, and we wash, and there's
3 commonly blood and other bodily fluids in our drains, in
4 our tub drains, and generally everywhere except in the
5 toilet bowl.

6 Q Generally.

7 A Generally, yes, sir, under black light.

8 Q You've talked about your experience and your
9 certifications with firearms. Is that correct?

10 A Yes, sir.

11 Q Do you own yourself any AR style platform rifles?

12 A I have seven complete rifles, and I also own a couple
13 of strip lowers that I'm just holding for a rain day.

14 Q Got you, and what are those chambered in?

15 A 223, 556.

16 Q In the AR flat form, is that the most common
17 chambering for an AR platform?

18 A Believe it is, yes, sir.

19 Q Do you personally own a 300 Blackout?

20 A I do not, but I have trained and shot a 300 Blackout.

21 Q And why do you have a 223 instead of a 300 Blackout?

22 A The cartridges were a little bit more difficult --
23 well, they were a lot more difficult to find during Covid,
24 and they are a lot more expensive than 223 and 556.

25 Q 300 Blackout pretty loud?

1 A I think they're all loud, yes, sir. I have to wear
2 hearing protection around my rifles.

3 Q 300 Blackout louder than a shotgun?

4 A Absolutely. I don't wear hearing protection when I
5 hunt. I'm an avid hunter, but I have to wear ear
6 protection with my rifle.

7 Q Hold on for me one second.

8 THE COURT: Ladies and gentlemen, I'll have you go to
9 the jury room for a break. Please do not discuss the case.

10 (The jury left the courtroom.)

11 THE COURT: We'll be in recess for 10 minutes.

12 MR. WATERS: Thank you, Your Honor.

13 (A break was taken.)

14 THE COURT: You may bring the jury.

15 (The jury returned to the courtroom.)

16 THE BAILIFF: The jury is present, sir.

17 THE COURT: Okay. You may continue.

18 MR. WATERS: May it please the Court, Your Honor?

19 THE COURT: Yes.

20 CONTINUED DIRECT EXAMINATION

21 BY MR. WATERS:

22 Q Dr. Kinsey, I just have a few more questions on direct
23 examination. Did you see any evidence or anything that
24 would reflect a struggle between Paul and the shooter?

25 A I did not.

1 Q Could you explain that to the jury, please?

2 A Typically if -- when you observe defensive wounds,
3 what's called defensive wounds, you would see signs of a
4 struggle. I saw none on Ms. Maggie Murdaugh or Paul
5 Murdaugh in any of the autopsy or crime scene photos.

6 MR. WATERS: Thank you. Please answer any questions
7 the defense may have.

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

9 THE COURT: Yes, sir.

10 (Break in proceedings.)

11 CROSS-EXAMINATION

12 BY MR. HARPOOTLIAN:

13 Q So --

14 (Break in proceedings.)

15 Q So, do I call you Doctor or Deputy or Chief, or what?

16 A I haven't been a deputy in about twenty-five years,
17 Mr. Harpootlian, but I'll answer to whatever you call me,
18 sir.

19 Q You may regret that. So, you've been -- when did you
20 start in law enforcement?

21 A Around '93.

22 Q Okay, and you were in Orangeburg?

23 A Yes, sir.

24 Q You know, back then I was the solicitor in the Fifth
25 circuit; I was the prosecutor there. Do you remember that?

1 A I've testified for you a couple times,
2 Mr. Harpootlian.

3 Q I thought -- I mean, I thought you looked familiar.
4 So, you actually were my witness a couple of times.

5 A Yes, sir.

6 Q Okay, and I don't know if we're going to have much
7 dispute today, but I'm going to try to understand a couple
8 of things, if that's okay with you.

9 A Absolutely.

10 Q So let's understand the wound to Paul, the two wounds
11 to Paul, and as I understand it, you were saying that he
12 was standing how far back when the first -- when he got
13 shot -- strike that. For his bloody footprints to be
14 there, those footprints had to have been made after he had
15 the shot in the chest, correct?

16 A That is correct, yes, sir.

17 Q And so how far back in the room were those footprints?

18 A The footprints are approximately -- because I have no
19 way, once everything was pressure washed and cleaned out --
20 but looking at the actual crime scene photographs and then
21 taking my own measurements, the placard, the yellow placard
22 that's in the photographs is approximately at 5 foot, and
23 he was on the other side. So, he was occupying that 6 foot
24 area.

25 Q And there were no scales in any of those pictures,

1 were there?

2 A They were not, no, sir.

3 Q And let me just talk about this generally before we
4 get to that. You teach a course on crime scene processing?

5 A Yes, sir.

6 Q Do you teach a course on how one should photograph a
7 crime scene?

8 A Yes, I do.

9 Q And I'm going to try to oversimplify this. There's
10 basically two or three things that you want on any crime
11 scene photo. The first is a scale, correct?

12 A Well, there's three types of photos. One of those
13 includes a scale, yes, sir.

14 Q Okay. I mean, obviously you don't have a scale if
15 it's a long shot out like from outside the feed room in.
16 But for something like bloody footprints, you would want a
17 scale.

18 A I would, yes, sir.

19 Q And you would want multiple lighting sources so that
20 it's well lit.

21 A Well, if you operate the camera correctly, you have
22 your light source --

23 Q Okay.

24 A -- and that's why you do it from 90 degrees over
25 perpendicular to the footprint because you can hit all of

1 the angles and then choose the best exposure that takes
2 those shadows out.

3 Q So if you do 90, do you do -- do you recommend taking
4 more than one shot?

5 A Yes, sir, typically.

6 Q I mean, at different perspectives of the same item?

7 A Yes, sir.

8 Q Okay. So, you recommend multiple shots, including
9 one -- got to have one 90 degrees, right?

10 A If you -- for comparison evidence you do, yes, sir.

11 Q Right, and in the sense of the shoes, the prints you
12 think that you saw there were definitely Paul's shoes, you
13 did that comparison?

14 A Just like with the tire tread --

15 Q Right.

16 A -- they share class characteristics with Paul's shoes.

17 Q And were those shoes facing towards the front or the
18 back of the feed room?

19 A When they were made, it appears they were facing
20 toward -- they were going toward the door.

21 Q Right.

22 A But it would be hard for me to tell you without some
23 kind of mark on that pavement to be able to orient them.

24 Q I'm sorry, I couldn't hear that. Say that again.

25 A Without a mark on the pavement or some type of

1 landmark, it would be hard for me to orient them from the
2 photograph.

3 Q Okay, and again, if you'd had a scale or multiple
4 pictures of that one shot -- I mean, straight down and
5 multiple pictures, you could have done a little bit more in
6 terms of that, could you not?

7 A An examiner possibly could have, yes, sir.

8 Q And the trail of blood leads towards the front door,
9 right?

10 A It does.

11 Q And how long was that trail?

12 A Well, if he was in the 6 foot and you've got 3, you
13 know, 4 past him, at least 5 foot from where he starts
14 dripping blood, then he steps in it, and then he makes his
15 way to the door.

16 Q So, you think he was a foot, foot and a half inside
17 the door when he got shot with the second shot?

18 A Well, his feet were inside the door, but his shoulder
19 and his head was slightly outside the door.

20 Q Leaning forward.

21 A Yes, sir.

22 Q Okay. So, how -- okay. The first shot, as I
23 understand it, hit his shoulder.

24 A The second shot is the one that hit the shoulder.

25 Q No, no, no. I'm talking about -- let's talk about --

1 A The fatal one.

2 Q -- the fatal one.

3 A Yes, sir.

4 Q It hits his shoulder.

5 A Yes, sir.

6 Q So based on -- now, you met with Dr. Riemer, the
7 pathologist.

8 A I did.

9 Q And she showed you her photos. Did y'all talk about
10 her photos?

11 A I offered to go over the photos with Dr. Riemer, and
12 she told me that she had limited crime scene experience and
13 that I would have to determine that. That she looked at
14 the wounds and she makes her determinations, and that
15 wasn't really her forte.

16 Q Okay. So -- but she said shot in the shoulder, and
17 I'm talking about the fatal shot.

18 A The path, yes, sir.

19 Q Right. Into the neck, out the top of the head.

20 A That is correct.

21 Q Okay. So -- and how -- you said you had some
22 difficulty determining Paul's height.

23 A Well, the DMV record, the printout showed 5-6 and the
24 autopsy information showed 5-9, and I know a young man like
25 that will hit a growth spurt. That's not my area, so --

1 Q But would you consider Dr. Riemer's measurement
2 probably more accurate than what he told the DMV?

3 A Or he could have grown since he registered with the
4 DMV, yes, sir.

5 Q So, why don't we just use 5-9? I mean, is that fair?

6 A Well, but then he's got the damage to the top of his
7 head, so I asked myself how could Dr. Riemer get it exactly
8 right when the top portion of his head is gone. So, I had
9 to guestimate, and I figured the best way to do is, is
10 split the two.

11 Q And the two were -- so, you had him at what height?

12 A DMV showed 5-6 on the printout and Dr. Riemer showed
13 5-9, so I figured somewhere around 5-7 and a half to 5-8.

14 Q Okay. So, 5-7 and a half.

15 A And then you took the foot from there to the actual
16 wound.

17 Q Right. I guess -- so what -- where the wound occurs,
18 the initial in the -- I guess it's this shoulder?

19 A Yes, sir.

20 Q How high was that?

21 A That was proximately 4-7.

22 Q 4-7.

23 A Yes, sir.

24 Q Okay. So -- give me a second here. We're going to do
25 a --

1 (Break in proceedings.)

2 Q I haven't touched a protractor in fifty years. I've
3 done it twice this week. So, let's do -- if you'd step
4 down here for just a minute, please. Oh, you walk around
5 with one?

6 A Yes, sir.

7 Q That's really sad, really, really sad. So, why don't
8 you take this from me and I'm going to hold this. I'll
9 hold the bottom, and put a dot on here at 4 -- whatever the
10 shoulder -- the height of the shoulder. Okay. I'm going
11 to take it straight -- can you hook it down? Okay, and
12 we're going to -- okay. Let me just get it up here to 4 --
13 let me do this. 4 foot -- we're saying 4-foot-7?

14 A Yes, sir.

15 Q Do you know how to lock that? Okay. So, that's
16 4-foot-7, right?

17 A Yes, sir.

18 Q Okay. Let's go straight up. Okay, and that would
19 have been the height of the wound.

20 A That's the height, approximate height of the shoulder
21 depending on how far he was dipping.

22 Q Do you think it's lower?

23 A It could be, yes, sir. Like I said, when you've got a
24 wound to that side, I would expect him to be favoring that
25 shoulder.

1 Q Okay. So, what is your opinion of how -- I mean,
2 you're the professional. I'm just holding it.

3 A Well, looking at the defects on this side of the
4 door --

5 Q Yeah.

6 A -- and it's several of them there even though they had
7 been pressure washed, if I run a string back in the area of
8 4-7, somewhere in the middle gave me 135 degree angle.
9 That's give or take 5 or 6 degrees.

10 Q And that's what Dr. Riemer said in her report,
11 135 degrees.

12 A I don't know if she said that in the report, sir.

13 Q Okay.

14 MR. HARPOOTLIAN: Can you undo that? Thank you.

15 Q Give me 2 seconds and let me find her --

16 A But that's not absolute. Like I said, a lot of
17 variables could change that a couple of degrees one way or
18 the other.

19 (Break in proceedings.)

20 Q Here we go. So while I'm looking for this, was there
21 any evidence of stippling, soot, powder burn, anything? Is
22 soot the same thing as a powder burn?

23 A Soot is a byproduct, yes, sir.

24 Q Okay. Around the --

25 A But soot can wipe off. A powder burn and stippling

1 doesn't easily wipe off. It's actually --

2 Q And that would indicate a pretty close shot, right?

3 A Yes, sir, it would.

4 Q And you would agree Dr. Riemer said there was no
5 evidence of any of that, any stippling, anything to
6 indicate it was a close-in shot?

7 A That is accurate.

8 Q And she testified -- I don't know if you saw her. Did
9 you see her testimony?

10 A A little bit of it.

11 Q Okay. She testified that the muzzle of the gun, the
12 weapon, the shotgun, would have had to have been at least 3
13 feet away, perhaps 4, but at least 3 feet away. Is that
14 consistent with your experience?

15 A I don't know if that's consistent with my experience.
16 I'm not trying to disagree with the pathologist, but I
17 don't see how the angle would work out. Unless it was a
18 pretty short shotgun, I don't see the angle working out 3
19 feet away. It may have been within 3 foot.

20 Q Well, then, how far away was it? There was not -- I
21 mean, at what point in the --

22 A Well, the angle -- the bullet defects would have been
23 here at 76 inches.

24 Q Right.

25 A So, you've got quite a difference there. If I could

1 get that dowel? You want to swap places with me?

2 Q Yeah. I'm trying to find that 135 degree comment by
3 her, but --

4 A To make that axis --

5 Q Yeah, go ahead.

6 A -- at 3 foot, we're here.

7 Q Right.

8 A At 2 foot, we're here.

9 Q Right.

10 A I believe it would be more in line with 2 foot, but
11 I'm not contradicting a pathologist.

12 Q Okay. I know it's in here. Give me 2 seconds. I
13 thought I had it marked.

14 (Break in proceedings.)

15 Q Well -- so, assume that you said and you relied on
16 Dr. Riemer's 135 degree shot. Let's follow that down.

17 A Now, Mr. Harpootlian, I reviewed her stuff, but I went
18 and measured my own angle on that door. I didn't rely on
19 her angle.

20 Q Well, but she actually -- you're going based on where
21 those pellets were --

22 A Yes, sir.

23 Q -- and she would be going on the measurements on the
24 shoulder?

25 A Yes, sir.

1 Q And she's actually looking at the wound.

2 A Yes, sir.

3 Q And she would have maybe more accurate angles because
4 she knows -- she sees what the wound is.

5 A She knows the angle to him --

6 Q Right.

7 A -- but she can't -- she can't relate that to the
8 defect at the scene.

9 Q But do you think it's -- I mean, 135 degrees basically
10 is a 45 degree angle, correct?

11 A Not quite, but yes, sir, close, yes, sir.

12 Q Okay. So, is 45 degrees off of that dot?

13 A I did my measurement from a little bit lower on the
14 doorframe. I took my a protractor and placed it on the
15 doorframe, inside the doorframe.

16 Q So, you don't think it's that far down?

17 A Well, that's where his shoulder is at. But the angle
18 of the gun, depending on the length of the barrel --

19 Q Right.

20 A -- it would have to be here because it's not a contact
21 wound, so it would have to be down a little bit. But the
22 angle doesn't change, just the distance changes.

23 Q Right, right. So, but -- sorry -- but if you come off
24 of this 45 degrees for the sake of argument --

25 A Okay. For the sake of argument.

1 Q Okay. That would show you the angle of whatever hit
2 his shoulder, correct?

3 A As long as the angle stays the same, yes, sir.

4 Q Well, the angles --

5 A I've got it on 135, by the way.

6 Q Well, 135 would be -- wouldn't it be 45 degrees off of
7 straight up and down, so don't you have to take it over
8 this way?

9 A Well, you've got 90 in the middle. It depends on
10 where your axis is. You've got 90 in the middle. This is
11 180. All the way around is 360. So, here we've got 135
12 off of the door.

13 Q Going that way. Can you make it go this way for me?

14 A I don't quite understand what you're asking.

15 Q I want the line not going this way. I want to be able
16 to draw it out this way.

17 A You just flip it.

18 Q There you go.

19 A And you go back above it.

20 Q Okay. Would you do me a favor, and let me get a
21 ruler.

22 MR. HARPOOTLIAN: Can I have that long ruler, please?

23 Q And let's take it -- just -- I'll hold it. Like that.
24 If you'll just get that. Okay, and so -- and again, it
25 could be with -- somewhat lower if he turned?

1 A Yes, sir.

2 Q But -- so --

3 A And that would change the angle. That's why I said
4 approximately 135. It could change a little.

5 Q How much?

6 A A few degrees. You know, as -- well, if you figure
7 this is 135 and if he's 2 inches lower, that would, you
8 know, take probably 5 degrees off.

9 Q So, that would be 130?

10 A Maybe. If you sit it up there, we'll measure it and I
11 can tell you for sure.

12 Q So, let me -- what do you want me to do?

13 A You hold that protractor up next to -- there you go.

14 Q So, we've got to go this way. No --

15 A You had it.

16 Q There you had -- but your line is going to go that
17 way?

18 A Which way you want to go? Flip it, there you go.

19 Q There we go. That's why you're the --

20 A No. I've got a feeling you're fooling with me,
21 Mr. Harpootlian.

22 Q You got that feeling?

23 A I got that feeling.

24 Q So, that's 130 --

25 A 135, yes, sir.

1 Q What do you want to make it?

2 A I'm not measuring it this way. I mean, you tell me
3 what you want me to make it because I measured it this
4 angle.

5 Q Yeah, but this is just the flip side of that. Do you
6 remember how you were talking about the negative?

7 A All right. Put it back.

8 Q Okay. Which way you want it? This? That? That's
9 135. What do you want it make it? Oh, wow, there you go.

10 A All right. So, if it was -- let's say this end was
11 down a little bit. That would make it what -- now you're
12 on the bottom half now, so that changes it. Now we're at
13 40.

14 Q Yeah, it was 45?

15 A Right.

16 Q Now it's 40.

17 A Right.

18 Q See, I went to Clemson, too.

19 A Yeah.

20 Q And so this is sad. So, if you make it 40 instead of
21 45 degrees, what is it?

22 A Here.

23 Q Okay. So, do you want to draw that in? And write on
24 the --

25 A If I poke you in the eye, it's not intentional.

1 Q Okay. So, those are basically -- what you're saying
2 is those are the two possible paths and there may be one in
3 the middle.

4 A It could be, yes, sir.

5 Q Okay. Now -- and you believe that the shooter was how
6 far away from him with that shotgun?

7 A I think 3 foot is a stretch without having some damage
8 to the doorframe.

9 Q Right.

10 A Because those shot pellets immediately -- when they
11 leave that barrel of that gun, at 3 foot that shot pellet
12 is going to spread 1 inch. There's no damage to the
13 outside of that doorframe.

14 Q Why would there be?

15 A Why would there be what?

16 Q If it's spreading how far, 1 inch?

17 A If Paul's shoulder is barely reaching that doorframe,
18 and that's what the blood evidence tells me --

19 Q Right.

20 A -- if you're further back, then shot pellets are going
21 to do what they're supposed to do. They're going to open
22 up, and there's no shot damage to that doorframe.

23 Q Okay. So, here we go. Do you recognize that?

24 A Yes, sir, from photographs.

25 Q And it's a Benelli shotgun. Is that right?

1 A Yes, sir, it is.

2 Q All right.

3 (Break in proceedings.)

4 A I have some.

5 Q Well, I guess I'm living dangerously here.

6 (Break in proceedings.)

7 Q Okay. Would you take that shotgun, and unlike these
8 boys back here, I don't mind if you point it in my
9 direction, okay?

10 A Okay.

11 Q So if you take that -- the muzzle of that gun and
12 follow the line down, and let me turn this just a little
13 bit so this juror back here can see. Okay. Follow this
14 down, either one of those down. So, that would be the
15 position the shooter had?

16 A That's the angle. I mean, I'm on the opposite side,
17 you know, of where the shot came from, but -- and I don't
18 know the length of the barrel, but that would be the angle.

19 Q If I'm standing -- I'm Paul and I'm standing in the
20 door, why is that the opposite side? Bent down a little
21 bit. I don't understand what you mean by the opposite
22 side.

23 A The shot came from over here. It didn't come from --

24 Q Well, this is a two dimension representation of a
25 three dimensional, but I'm trying to figure out just the

1 angle from the muzzle --

2 A All right, if you're coming out of the door --

3 Q Right.

4 A -- and you have damage to your right shoulder --

5 Q Right, there you go, same --

6 A -- instead of the left shoulder.

7 Q Same --

8 A All right. Turn this way.

9 Q Okay.

10 A And that is -- the doorframe --

11 Q Right.

12 A -- was here.

13 Q Right, and that distance there is how far from the
14 barrel to my --

15 A 2 and a half to 3 foot.

16 Q Just to be -- so actually that is --

17 A We're going to your shoulder now.

18 Q Okay.

19 A You've got to turn. You've got to turn.

20 Q Yeah. So, that's about 24 inches.

21 A Well, you stepped closer, but yes, sir, about
22 24 inches.

23 Q Again, we both went to Clemson. Okay, so this is
24 getting complicated. So -- but what you're saying is
25 whoever shot him was holding the shotgun that low?

1 A Really low, yes, sir. Not from the shoulder. From
2 some position other than the shoulder.

3 Q Why? Wouldn't it be easier to go boom right in the
4 head?

5 A Sir, I can't figure out why people do what they do --

6 Q Okay. So, the person with the shotgun has just shot
7 him in the chest, and he would have been turned to the
8 left.

9 A Uh-huh.

10 Q And that would have gone through under his armpit out
11 the window.

12 A Right.

13 Q And then he shuffles over to the right of that
14 position?

15 A Toward the door.

16 Q Towards the door.

17 A Yes, sir.

18 Q And then whoever has just shot him -- you would agree
19 with me the first shot was inside the -- I mean, the
20 shooter would have been inside the feed room for shot
21 number one.

22 A At least to here. If this is the doorframe --

23 Q Right.

24 A -- the ejection port of that shotgun was in at least
25 this far.

1 Q And how far back was he in the room when he got shot?

2 A Paul?

3 Q Yeah.

4 A Just on the other side of the 5 foot mark.

5 Q Okay. So, how far would it be from that 5 foot mark
6 to the doorframe?

7 A 5 foot.

8 Q No, no. But, I mean, how far would the barrel have
9 been if that was just inside --

10 A Well, it depends on the length of the shotgun.

11 Q Assume is that Benelli, whatever the name --

12 A Well, if this represents 5 foot.

13 Q Right.

14 A And I've got the ejection port inside the door, what,
15 2 foot? I mean, you own the ruler, but 2 foot maybe.

16 Q Okay. So, I'm going to move this this way just so
17 it's even with me, with that candy dish. Thank you. So,
18 this is 5 feet, right?

19 A I don't know what's on that end. If this is the
20 door -- there we go.

21 Q This is actually 6 feet. No, that's 5 feet, I'm
22 sorry.

23 A For demonstrative purposes, if it's this gun --

24 Q Right.

25 A -- and that breaches, so that's what -- how far are

1 you from --

2 Q I'm 5 feet.

3 A Okay. Step just a little bit behind 5 foot --

4 Q Okay.

5 A -- because he's occupying that next foot.

6 Q Okay.

7 A There you go. How far is that?

8 Q This is 5 foot.

9 A Okay.

10 Q This is a little bit back from 5 feet.

11 A Yes, sir. Now, turn your body.

12 Q This way or this way?

13 A Yes, sir.

14 Q This way. Okay.

15 A Come on.

16 Q What do you mean? Turn my feet, too?

17 A Yes, sir.

18 Q Okay.

19 A A little bit more.

20 Q Okay.

21 A Right there.

22 Q Okay. Now, and you're shooting me in the chest.

23 A Yes, sir.

24 Q And the distance between that barrel and my chest
25 is -- well, that's 29, 30 inches, would you agree?

1 30 inches? That's what this says to me, 30 inches.

2 A Yeah, with this shotgun.

3 Q Okay. Right, and so I would get -- I mean, just a
4 minute ago we said at 36 inches -- or you said maybe it was
5 closer. I mean, is this consistent with stippling?

6 A Yes, sir. Within the -- yes, sir.

7 Q Okay, and when we had it before and you were shooting
8 up at me, it was about the same distance, maybe 6 more
9 inches between the barrel and me, right?

10 A Uh-huh.

11 Q And there's no stippling.

12 A Okay.

13 Q You're the expert. What does that mean?

14 A Well, he also has -- I don't know if I can answer
15 that.

16 Q Could it be -- well, I mean, on that first shot we
17 know you say that he was -- you say he was the -- whatever
18 you call the thing ejects, what's it called?

19 A The ejection port.

20 Q There you go. The ejection port had to be inside the
21 room --

22 A Yes, sir.

23 Q -- or --

24 A The second shot, all it had to be was pointed towards
25 the room.

1 Q Why?

2 A Because it's going to eject to the right. So, if this
3 is the doorframe and I've got the ejection port pointed
4 towards the room, it's going to eject into the room. The
5 first shot that he was straight on had to be at least half
6 the doorframe.

7 Q Right, but the second shot if the ejection port was --

8 A Point toward the room.

9 Q -- pointed towards the room?

10 A I could be this far away from the room the second
11 shot, and the ejection port would still throw it that
12 direction.

13 Q So, doesn't that change the calculations here on how
14 far away that gun was because the ejection port on this
15 was -- is that how far it was down there? There it is
16 right there. The ejection port is, you agree or disagree
17 with me, about 28 inches from the barrel.

18 A On that shotgun, yes, sir.

19 Q Well, assume this was a possible shotgun.

20 A Okay.

21 Q Although it doesn't match up with the ejector marks on
22 the shells found in the room, the feed room, but there's
23 some theory that this would be about the same shotgun. So,
24 you would agree with me that the shooter would have been --
25 how about show me again how low they would have been

1 holding this.

2 A Other side, but here.

3 Q Down --

4 A Well, I mean, I don't know how long their arms are.
5 There's a lot of variables there. But, you know, it could
6 have been here. It could have been here. I mean, I can't
7 tell you the mechanics of it. All I can look at is the
8 angle.

9 Q And that angle, you would agree with me, is an unusual
10 angle. Typically people shoot a shotgun from their
11 shoulder.

12 A Typically, unless you and I are both occupying nearly
13 the same space.

14 Q Wouldn't there be stippling or powder burns?

15 A I can't explain that, Mr. Harpootlian.

16 Q Okay. So, you can't explain it. I'll take that
17 answer.

18 A Yes, sir.

19 Q And -- but it would be inconsistent for them to be
20 that close, wouldn't it?

21 A Well, you figure if Paul made it to the door, whoever
22 fired the first shot could have retreated or could have
23 backed up, a better word for it, could have backed up, or
24 even was taking cover to see what was going to happen, and
25 then I believe the angle would fit, or could fit, that two

1 persons could be that close to that doorframe.

2 Q Hand me the weapon again, please. You might want to
3 step that way. Well, you're blocking the jury. That's
4 better. So, we both agree that the first shot is square
5 into his chest.

6 A Well, I can't say square, but it's directly on, yes,
7 sir.

8 Q Okay. Which is at shoulder height, boom.

9 A Well, it could have been shoulder height. It could
10 have been like I was just holding it just now. No, no, no,
11 no, right before. I mean --

12 Q I'm sorry, I'm just --

13 A It could have been -- it could have been here, could
14 have been here. I mean, I can't tell you the mechanics.

15 Q But he's holding -- whoever is shooting him in the
16 chest is holding it --

17 A Parallel to the ground, or near parallel.

18 Q Parallel to the ground?

19 A Yes, sir.

20 Q And we know it wasn't down here.

21 A I don't believe so, no, sir, not the path of the
22 bullets going out the back window.

23 Q Okay.

24 A The pellets, not the bullets.

25 Q So either at his shoulder or just under his shoulder.

1 Now, a shotgun has a pretty good kick to it, doesn't it, a
2 buckshot?

3 A Yes, sir, I'm guessing.

4 Q So, I guess what I don't understand and you have no
5 explanation for it is why the second shot would be like
6 this. I mean, we agree the normal height person would have
7 to crouch to make that shot, correct?

8 A I don't know where they wanted the end of that barrel
9 placed, Mr. Harpootlian. I can't tell you that part. With
10 my science I can't -- all I can look at is the angle.

11 Q Which is about like this.

12 A Well, it's here but in reverse.

13 Q Which is about like this, correct? The barrel would
14 have to be -- okay, like that, but you would agree with me
15 I'm bent over to do that.

16 A You are, yes, sir.

17 Q So, the shooter was a very short person?

18 A But here I'm not bent over that far and I'm almost 6
19 foot --

20 Q So, what I don't understand -- you can go ahead and
21 take the stand. I don't understand what circumstance would
22 cause a person to -- you might want to move that way a
23 little to do this or this, and then immediately do this, or
24 do this to put that second shot in.

25 MR. WATERS: Objection. Asked and answered.

1 THE COURT: You said what you don't understand. The
2 question is --

3 Q The question is that your position is that the first
4 shot was like this, and the second shot would have been
5 like -- if I'm standing up straight like this, not a very
6 good aim, or crouched down if it's a normal size person,
7 right?

8 A The first angle was almost parallel with the ground.

9 Q Right.

10 A The second angle was somewhere between a hundred and
11 -- somewhere around 135 degrees from the doorframe. I
12 can't tell you the psychology of any more or any less.
13 That's --

14 Q Okay. So, what height was the entrance wound on that
15 chest?

16 A On the chest?

17 Q Yeah.

18 A Approximately 4-foot-3, or 4-foot-4, I believe,
19 according to the --

20 Q 4-foot-3?

21 A Yeah, 4-foot-3 or 4-foot-4.

22 Q Because it's under -- it's -- that would have been
23 below the shoulder wound, right?

24 A Yes, sir.

25 Q So, it would be -- let me see how that works for me.

1 2, 3, 4, 4-foot -- you think 4-foot-3?

2 A I'm fairly certain, yes, sir.

3 Q Would you trust me that's 4-foot-3?

4 A I believe, yeah.

5 Q Okay. I'm about 5-10 --

6 A Uh-huh.

7 Q -- on a good day. So, that would be about right for
8 me, wouldn't it?

9 A Yes, sir.

10 Q Okay. So that first shot, if it was on that person's
11 shoulder, if they put it on their shoulder, they would have
12 been approximately -- was there any way to figure out --

13 A I don't know a scientific way, Mr. Harpootlian, unless
14 you had a tripod that you could hold the gun and shoot it
15 many times, the actual gun and measure it. I don't know a
16 scientific -- if it is one, it's way out of my purview. I
17 look at the angles and I look at the damage and develop my
18 angles. That's what I do.

19 Q Okay. Okay. I think I'm done with the gun. You can
20 have a seat.

21 A Can I take the gloves off or you want me to --

22 Q I think we're done with the gun, but I've got to tell
23 you --

24 (Break in proceedings.)

25 Q So --

1 MR. HARPOOTLIAN: And I don't think I need this
2 anymore, Mr. Barber. I'm sorry.

3 (Break in proceedings.)

4 Q Okay. So, let me go a couple of other places with
5 you. You were hired on -- were you hired on December 22nd?

6 A I think it was in November when I first got to review
7 the evidence, and I think I was hired in October. I can't
8 tell you the actual date on my retainer, but it was several
9 weeks after that before I ever got access to evidence.

10 Q Okay. So, you were -- read a crime scene
11 reconstruction done by a guy named Bevel from Oklahoma, did
12 you not?

13 A I did refer -- I did read that, yes, sir, but I did
14 not depend on that to make my determinations.

15 Q No, no. I'm just saying --

16 A Yes, sir.

17 Q -- for purposes of --

18 A I did review that, yes, sir.

19 Q Okay. Do you remember when he generated his report?

20 A I don't, Mr. Harpootlian.

21 Q Would it surprise you if he generated it in 2022
22 early? Several months before you were even asked, right?

23 A Yes, sir.

24 Q Okay, and you were their second choice?

25 A I don't know if I was their second choice. I was a

1 choice.

2 Q Okay. Let me make sure I understand the date. So, he
3 issued a report in March of 2022, and you were not asked to
4 get involved until October of 2022.

5 A I had a phone call early shortly after. I don't even
6 remember who I talked with, but someone called me shortly
7 after the homicides and asked me if I would mind taking a
8 look at stuff, and I said I'm always available to help if I
9 can.

10 Q Okay. Now, the other things that you looked at -- let
11 me just make sure we understand what you looked at. You
12 had a David Greene recording of June 7, 2021. Do you
13 remember looking at that?

14 A Body camera, yes, sir.

15 Q And in that body camera interview when they talked to
16 Mr. Murdaugh, he indicates the phone had fallen out of
17 Paul's pocket when he tried to check his pulse and he put
18 it on -- it didn't explode out of anywhere. He put it
19 on -- that picture that you introduced a moment ago, he put
20 it on his rear end, correct?

21 A He may have said that in the body cam.

22 Q Okay. So, there was no exploding out of any pocket,
23 right?

24 A I don't believe it did. And that's what I said,
25 someone other than Paul put it there.

1 Q Okay. Now, you had a SLED crime scene investigator
2 summary. Was that by Agent Worley?

3 A I read several SLED reports, but Agent Worley's report
4 was one of them, yes, sir.

5 Q Okay, and you digested everything in that report that
6 was relevant to your inquiry?

7 A I read those reports just so I have the knowledge of
8 it, but what I can work out on my own, even if it
9 contradicts their results, I like to make my own.

10 Q For instance, she had very distinctive measurements on
11 shell casing location, right?

12 A Yes, sir, I believe they did.

13 Q And you relied on that certainly in looking at shell
14 casing placement.

15 A When you say shell casing, are you talking about --

16 Q I'm talking about where the Blackout 300 shell casings
17 were.

18 A I looked at the path. I did not look at the
19 measurement per se because, like I said, the shooter
20 moving, the victim moving, not having the rifle and be able
21 to say exactly where it throws that shell casing, I don't
22 get too involved in that. I'll look at the general path
23 where they're at. But as far as so many feet, so much
24 inches, I don't pay a lot of attention to that.

25 Q And I'm not asking you that, but it would show you the

1 path of the shooter, would it not?

2 A Well, like I said earlier in my testimony, it could or
3 it may not. You can't look and say a shooter started here
4 and ended here because he might have went from here to here
5 and back to here, so --

6 Q Well, let me rephrase that. Not necessarily the path,
7 but at least you would know generally where the shooter was
8 during -- if you looked at the -- at the -- at the
9 coagulation of all of those shots. For instance, what we
10 see, if you remember correctly, is a number of these shell
11 casings, there's one sort of back on the gravel road, and
12 then all of the rest of them are located in a fairly small
13 area on the grass, and then there's one under her, right?

14 A Yes, sir.

15 Q Okay, and that would show you at least generally -- I
16 mean, the one under her had to have been a shot that was
17 fired while she was upright and fell on it, correct?

18 A I would agree with that assessment.

19 Q Okay, but it would give you some general idea where
20 the shooter was. General idea, not --

21 A General idea, somewhere within 5 foot, 5 or 6 foot.
22 Knowing what I know about those rifles, it's not going
23 throw it 20 foot or 30 foot. It's going to be confined to
24 that area, and all I can do is probably put a general
25 perimeter within, you know, a couple of yards at the most

1 from Ms. Maggie Murdaugh.

2 Q Did you look at the autopsy report?

3 A I did, yes, sir.

4 Q And the autopsy report, Dr. Riemer indicated the angle
5 of the shot -- we talked this to death -- was 135 degrees.

6 A I really wasn't aware of that, but I look at the
7 photos more than the report part.

8 Q Okay.

9 (Break in proceedings.)

10 Q So, let me ask you what else you looked at, and you
11 list a bunch of things here. You looked at lab photos of
12 victims' clothing, trace reports, DNA, CS -- what's CS
13 photos evidence? What does CS mean?

14 A Crime scene, yes, sir.

15 Q Okay. So, you looked at the crime scene photos.
16 There were 449 of those, or least the ones that were
17 relevant to your -- what you were looking at, right?

18 A Yes, sir.

19 Q And the -- a number of interviews with people, right?

20 A I had access to it, and I may have looked at some of
21 them, yes, sir.

22 Q Okay. Now, the -- let me ask you this. Does the
23 wound on Paul's shoulder indicate to you how far the
24 shooter was? I mean, what was the spread at that point?

25 A Your typical full choke on a shotgun, and it

1 depends -- once again, it depends on the choke. At 3 foot
2 it's going to spread 1 inch. With an improved choke at 3
3 foot, it's going to spread entry 1.75 inches. So, I don't
4 know the --

5 Q Well, you looked at the autopsy photos, correct?

6 A I did, yes, sir.

7 Q Was the wound on his shoulder bigger than 1 or 1.75?

8 A It's a massive wound, it's massive, but a lot of that
9 can be taken into the angle, too, Mr. Harpootlian.

10 Q Did you look at the x-rays?

11 A I did, yes, sir.

12 Q And there's a whole bunch of pellets in his shoulder.

13 A Along the path, yes, sir.

14 Q Along the path. But it would -- wouldn't it indicate
15 that the spread of those pellets is significantly more than
16 1 inch or 2 inches? Like I think we determined, it was
17 about a 6 inch spread.

18 A Well, I don't think with the angle it would be
19 possible for someone to be 12 yards away and shooting up
20 that direction, so obviously that's got something to do
21 with the close proximity and the way those number twos
22 work.

23 Q So, do you have an explanation for why the spread
24 would have been that big based on what we just did? I
25 don't want to pull the shotgun out again.

1 A I'm not a firearms examiner, Mr. Harpootlian. I'm
2 just familiar with how they work.

3 Q So, your position is that spread is not inconsistent
4 with what you've testified to.

5 A I do not believe so. I have had people shoot
6 themselves in front of me, and I have worked a number of
7 crime scenes where I've seen the same damage.

8 Q Okay. So, here we go. I knew I had seen this
9 somewhere. This is your report.

10 A Thank you.

11 Q Okay. Let me ask you. Did you say Paul's height at
12 5-8 and the sharp angle upwards, approximately
13 135 degrees -- I knew I'd find this -- support the Paul's
14 left side was dipping slightly, head slightly forward as he
15 was standing or exiting the feed room at the time of the
16 second shot?

17 A I think that's what I testified to, yes, sir. That's
18 still my findings.

19 Q Okay. I just want to make sure this 135 degree thing
20 I didn't imagine. That's what you said, right?

21 A Well, that's why I was saying I was hoping you didn't
22 say I copied someone else. But yes, sir, that's my
23 measurements.

24 Q Okay. So, you also said that the length of the
25 shotgun would be needed for a reasonable degree of

1 certainty, but it's unlikely the shooter was standing with
2 a shouldered weapon at the time of the second discharge.
3 We've already established that, correct?

4 A Yes, sir.

5 Q They would have been crouched or holding it down in
6 some awkward position --

7 A Yes, sir.

8 Q -- rather than having it up at their shoulder.
9 Also -- let me see if I can finish this. You don't have --
10 you do in your opinion IQ 7: It is my opinion that the
11 exact position of the shooter cannot be determined in
12 relation to Margaret. Correct?

13 A Yes, sir.

14 Q You have the most accurate information available to
15 narrow down the position of the shooter -- the shooter's
16 position is the physical location and position of the
17 deceased, the bullet path of known wound, stippling, or
18 lack of physical damage caused by those wounds. So, you
19 had -- you came across no data that would allow you to
20 determine trajectory with any degree of certainty as to
21 Maggie.

22 A No, because the victim and the shooter could possibly
23 have been moving. So, that's -- there's no way, to my
24 knowledge, scientifically to prove either one.

25 Q Okay, and I guess that wasn't my question. My

1 question was you saw no data in the material you looked at
2 that would allow you to do that, to --

3 A Other than the pathologist measuring the angle of her
4 stomach wound and her thigh wound, and they were very
5 similar angled. That's about all I can tell you,
6 Mr. Harpootlian.

7 Q Okay. Let me deal with a couple of issues. Let's go
8 to the -- what you testified to about the impression on her
9 leg, right?

10 A Yes, sir.

11 Q Now, this -- again, was there a photo taken of either
12 her leg or the tire that you're talking about that would
13 have been what you would expect if you were trying to make
14 a comparison, that is a 90 degree shot of either one.

15 A No, sir, and that's why I explained that I can't call
16 this to the exclusion of all others. If I was going to
17 make an absolute identification, I would require a scaled
18 photograph.

19 Q Right, and there's no scale in either one of those.

20 A No, sir, but I got it close but still not close enough
21 for me to call. I used the scale at autopsy the
22 pathologist used on the back of Ms. Margaret Murdaugh's
23 leg, and I went and did research on the tire, and I
24 actually know the type of tire, and it comes -- the only
25 problem is it comes in a 9, a 10, and an 11 inch front

1 tire. So, I have no way to scale that without the actual
2 tire.

3 Q So, you're not telling this jury that it's your
4 opinion that that -- I mean, that that tire caused that
5 impression on the back of her leg.

6 A What I'm telling the jury is that is a class -- they
7 share the same class, it's called an association, and in my
8 opinion either that tire or a tire just like it caused that
9 impression.

10 Q Well, let me ask you this. That -- by the time it got
11 to the autopsy, her leg, whatever mud was on there was
12 washed off, right? There's no -- in those autopsy photos
13 all you see is a bruise, correct?

14 A That is correct.

15 Q Okay, and so the only evidence you have is that there
16 was some mud stuck on the back of her leg and -- with those
17 specific details, right?

18 A It's an impression in mud, yes, sir.

19 Q Okay. When you looked at the tire pictures, was there
20 any mud on them?

21 A There are, specifically those treads. And like I
22 pointed out earlier, you can actually see unique, random
23 characteristics. In a perfect world, if I would have had a
24 scale myself, I would have called that all day, and my
25 technically reviewer would have called it all day also, but

1 I'm not allowed to do that.

2 Q You're not allowed to do that because you may be
3 close, but you can't say with affinity that tread caused
4 that defect on the --

5 A What I can say is that in my opinion, that impression
6 was created by that tire, or a tire with similar
7 characteristics.

8 Q Did you look at any black and white images of that,
9 that -- what you call a tire impression or the mark on the
10 back of her leg?

11 A I did. I made it black and white, yes, sir.

12 Q Okay, and so -- okay. We can go round and round about
13 how sure you are, but I'm not going to do that. Let me ask
14 you sort of in closing. I had a couple of more shots
15 but -- a couple of more questions. The -- strike that.
16 Let me check one thing with my folks over here and I'm
17 probably done.

18 THE WITNESS: Can I stand for a moment, please, Your
19 Honor?

20 THE COURT: Yes, sir.

21 THE WITNESS: Thank you.

22 THE COURT: Let's everybody stand for a minute.

23 (Break in proceedings.)

24 MR. HARPOOTLIAN: No further questions, Your Honor.

25 THE COURT: Any redirect?

1 MR. WATERS: Yes, sir, just real quick.

2 REDIRECT EXAMINATION

3 BY MR. WATERS:

4 Q A couple of things real quick. You were contacted by
5 SLED to do a review of this case. Is that correct?

6 A Yes, sir, I was.

7 Q And were you told any particular conclusions to come
8 to, or did you do a fresh review and then arrive at your
9 own conclusions of your own independent judgment?

10 A Every conclusion I came to was in spite of any
11 preexisting conclusions. I made my own conclusions.

12 Q You were asked a little bit about the tire mark
13 impression. And were you relying on the crime scene
14 photographs of Maggie Murdaugh at the scene?

15 A Yes, sir.

16 Q And did you see mud, which is the impression that you
17 examined?

18 A It is, yes, sir.

19 Q And from your review of the crime scene, was there any
20 other ATV in the vicinity of where Maggie Murdaugh was
21 found except that tire you looked at, the picture of it?

22 A That's the only one I observed.

23 Q And you said it had to be a tire, that tire or a tire
24 with similar characteristics.

25 A Yes, sir, that's my opinion.

1 Q On the ATV that was at the scene.

2 A Yes, sir.

3 Q You were asked a lot about shell casings, and you
4 pointed out that they can be thrown different feet and can
5 move around, and the shooters can move as well. Is that
6 correct?

7 A That is correct.

8 Q The shell casings, though, that were located, were
9 they located in this area around the feed room as to where
10 Maggie Murdaugh was found?

11 A They were.

12 Q And you said them shell casings ain't going to get
13 thrown 30 feet, right?

14 A No, sir, not in my experience.

15 Q In your experience, having done 850 homicide scenes,
16 can shooting events be fluid situations?

17 A That's death scenes, but the answer is yes, sir.

18 Q The victims can move?

19 A Yes, sir.

20 Q The shooter can move?

21 A Absolutely.

22 Q People can change their aspect of how they're
23 positioned at any given time?

24 A Because of the moment.

25 Q I don't know if I can get to it on my easel. Y'all

1 went through a whole thing and drawing and the rest of it,
2 but what y'all were drawing, that was actually reversed
3 from how everything happened. Is that correct?

4 A It was.

5 Q And if I -- if this were the door to the feed room
6 going out to the outside and I was standing in it, which
7 direction was the trajectory of the shot to Paul's head?

8 A Where I'm at, up at 135 degree angle.

9 Q And what did you observe up here?

10 A I observed body fluid, a concentration of body fluid
11 as a result of a gunshot wound.

12 Q Defects in the door as well?

13 A Absolutely.

14 Q And what's a defect? What does that tell you?

15 A A defect is damage caused by a projectile, whether it
16 be a pellet or a bullet.

17 Q That easel drawing y'all did, that was reversed from
18 the reality of the situation, correct?

19 A Yes, sir.

20 Q All right, and that easel also was slanted as well,
21 was it not?

22 A It was.

23 Q And if it were actually standing straight up, that dot
24 y'all were marking would actually be higher than it was
25 when it was demonstrated to the jury. Is that correct?

1 A Yes, sir, and that's why you use approximate. Because
2 I can't tell you how Paul was positioned, I can only go by
3 the angle.

4 Q All of that stuff that you and Mr. Harpootlian did
5 with the easel and the shotgun and all the rest of that,
6 does any of that change your opinion about what happened to
7 Paul on the night of June 7th of 2021 when he was fatally
8 shot in the head?

9 A It does not.

10 MR. WATERS: Thank you, Your Honor. Nothing further.

11 MR. HARPOOTLIAN: Just one additional question.

12 THE COURT: Yes, sir.

13 RECROSS-EXAMINATION

14 BY MR. HARPOOTLIAN:

15 Q We agreed that what I did there a moment ago with the
16 easel was a mirror image, or a negative of what actually
17 occurred, right?

18 A It was the opposite side of the door, yes, sir.

19 MR. HARPOOTLIAN: Okay, go get in that door, please.

20 (Break in proceedings.)

21 MR. HARPOOTLIAN: And Mr. Barber, in the interest of
22 justice, has allowed me to point the shotgun at him, Your
23 Honor. It is --

24 Q So, we agree that if he's standing in the doorway, the
25 shooter would have had the --

1 MR. HARPOOTLIAN: And how about turn a little bit to
2 your --

3 Q Turn that way?

4 A Little more.

5 Q A little bit more?

6 A Yes, sir.

7 Q Okay. The shotgun would have been about like this.
8 About like this.

9 A Yes, sir.

10 Q Okay. So, that's the trajectory. That's where the
11 barrel of the shotgun would have had to have been.

12 A In my opinion, yes, sir.

13 MR. HARPOOTLIAN: Okay. Thank you. No further
14 questions.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you, Your Honor.

17 (The witness exited the stand.)

18 THE COURT: Ladies and gentlemen, we're going to break
19 for lunch at this time.

20 Members of the jury, I'm appointing Juror Number 826
21 to be the foreperson of the jury. The foreperson has the
22 responsibility of serving as the spokesperson for the jury
23 from this point forward. They'll have a responsibility of
24 presiding over the jury deliberations, and will have the
25 responsibility of completing the verdict form representing

1 the unanimous verdict of the jury when we reach that point,
2 and also sit in the first seat, which is the seat
3 designated for the foreperson. Do you understand? Very
4 good. We'll see you all at 2:15.

5 (The jury left the courtroom.)

6 THE COURT: We will be in recess until 2:15.

7 (A lunch break was taken.)

8 THE COURT: Ready for the jury?

9 MR. WATERS: The State is ready, Your Honor.

10 MR. HARPOOTLIAN: Defense is ready.

11 THE COURT: You may bring the jury.

12 (The jury returned to the courtroom.)

13 THE BAILIFF: The jury is present, sir.

14 THE COURT: Very good. Welcome back.

15 Ladies and gentlemen, I have appointed Juror Number
16 826 to serve as the foreperson of the jury. In various
17 places and various states, it's done differently. In some
18 places the jury selects a foreperson. It's my practice to
19 appoint a foreperson. The fact that the person is
20 appointed as foreperson does not give that jury -- juror
21 any more authority than any other juror. All jurors are
22 equal participants, and each juror has an equal voice in
23 the process, and while certainly I welcome you to this role
24 as foreperson, and look for all of you to continue with
25 your role in the process from now until the end.

1 And with that, we will have the State call its next
2 witness.

3 MR. WATERS: Thank you, Your Honor. May it please the
4 Court? The State calls Senior Special Agent Ryan Kelly.

5 The witness, RYAN KELLY, was first duly sworn and
6 testified as follows:

7 THE CLERK: Please be seated. State your full name
8 for the record, spell your last name, and make sure you can
9 get to the mic a little bit.

10 THE WITNESS: Yes, ma'am. Ryan Kelly, K-e-l-l-y.

11 DIRECT EXAMINATION

12 BY MR. WATERS:

13 Q Special Agent Kelly, how are you doing today?

14 A I'm doing well, sir. How are you?

15 Q Doing well. If you would, just quickly introduce
16 yourself to the jury, and just give them a short synopsis
17 of your career in law enforcement, end with where you are
18 today.

19 A My name is Ryan Kelly. I'm a senior special agent
20 with the State Law Enforcement Division. I'm from Berkeley
21 County. I went to college at the Citadel where I studied
22 biology. I attended the South Carolina Criminal Justice
23 Academy. I've got approximately twenty-two years law
24 enforcement experience, the last ten of which have been at
25 SLED Investigative Services Lowcountry Region, where our

1 case load includes violent crime, public corporation,
2 officer involved critical incidents, and financial crimes.
3 I'm currently there as a senior special agent.

4 Q All right. If you would, get that mic just a little
5 closer to you, to yourself.

6 A Is that better?

7 Q Yep, that's much better. Have you -- as far as the
8 murders at Moselle, you had a very tangential role in that
9 particular case. Is that correct?

10 A That's correct.

11 Q All right. Moving forward, did you become the legal
12 lead case agent on a different matter that started on or
13 about September 4th of 2021?

14 A Yes. On September 4, 2021, there was an incident
15 involving Alex Murdaugh where he was shot along Old
16 Salkehatchie Road in Hampton County.

17 Q All right. Did you respond to that particular scene?

18 A I did.

19 Q Okay, and about what time did that occur?

20 A The shooting occurred at approximately 1:36 p.m.

21 Q All right, and that's September 4th?

22 A September 4th, yes.

23 Q All right. As you're -- as you arrived at the scene,
24 what, if anything, did you notice about what vehicle was
25 there?

1 A Prior to arriving at the scene, while en route Mr.
2 Murdaugh was being treated at a hospital in Savannah, so I
3 responded to Savannah first. After meeting with
4 Mr. Murdaugh, I then responded back to the Salkehatchie
5 Road.

6 Q Okay, and we'll talk about that in a bit, but let me
7 ask you about the scene a little bit. What vehicle was at
8 the scene?

9 A There was a black Mercedes SUV.

10 Q All right. Do you know who that Mercedes belonged to?

11 A Yes.

12 Q And who did it belong to?

13 A Maggie Murdaugh.

14 Q All right, and what information had been -- you said
15 you responded to Savannah Hospital. Is that correct?

16 A That's correct.

17 Q All right, and you had a chance to talk with the
18 defendant, Alex Murdaugh?

19 A I did.

20 Q And do you see him here in the courtroom today?

21 A Yes. He's here in the brown blazer in between
22 Mr. Harpootlian.

23 Q Let me ask you. I want to ask you just a little bit
24 about the scene before we get into that. What, if
25 anything, did you notice about the condition of the

1 vehicle?

2 A The vehicle had a driver's side rear flat tire.

3 Q Okay, and did you notice anything about that
4 particular tire that -- the class of tire it was or what
5 kind of tire it was?

6 A That particular tire is a run flat.

7 Q All right.

8 A So the tire was flat, and when we got there we
9 expected to see some type of damage to the tire, to the
10 inner wall or whatnot, and that just wasn't present. After
11 reviewing of tire, looking up closely, we saw what we
12 thought appeared to be a small puncture wound or puncture
13 mark on the side wall.

14 Q All right, and what did that -- appear to have caused
15 that as you looked at it?

16 A It looked like a small blade, like a pocketknife that
17 most police officers would carry in their pocket. It
18 appeared to be something similar to that.

19 Q Tell the jury a little bit about a run flat tire.
20 What does that mean if the tire goes flat?

21 A Well, I don't work for Mercedes and I'm not a tire
22 expert, but it is a -- it's a feature on certain brands of
23 tire that once there is some type of puncture, that the
24 tire remains operable. So, if you're driving on a road and
25 you suffer a blowout, it allows to you drive to a safe

1 place, you know, where you can pull off and seek assistance
2 there. But they typically don't go flat immediately after
3 being punctured unless there's some catastrophic damage to
4 the tire, and in this case there was not. The catastrophic
5 damage was not there.

6 Q All right. In the -- stand by for me just real quick.

7 (Break in proceedings.)

8 Q All right, in the course of your investigation as you
9 started looking into this, did you obtain a copy or review
10 the 911 call from this particular incident?

11 A Yes, I did.

12 Q All right, and who made that particular 911 call?

13 A Alex Murdaugh.

14 Q All right. I'm going to show you what's been marked
15 as State's 543, and is that a disc containing that
16 particular 911 call?

17 A Yes.

18 MR. WATERS: Your Honor, at this point I would move in
19 State's 543, I believe without additional objection.

20 MR. HARPOOTLIAN: Without additional objection, Your
21 Honor.

22 THE COURT: It's admitted.

23 (DVD OF 911 CALL MARKED AS STATE'S EXHIBIT NUMBER 543
24 WAS RECEIVED INTO EVIDENCE.)

25 MR. WATERS: All right, thank you.

1 Q I'm going to go ahead and play that.

2 (Break in proceedings.)

3 Q Well, I'm having a bit of a technical difficulty here.
4 Let me ask you this. While we're getting that 911 call up,
5 can you generally describe what was reported by the
6 defendant on 911?

7 A Yes. Mr. Murdaugh called 911. The Hampton County 911
8 operator answered the phone, obviously asked what's your
9 emergency? Mr. Murdaugh said he was on Salkehatchie Road
10 by a church with a red roof. When she asked what had
11 happened, he said that he had been driving on Old
12 Salkehatchie Road, suffered a flat, and when he pulled
13 over, another motorist arrived on scene to render
14 assistance, and he said that when he turned around the
15 motorist shot him. So, at that point the dispatcher asked
16 have you been shot? And then that's at that point where
17 Mr. Murdaugh said yes, he'd been shot, but then he said he
18 was okay.

19 Q All right, and did he say that he got a flat tire and
20 he stopped, and then someone stopped to help and then shot
21 him?

22 A Yes.

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

24 (Break in proceedings.)

25 MR. WATERS: I apologize, Your Honor. I'm having a

1 technical difficulty.

2 (Break in proceedings.)

3 MR. WATERS: Court's indulgence one moment.

4 THE COURT: Madame Forelady, members of the jury,
5 we'll have you go to the jury room for a few minutes.
6 Please do not discuss the case.

7 (The jury left the courtroom.)

8 MR. WATERS: My apologies, Your Honor.

9 (A break was taken.)

10 THE COURT: You may bring the jury.

11 (The jury returned to the courtroom.)

12 THE BAILIFF: The jury is present, sir.

13 THE COURT: You may proceed.

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

15 CONTINUED DIRECT EXAMINATION

16 BY MR. WATERS:

17 Q All right, Agent Kelly, we fixed our technical
18 difficulties and for the record are about to publish the
19 911 call.

20 (The 911 call was played. Audio not transcribed.)

21 MR. WATERS: For the record, I'm stopping that at
22 1:41.

23 Q Is that the defendant on the 911 call?

24 A Yes.

25 Q At that point in time, he said someone shot me?

1 A Yes.

2 Q Did he identify who that was?

3 A No, he did not.

4 Q All right. I'm going to show you what's been marked
5 as State's 545, and is this a copy of a body worn camera
6 video you received from the defendant in the ambulance at
7 the scene?

8 A Yes.

9 Q And by the scene, we mean the side of the road on
10 September 4th.

11 A Absolutely. On Salkehatchie Road, September 4, 2021.

12 MR. WATERS: Your Honor, at this point I would offer
13 State's 545 into evidence, I believe without additional
14 objection.

15 MR. HARPOOTLIAN: No additional objection, Your Honor.

16 THE COURT: It's admitted.

17 (DVD OF BODY CAMERA MARKED AS STATE'S EXHIBIT
18 NUMBER 545 WAS RECEIVED INTO EVIDENCE.)

19 MR. WATERS: All right, for the record, I am going to
20 publish a portion of that video.

21 (The video was played. Audio not transcribed.)

22 MR. WATERS: All right, for the record I played that
23 clip from about 14:07 to 14:10 by the timestamp.

24 Q Was that the defendant in the ambulance at the scene
25 on Salkehatchie Road?

1 A Yes, it was.

2 Q And did he, again, tell the story that he had been
3 shot by an unknown assailant?

4 A Yes. The story was consistent.

5 Q And did he say at any time during that that anyone
6 shot him?

7 A No.

8 Q And what did he say the weapon sounded like that shot
9 him?

10 A He said it sounded like a shotgun.

11 Q On September 4th, you said you responded to a
12 hospital.

13 A Yes, in Savannah, Georgia.

14 Q Who did you see when you were there?

15 A I met with Alex Murdaugh, and I met with Randy
16 Murdaugh.

17 Q All right. Did you have a conversation with the
18 defendant?

19 A Yes, I did.

20 Q And can you just very generally relate what the
21 defendant said? Did he tell you a very similar story that
22 we've heard from the 911 call and the EMS video?

23 A Yeah. When we arrived at the hospital, Mr. Murdaugh
24 was receiving treatment. He was awake and willing to talk
25 to us. At that point he was the only witness to this

1 incident. We asked him what happened, and he told us the
2 story that was consistent with the 911 call and with what
3 was told to the deputy.

4 Q All right, and did he state that a driver had stopped,
5 passed by, turned around, and came back to the location?

6 A Yes. He said a similar story: that he was driving on
7 Old Salkehatchie, that he hit something significant with
8 his tire, causing it to go flat. So, when he pulled over
9 to the side of the road to inspect the tire, it was flat.
10 As he was doing that, he said a dark in color Chevy pickup
11 truck drove by, passed him, turned around, and came back to
12 his location. He said he made contact with the driver, and
13 as Mr. Murdaugh turned around to walk back to his vehicle,
14 he said the driver then shot him.

15 Q Did he say that the driver of the truck seemed very
16 nice?

17 A He described the driver as a very nice, nice looking
18 male between thirty and forty-five years of age.

19 Q Did he tell you what he thought the weapon was -- that
20 shot him with?

21 A Yes. While he initially said it was a shotgun in the
22 ambulance, when we met with him at the hospital he
23 identified the weapon as possibly a .22 caliber.

24 Q Did he say whether or not he lost consciousness?

25 A He said that he lost his vision and dropped down to

1 his knees, but he did not believe he lost consciousness.

2 Q Did he describe the vehicle of the person that
3 supposedly did this?

4 A Yes. He, again, described a newer model, dark in
5 color blue Chevy pickup with, I believe, some type of sport
6 tires.

7 Q All right, and did he describe the driver at all of
8 this -- that supposedly was the person who shot him?

9 A Yes. His description of the driver was consistent a
10 white male between thirty and forty years of age. He
11 described him as nice looking, a nice person. He described
12 him as having close cropped hair with a closed cropped
13 facial hair.

14 Q And did he say whether or not he would recognize this
15 unknown person if he saw him again?

16 A Yes. Mr. Murdaugh told us that if he were to see the
17 person again, he would be able to identify him.

18 Q At any point did he identify specifically any
19 individual, or did he claim that this was an unknown
20 person?

21 A He never gave a specific individual's name. He just
22 said it was someone he did not know.

23 Q We'll return back to the scene, and I'm going to show
24 you what's been marked as State's 544.

25 MR. HARPOOTLIAN: No objection.

1 Q All right, I want to show you --

2 THE COURT: It's admitted.

3 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 544 WAS
4 RECEIVED INTO EVIDENCE.)

5 Q I'm going to show you what's been marked as State's
6 544 and see if you recognize this particular image.

7 A I do. This was recovered from inside of the black
8 Mercedes SUV driven by Mr. Murdaugh. It is his assistant
9 solicitor's badge.

10 Q All right.

11 MR. WATERS: Can I have the ELMO real quick, please?

12 Q Is that what's on the screen right now for the jury to
13 see?

14 A Yes, it is.

15 Q All right. Returning back now, let's move into
16 September 5th. Did agents with law enforcement continue to
17 sort of search that scene where the Mercedes had been
18 located?

19 A Yes. So, on the -- on September 5th, we agents
20 returned to the scene. We were looking for any evidence
21 of -- involved in the accident. We were looking for the
22 significant piece of debris, and we were searching the
23 roadway around where the Mercedes had pulled off, we
24 searched across the street in the grass area, and we
25 recovered a gray in color utility knife.

1 Q Did law enforcement -- did you notice any sort of
2 debris or anything like had been described by defendant as
3 supposedly causing the damage to the tire?

4 A No. We searched the area extensively, and we never
5 were able to locate the significant piece of debris that
6 Mr. Murdaugh described as causing his tire to go flat.

7 Q I show you what's been marked as State's 546, and do
8 you recognize that image?

9 A Yes, I do.

10 Q And tell the jury what that is, please.

11 A That is the folding knife that was recovered across
12 the road from where Mr. Murdaugh's vehicle was parked.

13 MR. WATERS: Your Honor, at this time, I believe
14 without additional objection, the State would move in
15 State's 546.

16 MR. HARPOOTLIAN: No additional objections, Your
17 Honor.

18 THE COURT: It's admitted.

19 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 546 WAS
20 RECEIVED INTO EVIDENCE.)

21 Q All right, and is that the knife as it was found
22 laying in the grass?

23 A Yes.

24 Q And again, where was that location in relationship to
25 where the Mercedes was?

1 A The Mercedes was pulled off to the side of the road.
2 This was directly across the road in the grass on the other
3 side.

4 Q Was DNA testing ultimately conducted on this
5 particular knife?

6 A Yes.

7 Q And were two individuals in that DNA testing that came
8 back in the -- in the propositions as a result?

9 A Yes. DNA profiles of both Alex Murdaugh and Eddie
10 Smith were identified on the knife.

11 Q In the course of the investigation, did you uncover
12 any evidence that not long before this event occurred at
13 1:34 or so on September the 4th, that the defendant had had
14 a confrontation with an individual?

15 A Yes.

16 Q And who was that? Remind the jury of that, please.

17 A Prior to going to Salkehatchie Road, Mr. Murdaugh met
18 with Chris Wilson.

19 Q And can you remind the jury what generally that
20 discussion was about?

21 A Mr. Wilson and Mr. Murdaugh met. Mr. Wilson at that
22 point -- Alex Murdaugh had been terminated from his law
23 firm, and Mr. Wilson became aware of that. So, he wanted
24 to meet with him to discuss what was going on because
25 obviously Mr. Wilson and Mr. Murdaugh had the missing

1 \$192,000 from the previous months that was still ongoing.

2 Q On September 6th, did you return back to the Savannah
3 Hospital?

4 A Yes, I did.

5 Q All right, and did you have another conversation with
6 the defendant?

7 A Yes. When Mr. Murdaugh advised us that he would be
8 able to -- would recognize the individual if he should see
9 them again, SLED has in its resources a composite sketch
10 artist. So, we brought her down, and her and I went to
11 Savannah back to the hospital to reinterview Mr. Murdaugh
12 in an attempt to create a composite sketch of the unknown
13 suspect.

14 Q All right, and just very quickly. What is a composite
15 sketch?

16 A Again, I'm not a composite sketch artist, so I'm a lay
17 person as I describe this. It is where an artist uses a
18 digital software in concert with resources of magazines, of
19 certain body types, and skin tones, and whatnot and allows
20 the victim to -- like a catalog, to go through and find the
21 identifying features closest that fit the unknown person,
22 and those various parts are then drawn together to create a
23 composite sketch.

24 Q All right, and during that particular interaction,
25 did -- was the defendant able to answer your questions?

1 A He was.

2 Q Did he respond appropriately to subject matter?

3 A He responded appropriately; he was able to answer the
4 questions asked of him. And again, we started from the
5 beginning, and he again went over the entire scenario of
6 what happened on the 4th, and it was consistent with the
7 versions he'd given us previously.

8 Q Did he have a -- agree to have this discussion with
9 you?

10 A He did agree.

11 Q And did you go into some discussion again with what
12 happened on the side of the road, at least according to
13 him, at this point in time?

14 A Yes.

15 Q And was it consistent to what he'd related before?

16 A It was consistent.

17 Q Did he describe this unknown individual?

18 A Again, he described them in a similar fashion: white
19 male between thirty and forty years of age, was nice
20 looking, close cropped hair, manicured, and close facial
21 hair. He described him as wearing some type of outdoors
22 type shirt. The description was consistent with what he'd
23 previously told us.

24 Q And did he also provided similar description of the
25 vehicle that this individual was driving?

1 A Yes. Again, kind of dark in color Chevy pickup truck.

2 Q And yet again, at any point during this period of time
3 did he identify who this person was, or did he say it was
4 unknown assailant?

5 A Never identified who he was and continued to tell us
6 it was an unknown person.

7 Q Did he work with the sketch artist in looking through
8 books and working to make a sketch of this supposed unknown
9 assailant?

10 A Yes, a sketch was completed.

11 Q And did that take a relatively extensive period of
12 time?

13 A Looking back, I don't know the exact proximate, but it
14 probably took a couple of hours for the interview and the
15 sketch to be completed.

16 Q All right. I'm going to show you what's been marked
17 as State's 547 to your testimony and see if you recognize
18 that image.

19 A I do. This is the composite sketch.

20 MR. WATERS: All right. Your Honor, at this time I
21 would offer State's 547, I believe without additional
22 objection.

23 MR. HARPOOTLIAN: Without additional objection, Your
24 Honor.

25 THE COURT: It's admitted.

1 (SKETCH MARKED AS STATE'S EXHIBIT NUMBER 547 WAS
2 RECEIVED INTO EVIDENCE.)

3 Q And what is this image on the screen?

4 A That is the composite sketch created with the
5 assistance of Mr. Murdaugh.

6 Q Based on his description to the sketch artist?

7 A Based on his descriptions.

8 Q And this is on September 6, 2021?

9 A September 6, 2021.

10 Q All right. That evening, did law enforcement receive
11 any communication from the defendant's family?

12 A Yes. On the evening of September 6th, Special Agent
13 Owen received a call from Mr. Murdaugh's brother Randy.

14 Q All right. Can you relate what the investigation
15 learned from that particular conversation?

16 A Alex Murdaugh was still in the hospital in Savannah;
17 Randy and the family had been down there with him. Randy
18 called Special Agent Owen to let him know that Alex had
19 been making calls from the hospital to some unknown
20 numbers, so Randy provided those numbers to us.

21 Q And had -- was information related that he had had
22 contact with hospital staff?

23 A Yes. Randy told us that Alex was trying to convince
24 the nurses -- the medical staff members to allow him to use
25 the phone so he could make phone calls.

1 Q And was information related that he was actually
2 offering the staff money to try to use their phone?

3 A Yes. One of the nurses in their notes made note of
4 Mr. Murdaugh trying to offer money to use their phone.

5 Q Did the family of Mr. Murdaugh relate a specific name
6 and a number to law enforcement as they discovered that
7 Alex was attempting to contact this person?

8 A A specific name and number were provided to us: Curtis
9 Edward Smith. We were able to take the telephone number
10 and trace that back to Mr. Smith.

11 (Break in proceedings.)

12 Q During the course of this particular investigation,
13 did law enforcement obtain any surveillance footage from
14 any nearby establishments?

15 A Yes, we did.

16 Q And can you describe that to the jury, please?

17 A After the shooting, the agents were present on the
18 crime scene. Obviously part of our investigation was to
19 canvas the area. St. Johns Baptist Church was nearby.
20 Agents made contact with staff there. They, in fact, did
21 have surveillance video that captured the roadway of
22 Salkehatchie Road.

23 Reviewing the footage, we first look to isolate Mr.
24 Murdaugh's black in color Mercedes; that was something that
25 was known to us. If he went that way, it would have been

1 seen, and as we continued to review the footage, we started
2 looking for a blue in color Chevy pickup truck. At
3 1:25 p.m. approximately, we observed a blue in color Chevy
4 pickup truck with a gold or yellow in color passenger front
5 quarter panel pass by at 1:25. Approximately 20 seconds
6 later, Mr. Murdaugh's black in color SUV passed by. At
7 1:30 p.m., the blue in color pickup truck was seen driving
8 back in the opposite direction away from where Mr. Murdaugh
9 would have been.

10 Q All right. I'm going to show you three images that
11 have been marked State's 548, 549, and 550 and see if you
12 recognize these images.

13 A Yes. This is the 1:25 p.m. image; the image is the
14 pickup truck with the gold front quarter panel. The second
15 image is 20 seconds later approximately with the black in
16 color SUV. And the third image is at 1:30, 5 minutes
17 later, with what appears to be the blue in color pickup
18 truck driving back the other way.

19 MR. WATERS: Your Honor, at this time the State would
20 offer State's 548, 549, and 550, I believe without
21 additional objection.

22 MR. HARPOOTLIAN: No additional objections, Your
23 Honor.

24 THE COURT: They're admitted.

25 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 548 WAS

1 RECEIVED INTO EVIDENCE.)

2 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 549 WAS
3 RECEIVED INTO EVIDENCE.)

4 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 550 WAS
5 RECEIVED INTO EVIDENCE.)

6 Q All right, I'm putting this up on the screen. We have
7 the timestamp up here. Is that correct?

8 A Yes.

9 Q And what is that right there?

10 A That is the -- it is a dark blue in color Chevy pickup
11 truck with a gold front quarter panel.

12 Q All right. 549, what does that image reflect?

13 A It's the Mercedes SUV.

14 Q Going in the same direction?

15 A Going in the same direction approximately 26 -- or 20
16 seconds after.

17 Q And then 550, what does that reflect?

18 A That's at 1:30 p.m., approximately 5 minutes after the
19 initial vehicles were seen. The blue Chevy truck appears
20 to be driving in the opposite direction.

21 Q Did law enforcement travel to any particular residence
22 in light of the information that had been provided by the
23 defendant's family about the calls that the defendant was
24 making?

25 A Yes. Once we were able to identify Curtis Edward

1 Smith, we quickly learned that he was a resident of
2 Walterboro, South Carolina, and so we were able to go to
3 his residence the morning of September 7th. And he lives
4 at 1075 Burlington Road in Walterboro. Agent Owen went by
5 and was able to locate or observe the blue in color Chevy
6 pickup truck with a right front gold quarter panel.

7 Q Was a search warrant conducted of that residence?

8 A Yeah. A search warrant was obtained and executed on
9 the residence.

10 Q What date was that?

11 A September 7, 2021.

12 Q All right, and during the course of that search
13 warrant, was there some narcotics found?

14 A Yes.

15 Q Was there a ledger found?

16 A Yes. So, a small amount of narcotics. Mr. Smith
17 lives in his garage of a modest home. Over the course of
18 the execution of the search warrant, narcotics were located
19 inside the garage, but the search of the residence we found
20 a -- the best way I could describe it would be a
21 *Physician's Desk Reference* of multiple narcotic pills, like
22 a drug reference guide that he had made personal notes in.

23 Q And was there any sort of notebook with a ledger in it
24 or anything like that recovered?

25 A Yes. There was also a small spiral notebook, a three

1 and a half inch spiral notebook that had various -- it
2 looked like -- obviously it wasn't completed by an
3 accountant, but there was numbers and there was pills and
4 descriptions of -- it looks like some type of sales ledger.

5 (Break in proceedings.)

6 Q All right, I'm going to show you what's been marked as
7 State's 551 and see if you recognize this image.

8 A Yes, I do. These are transaction receipts and deposit
9 and withdrawal receipts for Curtis Edward Smith's
10 Enterprise Bank account.

11 Q All right, and ultimately did law enforcement look at
12 some of this financial information and trace that back to
13 the defendant? This was recovered in Eddie Smith's house,
14 correct?

15 A Yes. Those documents were recovered at Mr. Smith's
16 house. At this point, Mr. Murdaugh had been fired from his
17 law firm for stealing, for stealing from clients and from
18 the firm. We were aware of that information. It was told
19 to us that Mr. Murdaugh had a prescription drug addiction.
20 That we were aware of. At this point, we were aware of
21 that. Mr. Murdaugh had reached out to Mr. Smith from the
22 hospital, so when we found -- like I said, Mr. Smith lives
23 in a modest house, has a modest vehicle. We're seeing
24 several hundred thousands of deposits and financial records
25 for Mr. Smith's Enterprise Bank. We obtained a search

1 warrant, and from the execution of that search warrant, the
2 funds were tied back to checks written by Mr. Murdaugh.

3 Q And did those funds continue up until the time of the
4 murders in Moselle?

5 A Yes, they did.

6 Q Did they continue afterwards?

7 A They did.

8 MR. WATERS: Your Honor, at this time I would offer
9 State's Exhibit 551, I believe without additional
10 objection.

11 MR. HARPOOTLIAN: Without additional objections, Your
12 Honor.

13 THE COURT: It's admitted.

14 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 551 WAS
15 RECEIVED INTO EVIDENCE.)

16 Q Did the investigation obtain any information from
17 Blanca Simpson about any communication she had with the
18 defendant that day, September 4, 2021?

19 A Yes. Ms. Simpson made contact with Mr. Murdaugh where
20 Mr. Murdaugh had requested her send him copies of their
21 insurance cards.

22 Q Was that prior to the incident occurring on the side
23 of the road?

24 A Yes. When -- prior to the incident, Mr. Murdaugh
25 attempted to meet with a few individuals, Mr. Wilson being

1 one of them, and he made contact with Ms. Simpson via
2 telephone.

3 Q In light of the information that had been uncovered
4 about Eddie Smith and the connection, the financial
5 connection between Eddie Smith and Alex Murdaugh, did the
6 investigation seek to reinterview Alex Murdaugh?

7 A We did. I reached out to Mr. Harpootlian on the day
8 of September 7, 2021.

9 Q And over the course of the next few days, was the
10 defendant going to rehab?

11 A Yes. We communicated regularly with Mr. Harpootlian
12 and Mr. Griffith (sic). They made it known to us that Mr.
13 Murdaugh had entered into a rehab facility that was out of
14 state. So, at that point we were making an attempt to
15 interview him. We were -- we made plans to travel to
16 Atlanta where we believed that Mr. Murdaugh was, and
17 that -- those plans did not come to fruition.

18 Q Eventually were you able to make contact with the
19 defense and have a subsequent interview with the defendant,
20 Alex Murdaugh?

21 A Yes. Mr. Harpootlian called me on September 13th of
22 2021, and we were able to set a telephone interview with
23 Mr. Murdaugh.

24 Q All right. I'm going to show you what's been marked
25 as Exhibit 552, State's Exhibit 552, and see if you

1 recognize this disc.

2 A I do. This is a recording of the September 13, 2021,
3 interview with Mr. Murdaugh.

4 MR. WATERS: Your Honor, at this time I would offer
5 State's Exhibit 552 into evidence, I believe without
6 additional objection.

7 MR. HARPOOTLIAN: No additional objections, Your
8 Honor.

9 THE COURT: It's admitted.

10 (DVD OF INTERVIEW FOUR MARKED AS STATE'S EXHIBIT
11 NUMBER 552 WAS RECEIVED INTO EVIDENCE.)

12 Q I'm going to publish that to the jury.

13 MR. WATERS: Can I have the computer input, please?

14 (Interview of the defendant, Alex Murdaugh, was
15 played. Audio not transcribed.)

16 Q Whose voice is that?

17 A Special Agent Jomar Albayalde.

18 Q Was he present with you when you conducted this
19 interview?

20 A Yes, he was.

21 (The video continued to play.)

22 Q Let me ask you this, Agent Kelly. As the
23 investigation revealed, as you testified before, that the
24 defendant, Alex Murdaugh, did call Eddie Smith trying to
25 use staff phones as well while he was in the hospital in

1 Savannah.

2 A Yes. Mr. Murdaugh was able to contact Mr. Smith while
3 staying in the hospital in Savannah.

4 (The video continued to play.)

5 Q Special Agent Kelly, is that a complete conversation
6 that you had with Alex Murdaugh on September 13th of 2021?

7 A Yes, it is.

8 Q Prior to that conversation, over the course of the 911
9 call, the ambulance, and multiple interviews at the
10 hospital, did Alex Murdaugh ever mention or identify Curtis
11 Edward Smith at all until his lies about the side of the
12 road were exposed?

13 A No.

14 Q Did Alex Murdaugh ever say there was any risk or
15 threat to Buster?

16 A He said no -- no, he did not. He actually denied it
17 when we asked.

18 Q Did Alex Murdaugh say that Curtis Eddie Smith had
19 anything to do with the murders at Moselle?

20 A He denied it when we asked.

21 Q And is there any evidence that Curtis Edward Smith had
22 anything to do with Moselle?

23 A None whatsoever.

24 MR. WATERS: Thank you. Nothing further.

25 THE COURT: Mr. Harpootlian?

1 MR. HARPOOTLIAN: Your Honor, I understand you have a
2 4:30 cutoff. Do you want me just to go as far as I can go?

3 THE COURT: Or we can adjourn now for the day.

4 MR. HARPOOTLIAN: I don't -- this is going to take
5 awhile, and I would suggest we adjourn.

6 THE COURT: All right, ladies and gentlemen, we are
7 going to adjourn until 9:30 tomorrow morning.

8 Let's have order. I am speaking to the jury.

9 We're going to adjourn until 9:30 in the morning.
10 Have a good evening. Please do not discuss the case.

11 (The jury left the courtroom.)

12 THE COURT: Officer, please do not discuss your
13 testimony with anyone overnight. You will be cross-
14 examined in the morning.

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. We'll be in recess.

17 (Whereupon, the case was at ease.)

18 *FRIDAY, FEBRUARY 17, 2023*

19 (Court resumed at 9:35 a.m.)

20 THE COURT: Good morning. Are we ready to proceed?

21 MR. WATERS: One brief housekeeping matter. We put in
22 a disc yesterday, which for the record is State's 552. I
23 provided the court reporter one that was a short-end one.
24 We actually put in the full one, so I'm going to replace
25 552 with the full disc with consent of defense counsel.

1 MR. HARPOOTLIAN: We consent, Your Honor.

2 THE COURT: Very well.

3 MR. WATERS: And with that, we are ready to proceed,
4 Your Honor.

5 MR. HARPOOTLIAN: Defense is ready to proceed.

6 THE COURT: Okay. Bring in the jury.

7 (The jury returned to the courtroom.)

8 THE BAILIFF: The jury is present, sir.

9 THE COURT: Good morning.

10 (The jury responded good morning.)

11 THE COURT: All right. Day number twenty.

12 Cross-examination. You may proceed.

13 MR. HARPOOTLIAN: May it please the Court, Your Honor?

14 Good morning, ladies and gentlemen.

15 (The jury responded good morning.)

16 The witness, RYAN KELLY, remained under oath
17 and continued testifying as follows:

18 CROSS-EXAMINATION

19 BY MR. HARPOOTLIAN:

20 Q So, let's see if we can do this quickly. Is that okay
21 with you?

22 A Yes, sir.

23 Q It is Friday. Monday is a holiday, so let's see if we
24 can't get through this. You're a -- is it senior special
25 agent?

1 A Yes, sir.

2 Q Okay, and you investigated -- your charge was
3 investigating the so-called roadside shooting, correct?

4 A Correct.

5 Q And as part of that you -- after Alex was airlifted to
6 Savannah Hospital, correct?

7 A Yes.

8 Q Okay, and did you go see him there?

9 A Yes.

10 Q And did you talk to the doctors about his conditions?

11 A We made contact with medical staff there. I don't
12 know if I specifically spoke to a particular doctor, but we
13 made contact with the medical staff that were providing
14 treatment.

15 Q So, did the medical staff tell you he had a shallow
16 sort of trough wound in the back of his head apparently
17 caused by a bullet? Did they tell you that?

18 A They did not.

19 Q Did they tell you he had a fractured skull?

20 A They did not.

21 Q Did you look at his medical -- did you subpoena --
22 have you subpoenaed his medical records?

23 A We have, but at the time of my arrival, the tests were
24 ongoing and that -- those documents weren't readily
25 available to me.

1 Q But you've looked at them since then.

2 A Since then.

3 Q So, you would agree with me he had a fractured skull,
4 a wound -- a trough wound to the back of his head?

5 A I would agree that's what the medical records state.

6 Q Let's me see if you can identify this.

7 A These appear to be a portion of Mr. Murdaugh's medical
8 records.

9 Q I understand it's a portion.

10 A Yes, sir.

11 Q But it's sort of the summarizing portion, is it not?

12 A Yes, sir, it is.

13 Q Okay.

14 MR. HARPOOTLIAN: I think you furnished these to us.
15 Do you have any objection?

16 MR. WATERS: Objection, Rule 801.

17 Q Well, let me ask you this question. Maybe it will
18 make it easier. Who subpoenaed and got these records? Did
19 SLED?

20 A Yes. At the time of the incident, we weren't -- they
21 weren't discussing his medical condition with us. We were
22 able to -- due to HIPAA, they weren't readily providing us
23 access to his medical records or consultation with doctors.
24 We had a general understanding based on what Mr. Murdaugh
25 told us -- told deputies on the side of the road and based

1 on what he stated on 911, that he'd been shot in the head.
2 So when we arrived, we saw a subsequent injury --

3 Q Just let me ask -- let me cut to the chase here. Did
4 y'all subpoena the medical records?

5 A Yes, we did.

6 Q Are these a portion of the medical records, the
7 business records that you received from the hospital in
8 Savannah, the Memorial Health?

9 A Yes, sir.

10 Q Okay.

11 MR. HARPOOTLIAN: Does that resolve that issue,
12 business records?

13 MR. WATERS: May I see the exhibit, please, Mr.
14 Harpootlian?

15 MR. HARPOOTLIAN: And for the record, Your Honor, we
16 redacted any personal identifying matters --

17 MR. WATERS: With the redactions, no objection.

18 THE COURT: They're admitted without objection.

19 MR. HARPOOTLIAN: And that's number 124.

20 (MEDICAL RECORDS MARKED AS DEFENDANT'S EXHIBIT NUMBER
21 124 WERE RECEIVED INTO EVIDENCE.)

22 Q So let me have you, if this will refresh your memory,
23 look at page 1, what the medical staff says are his
24 injuries.

25 A Yes, sir.

1 Q Okay. Now, I could have you read that. Do you
2 understand what this means?

3 A I have a general idea. Like I said, I'm not a doctor,
4 I'm a SLED agent, so I have a general understanding of the
5 terms on the page.

6 Q Did he have a -- does it indicate he had a furrow
7 wound in his head?

8 A I'm not trying to play coy. It just says -- I mean, I
9 can read it. If it says --

10 Q Okay. Let me publish part to you and see what you
11 think: Left posterior parietal subdural hematoma with
12 adjacent blood products. What do you think that means?

13 A I don't --

14 Q What is a subdural hematoma?

15 A Obviously it's a bleeding on the subdural part of his
16 head, so it's --

17 Q So, it would be a brain bleed.

18 A Absolutely, yes.

19 Q It says: Linear left posterior parietal bone fracture.
20 That would be a fractured skull.

21 A Yes.

22 Q Okay: Scalp laceration overlying the left parietal
23 bone. That would be the furrow I'm talking about, right?

24 A If that's what you referred to. I'm not a doctor. I
25 mean, furrow is, you know, it's -- I can only testify to

1 what it states on the page.

2 Q Okay, and attending radiologist reviewed all of the
3 images and agrees with the interpretation. So, a
4 radiologist looked and saw a brain bleed, saw a subdural
5 hematoma, saw a fractured skull, and issued or saw -- made
6 findings consistent with a bullet wound to the head, did
7 they not?

8 A The medical professionals reviewed his charts and his
9 tests, they came to that opinion, and we refer to them as
10 it relates to their findings.

11 Q I'm sorry, refer to them what?

12 A We refer to them as it relates to their findings.

13 Q Okay.

14 A If that's what they determined happened, we referred
15 to them.

16 Q Okay. So, he had real injuries.

17 A There was a laceration on the back of his head that
18 was consistent with a gunshot wound.

19 Q Fractured skull, subdural brain bleed, right?

20 A If that's what the records say, then yes.

21 Q Have you ever told anybody that -- specifically the --
22 Maggie's sister and her husband that Alex had been shot in
23 the head? I mean, I can play it for you. You recorded it.

24 A Oh, absolutely. I mean, I'm not denying that I've
25 done it. I don't remember it off the top of my head.

1 Q Okay. I just want to make sure you've told somebody
2 that Alex got shot in the head.

3 A Yes. I've never questioned that Alex has been shot in
4 the head.

5 Q Okay. I'm just trying to --

6 A Okay.

7 Q We're having a difficult time here communicating this
8 morning, not quite understanding it.

9 A Yes, sir, it is.

10 Q But my simple question was, was he shot in the head,
11 and I'm not sure until just now you said yes, he was shot
12 in the head.

13 A I apologize. Yes, he was shot in the head.

14 Q So we agree on that, he was shot in the head.

15 A Yes.

16 Q And he was in intensive care for awhile and then he
17 was let out relatively quickly. Is that right?

18 A Yes. I believe he was released on the 7th?

19 Q Okay, and I would like to show you Defense Exhibits
20 125 and 127.

21 MR. WATERS: No, objection Your Honor.

22 Q And are these -- let me show these to you so you can
23 identify them. Are these photographs consistent with what
24 you saw Alex Murdaugh at the hospital?

25 A No. The -- this first photograph was photographed by

1 Hampton County EMS. So, prior to my arrival, this was
2 taken. When I arrived in Savannah, Alex was not in this
3 condition.

4 Q But you would represent that these -- these were --

5 A This image is something that I saw at the hospital. I
6 didn't see this.

7 Q Okay. So, this was taken by who? Hampton County?

8 A I don't know who took the photo, but it was included
9 with the Hampton County EMS records that we obtained.

10 Q Okay.

11 MR. HARPOOTLIAN: So, did I offer these?

12 MR. WATERS: No objection, Your Honor.

13 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 125 WAS
14 RECEIVED INTO EVIDENCE.)

15 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 127 WAS
16 RECEIVED INTO EVIDENCE.)

17 Q Okay. So, let's look at the --

18 MR. HARPOOTLIAN: Do I have to go to the ELMO or do
19 you have these?

20 (Break in proceedings.)

21 Q Okay. So, this is the photo you indicated some other
22 law enforcement agency took before he went to -- at the
23 side of road, or is that -- or do you know?

24 A This photo was included in the records from Hampton
25 County EMS that we obtained at the time that he provided

1 the recorded statement inside the ambulance where he gave
2 the detailed description of what happened to him --

3 Q Which we've listened to.

4 A Yes, yesterday. So, at some point his wound was
5 treated and he was placed in the cervical collateral
6 outside of my presence. I wasn't present when he was
7 transported. I didn't meet with Mr. Murdaugh until I went
8 to Savannah.

9 Q Okay.

10 MR. HARPOOTLIAN: Put the next picture on.

11 Q And who took this picture?

12 A This picture -- I did not take any pictures, so I
13 believe it may have been -- it was Agent Rebecca Gregg, who
14 was accompanying me to Savannah.

15 Q And is that an accurate depiction of what his skull
16 looked like at the hospital?

17 A Correct.

18 Q And do you know notice blood there?

19 A Yes.

20 Q Okay.

21 MR. HARPOOTLIAN: Go ahead and go to the next one.

22 Q Now as I understand it, after he was released from the
23 hospital, he went to detox in Atlanta.

24 A That's what y'all told us, yes.

25 Q I'm sorry?

1 A That's what y'all -- what's what you told me.

2 Q And we called you from a facility in Atlanta to give
3 the statement we saw earlier, correct?

4 A You called me from a telephone. I don't know exactly
5 your location. I wasn't there with you, so I don't know
6 where you called me from.

7 Q You're telling me SLED can't tell where a phone is?

8 A Mr. Harpootlian --

9 Q I mean, if you're going to tell me that SLED can't
10 tell us where a phone is --

11 THE COURT: Just a moment. You posed a question. You
12 must give him an opportunity to answer.

13 MR. HARPOOTLIAN: I apologize.

14 A Mr. Harpootlian, you called me. I don't know what
15 number you called me from --

16 Q My cell phone.

17 A Okay. So, you called my from your cell phone. I have
18 that number, so it identified as yours, but I don't know
19 where you were at. You told me that you were calling from
20 Atlanta. I took you at your word, but I can't testify to
21 where you were calling me from because I don't know.

22 Q Did you ever subpoena his detox records?

23 A We made an attempt, but we had issues with them
24 honoring an out of state subpoena.

25 Q Well, I mean, you can go to a court in Georgia and

1 make them honor it, or we could have given you consent.

2 Did you ask us for consent?

3 A No consent was given.

4 Q No consent was asked for.

5 A No consent was asked, no consent was given, so --

6 Q Okay, but we represented on that call that he was in a
7 detox facility before -- when we called you to set up the
8 call in Atlanta that he was now -- and I think we've said
9 on the recording that the doctors indicate he's coherent,
10 he's been through the detox, which is pretty tough to
11 process, and he was willing to talk to you once he was
12 competent to do so. Isn't that's correct?

13 A That is the information related to me, yes.

14 Q Do you have any reason to doubt that?

15 A No, sir.

16 Q Okay, and so while he -- as soon as he came out of the
17 initial stages of detox, you don't know this, but we went
18 down -- we called the --

19 MR. WATERS: Objection to counsel's statement.

20 THE COURT: Mr. Harpootlian, you can't testify.

21 Q Who called who initially to set that call up?

22 A I called you on the day of September 7th to reach out
23 to let you know that we had had some developments in the
24 case, and I told you that we wanted to speak to Alex.

25 Q Okay.

1 A You told us that he was in rehab, or was en route to
2 rehab, and we would try to make some arrangements. We had
3 initially discussed agents traveling to whatever facility
4 Mr. Murdaugh was in to meet with him in an attempt to get a
5 statement. That meeting did not materialize. On the
6 afternoon of the 13th, you called me from your cell phone
7 to set up a telephone interview. Given the complexity of
8 the case and the fluid movements of the investigation, we
9 wanted to, you know, agree to that so we could get some
10 type of -- at that point Mr. Murdaugh had -- obviously the
11 story that he told us was not true, and we wanted to take
12 that as an opportunity to try to make some sense out of the
13 investigation given that you and Mr. Griffith (sic) were
14 there saying he was ready to tell us really what happened.

15 Q So he, through his attorneys, reached out to you to
16 give this recorded statement himself.

17 A On the 13th you called me, yes.

18 Q Right, and secondly, he admitted that he had stolen
19 money, right?

20 A Yes.

21 Q He admitted drug use.

22 A Yes.

23 Q And he admitted that he lied, correct?

24 A Yes.

25 Q Okay, and as a result of that statement, he was

1 charged with insurance fraud, conspiracy to commit
2 insurance fraud, and filing a false police report. Is that
3 correct?

4 A Yes, he was.

5 Q And by that time he had moved from the detox facility
6 in Atlanta to a rehab facility in Orlando, correct?

7 A Correct.

8 Q You asked that he surrender himself and he did that,
9 did he not?

10 A Yes, he did.

11 Q He had his son, Buster, drive him from Orlando to
12 Hampton County, and I believe y'all met him and -- by
13 prearrangement him and Buster at his mother's house.

14 A The agreement was for us to meet you and Mr. Griffith
15 with Mr. Murdaugh, that no stops be taken from Orlando to
16 Hampton. We encountered Mr. Murdaugh and Buster pulling
17 into the driveway of the Almeda property, so outside of our
18 agreement. So, Mr. Murdaugh was taken into custody as soon
19 as he arrived at Almeda.

20 Q Well -- so, perhaps if we weren't going to Orlando,
21 stopping to get his lawyers before he surrendered himself
22 would have been a violation of our agreement?

23 A No. Our agreement was that Mr. Murdaugh was to go
24 from Orlando directly to your custody. Buster -- I don't
25 fault Buster. I don't think that he was doing anything

1 that he thought was wrong. He was just listening to
2 instructions. But, you know, we were supposed to meet him
3 with you and he showed up at his mom's house, so he was
4 placed under arrest at his mom's house.

5 Q Well, we showed up at mom's house as y'all were taking
6 him away, right?

7 A After he was arrested, yes.

8 Q Right, but, I mean, we were there minutes after you
9 arrested him, right?

10 A Yes, because they called you, so -- and I might have
11 called you to tell him he was -- we were arresting him as
12 well.

13 Q Right. He went to a bond hearing.

14 A Yes, he did.

15 Q And he was granted bond.

16 A Yes.

17 Q And one of the conditions of bond allowed him to go
18 back to Orlando to rehab, right?

19 A Yes.

20 Q And he went back to Orlando to rehab.

21 A Yes.

22 Q Until he was indicted on the financial fraud charges.

23 A Yes.

24 Q And his cooperation, and when I say cooperation, the
25 statements he made in -- I understand you were only

1 investigating the roadside shooting, right?

2 A Correct.

3 Q So, you weren't investigating the murder. You weren't
4 investigating -- I mean, I'm talking about Maggie and
5 Paul's murders. You weren't investigating the financial
6 crimes, only the roadside shooting, correct?

7 A Are you referring during my interviews, the three
8 interviews with Mr. Murdaugh?

9 Q I'm sorry?

10 A Are you referring -- in the three interviews with Mr.
11 Murdaugh, the first two interviews were conducted with him
12 being considered the victim of a violent crime.

13 Q Right, and then --

14 A And then the third interview, you know, you set
15 parameters as to -- as his attorney as to what information
16 we would discuss --

17 Q No, no, no.

18 A -- on the call, so --

19 Q But he did -- when you asked questions about his bank
20 accounts, he cooperated fully with you, right?

21 A After some give and take I think between you and I, he
22 disclosed information, yes.

23 Q Right, and he admitted to you he had stolen money.

24 A Yeah. He confirmed that he'd stolen it because at
25 that point we had been told by other parties he'd stolen

1 money. And, you know, on the 7th we recovered Enterprise
2 banking slips, so we know -- we knew we had documentation
3 he had stolen money. He just confirmed it with his --

4 Q Did you know whether he knew? He was just coming out
5 of detox. I mean, certainly many, many defendants would
6 have never talked to you, correct?

7 MR. WATERS: Objection to the form, Your Honor.

8 THE COURT: The objection is sustained.

9 Q Did he have to talk to you?

10 A Some of the best confessions I've ever gotten were
11 from a defense attorney. So, he spoke to me --

12 Q Not this defense attorney. Okay.

13 A Well, he still confessed on the call, so --

14 Q I mean, there are defense attorneys and defense
15 attorneys, right? Okay. So, let me say this. As a result
16 of some of the information you got, did you give that --
17 that statement that he gave you, did you give that to --
18 who was investigating the financial crime?

19 A That was a joint operation out of our office; there
20 were several agents involved.

21 Q But no agent in charge like Mr. Owens?

22 A There was an agent, David Williams, Special Agent
23 David Williams, myself, Special Agent Matt Wright. We've
24 all had part in the financial investigations.

25 Q Okay, and as a result of his cooperation partially, in

1 which you already knew, you're aware that he was indicted
2 on ninety indictments of financial fraud which could result
3 in life without parole for him, do you not?

4 A He was found to be --

5 Q If you would answer yes or no and then explain your
6 answer. Was he indicted on ninety charges of financial
7 fraud and -- for which he faces life without parole? Is
8 that correct? Just yes or no.

9 MR. WATERS: Objection to relevance, Your Honor.

10 THE COURT: The objection is sustained.

11 MR. HARPOOTLIAN: I'm sorry, what was the objection?

12 THE COURT: There was an objection and I sustained the
13 objection.

14 MR. HARPOOTLIAN: I'm sorry, Your Honor, I don't
15 understand the grounds of the objection.

16 THE COURT: Mr. --

17 MR. WATERS: 401, Your Honor.

18 MR. HARPOOTLIAN: I'm sorry. I understand what 401
19 is. I don't know why it would apply to this.

20 THE COURT: The objection is sustained.

21 Q The information you got was voluntary about the
22 financial piece of this, was voluntary by him? No one
23 threatened him? No one coerced him? He has two lawyers
24 sitting there, right?

25 A To the best of my knowledge, no one threatened him. I

1 was not present with Mr. Murdaugh at the time of giving his
2 statement. It was over the telephone. Based on what
3 you've told us, no one threatened him.

4 Q No one held a gun to his head.

5 A I wasn't in the room. If you did, I can't speak to
6 it.

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

8 (Break in proceedings.)

9 MR. HARPOOTLIAN: Thank you, Agent. Appreciate it.

10 THE WITNESS: Thank you.

11 THE COURT: Any redirect?

12 MR. WATERS: Briefly, Your Honor. May it please the
13 Court?

14 REDIRECT EXAMINATION

15 BY MR. WATERS:

16 Q When you interviewed the defendant, Alex Murdaugh, on
17 September the 4th, that was in the hospital. Is that
18 right?

19 A Yes, it was.

20 Q Did he agree to speak to you?

21 A Yes, he did.

22 Q Did he respond appropriately?

23 MR. HARPOOTLIAN: Your Honor, I object. We've already
24 dealt with this matter, and if we're going to go into this,
25 we would like a *Jackson v. Denno* as to his competence to

1 talk to him in the hospital.

2 THE COURT: Mr. --

3 MR. WATERS: He specifically cross-examined him on the
4 injuries in the hospital that he had suffered, and I am
5 just following up with the agent about the circumstances
6 generally of his interaction with --

7 THE COURT: Ladies and gentlemen, we'll have you go to
8 the jury room for a break. Please do not discuss the case.

9 (The jury left the courtroom.)

10 THE COURT: Be seated, please. What's the nature of
11 the objection again, Mr. Harpootlian?

12 MR. HARPOOTLIAN: Your Honor, several bases. One,
13 those were leading questions if you get past that.
14 Secondly, we had an agreement, which he complied with on
15 direct examination, to have him say what happened there in
16 a summary fashion and not go into a quoting piece, even
17 though we believe -- and if you look at these medical
18 records, he's showing positive for barbiturates and
19 opioids, many of which were administered by the hospital.
20 Not -- we believe the doctors will say he was not competent
21 to give a -- any sort of voluntary statement. And he was
22 not advised his Miranda warnings, he wasn't in any way --
23 we don't -- obviously he wasn't in custody, but we believe
24 that we're entitled to a hearing on competence to give a
25 statement if he's going to go further on this, and to do so

1 we're going to need the doctors from Savannah here to
2 testify of what his condition was. So, perhaps we should
3 adjourn this and come back on Tuesday or Wednesday of next
4 week to finish it.

5 MR. WATERS: Your Honor, the sum total of my questions
6 were specifically in response to the cross-examination. I
7 was not going to ask him to go back to the -- to relate
8 what he related to Agent Kelly, which again, they already
9 agreed for us to do in summary fashion. It was simply
10 going to be questions that he was not in custody, he was --
11 voluntarily agreed to talk, and his questions were subject
12 matter appropriate, and he appeared to understand the
13 questions. That was going to be the extent of it, and it
14 was in direct response to their putting in the records and
15 discussing the injuries that he -- are reflected in those
16 records. That was the extent of my questioning, not to
17 reiterate the summary to which, frankly, they had already
18 agreed to allowing to do, which we did yesterday.

19 MR. HARPOOTLIAN: If that's all he's going to ask, I
20 withdraw my objection.

21 THE COURT: All right, very good. Let's bring the
22 jury in. And let's stand and stretch.

23 MR. HARPOOTLIAN: Your Honor.

24 THE COURT: Yes, sir.

25 MR. HARPOOTLIAN: That's what we're agreeing if that's

1 all he's going to ask, but if that question leads to
2 another question leads to another question --

3 (The jury returned to the courtroom.)

4 THE COURT: The objection is withdrawn. You may
5 proceed.

6 MR. WATERS: Thank you, Your Honor. May it please the
7 Court?

8 CONTINUED REDIRECT EXAMINATION

9 BY MR. WATERS:

10 Q All right, going back to the question that I asked,
11 when you interviewed -- and I'm just asking these
12 particular questions. When you interviewed the defendant
13 on September 4th, that was the day of the roadside
14 shooting, correct?

15 A Correct.

16 Q Did he voluntarily agree to talk to you?

17 A Yes.

18 Q Was he in custody in any way?

19 A He was not in custody.

20 Q Did he respond appropriately to your questions?

21 A He responded appropriately and consistently to the
22 answers -- to my questions that were given on the 911 and
23 on the -- to the Hampton County deputies.

24 Q Did he appear to understand your questions?

25 A Yes.

1 Q And did he respond appropriately to the subject matter
2 of those questions?

3 A Yes.

4 Q When you interviewed him on September 6th, he was
5 still in the hospital. Is that correct?

6 A Yes.

7 Q And at that time, did he voluntarily agree to talk to
8 you?

9 A Yes.

10 Q Was he in custody at any point?

11 A He was not.

12 Q Did he respond appropriately to your questions?

13 A He did.

14 Q Did he appear to understand your questions?

15 A He understood the questions and, again, gave
16 consistent responses to the interviews from September 4th,
17 from the 911 call, and from the video from the ambulance.

18 Q All right, and his answers related appropriately to
19 the subject matter of your questions.

20 A Yes, on the side of the road.

21 Q You were asked a little bit about the circumstances of
22 the telephone interview on September 13, 2021, correct?

23 A Yes.

24 Q And did you want to do a telephone interview or did
25 you want to speak to him in person?

1 A No. Our initial inquiry was to go to where he was at.
2 We did not know his location. They took him out of state.
3 Our intention was to go meet with them wherever they had
4 him to conduct that interview. When those plans did not
5 materialize, time was of the essence. When they called us
6 and agreed to have the telephone interview, we made an
7 investigative decision to agree to that and conduct the
8 interview over the phone.

9 Q That time period between September 6th and 7th when
10 all of the developments you testified to yesterday on the
11 side of the road took place and September 13th, was SLED
12 just sitting around doing nothing, or were y'all actively
13 attempting to further question the defendant?

14 A We were absolutely actively -- and working the active
15 investigation. We were actively attempting to make contact
16 to have that interview and make that take place.

17 Q And it was not until September 13th that the defense
18 agreed but only through a telephone interview. Is that
19 correct?

20 A He contacted -- Mr. Harpootlian called me on the 13th
21 and he said, hey, we have a short amount of time we can do
22 this. Can we make it happen? So, we had to make it happen
23 within about 30 minutes' notice. So, Agent Albayalde and I
24 got to a place where we could conduct the interview, and
25 the interview occurred.

1 Q And when y'all had that phone interview that the jury
2 heard yesterday, at the beginning they put limitations on
3 the subject matter of what could be discussed.

4 A Yes. They advised that they would only discuss the
5 side of the road shooting, that Moselle -- the Moselle
6 incident and the financial crimes were off limits.

7 Q Ultimately some financial information was discussed.
8 Is that correct?

9 A That is correct.

10 Q But Moselle never was. Is that right?

11 A Correct.

12 Q You were asked about ultimately when he was taken into
13 custody. Is that correct?

14 A Yes.

15 Q Do you remember roughly what date that was?

16 A I don't have the booking paperwork. I don't remember
17 what -- the specific date. We took -- I took him into
18 custody twice, so I don't know what date.

19 Q And that was after he had finished that rehab stint,
20 is that correct, to your understanding?

21 A Yes. We took him in custody once out on the Alameda
22 property. We also took him in custody a second time when
23 we went to Orlando to extradite.

24 Q What you were just asked about by Mr. Harpootlian when
25 he returned to South Carolina, that was the first time ever

1 that he had been taken into custody. Is that correct?

2 A Yes.

3 Q And that was for charges related to the side of the
4 road.

5 A Yes.

6 MR. WATERS: Court's indulgence, please.

7 (Break in proceedings.)

8 MR. WATERS: Thank you, Senior Special Agent Kelly.
9 Nothing further.

10 THE WITNESS: Thank you.

11 MR. HARPOOTLIAN: Just a couple of additional
12 questions.

13 RECROSS-EXAMINATION

14 BY MR. HARPOOTLIAN:

15 Q That second time you took him into custody, do you
16 know when that was?

17 A I don't have the exact date in front of me. I
18 apologize.

19 Q If I told you October 16th, would that -- of 2021,
20 would that seem appropriate to you?

21 A I believe it was in the month of October of 2021.

22 Q Okay, and tell this jury. How long had he been out of
23 jail since October 16th of 2021? I mean, did he make bond?

24 A I don't believe so, no.

25 Q So, he's been in jail since October 16th --

1 MR. WATERS: Objection. 401, Your Honor.

2 THE COURT: The objection is sustained.

3 Q What opportunity has he had since October 16th of 2021
4 to manipulate witnesses, to manipulate evidence, to
5 manipulate anything in this case? What opportunity --

6 MR. WATERS: Objection.

7 Q Go ahead.

8 THE COURT: Just a moment. There's an objection.

9 MR. HARPOOTLIAN: I'm sorry, what's this objection?

10 MR. WATERS: Objection to 401, Your Honor.

11 THE COURT: And response?

12 MR. HARPOOTLIAN: Well, Your Honor, no question he's
13 been in jail since October --

14 THE COURT: No, sir. Your legal response to the
15 question. 401 is the objection, relevance, and your
16 response?

17 MR. HARPOOTLIAN: My response is that they have him --
18 they're trying to portray him as this manipulative --

19 MR. WATERS: Your Honor --

20 MR. HARPOOTLIAN: -- person, and he's not got the
21 ability to manipulate anything after October 16th.

22 THE COURT: The objection is sustained.

23 MR. HARPOOTLIAN: As not relevant?

24 THE COURT: Yes, sir, and inappropriate argument to
25 the jury.

1 MR. HARPOOTLIAN: I'm sorry, Your Honor.

2 Q Now, did you tell anyone in his family the reason you
3 wanted to see him while he was in rehab was to show him a
4 picture of a truck?

5 A The conversations about the picture of the truck, we
6 obtained the picture of the truck on or around --

7 Q Excuse me. If you would just answer yes or no, and
8 then you can explain your answer. I'm -- we're going to go
9 down this trail and if you say no, then I'm done. If you
10 say yes, then I'm going to ask you when you did it and we
11 don't have to go through this back and forth for the next
12 10 minutes. Did you tell anybody in his family you wanted
13 to see him in rehab just to show him a picture, among other
14 things, just to show him a picture of the truck?

15 A I believe that was -- something -- one of the items we
16 wanted to discuss with Mr. Murdaugh.

17 Q Okay, and so you were giving the impression that at
18 that point you still believed him and you just wanted to
19 show him a picture of a truck.

20 MR. WATERS: Objection. 401, Your Honor.

21 MR. HARPOOTLIAN: Relevance? Really?

22 THE COURT: Let me hear that question again.

23 Q You indicated to a member of his family you knew was
24 communicating with him that all you wanted to do was show
25 him a picture of a truck.

1 MR. WATERS: Object to the form, Your Honor.

2 THE COURT: It's cross-examination. Overruled.

3 MR. HARPOOTLIAN: Thank you.

4 Q Did you --

5 THE COURT: You've asked the question. What's the
6 response?

7 Q I have asked the question.

8 A Could you repeat the question, please? I'm sorry, I
9 just --

10 Q Special -- are you a Senior Special Agent?

11 A Yes, sir, I am.

12 Q Senior Special Agent Kelly, did you communicate to a
13 member of Mr. Murdaugh's family, Randy Murdaugh, that all
14 you wanted to do was show him a picture of a truck? That
15 was paramount in your -- to you, and that's what you
16 communicated to Mr. Murdaugh.

17 MR. WATERS: Objection. 401, Your Honor.

18 THE COURT: The objection is overruled.

19 A The question you asked me is that -- and I responded
20 to you that was one of the things. That was not the only
21 thing. You know, we knew the identity of Curtis Smith. We
22 knew the truck that Mr. Smith --

23 Q I didn't ask you what you else you knew. I asked
24 you --

25 MR. WATERS: I would ask that the witness be allowed

1 to complete his answer, Your Honor.

2 THE COURT: You may continue your response.

3 A We wanted to meet with Mr. Murdaugh to show him images
4 of the truck. We wanted to show him to see -- at this
5 point we suspected he was not telling the truth, and we
6 wanted to see if he would continue to not tell -- continue
7 to lie to us about not knowing the existence of Curtis, or
8 the truck, or if he would, you know, show some type of
9 clarity, and --

10 Q So -- and this goes to sort of the same issue. When
11 you wanted to see him --

12 MR. HARPOOTLIAN: Where are the exhibits I just
13 introduced? Okay.

14 Q When you wanted to see him and you contacted me, I
15 indicated he was in detox, right?

16 MR. WATERS: Objection to counsel's statement.

17 THE COURT: The objection is sustained.

18 Q Were you aware that he was in detox in Atlanta?

19 A I was aware that he was out of state, and based on the
20 information you told me, and I took you at your word, that
21 he was seeking treatment in an out of state facility.

22 Q Okay, and did I indicate to you, or did anybody
23 indicate to you in detox you need an uninterrupted period
24 to get off the drugs?

25 A That's -- I believe that is what you explained to me.

1 Q Okay, and that he wouldn't be competent to communicate
2 until he had been --

3 MR. HARPOOTLIAN: Where is the hospital records?
4 Maybe I walked away with them.

5 Q He would not be competent to speak with you until the
6 doctors said he was competent, right?

7 A On the morning -- on the September 4th incident, he
8 consumed opioids that morning. He was not detoxing or
9 coming off those drugs. He did not appear to be under the
10 influence of any narcotics when we met with him in the
11 hospital. He was on his cell phone, he was walking, he was
12 talking, he was coherent. He was the victim of a crime,
13 the only witness that we were aware of for that crime, so
14 we obtained a statement from him so he could tell us what
15 happened.

16 Q You would concede he'd been shot in the head. I
17 don't, don't want to plow old grounds, but he had a head
18 wound, fractured skull, subdural --

19 MR. WATERS: Objection. Asked and answered and beyond
20 the scope.

21 THE COURT: The objection sustained. It has been
22 asked and answered.

23 Q Okay. Did you ask a doctor if he was competent to
24 speak with you?

25 A Again, those medical records that doctors --

1 Q No, that's not what I'm asking you. I'm asking you if
2 you talked to a doctor and said is he competent to talk to
3 us? Did you do that?

4 A Mr. Harpootlian --

5 Q Would you just say yes or no and we can move on.

6 MR. WATERS: I would like to ask that the witness be
7 allowed to the answer the question. I object to the form.

8 THE COURT: You may answer the question yes or no.

9 A Could you repeat the question?

10 Q Did you speak to one of his physicians, or any medical
11 personnel, and ask them if he was competent to speak with
12 you in the hospital?

13 A I did not.

14 Q Okay. Now let's look at part of the records that are
15 in evidence, and there was drug testing done on this day,
16 correct?

17 A Again, they did not discuss with me his medical
18 records. Mr. Harpootlian, they didn't talk to me about his
19 medical records.

20 Q And you didn't ask them, did you?

21 A There was -- he was --

22 Q Did you ask them?

23 A The testing that was going --

24 Q Did you ask them?

25 A We did not ask to discuss --

1 Q Okay.

2 A -- specific aspects of Mr. Murdaugh's medical
3 condition. We had to subpoena the records with a court
4 order to have access to them. They will not discuss openly
5 his medical records with us.

6 Q Did you ask the doctor -- this is repetitive -- but if
7 you had asked the doctor, they would have told you,
8 according to these records, that he was positive for
9 barbiturates and positive for opioids, would they not?

10 A They would have told us that --

11 MR. WATERS: Objection, Your Honor.

12 THE COURT: The objection is sustained.

13 Q Were you -- according to the records that are in
14 evidence, were you aware that he was on opioids and he had
15 a positive test for opioids and benzos?

16 A Once we have subpoenaed --

17 Q Would you please answer yes or no?

18 A Once we got the records, we learned --

19 Q Will you answer yes or no? Were you --

20 MR. WATERS: Your Honor, I would object to him
21 badgering the witness. The witness is entitled to answer
22 the question.

23 THE COURT: You may respond as you see fit. Go ahead.

24 A At the time of September 4th, we did not ask the
25 medical doctors, the medical professionals, any information

1 about his condition because they would not discuss it with
2 us. So if I had asked, they would not have discussed it,
3 so we did not ask. When we obtained the medical records
4 through court order, we were able to review them and learn
5 after the fact the diagnosis.

6 Q Would you still -- if you would have had the medical
7 records, would you have still gone forward with
8 questioning, knowing he had opioids and benzoid --
9 benzodiazepine in his blood system?

10 A At that point, he was a victim of a crime; he was the
11 only witness to a shooting that we were currently
12 investigating. I would have asked those questions. And
13 when I found that they were consistent with the two other
14 statements he'd already given, it would have allowed us to
15 move forward with the investigation.

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

17 (Break in proceedings.)

18 MR. HARPOOTLIAN: Thank you.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you, Your Honor.

21 (The witness exited the stand.)

22 THE COURT: You may call your next witness.

23 MR. WATERS: May it please the Court, Your Honor? The
24 State calls Special Agent Peter Rudofski.

25 The witness, PETER RUDOFSKI, was first duly sworn and

1 testified as follows:

2 THE CLERK: If you will, please be seated. State your
3 full name for the record and spell your last name for me.

4 THE WITNESS: Special Agent Peter Rudofski,
5 R-u-d-o-f-s-k-i, and it's pronounced Ruduf and then ski.

6 DIRECT EXAMINATION

7 BY MR. WATERS:

8 Q All right, Special Agent Rudofski, how are you doing
9 today?

10 A I'm doing good. How are you?

11 Q I'm good. If you would, tell the jury just a little
12 bit about yourself. Give us a little quick history of
13 where you grew up, where you went to school, and how you
14 ultimately ended up with your current position, please.

15 A I'm originally from Oakland County, Michigan, Metro
16 Detroit area. I became a reserve deputy in 2015, reserve
17 officer with Baysee Department of Public Safety while I was
18 attending Saginaw State University to get my Bachelor's
19 Degree. I then went on to work at Oakland County Sheriff's
20 Office as a special deputy. Graduated in 2017 from Saginaw
21 Valley State University with a criminal justice degree.
22 Then in 2020 I -- in 2017 I moved to South Carolina, worked
23 for the Department of Public Safety. In 2020 came to the
24 South Carolina Law Enforcement Division where I am
25 currently. Began in the Undercover Vice Unit, worked in

1 the Undercover Vice Unit until October of '22, where I
2 currently am a special agent assigned to Investigative
3 Services.

4 Q All right, and that was when again?

5 A That was October of '22 is when I had my new position.

6 Q At some point in that position in SLED Investigative
7 Services, did you get involved in the investigation of the
8 murders of Maggie and Paul Murdaugh in Moselle?

9 A I did. November of '21 is when I was brought on to
10 assist the Lowcountry Region with this case.

11 Q November of '21 or November of '22?

12 A '21.

13 Q And let's talk a little bit more just about some of
14 the experience you've had as a law enforcement officer.
15 Have you had any experience with or have any training with
16 using the FBI Cast Program?

17 A Yeah. I took a basic 16 hour cell site analysis
18 course, which allowed me to use their system CASTViz, which
19 is when -- if you saw Matt Wilde's presentation, the
20 mapping system and the plotting, it allows me to use that
21 system and kind of do a basic level operation of it.

22 Q And what has been your -- kind of your primary focus
23 of your involvement, at least in the investigation after
24 you got involved November of 2021? And to be fair, that
25 was November of 2021. You were not working in

1 Investigative Services when the Moselle event happened in
2 2021. Is that correct?

3 A That is correct.

4 Q So when you came on in November of '21, what's kind of
5 been your main -- one of you focuses and main assignment?

6 A The main focus was to take all of the various forms of
7 data. There's, you know, a lot of phones, a lot of
8 different data. Take all of that and put it into a
9 readable timeline that you can start from, you know, the
10 beginning of the day, the end of the day, and see
11 everything with all of those different phones and
12 different, you know, media sources all in one document.

13 Q All right. Stand by for me just real quick.

14 (Break in proceedings.)

15 Q I'm going to show you what's already been admitted
16 into evidence as a defense exhibit, Defense Exhibit 60,
17 that was entered a long time ago in this trial. And do you
18 recognize that that's already in evidence?

19 A I do.

20 Q All right, and what is that? Tell the jury what that
21 is, please.

22 A This would have been a rough draft, or a working
23 draft, of my timeline. I have a date of 1/12/23 at
24 3:00 p.m. was an updated time on this.

25 Q All right, and that was -- who prepared that document,

1 though, that was put in by defense?

2 A That was prepared by myself.

3 Q All right, and was that provided to defense a week or
4 so -- or sometime prior to trial?

5 A It was.

6 Q All right, and on that particular document, does it
7 say that it is a working draft?

8 A It does. On the top here it's going to have in yellow
9 working draft, and then as you go through the document,
10 it's going to have the same yellow on the top, working
11 draft, and draft across the document.

12 Q All right, and as you have -- how long have you been
13 working on this document right here?

14 A Roughly about a year on this document.

15 Q All right, and as new data came in, new data has been
16 analyzed from various services that have been put forth to
17 this jury, has this been incorporated into your timeline
18 here?

19 A It has.

20 Q All right, and since the time that this was initially
21 prepared, has there been additional information added to it
22 and that document continued to be worked on?

23 A There has.

24 Q All right, and has that been provided to the defense
25 as well?

1 A It has.

2 Q All right. I'm going to show you what has been marked
3 as State's 520 and see if you recognize this document.

4 A I do. This is going to be the full timeline; this is
5 going to be the latest copy.

6 Q All right, and I'm going to show you what's been
7 marked as 519. Do you recognize that document?

8 A I do.

9 Q All right, and tell the jury what that is.

10 A This is going to be a condensed timeline of this
11 document here. Instead of having the whole day, it's going
12 to have roughly from 6:00 p.m. until 11:00 p.m. on
13 June 7th.

14 Q Of 2021?

15 A 2021.

16 MR. WATERS: Your Honor, at this time I would offer
17 State's 519 and State's 520 into evidence.

18 MR. BARBER: No objection.

19 THE COURT: They are admitted.

20 (TIMELINE REPORT MARKED AS STATE'S EXHIBIT NUMBER 519
21 WAS RECEIVED INTO EVIDENCE.)

22 (TIMELINE REPORT MARKED AS STATE'S EXHIBIT NUMBER 520
23 WAS RECEIVED INTO EVIDENCE.)

24 Q All right, we'll get back to those in a second. All
25 right. Now, you mentioned before that you had had some

1 training in using the FBI CAST program. Is that correct?

2 A That is correct.

3 Q And during the course of this investigation, actually
4 fairly recently, did additional information come in related
5 to what you've been working on?

6 A That is correct.

7 Q And explain that to the jury. What information came
8 in?

9 A So, on Friday I received a call --

10 Q Which Friday?

11 A It would have been last Friday.

12 Q All right.

13 A From Attorney General Conrad that GM discovered some
14 new data. I initially did a search warrant back in May
15 of -- I'm sorry, March of last year. No data was returned
16 to us from OnStar. We get a call saying they have data and
17 that they're going to be sending it to me. I received an
18 email on this past Saturday with three Excel files of data
19 from GM.

20 Q All right, and tell the jury generally, what was that
21 data?

22 A There was a lot of data in it. Mostly it was a lot of
23 latitude, longitude plots. There was speed data in there,
24 and a lot of data that when you start your car up you might
25 see, like, your, you know, engine lights and all that,

1 those codes and stuff. A lot of the codes was on the data.

2 Q And for what vehicle was this for?

3 A This was for the 2021 Suburban driven by Alex
4 Murdaugh.

5 Q Had GM previously responded to law enforcement inquiry
6 that there was no such data?

7 A That is correct. All we got was basic subscriber data
8 for OnStar.

9 Q And when did they respond with that information?

10 A I believe it was March 18th.

11 Q Of?

12 A Of 2022.

13 Q 2022, and then during the course of this trial, they
14 contacted and said, oh, wait, we found something.

15 A That is correct.

16 Q All right, and since that time, have you downloaded
17 that data into the CAST program and analyzed it in that
18 fashion?

19 A I have. The CAST data is pretty much a tool that you
20 can take different latitude, longitude, and different kind
21 of data points, put it in the system in Excel file, and it
22 pretty much plots it and paints a nice picture for you.

23 Q All right, and you -- have you worked in this case --
24 as you have been synthesizing the data from various
25 sources, have you worked or synthesized the data that came

1 from Engineer Falkofske with the FBI?

2 A Yes, sir.

3 Q And remind the jury who Falkofske is again, please.

4 A He is a vehicle engineer from the FBI out of
5 Washington D.C. And he's the one is that took the
6 telemetry unit out of Alex Murdaugh's Suburban, and he took
7 all the data and recreated that, you know, the year long
8 process to get all of data extracted that he previously
9 testified on.

10 Q All right, and is that telemetry data generally
11 synthesizing or summarized along with other data in your
12 timelines that are admitted into evidence?

13 A Yes, it is.

14 Q Can you -- compare for the jury the difference between
15 what the telemetry that Engineer Falkofske did and the
16 OnStar data that, that GM recently provided.

17 A The biggest difference you're going to see is, is on
18 the telemetry data, if you remember, was that Excel
19 spreadsheet with all the different colors on it, it would
20 show a vehicle going into drive, or park, moving,
21 propulsion, that kind of stuff. The data we got back from
22 OnStar is mostly a lot of latitude and longitude and speed
23 and different kind of codes and whatnot. There wasn't
24 really any location data in the FBI data. I don't believe
25 there was any for that day. I believe it was all forward,

1 but we have mostly in GPS coordinates and whatnot. That's
2 the biggest difference that you're going to see between the
3 reports.

4 Q All right, and was the OnStar data recently received
5 generally consistent with the telemetry data that had been
6 developed by the FBI and Falkofske?

7 A It was.

8 Q Just more specific.

9 A Just more specific.

10 Q All right. I'm going to show you what's been marked
11 as State's 524 to this trial and see if you recognize this
12 document.

13 A I do.

14 Q All right, and tell the jury what this is, please.

15 A This was a presentation I created that is based on the
16 GM OnStar data that was received last week for 6/7/21 for a
17 2021 Chevrolet Suburban.

18 MR. WATERS: Your Honor, at this time I would offer
19 into evidence State's 524.

20 MR. BARBER: No objection, Your Honor.

21 THE COURT: It's admitted.

22 (ONSTAR DATA MARKED AS STATE'S EXHIBIT NUMBER 524 WAS
23 RECEIVED INTO EVIDENCE.)

24 MR. WATERS: All right, if I could have the computer
25 input, please? I'm going to go ahead and put Exhibit 524

1 up on the screen, the one we just admitted.

2 Q All right, make sure that's working. All right. Is
3 this the 524, the exhibit we just put into evidence?

4 A That is correct.

5 Q All right, and that's your name up there, and it's got
6 the CAST program and everything. Is that right?

7 A That is correct.

8 Q All right. Moving on to this next slide. And can you
9 see all right up there?

10 A I can.

11 Q All right. If your little screen becomes hard to see,
12 just let me know and we can have you come down here and
13 look at the big one. What's up on this slide? Tell us
14 what this represents to the jury.

15 A What you're going to see up on the slide, it's going
16 to be three file names that we received from GM. These are
17 all three Excel files. This is what was relayed to us from
18 GM.

19 Q And what does this slide reflect?

20 A This is an overview you're -- do you mind if I step
21 down?

22 Q Yeah, come on down.

23 A This is going to be an overview slide here. The top
24 point is going to be Moselle, the Moselle property. Bottom
25 left you're going to have Hampton. Far right is going to

1 be Alameda. There are four hundred -- yeah, 4,820 data
2 points that make up these lines here. When you zoom in a
3 couple of more slides, you're going to see the individual
4 dots. This is just kind of, like, an overlay of all of
5 those dots. But just for reference, that's, that's where
6 we're at.

7 Q And just very quickly, tell the jury. When we're
8 talking about these dots, is that what the CAST report did
9 is plot the dots based on the data provided by GM OnStar?

10 A That is correct. Each dot is going to represent a
11 lagitude and longitude.

12 Q Did you have to manually enter in all 4,820, or how
13 does that work?

14 A I did not. The nice thing about the CAST system is it
15 takes the Excel -- you put it all on an Excel spreadsheet,
16 and it does all of that for you, kind of like Google Earth
17 would do in comparison.

18 Q All right. This next slide, what is that?

19 A This is just the same slide. It's just showing on a
20 different -- the last one was kind of like a Google Earth
21 kind of view photo. This is just like a regular, like, map
22 photo that kind of just says -- you know, the location is a
23 little bit easier to read. You've got Hampton, Alameda,
24 then you can see Islandton.

25 Q Going to this slide, is this just a general

1 representation where you can see some of the individual
2 dots?

3 A This is. This is going to be the general overview of
4 Moselle. Each little dot is going to either have a single
5 set of data points or multiple set of data points, and this
6 is for the whole day. This is not just a certain time
7 period. This is going to be for the whole day of June 7th
8 of 2021.

9 Q All right, and then again, generally what does this
10 represent?

11 A This is going to represent in Hampton around the law
12 firm. Each dot is either a single set of data points or a
13 multiple set of data points. It's just kind of a zoomed in
14 photo from what we saw previously.

15 Q And that's the defendant's former law firm?

16 A That is correct.

17 Q All right, and what does this represent?

18 A This is going to be the Almeda property that's been
19 referred to previously, and this is just showing an
20 overview of all the dots for that day.

21 Q All right. We're about to get into some slides that
22 have a very specific references to dots. And just
23 generally, what are you about to go through with the jury
24 as the specific data points that you're about to relate to
25 them?

1 A So, for this presentation we're going to go through
2 all the different drives that occurred that day. You're
3 going to have a data point and a slide that's going to show
4 you beginning, a couple of slides during the drive, and
5 then at the end. And we're going to have a couple of
6 different drives that we will be walking through.

7 Q All right. Now, we -- this slide, what's the title of
8 this slide?

9 A This is Alex leaving for work.

10 Q All right, and tell the jury, what image do we see
11 right here on the screen?

12 A So, what you're looking at, this is going to be the
13 property at 4147 Moselle Road. This is going to be the
14 main entrance, and you can see underneath the little box is
15 going to be the house. You're going to see on the date,
16 it's going to say June 7, 2021, and this plot is going to
17 be 12:06:47.

18 Q All right, and is that what time the Suburban got
19 underway according to the GM OnStar data?

20 A That is correct. It does match up.

21 Q Moving to this next slide, what does this represent?

22 A This next slide is representing his vehicle making a
23 right onto Moselle Road during his drive.

24 Q All right, and what time was that?

25 A The time is 12:07:40.

1 Q All right. Come on down here, if you would just real
2 quick, and explain to the jury this box, and in particular
3 if there's a little arrow on this box, point that out to
4 them so that they can understand specifically what's being
5 referenced with the blue and white box.

6 A So, any time you, you see a blue box here -- it's a
7 little hard to see with a little kind of triangle down here
8 -- that's where it's pointing to on which -- like, which,
9 you know, red dot it's referring to. So, any time you see
10 the box, look for that little triangle and that's going to
11 tell you the area that the vehicle lagitude and longitude
12 correlates with.

13 Q All right, and if I could borrow the stick real quick.
14 So, this little blue triangle right there is what we're
15 talking about?

16 A That is correct.

17 Q And it's pointing to that little red dot there. Is
18 that right?

19 A That is correct.

20 Q And we're not going to go through all 4,820 dots, but
21 just representative dots of these various trips. Is that
22 correct?

23 A That is correct, and I just want to point out quickly.
24 You might see a couple of other data points. That could be
25 for another trip. You know, sometimes they have the same

1 lagitude and longitude but different times. So, you might
2 see a couple of different data points, but that's the
3 explanation for that.

4 Q All right, and then the one that's highlighted,
5 though, is the one the information is being referred to
6 right there. Is that correct?

7 A That is correct.

8 Q And right here we see what?

9 A We see June 7, 2021, 12:07 and 40 seconds p.m.

10 Q All right. Thank you. All right. Before we move on
11 to the next slide, what's the car doing at this point in
12 time?

13 A The car is moving.

14 Q All right, and what location is it just generally in
15 orientation to the property?

16 A Moselle Road coming out of that main gate.

17 Q That driveway?

18 A Main driveway.

19 Q All right. Moving on to the next one, what does this
20 represent?

21 A This is 12:07:42. This is representing -- you're
22 going to see a mile per hour is going to be the new line
23 that just showed up, and this is showing 12 miles an hour
24 the vehicle is traveling.

25 Q Generally on these blue boxes with the little arrow at

1 the bottom, is that kind of in the center bottom in most of
2 these blue box -- blue and white boxes?

3 A That is correct.

4 Q And some of the entries have a miles per hour reading.
5 Is that correct?

6 A That is correct.

7 Q And that's being recorded by the vehicle and by GM
8 OnStar?

9 A It's being uploaded to their servers.

10 Q All right, and so what was the speed of the
11 defendant's vehicle at this time?

12 A 12, approximately 12 miles an hour.

13 Q On here it's in reference to miles per hour because
14 we're Americans, but the data that you got, what unit was
15 it in?

16 A Kilometers.

17 Q All right, and so did you convert that data to miles
18 per hour?

19 A In an Excel spreadsheet, yes.

20 Q All right. Just plugged in what the conversion is and
21 it converted to miles per hour?

22 A Yeah. You just do an equal sign unit to conversion
23 and it converts for you.

24 Q All right. Going on to this next slide, is this still
25 on the trip that morning to -- or that afternoon to the law

1 firm?

2 A That is correct.

3 Q All right, and very quickly, tell the jury where we're
4 at.

5 A We are still on Moselle Road. We're past the Godley
6 Farms Road, which will be another reference point.

7 Q And that's the residence up here at the top?

8 A That is correct.

9 Q All right. That's the kennels way at the very top?

10 A That is correct.

11 Q All right. What is the date and time of this reading?

12 A 12:08:30, and that is showing 55, approximately
13 55 miles an hour.

14 Q Okay. All right. Tell me about this next one.

15 A This is still on the drive to the law firm. This is
16 showing at 12:16 on the dot, and we're showing
17 approximately 60 miles an hour driven.

18 Q All right, and where is the arrow on this particular
19 one?

20 A So, on this box the arrow is actually going to be on
21 top, and it's pointing to one of the data points.

22 Q The speed again?

23 A Approximately 60 miles an hour.

24 Q And going on to Slide 13, for the record, what does
25 this reflect?

1 A This is reflecting coming into Hampton to the law
2 firm, and this is actually -- if you look, it's pretty much
3 right on top of the law firm. It's 12:21:37, and we have
4 no speed associated.

5 Q All right, and then the next slide, Slide 14?

6 A This is 12:24:06 with no speed recorded. This is when
7 he's arriving. This is the last data point.

8 Q So, he's arrived to work at that time, correct?

9 A That is correct.

10 Q 12:46? 12:24.

11 A 12:24:06.

12 Q Going to this next slide, explain to the jury what
13 this is. It's Slide 15, for the record.

14 A So, after each drive we're going to have a slide that
15 is going to show a max speed from all of the data sets on
16 Excel. The max speed for his drive from Moselle to the law
17 firm that morning was 12:13:19. The max speed was, you
18 know, 65.8 miles per hour, and the average speed of that
19 whole drive was 37.24 miles an hour, and that time was at
20 12:13:19 during this drive.

21 Q All right. We're moving now to Slide 16. Tell the
22 jury what this represents.

23 A This one is going to represent Alex leaving work at
24 the law firm and heading to his house. It shows at
25 6:24:18, and it shows him going 8 miles an hour just

1 starting to leave.

2 Q All right, p.m.?

3 A P.m.

4 Q And the speed?

5 A Approximately 8 miles an hour.

6 Q Going on Slide 17.

7 A This one is showing at 6:26:54 p.m. It's showing his
8 Suburban going approximately 42 miles an hour on his drive
9 home. The arrow is going to be on the top right.

10 Q And the speed?

11 A It might cut off a little bit. 42 miles an hour.

12 Q All right, and then is that the arrow right there?

13 A That is correct.

14 Q All right. At the top?

15 A The top of the screen.

16 Q About 42 miles per hour?

17 A That is correct.

18 Q Slide 81, what does this reflect?

19 A This is going to reflect Alex arriving home at 6:42:54
20 with a miles per hour zero. This is the last -- one of the
21 last data points that without speed.

22 Q All right. 6:42 p.m. arriving back at the residence?

23 A That is correct.

24 Q And the arrow is pointing to what?

25 A The residence. A little bit to the side, but it's the

1 residence right there.

2 Q All right, and tell the jury now on Slide 19, what
3 does this represent?

4 A So, this is going to be from his drive home from the
5 law firm to Moselle. It represents at 6:34:01 during his
6 drive. The max speed obtained was 54.4 miles per hour.
7 The average speed during this drive was 41.39 miles an
8 hour. And you can see the location somewhere off of, I
9 believe, 63.

10 Q Driving home, what was his max speed?

11 A 54.4 miles per hour was the max speed driving home.

12 Q All right. Slide 20.

13 A All right. So, now we're at where Alex is leaving for
14 Alameda. This is going to be 9:07:06 p.m.

15 Q Okay, and again, we'll go through the timeline in a
16 bit, but is this generally consistent with some of the
17 telemetry data that Falkofske did?

18 A It is.

19 Q The Suburban got underway at what time?

20 A 9:07:06 according to this data.

21 Q Moving on to the next slide.

22 A Like previous --

23 Q Where is the Suburban at this point?

24 A Like previous slides, this is going to be the Suburban
25 pulling out onto Moselle Road, coming right out of the main

1 entrance, going about 15 miles an hour. This is going to
2 be at 9:08:06.

3 Q What do we have right here?

4 A This is going to be 9:08:18, with speeds approximately
5 37 miles an hour.

6 Q And where is the Suburban heading at this point?

7 A Towards Alameda.

8 Q All right. Slide 23. We have a reference point here.
9 Can you explain what that is to the jury?

10 A So, the orange dot, that's going to represent
11 approximately where Maggie Murdaugh's phone was located the
12 following day on June 8, 2021.

13 Q All right, and do we have time reference for the
14 Suburban at this time?

15 A We do. It's going to be 9:08:36, and it's showing a
16 speed of 42 miles an hour.

17 Q Okay. Moving on to the next one, tell the jury what
18 this is.

19 A In the grayish/white looking box you can still see the
20 little circle where it says Maggie Murdaugh's phone
21 location, and right under it is where the pinpoint is going
22 to be. It's going to be 9:08:36, 42 miles an hour.

23 Q Next slide 25, Slide 25.

24 A The upper halfway portion of that box you're going to
25 see the circle, again the orange circle. That's going to

1 be Maggie Murdaugh's phone. And at 9:08:42 we have the
2 Suburban traveling approximately 45 miles an hour.

3 Q After passing that location, does the defendant's
4 vehicle start to accelerate?

5 A It does.

6 Q Going to Slide 26, tell us what this references.

7 A So, we also have Maggie Murdaugh's phone location.
8 This is just another data point. There's several
9 throughout the row. This one is showing 9:08:54, 44 miles
10 an hour.

11 Q Slide 27.

12 A This is going to show you another overview of this
13 data point in location to Maggie Murdaugh's phone.

14 9:08:54, 44 miles an hour.

15 Q Slide 28.

16 A This one is further down the road past Godley Farms
17 Road just for a reference point. This is 9:09:06,
18 traveling 48.6 miles an hour.

19 Q Slide 29?

20 A This is another data point in reference to where the
21 phone location is. 9:09:18 p.m., traveling 49 miles per
22 hour.

23 Q And Slide 30?

24 A This is going to be another data point at 9:09:18,
25 traveling approximately 52 miles an hour.

1 Q Slide 31?

2 A This is also going to be another one on Moselle Road
3 coming up to Dobson Road. 9:09:24 p.m., traveling
4 approximately 52 miles an hour.

5 Q And then Slide 32?

6 A This is also going to be another data point on that
7 road, 9:09:42, traveling approximately 54 miles an hour on
8 Moselle Road.

9 Q All right. Going to Slide 33, has our sort of map
10 orientation changed?

11 A It has. This is still on the drive to Alameda. I
12 believe this is going to be 63 or Sniders Highway or
13 Walterboro Highway. This is at 9:13:30 p.m., showing a
14 speed of 68 miles an hour on that drive to Alameda.

15 Q All right, and I'm going back to Slide 3. We can do
16 that real quick. And the slide that we're just seeing when
17 the orientation changes, can you come down real quick and
18 kind of describe generally what we were looking at when we
19 started, and then the -- where we're at on that slide that
20 we were just about to look at?

21 A All right. So, when we start on this drive would have
22 been right here at 4147 Moselle Road. 4147 Moselle Road,
23 this would have been Moselle Road that we just showed all
24 of those data points. Would have made a right on that
25 Dobson Road, and then a right onto 63, Sniders Highway.

1 It's approximately somewhere around here on Sniders Highway
2 where -- that data point that we just looked at.

3 Q All right. Returning to Slide 33. All right.

4 A Right there is going to be approximately where the
5 data point was at.

6 Q Okay, and what's the speed there?

7 A 68.7 miles per hour.

8 Q All right. Going on to Slide 34.

9 A This is going to be at 9:14:36 showing an approximate
10 speed of 69.4 miles per hour, and it's going to be on the
11 top portion.

12 Q All right. Moving onto Slide 35.

13 A This is going to be at 9:16:48, showing approximately
14 70 miles an hour. It's going to be the top portion of your
15 screen there, coming into Varnville.

16 Q All right, and down at the bottom center of the
17 screen, what is that? Right here.

18 A That is going to be the Almeda property. And just for
19 reference, this is going to be coming into Varnville.

20 Q All right. Right here, what do we have on Slide 36?

21 A This is going to be the Almeda property. You can kind
22 of see it behind the other reference part, but it's showing
23 at 9:22:06 the Suburban is pulling -- making a left into
24 the Almeda property.

25 Q Slide 37, what do we see here? First of all, orient

1 the jury as to the -- what the map image reflects, and then
2 describe the data point, please.

3 A So, the map image is going to reflect -- you're going
4 to make a left into the driveway. There's a railroad
5 track, I believe, here. There's a curve, driveway coming
6 in, and then right here is going to be the house. This is
7 a little carport right here, and then the driveway is this
8 whitish part that you see on your screen.

9 Q All right, and then up here generally in the property
10 we can see a roof and that sort of thing. What generally
11 are those?

12 A Those are going to be some outbuildings on the
13 property. The trees are kind of -- there's a decent amount
14 of trees right here, but there's two outbuildings right
15 here.

16 Q This area right here just above the house, what is
17 that?

18 A That's going to be where you would park. It's a paved
19 area in front of the carport.

20 Q Where do the data points reflect the Suburban going
21 when it arrives?

22 A The data points for the suburban, it looks like it
23 went toward a little bit into the grass closer to the wood
24 line over here, and that's going to be at 9:22:39.

25 Q Closer to the wood line and the outbuildings?

1 A That would be correct.

2 Q All right, and again, what time is the arrival at
3 Alameda?

4 A 9:22:39. And this is just -- this right here is going
5 to be a better overview without the --

6 Q The box?

7 A -- the box. You can see right here is going to be the
8 driveway leading in. This is where a carport would be
9 where the vehicles would be parked, and then this is the
10 main house here. Then you have your outbuildings.

11 Q And right here we have kind of a line of data points
12 right there in the grassy area behind the house?

13 A We do.

14 Q All right. Going on to Slide 39, tell the jury what
15 those calculations represent, please.

16 A So, this is going to represent the drive from Moselle
17 to Alameda. During that drive, the Suburban reached a max
18 speed of 74.4 miles per hour during that drive, and it
19 averaged 51.94 miles per hour. And this is the data point
20 with the highest speed obtained.

21 Q Was that top speed higher than any speed he achieved
22 when he went to work earlier that day?

23 A That is correct.

24 Q Is that average speed higher than any average speed he
25 had when he went to work that day?

1 A That is correct.

2 Q Or returned from work?

3 A That is correct.

4 Q You can go back up. Thank you.

5 (Break in proceedings.)

6 Q That max speed, again, is what on the trip to Alameda?

7 A 74.4 miles per hour.

8 Q And the time again that he arrived?

9 A At Alameda?

10 Q Yes.

11 A I believe it's going to be 9 --

12 Q Let me back up for one -- or back up two.

13 A 9:22:39. So, 9:22:39. He reached his max speed at

14 9:14:13.

15 Q On June 7th of 2021, at 9:22 p.m., is it dark?

16 A That is correct.

17 Q All right. We've gone on to Slide 40. Please tell
18 the jury what this represents.

19 A This is going to represent at 9:43:18, this is when we

20 first saw movement. And this would be Alex leaving Alameda

21 en route back to 4147 Moselle Road. It's showing

22 approximately 2 miles an hour.

23 Q All right, and the time again?

24 A 9:43:18.

25 Q The arrival time that you just testified?

1 A That is correct.

2 Q What was the arrival time that you just testified?

3 A 9:22.

4 Q And he's leaving at what time?

5 A 9:43.

6 Q So, approximately how long?

7 A 20 minutes.

8 Q Going on to Slide 41, let me ask you this. Does the
9 defendant's -- does the data reflect that the car pauses
10 for a period of time while in that driveway area of Alameda?

11 A It does. About halfway between on the driveway --

12 Q Come on down and show the jury, if you will. I just
13 sent you back, I'm sorry.

14 A You're good. So halfway, halfway during -- this is
15 the driveway right here. This is the driveway, just for
16 reference. You can see what looks like a data point, I
17 believe, right here, and if you click on that data point,
18 it's going to be about a minute until this data point will
19 show up leaving the property.

20 Q All right, and then on Slide 41 we have a -- what's
21 the timestamp that you have on that one? And show the
22 arrow to the jury, too, please.

23 A Yep. 9:45:22, and the arrow is going to be all the
24 way down at the bottom right across the railroad tracks
25 turning onto Yemassee Highway.

1 Q At 9:45?

2 A That is correct, 9:45:22.

3 Q All right. Moving on to Slide 22, please tell the
4 jury what this data point represents.

5 A This slide is going to show you the drive back from
6 Almeda to Moselle. This is just a data point on Yemassee
7 Highway. It's 9:46:01, and this one doesn't have a speed.

8 Q Going to Slide 43.

9 A This is also --

10 Q Orient the jury and tell them the data point, please.

11 A So, on the bottom you have Almeda, going through
12 Varnville, and then heading up to Moselle. This is at
13 9:51:30. This is showing an approximate speed of 74 miles
14 an hour. It's going to be the top portion of that box.

15 Q That's the arrow at the top center?

16 A That is correct.

17 Q Slide 44. Please tell the jury what this data point
18 represents.

19 A Top of the map you're going to see Moselle, and this
20 is going to be on 63. This is going to be at 9:54:24, we
21 have approximately 70 miles an hour.

22 Q And the arrow is located where?

23 A It's going to be on the bottom.

24 Q Slide 45. What do you have right here?

25 A This is going to be at 9:59:18. This is Moselle Road,

1 coming up to Godley Farms Road for reference. The top
2 portion on the left is going to be the Moselle property.
3 This is at 9:59:18. It's showing a speed of 57 miles an
4 hour.

5 Q All right. We have moved on to Slide 46. Tell me
6 about that one, please.

7 A This is going to be the arrival into Moselle. This is
8 showing 10:00 on the dot, showing 7 miles an hour making a
9 left into the main driveway.

10 Q 10:00 on the dot?

11 A That is correct.

12 Q And Slide 47?

13 A This is about 30 seconds later. This is 10:00. This
14 is about halfway down the driveway of the main house,
15 showing 22 miles an hour.

16 Q All right. Slide 48, tell the jury about the
17 calculations reflected on this slide.

18 A So, this is going to be on his drive back from Almeda
19 to Moselle Road. The max speed that was obtained during
20 that drive was at 9:51 and 43 seconds, was 80 miles an
21 hour. The average speed was 46.52 miles a hour during that
22 drive.

23 Q Is that average speed going to also, though, include
24 that minute where the car paused at the driveway in Almeda?

25 A That is correct.

1 Q The top speed was what?

2 A 80.16 miles an hour.

3 Q And at this time period, would it have been dark
4 outside?

5 A It would.

6 Q Let me ask you this. You're a law enforcement officer
7 that works in this area of the state, correct?

8 A That is correct.

9 Q And have you, during the course your law enforcement
10 career, had to respond to emergencies or call for services
11 and that sort of thing?

12 A That is correct.

13 Q All right, and this particular road that we're -- that
14 we've been talking about, these roads, have they recently
15 been paved?

16 A They have.

17 Q And was that after the murders occurred on June 7,
18 2021.

19 A They were.

20 Q Were you familiar with the condition of the roads and
21 what they were like on that route prior to them being
22 repaved?

23 A I am.

24 Q All right, and tell the jury what running code is. If
25 you have an emergency or a call for service, an emergency,

1 what is running code?

2 A Running code is where you activate your blue lights
3 and siren, and you go above the posted speed limit at a
4 safe fashion to get to your arrival in a safe manner.

5 Q That's when the cops turn on the lights and they're
6 headed to the scene.

7 A Yeah, blue lights and sirens.

8 Q All right, and you're traveling as fast as you
9 possibly can and still be reasonably safe. Is that
10 correct?

11 A That is correct.

12 Q And have you had calls prior to this road being paved
13 to run code down that road?

14 A That is correct.

15 Q All right. Would you at night, or did you ever at
16 night on the roads as they existed at the time of June 7,
17 2021, running code with your lights on run 80 miles an hour
18 down that road?

19 A I would not, no.

20 Q And why not? Tell the jury why not.

21 A Due to the time of night, the heavy deer population
22 out there. As everyone can probably see, deer will run out
23 all the time, and especially with all of your lights it
24 attracts the deer. So, it's actually having your blue
25 lights on sometimes, the deer actually are kind of

1 attracted to that light, and then also the road conditions,
2 the road, you know, is very -- a lot of pot holes and --

3 Q Was the defendant's top speeds on both trip to and
4 from Alameda in excess of his -- any max speed in his trips
5 previous in the day?

6 A That would be correct. The posted speed limit is 55
7 on 63.

8 Q All right. We've gone on now to Slide 49, and tell
9 the jury what this represents.

10 A This is going to be a timestamp of 10:05:06 p.m., and
11 it's just showing Alex Murdaugh leaving for the kennels.

12 Q And where is the dot on this particular slide?

13 A The dot is going to be on the bottom towards the
14 middle right by the house.

15 Q Moving on to Slide 50, tell me what this represents.

16 A This is also showing the drive over to the kennels.
17 The timestamp of this is 10:05:39.

18 Q And where is the arrow?

19 A The arrow is going to be on the bottom. You can kind
20 of see it on the end.

21 Q All right. Going on to Slide 51, what does this
22 represent?

23 A This is just saying the max speed was obtained
24 28 miles an hour at 10:05:49 during that trip.

25 Q Okay, and then Slide 52?

1 A This is showing the Suburban arriving at the kennels,
2 10:05:57 p.m.

3 Q And backing up still on Slide 52, can you remind the
4 jury -- and we'll talk more about this with the timeline in
5 a minute, but generally what time was the 911 call?

6 A 10:06, I do not know the seconds.

7 Q All right, and to your recollection during the 911
8 call, did the defendant say he was returning back to the
9 residence during that 911 call?

10 A He did.

11 Q All right, and so we're on Slide 53. What does this
12 reflect?

13 A This would be him heading back to the house around
14 10:11:54.

15 Q All right. Slide 54?

16 A This is just also showing him driving back to the
17 house at 10:12:18 p.m.

18 Q Slide 55?

19 A This is just another slide at 10:12:30 p.m. showing
20 32 miles a hour.

21 Q And where is the dot?

22 A The dot is going to be on the bottom, and it's going
23 to be on the main drive to the house.

24 Q Slide 56?

25 A This is going to be at 10:13:54, showing 2 miles an

1 hour, and it's right next to the house.

2 Q All right. Slide 57?

3 A This is just showing that max speed from -- going from
4 the kennels back to the house was at 10:12:19, and the
5 suburban reached 35.78 miles an hour approximately.

6 Q Slide 58?

7 A This is just showing the drive back down to the
8 kennels. Once again, this is during the 911 call at
9 10:14:30 p.m. showing approximately 24 miles an hour.

10 Q And then the final slot in this exhibit, what is that?

11 A This is just showing the max speed at 10:14:25 of
12 30 miles an hour during that drive.

13 Q Does that complete your placing of those GM OnStar
14 data points into the CAST program in these slides that you
15 related to the jury?

16 A It does.

17 MR. WATERS: Your Honor, I'm about to move on to
18 another exhibit. It's lengthy. This might be a good time
19 -- I would request or suggest a break at this time.

20 THE COURT: All right, ladies and gentlemen, we'll
21 take a break at this time. Please do not discuss the case.

22 (The jury left the courtroom.)

23 MR. HARPOOTLIAN: Your Honor.

24 THE COURT: Yes, sir?

25 MR. HARPOOTLIAN: I talked with Mr. Waters. He thinks

1 he's probably going to go -- close to lunch he's going to
2 rest, and then we've probably got 2 hours of cross on this
3 witness. So, I mean, we've got some short witnesses.
4 We've got some long witnesses we could bring once they
5 rest. We've got a motion for a directed verdict, which I
6 don't think will take that long, 15 or 20 minutes. I mean,
7 I don't want to start a witness today and finish him on
8 Tuesday if it's a long witness. So, should we tell maybe
9 some 30 minute or 40 minute witnesses to be here at
10 about -- I just don't want the Court to sit here and have
11 to go home without maximizing the use of your time.

12 THE COURT: Certainly I do not like a witness to be on
13 the stand over the weekend because we end up starting back
14 at the beginning.

15 MR. HARPOOTLIAN: It's a three day weekend.

16 THE COURT: Pardon?

17 MR. HARPOOTLIAN: It's a three day weekend. It's not
18 just a weekend.

19 THE COURT: Yeah, right. You know, we have to be
20 flexible. I don't know how long all of this is going to
21 go.

22 Is this your last witness, Mr. Waters?

23 MR. WATERS: Barring some need for -- yes, sir.

24 THE COURT: Okay. So, you should be ready to do some
25 witnesses today, I would think.

1 MR. HARPOOTLIAN: Yes, Your Honor.

2 THE COURT: That's assuming the case proceeds beyond a
3 directed verdict.

4 MR. HARPOOTLIAN: Yes, sir.

5 THE COURT: Okay. Well --

6 MR. HARPOOTLIAN: I think you've answered. You don't
7 want to start a three or four hour witness this afternoon.

8 THE COURT: Not at all, no, not at all.

9 MR. HARPOOTLIAN: Okay. Well, that answers the
10 question. We may come up a little bit short. It's sort of
11 hard to gauge, but we've got some relatively short
12 witnesses, and then we've got a rather long witness.

13 THE COURT: I understand.

14 MR. HARPOOTLIAN: Thank you, Your Honor.

15 THE COURT: I want to put on the record that I
16 received a note from the jury after returning from lunch
17 yesterday. They, the jury, somehow thought that they would
18 elect their own foreperson and asked me if they -- whether
19 there's a reason for appointing someone else or if we could
20 keep the same foreperson. I don't know who gave them the
21 notion that they would select their own foreperson. And I
22 know, as I told them, that it's done differently in
23 different places.

24 I appoint forepersons, and I did not change -- I did
25 not cede to them, saying we already have a foreperson. But

1 that was the reason I gave them an explanation right after
2 lunch explaining this to them, that the fact that you're
3 the foreperson doesn't give you any more authority than any
4 other juror. But I want to make this note a part of the
5 record.

6 MR. WATERS: Your Honor, if I could also -- if we
7 conclude this witness and -- obviously I would request at
8 the conclusion of that witness that there be at least a
9 brief recess just to do an exhibit check and any
10 housekeeping if we are going to rest at that time. If I
11 could have an opportunity quickly to do that outside of the
12 presence of the jury?

13 THE COURT: Okay.

14 MR. HARPOOTLIAN: Two short witnesses at best this
15 afternoon. Thank you, Your Honor.

16 THE COURT: Okay. Very good. Bring the jury.

17 (The jury returned to the courtroom.)

18 THE COURT: That is Court's Exhibit Number 3.

19 (JURY NOTE MARKED AS COURT'S EXHIBIT NUMBER 3 WAS
20 RECEIVED INTO EVIDENCE.)

21 THE BAILIFF: The jury is present, sir.

22 THE COURT: Very well. You may continue.

23 MR. WATERS: May it please the Court, Your Honor?

24 CONTINUED DIRECT EXAMINATION

25 BY MR. WATERS:

1 Q All right, Special Agent Rudofski, we just finished
2 with the GM OnStar data, and that was 524. And again, just
3 to remind the jury, you prepared two timelines. One is
4 520, which is the big one, correct?

5 A That is correct.

6 Q Which is a more expansive timeline relevant to
7 June 7th, correct --

8 A That is correct.

9 Q -- and surrounding days, correct? And then this one,
10 which is 519, which is a condensed version of this that
11 focuses just on the hours, the evening hours of the day of
12 the murders, correct?

13 A That is correct.

14 Q All right. At this time I'm going to publish 519 to
15 the jury, and let's discuss it.

16 (Break in proceedings.)

17 Q All right, just real quick, I want to go through this
18 opening page. And this is the condensed one, 519, is that
19 correct, up on the screen?

20 A That is correct.

21 Q All right, and it has your name on it, correct?

22 A That is correct.

23 Q All right, and then we have a reference guide right
24 here. And if you would, just explain just some of the
25 various sources of information that have been admitted

1 before this jury that you ultimately synthesize into this
2 summary timeline.

3 A Okay. What we have here is we're going to have cell
4 phone, phone -- Cellebrite extraction reports. It's going
5 to be for Paul Murdaugh which, as you go through this
6 timeline, PM is going to refer to Paul Murdaugh. We're
7 going to have AM, which is going to be Alex Murdaugh's cell
8 phone extraction, and then MM, which is going to be Maggie
9 Murdaugh. So, any time you see the abbreviations, that's
10 what it's going to refer to.

11 We have their cell phone extractions here. They also
12 have the FBI telemetry report. We have the FBI CAST data.
13 We also have different reports from the phones, the AXIOM
14 reports. We have a ALPR report in here, which is actually
15 probably not in the condensed one. That's going to be
16 Automated License Plate Reader data for Maggie Murdaugh's
17 Mercedes. We're also going to have some Snapchat data.
18 And then data from Rogan Gibson, Paul Murdaugh, Alex
19 Murdaugh, Maggie Murdaugh, and Buster Murdaugh's CDRs,
20 which is the Call Data Records from Verizon.

21 Q And let me pause you real quick. So, we have
22 extractions. Tell the difference to the jury -- and I
23 don't mean to point at you with a stick -- between an
24 extraction and then CDRs, or Cell (sic) Data Records,
25 please.

1 A So, the extraction is going to be what like Britt Dove
2 testified, what he actually extracted out of the phone.
3 And then the CDRs is going to be what Verizon testified,
4 which is going to be their records of phone calls and text
5 messages. So, two separate data sources from two separate
6 entities.

7 Q All right, and continue on, please, with the remainder
8 of data in your summary timeline.

9 A We have referenced here a couple of different, like,
10 KnowledgeC database. That's kind of like the Axiom
11 database. It's just another database that, you know,
12 records were provided to me from. We also have a PMPED
13 building access log. And then in the big timeline we have
14 the 911 recordings. And then just want -- I want to point
15 out the Dylan Hightower extraction, that would have been
16 the first phone extraction of Alex's phone two days after
17 the 7th.

18 Q All right.

19 A And then we have the GM OnStar data.

20 Q Okay. All right, and then down at the bottom here we
21 have some color coded things on the left of the screen, and
22 then a box on the right. So, quickly explain to the jury
23 what those reference points mean, please.

24 A On the right on of the screen, you're going to see the
25 2021 Suburban log file excerpt. Falkofske from FBI had

1 that Excel with all the different colors and everything.

2 This is going to be a reference guide so when you're going
3 through this, what the colors actually mean on the data.

4 And then --

5 Q All right, give an example of what you mean by that.

6 A So, you're going to see kind of that reddish/pinkish
7 color, that's going to mean that the infotainment center is
8 booting up. So, when you go through this timeline, you're
9 going to see that data section highlighted with that color.
10 That's what you'll know is happening with the data. If you
11 see pink, it's going to be a propulsion; when you see blue,
12 it means that it's either in or out of park. And that's
13 kind of just how we're going to be reading it as we go
14 along the timeline.

15 Q All right, and then these addresses have colors over
16 here, and just -- and we don't have to go through every
17 one, but the first one, that red one, what one is that?

18 A 4147 Moselle Road.

19 Q All right. So, if we see that little box with an
20 arrow on it, that's Moselle on the map?

21 A That is correct.

22 Q And then the green is what?

23 A It's going to be Almeda, the Almeda property.

24 Q Okay, and we'll talk about the others as we go
25 through. All right. All right. Let's start moving

1 through it. Just give me one second.

2 (Break in proceedings.)

3 Q All right. Starting at -- all right. So, this
4 timeline is condensed. This timeline begins roughly when?

5 A Around 6:00 p.m.

6 Q All right. On what day?

7 A June 7, 2021.

8 Q All right, and let's start at 6:04, and I want to move
9 through this expeditiously and we'll stop and talk about
10 some specific entries as we go through. Okay?

11 A Okay.

12 Q All right. So starting there at 6:04, does Paul
13 Murdaugh have any phone activity?

14 A He does. He calls Will Loving. And as you can see in
15 the parenthesis, it's going to say PM extraction. That
16 means it was pulled off of Paul Murdaugh's phone
17 extraction, just for reference.

18 Q All right, and Will Loving, that's the individual that
19 testified weeks ago?

20 A That is correct.

21 Q And 6:08, what activity do we see on Paul's phone?

22 A He makes an outgoing call to Dad, which is identified
23 as Alex Murdaugh. It shows answered but 1 second long.

24 Q All right, and what was the source of that
25 information?

1 A That was from Paul Murdaugh's phone extraction. It
2 does not show up in Alex Murdaugh's original logical dump
3 or the second one from Britt Dove, but it does show up on
4 his CDRs from Verizon. So, that would be the records that
5 Verizon actually keeps for the phone.

6 Q All right, and can a user of the phone affect the CDRs
7 that are with the Verizon phone company?

8 A They cannot, no.

9 Q But can the user affect what data remains on their
10 phone?

11 A Yes.

12 Q And frequently throughout this timeline, we'll see
13 instances in which there was a call logged on the CD -- on
14 Alex Murdaugh's CDRs but was missing from his phone from
15 the extraction.

16 A That is correct.

17 MR. BARBER: Objection, Your Honor. Leading.

18 THE COURT: Don't lead the witness.

19 MR. WATERS: All right.

20 Q Can you explain any difference between the CDRs as
21 it relates to Alex Murdaugh's phone and whether or not
22 there's any missing call logs on the extraction on this
23 phone?

24 A As we go through this extraction, you're going to see
25 that multiple instances we're going to have calls showing

1 on Alex Murdaugh's CDRs that are not -- that we could not
2 find on the logical extraction or the Britt Dove full
3 extraction of Alex's phone. And that's going to be notated
4 on the bottom if we -- if it was not in the extraction.

5 Q All right. At 6:09:48, do we have any communications
6 on Maggie's phone?

7 A This is going to be a iMessage from Maggie Murdaugh to
8 Paul Murdaugh stating:

9 You okay? Getting a little foot massage, then
10 I'm heading home.

11 And that was obtained from Maggie Murdaugh and Paul
12 Murdaugh's phone extractions.

13 Q At 6:10:01, going to the bottom of this page, I think
14 page number 2, is there another message from Maggie to Paul
15 Murdaugh?

16 A This is also going to be iMessage to Paul stating:
17 Love you, and Blanca cooked you dinner.

18 Q Moving onto page 3, what does this reflect right here?

19 A This is going to be from FBI Agent Matt Wilde; this is
20 going to be from his report. This is from Paul Murdaugh.
21 You're going to identify that in the right-hand corner
22 where it says Paul. Just for reference, any time you see a
23 map, if you look in the right-hand corner, it's going to
24 tell you whose map that is for.

25 Q All right, and just generally remind the jury what