

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. XII

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1 this map reflects, please.

2 A This is just showing generally where the cell towers
3 are located and where the area -- whenever, like, a phone
4 call or a text message, where it was pinged during that
5 time for Paul.

6 Q And these little red things right here with the angles
7 on it, what does those reflect?

8 A That's going to be where the cell tower is and what
9 angle the call would have originated or, you know, taken
10 place from.

11 Q All right, and down at the bottom, what's the first
12 time reported for Paul's cell phone as it pings on these
13 cell towers?

14 A It's going to be 6:17:42.

15 Q And can you describe to the jury generally where these
16 cell towers reflect Paul's phone is moving?

17 A So, it would be Beaufort area down the right-hand side
18 moving up towards Moselle, which you can see in the far
19 right corner, that little badge looking red dot.

20 Q All right. Up here at the top center, what is that
21 right there?

22 A That's going to be arc -- it's just a distance arc.

23 Q But the red dot, what is that?

24 A The red dot, that's going to be 4147 Moselle Road.

25 Q All right, and what times does Paul's phone ping off

1 any cell tower near Moselle?

2 A 6:53 p.m., 7:05, and 7:30:05.

3 Q All right, and we see a three right there. Does that
4 refer -- or does it -- what does this three refer to as it
5 relates to that cell tower location near Moselle?

6 A It's just going to show you what side of the cell
7 tower it's on, what arc.

8 Q And what time does it first ping on Sector 1 facing
9 Moselle?

10 A 7:05:33 p.m.

11 Q All right. Moving to -- and continuing on page 3, we
12 have a time reference at 6:20:53. Can you explain to the
13 jury what, if anything, that indicates?

14 A We have Maggie Murdaugh. She received a phone call
15 from Proctor, Marian. That's how it showed up in her
16 phone, to the phone number. It's actually Marian Proctor,
17 which is how it relays in the phone, and it shows rejected.

18 Q All right, and after that what, if any, communications
19 were there?

20 A Right after that at 6:21:28, Maggie Murdaugh sends a
21 text message to Marian stating:

22 Can't talk. Getting foot massage. Will call you
23 back.

24 That was from her phone extraction.

25 Q Moving on to 6:23, are there any communications with

1 Maggie and Paul?

2 A There are. Paul sends a message to his mom at 6:23:27
3 stating: What did she make? And then Maggie replies back
4 shortly after saying: Country fried steak and mac and
5 cheese.

6 Q Below that we have a orange and blue box. What does
7 that represent?

8 A So, this is going to be from the FBI telemetry data
9 from that Excel that was read into evidence, and this is
10 just showing what -- that color coordination I talked about
11 earlier. The orange is going to show a system startup, and
12 from previous testimony that could be, you know, unlocking
13 a car, locking it, getting in close range with the key fob,
14 opening up the rear hatch. Just something that makes --
15 you know, when you get in your car and you kind of hear
16 that noise before you start it up with the telemetry, it's
17 just interworkings, you know. Anything could really cause
18 it.

19 Q While I'm asking you, going back to that map, the
20 incident location at Moselle where Paul and Maggie were
21 found murdered, what county is that in?

22 A That's going to be Colleton County. And if you look,
23 we have the pink, which is going to kind of show
24 propulsion, and then blue, which is going to show some kind
25 of shift in the vehicle transmission.

1 Q All right. Down at the bottom, 6:24, what is that?

2 A 6:24, that shows from the FBI report, telemetry
3 report, that the Suburban shows a device connection.

4 Q That would be Alex Murdaugh's phone?

5 A That would be correct.

6 Q Moving on to 6:24 p.m. Is there any data points as it
7 relates to the defendant's Suburban?

8 A It is. We have one at 6:24:18 around the PMPED law
9 firm.

10 Q All right, and what time was that? That was 6:24?

11 A 6:24:18, correct.

12 Q And that map there, is a that data point from the CAST
13 data that you just explained to the jury?

14 A That is correct.

15 Q Moving down, we have some various messages from some
16 of the individuals. Is that right?

17 A We do.

18 Q Okay.

19 A We have Alex Murdaugh receiving a phone call from Jay
20 Parker at 6:25. 6:27, Paul is sending a message to Britt
21 saying: Maybe Saturday. He calls Robert Boyle shortly
22 after. And then at 8:38 p.m., Rogan calls Marion Dempsey.

23 Q And to your recollection, what is Marion Dempsey to
24 Rogan at this time?

25 A It was his girlfriend currently at the time.

1 Q All right. Moving on to page 5, what does this map
2 represent? Who is this from, this map?

3 A This is going to be from Matt Wilde from the FBI, this
4 is directly from his report.

5 Q And what phone does this map reflect?

6 A The top right is going to say Alex Murdaugh with the
7 associated cell phone.

8 Q All right, and then there's a box below that. Explain
9 to the jury again what that box represents.

10 A So, the box below it, that's going to represent all
11 the times that the pings were logged that Matt Wilde
12 actually put in the report.

13 Q And then the black circle with the angle in the
14 middle, what is that?

15 A That's going to show you the cell tower, and then the
16 kind of angle that the calls or texts would have been in.

17 Q And what property is in the sector of that cell tower?

18 A 4147 Moselle Road. It's identified by that red badge
19 looking dot.

20 Q All right. On here, this box with the times, those
21 are times of what again?

22 A This would have been times of activity that it -- that
23 would send to a cell tower that they would have data on.

24 Q And the 6:00 hour, what is the latest time period that
25 you see Alex Murdaugh's phone reflecting activity?

1 A 6:52 p.m.

2 Q And then after that, what is the next time period that
3 you've seen reflecting activity?

4 A The next time showing on the map is going to be
5 9:04:24 p.m.

6 Q Does the defendant's cell phone reflect any activity
7 between 6:52 and 9:04?

8 A Between 6:52 and 9:04, there's no activity reflected.

9 Q At least on the cell pinging.

10 A That is correct.

11 Q All right. At 6:40:01, what activity, if any, is
12 reflected?

13 A Paul calls -- it's going to show up as PA in the
14 extraction, which is Alex Murdaugh, based on the phone
15 number. It shows it was answered. It was 2 minutes and 29
16 seconds long. This call also does not show up in the phone
17 extractions for Alex Murdaugh, just on his CDRs.

18 Q It was in the defendant's CDRs?

19 A That is correct.

20 Q All right.

21 A And it was also -- it was also in Paul's phone. It
22 shows the phone call.

23 Q All right. At 6:42, and what, if anything, is
24 reflected?

25 A We have a Suburban device connection to iPhone from

1 the FBI report at 6:42:48, and at 6:42:54 we show the
2 Suburban arrives at 4147 Moselle Road based on the GM
3 OnStar data.

4 Q All right, and going on to page 6, is that the -- your
5 CAST map reflecting that data point you just described?

6 A That is correct. It's going to be the 6:42:54 data
7 point.

8 Q And what happens at that moment?

9 A That's when Alex Murdaugh is going to arrive back from
10 the PMPED law firm from work that day.

11 Q All right. Moving on. At 6:43:50, what, if any,
12 activity do you see?

13 A It shows that Maggie Murdaugh's phone had a missed
14 call from PA, which is Alex Murdaugh. It shows missed --
15 it shows missed, but also it shows up at Alex Murdaugh's
16 CDRs but does not show up in either one of the phone
17 extractions.

18 Q And moving on, we have a couple of the orange and
19 white boxes. Tell the jury, again, what those reflect.

20 A So, these are just going to reflect some kind of
21 system boot-up. It doesn't mean the car moved or did
22 anything. It just means that the door was opened. It --
23 just something triggered the car to do a little internal
24 boot-up, from previous testimony.

25 Q All right. At 6:53:44, what, if any, activity do you

1 see?

2 A Paul Murdaugh calls John Marvin. It shows a minute
3 and 42 seconds long, and that's based off of Paul's phone
4 extraction.

5 Q To your understanding, when you see those times of the
6 call lengths, does that also include connection time as
7 well?

8 A It does. Based on previous testimony from Verizon,
9 that could include how long it takes to, you know, get the
10 actual network connected.

11 Q All right, and then at the 7:00 hour, what, if any,
12 communication are on Paul's phone?

13 A So, Paul sends to text message to Claude, C.B. Rowe,
14 saying: Are you coming tomorrow? And then shortly after he
15 sends another text saying: Sunflowers died, we need to plow
16 them under ASAP. That was based off his phone extraction.

17 Q Moving on now to Page 7, and we have some activity at
18 7:02:29.

19 A We do. Maggie Murdaugh calls Alex Murdaugh. It shows
20 2 seconds, and this also does not show on Alex Murdaugh's
21 extraction. It shows on his CDRs. And it also shows on
22 Maggie's phone that Maggie called Alex but does not show on
23 Alex's phone that that call was there.

24 Q Missing from his phone, though, correct?

25 A That is correct, missing in the call log of the phone.

1 Q All right. 7:03 to 7:11, what, if anything, is
2 reflected on Alex's phone?

3 A His phone is showing approximately 165 steps taken
4 during that timeframe.

5 Q And then what happens at 7:04?

6 A 7:04, through the CAST data database it shows that
7 Paul Murdaugh is at the residence of 4147 Moselle Road.

8 Q Does Maggie's phone reflect any activity as we move on
9 to the 7:04 time period?

10 A Her phone showed that between 7:04 and 8:17, her phone
11 was -- it showed a blue tooth connection to MBUX95224,
12 which is her Mercedes Benz.

13 Q So, any time we see MUBC95224, what, if anything, does
14 that represent?

15 A That's going reflect her Mercedes Benz.

16 Q MB for Mercedes Benz?

17 A That is correct.

18 Q All right. Moving on. At 7:05, does Maggie call
19 anyone?

20 A She does. She calls Marian at 7:05:13. It shows
21 answered, 7 seconds.

22 Q At 7:05:55, is there any reflection of the
23 communication between Alex and Maggie Murdaugh?

24 A There is. Alex sends a message to -- in his phone.
25 It's to Maggie Mae stating: Paul said you were getting a

1 pedi, call when you done. That's from the Alex -- that's
2 from the extraction.

3 Q All right. Moving on. Do we have any communications
4 between Maggie and Paul during this time period?

5 A At 7:05:32 we have Maggie calling Paul. It shows he
6 answered, a minute and 31 seconds.

7 Q And does Maggie attempt to call Marian again?

8 A That is correct.

9 Q That would be at the bottom of the screen.

10 A Yep. That would be the 7:07:49 when Maggie Murdaugh
11 calls Marian. And when it says Marian, it's Marian
12 Proctor.

13 Q All right. Moving on the Page 8, we have another map.
14 Can you generally explain what this represents to the jury,
15 please?

16 A So, at the top right-hand corner we have Maggie
17 Murdaugh with an associated phone number. We have two
18 points. One is 4147 Moselle Road in the red, and the green
19 is going to be the Almeda Property. When you're looking at
20 this map, number one is going to be closer to Charleston
21 and it's working it's way -- Maggie is working her way
22 towards Moselle in this map.

23 Q All right, and the first time period you see on dot
24 number -- or it's numbered one?

25 A It's going to be 7:07:49 p.m.

1 Q And the latest time you see on the dot is numbered
2 five?

3 A That is correct. It's going to be in the Walterboro
4 area. It's going to be 7:50:20. 7:50:20 is going to be
5 the latest dot, and that's in the Walterboro area.

6 (Break in proceedings.)

7 Q All right. Moving on. Looking down at 7:09:43, what,
8 if any, activity do you see on Maggie's phone?

9 A Maggie calls her mom. It shows 8 minutes and 17
10 seconds long.

11 Q Would that be Ms. Branstetter?

12 A That is correct.

13 Q And we have an orange box. Can you tell the jury
14 about that quickly, please.

15 A So, that's just showing a system boot-up. It could
16 have been getting close to the Suburban, unlocking, locking
17 it, opened up a door, or it could just be some kind of
18 internal components based on the previous testimony from
19 the FBI.

20 Q After that we have two entries. Can you tell the jury
21 what those two entries are and the time periods and what
22 they represent, please?

23 A So, the next two entries is going to be 7:14:13 to
24 7:22:19. It's going to be Paul Murdaugh's iPhone showing
25 approximately 208 steps traveled during that time period.

1 And the one below it is going to be 7:15:35 to 7:21:52.

2 This is going to be from Alex's phone showing that
3 approximately 200 steps were taken during that timeframe.

4 So, we have 208 step taken from Paul during his timeframe,
5 and then Alex is around 200 steps traveled.

6 Q And both of those time periods for those steps for
7 Alex and Paul, are those generally roughly the same --

8 A Generally.

9 Q -- consistent?

10 A That is correct.

11 Q 7:18:44, what, if any, activity do you see?

12 A Alex Murdaugh sends a text message so C.B. Rowe
13 saying: Call me, please.

14 Q Going now to page 9 at the top, those two entries,
15 again, explain those two entries to the jury.

16 A So, the first entry is going to be Paul Murdaugh's
17 iPhone from 7:25:03 to 7:34:34, and it's showing 139 steps
18 taken during that time period. It's an approximate.

19 7:28:35 to 7:37:11 is going to be Alex Murdaugh's iPhone
20 showing approximately 47 steps traveled during that time
21 period.

22 Q All right. 7:30 p.m. we have another data point
23 indicating Maggie's trip home to Moselle?

24 A That is correct.

25 Q All right. We've got another map. Tell the jury what

1 this one is, please.

2 A This map is just showing that, you know, her phone was
3 pinging. It starting at 7 --

4 Q Whose phone is this?

5 A This is going to be Paul, I'm sorry, Paul Murdaugh.
6 It's going to be in the right-hand corner. It should say
7 Paul Murdaugh with the phone number on top. This is just
8 showing where his phone was pinging on June 7, 2021,
9 starting at 7:30 and then all the way to 8:40 p.m.

10 Q All right, and we see two cell towers there and then
11 some arcs. Where do those arcs intersect?

12 A The arcs intersect close to the property at Moselle
13 Road.

14 Q And if you would, just tell the jury the earliest time
15 that's reflected here and the latest time that's reflected
16 here.

17 A The earlier reflect is going to be 7:30:05, and the
18 latest time reflected is going to be 7:40:21 p.m. on
19 June 7, 2021.

20 Q So, Paul's phone is at the Moselle location according
21 to this data.

22 A That is correct.

23 Q All right. Bottom of Page 9, do we have any
24 communications between Maggie and Marian Proctor?

25 A We do. At 7:31:13 p.m., we show a call from Maggie to

1 Marion and 7:39, which is the length of the call.

2 Q 7 minutes and 39 seconds?

3 A That's correct.

4 Q Does that include connection time as well?

5 A It does.

6 Q All right. Do we have any steps on Paul's phone in
7 the time period around this time?

8 A Paul's phone shows between 7:35:10 and 7:41:43, it
9 shows roughly around 171 steps traveled during that
10 timeframe.

11 Q 7:37 and 7:38, do we see any activity on Paul's phone
12 with some of his friends?

13 A Paul receives a Snapchat message from Michelle Beck
14 stating: BC, I have short term memory loss. That was based
15 off his phone extraction. And then Paul Murdaugh receives
16 an iMessage from Meagan Kimbrell stating: Paul.

17 Q All right. Moving now to Page 7, going to 7:39:55,
18 can you tell the jury what that data point reflects on your
19 summary timeline?

20 A So, from earlier testimony, you've seen this video.
21 This is just a thumbnail picture, and this is when it's
22 showing it was created in Paul Murdaugh's phone, and we
23 have a little screen shot of the creation time. It's going
24 to show 7:39:55 is when this thumbnail was created on
25 Paul's phone.

1 Q And remind the jury what video that is. I see we've
2 got a thumbnail there, but what video is that?

3 A This is going to be that Snapchat, Snapchat video that
4 was sent to a few friends of the tree. You have Alex
5 Murdaugh and the tree that's leaning over.

6 Q All right, and, again, this is when that video, at
7 least the timestamp, was created?

8 A That's correct. Based on previous testimony, yes.

9 Q All right. 7:41 to 7:48, what, if anything, is
10 reflected on Alex's phone?

11 A We show that 29 steps were traveled on his phone
12 approximately between 7:41 and 7:48.

13 Q All right, and we just talked about the Snapchat
14 video. Looking at this map, whose phone is this and
15 explain those data points to the jury if you would, please?
16 Or whose phone is this first, if you would, please?

17 A So, this is going to be Paul Murdaugh's iPhone, and
18 below it it's going to be his iPhone location data. So,
19 this is not going be Verizon locations. This is going to
20 be location data directly off of his phone.

21 Q So, this is GPS data that's more specific?

22 A That is correct.

23 Q All right, and we see a number of dots up here. What
24 is this area up here generally sort of in the center of
25 this image?

1 A That's going to be the kennel area, and then there's
2 that little house.

3 Q The cabin?

4 A The cabin.

5 Q All right, and what time periods in that upper box do
6 we see GPS data on Paul's phone up there at the kennel
7 area?

8 A We're seeing between 7:45 and 7:54 is location data
9 for that area.

10 Q Is that 7:54 or 7:56?

11 A 7:56, sorry.

12 Q And then we have two data points at the bottom. Is
13 that -- where generally is that on the property?

14 A That's going to be what previous testimony talked
15 about, like a dove field. It's going to be past the main
16 house closer to the Godley Farm Road side. And that's
17 going to be a data point at 8:42 seconds and 8:44 seconds.

18 Q 8:00 p.m.?

19 A That's correct, 8:00 p.m., June 7th.

20 Q And then down at the bottom of Page 10, is there any
21 step data on Paul's phone?

22 A There is. It shows approximately 89 steps traveled
23 during --

24 Q What time periods?

25 A 7:45 p.m. to 7:55.

1 Q Moving on to Page 11, we have a map. Tell the jury
2 what -- whose phone that is and what that data point is,
3 please.

4 A This is going to be Maggie Murdaugh's phone. This is
5 going to be Verizon location data, and what we see here is
6 the tower, and then the arc of the tower. This is going to
7 be in the Walterboro area. The time is 7:50:03 p.m.

8 Q All right, and moving now we're starting to see some
9 references, and there's a little battery symbol there on
10 the side. What does that represent?

11 A So, that's going to represent battery life. So, right
12 here this is going to be at 7:52:28. It's going to show
13 Paul Murdaugh's iPhone battery at 7 percent.

14 Q And in your review generally of Paul's cell phone
15 data, was it generally consistent for him to continue to
16 use his phone even if he had a low battery life on it?

17 A That's correct.

18 Q All right, and is that also consistent with the
19 testimony from David Grubbs from yesterday --

20 A From previous testimony, yes.

21 Q All right. Below that 7:55 time period, we have two
22 entries. Can you explain those two entries to the jury,
23 and how they relate to each other, if anything?

24 A So, 7:55:44 to 8:05:28, we have Paul Murdaugh's iPhone
25 showing approximately 262 steps traveled. And in a close

1 timeframe from 7:55:32 to 8:05:07, we show Alex's iPhone
2 traveling approximately 270 steps during that time period.

3 Q And then at 7:56, what is reflected as it relates to
4 that Snapchat video?

5 A This is when the Snapchat video referencing Alex
6 Murdaugh would have been sent through Paul's Snapchat
7 account to his friend's based on previous testimony.

8 Q And it was created, you already testified to this, but
9 it was created when?

10 A I believe 7:39:55.

11 Q And it was sent out to his friends when?

12 A At 7:56 p.m.

13 Q Moving on to Page 12, at 7:57, does one of his friends
14 respond?

15 A Yes. He receives a Snapchat message from Brian
16 Murdaugh --

17 Q Oops, sorry --

18 A Stating: Damn, man, you need some straps oh it.

19 Q All right. Now we're moving into the 8:00 p.m. hour
20 on June 7th of 2021. Is that correct?

21 A That is correct.

22 Q All right. We have a map up here. First of all, in
23 the right corner, whose phone is this?

24 A This is going to be Paul Murdaugh's phone; this is
25 going to be his iPhone location data.

1 Q And starting up at the -- it's sort the top center
2 more to the right, where is that location generally?

3 A That's going to be the little cabin on the property.

4 Q All right, and what is the data point -- what's the
5 time on that data point up there?

6 A I believe it says 8:06:20 p.m.

7 Q All right, and then we see the dots sort of moving
8 down. In what direction are they generally moving?

9 A That's moving towards the main house on the property.

10 Q All right, and then down at the bottom of the screen,
11 at what time do we see that data point stop at the main
12 residence?

13 A 8:14.

14 Q What's the first data point, though?

15 A 8:08:45 and then 8:14.

16 Q Paul is at the main residence at what time first?

17 A 8:08:45 p.m.

18 Q All right, and just on page 13 we have some earlier
19 data points. Is this map kind out of order just a little
20 bit?

21 A It is. This is just going to be earlier data points
22 at 8:05:14 and 8:04:45 just showing some location data from
23 his iPhone.

24 Q All right. So, that one should have gone before this
25 one, the one at the bottom of page -- sorry, page 12 --

1 A That's correct.

2 Q -- which reflects Paul, again, getting back to the
3 main residence at what time?

4 A 8:08:45 p.m.

5 Q Looking below again on page 13, do we see two entries
6 for Paul and Alex's phone, and if so please explain to the
7 jury what they are.

8 A So, for Alex's phone we show between 8:05 and 8:09
9 that his phone approximately took 54 steps traveled during
10 that time period. And then for Paul we show 8:05:46 to
11 8:15:24, we show approximately 303 steps traveled during
12 that time period.

13 Q Moving on to page 14, do we see that same map again of
14 Paul's phone reflecting him arriving at the residence at
15 8:08?

16 A 8:08:45, correct.

17 Q And then still pinging there at what time at the
18 bottom time?

19 A 8:14 p.m.

20 Q Again at 8:07, what, if anything, do we see?

21 A At 8:07:20, we see that Paul is sending Snapchats to a
22 few friends. That's based off his Snapchat records.

23 Q All right. The next entry is in purple, and then
24 there's kind of a line going from that. Explain what that
25 purple reference -- that time period references, and then

1 the line that travels down the side of your timeline,
2 explain to the jury what that's going to represent
3 generally to the various phones as we go forward.

4 A As we go forward, any time you see purple, that's
5 going to represent Maggie Murdaugh's phone, and for this
6 incident it's going to represent on the left-hand side, the
7 line going down. Any time you see a line next to
8 something, that means whatever it says on the left. If it
9 says device lock, it means the device was locked during
10 those other time periods. So, this is going to show from
11 8:11:08 to 8:31:15 that Maggie's iPhone was locked. As we
12 move down, you can see it continued to the next page. That
13 means during those times that it was locked.

14 Q All right, and so we'll see multiple of those as you
15 go forward just explaining time periods where various
16 devices were locked or other things were going on.

17 A That is correct.

18 Q All right. Moving on to Page 15, we have a map.
19 Explain to the jury whose phone this is and what it
20 represents.

21 A This is going to be for C.B. Rowe, and this is a
22 overview map. You can Augusta and the North Augusta area.
23 And it's showing the sector and the tower that it's pinging
24 off of at 7:13:15, and then North August/Augusta area.

25 Q You say 7;13 or 8:13?

1 A I'm sorry, 8:13:15.

2 Q All right. So, C.B. Rowe's phone is pinging over
3 here, way over here in Augusta. Is that right?

4 A That is correct.

5 Q All right. Moving to the next map, whose phone is
6 this? If you could, tell whose phone is this and then what
7 data points you see on this particular map.

8 A So, this is going to be Paul Murdaugh's iPhone
9 location data, so it's going to be separate from, like,
10 Verizon's location data. And this is showing at the area
11 of the main house bottom left, and the data starts at 8:14
12 and goes all the way to 8:35:07.

13 Q 8:35 Paul's phone is located where?

14 A At the main house, 417 -- 4147 Moselle Road.

15 Q And down at the bottom of page 15, do we have any step
16 reference for Paul?

17 A We do. From 8:15:55 to 8:21:45 we're showing
18 approximately 140 steps traveled.

19 Q Paul arrived back at the residence about 8:08, you
20 testified. Is that correct?

21 A That is correct.

22 Q At 8714 -- 8:17 and 14 seconds, what, if anything, do
23 you see on Maggie's phone?

24 A So, it's highlighted purple in reference to Maggie.
25 It's going to show that her phone ended a connection to the

1 Mercedes Benz, which is the MBUX95224. It shows that it's
2 unplugged.

3 Q And what does that mean? What does that reference
4 mean as it relates to Maggie's phone and the Mercedes she
5 was driving?

6 A It means that she unplugged her phone --

7 Q From that vehicle?

8 A -- from that vehicle.

9 Q And the data generally reflects that she's at the
10 residence at that point?

11 A That is correct.

12 Q Paul 8:08, Maggie 8:17.

13 A That is correct.

14 Q Alex's last data point on his phone was 6:52, right?

15 A That is correct, based on the Verizon records.

16 Q We have at 8:17:44 p.m., do we have a battery
17 reference for Paul?

18 A We do. It shows that his iPhone was at 4 percent
19 battery life at that time.

20 Q And as we continue forward, do we see Paul continue to
21 use his phone?

22 A We do.

23 Q At 8:19 -- or, I'm sorry, 8:17 to 8:18, what, if
24 anything, do we see on Maggie's phone?

25 A We're showing approximately 38 steps taken during that

1 timeframe.

2 Q All right, and that would be after her phone
3 disconnects from the Mercedes?

4 A That's correct.

5 Q At 8:19 p.m., what do we see on Paul's phone?

6 A We see that he connects to a PRTC WiFi, and that
7 receives a Snapchat message from Ansley Wilson stating: He
8 got the magic touch. He also sends another outgoing text
9 message or Snapchat message.

10 Q Now PRTC, his phone connects to PRTC. What is PRTC?

11 A PRTC is going to be the local internet telephone
12 provider for this area, so it's just showing a WiFi
13 connection.

14 Q And was PRTC, to your knowledge, providing services to
15 Moselle Road?

16 A They were. They were providing services to the main
17 house and then the cabin.

18 Q All right. Going below that, we have a series of
19 communications. And whose communications are these going
20 sort of back and forth, the series of communications?

21 A This is going to be Paul Murdaugh's series of
22 communications.

23 Q All right, and I'm not going to read each one, or have
24 you read each one, but are these generally going back and
25 forth with his friends?

1 A That is correct.

2 Q And on this page, they start about what time and
3 continue through about what time?

4 A Start around 8:23 and go all of the way to 8:29.

5 Q Well --

6 A Then we keep on going down, yeah, at about 8:30. So,
7 about 8:23 to 830.

8 Q All right. At 830 to 8:33 p.m. what, if anything, do
9 we see on Maggie's phone?

10 A We're showing that her phone took approximately 42
11 steps traveled during that time period.

12 Q All right, and that starts at what time that Maggie's
13 phone starts reflecting steps?

14 A 8:30 p.m.

15 Q About 8:30. Going on to the next page, Page 17.

16 Going back just real quick. On Page 16, generally that
17 series of communications with Paul and his friends, was he
18 generally responding fairly quickly to the communications
19 back and forth?

20 A He is. Either -- you know, there's Snapchat and
21 Imessages. He's responding and using two applications very
22 frequently.

23 Q At -- now we're at the top of Page 17 at 8:31 p.m.
24 Describe to the jury generally what this data entry is.

25 A So, this is going to be a group message from John

1 Marvin Murdaugh. It's talking about how they're planning
2 to go visit their dad tomorrow and asks if anyone else is
3 going. Listed here, everyone that's in that group message.

4 Q And that's generally a number of family members?

5 A That is correct.

6 Q And the dad they're referring to is who?

7 A It's going to be Alex's dad.

8 Q Mr. Randolph?

9 A That is correct.

10 Q And based on your knowledge and investigation, he had
11 had a turn for the worst health-wise around this time?

12 A That is correct.

13 Q All right. Well, let's talk about that very quickly.
14 That -- did the defendant receive -- or did his phone
15 receive that text?

16 A His phone and Maggie's phone both received the text
17 message.

18 Q And did the defendant ever read that text, according
19 to the phone at least?

20 A According to the phone, it was not read until the
21 following day, 6/8 of '21, at 1:44:49 p.m.

22 Q And that text came in at what time?

23 A 8:31 on the dot.

24 Q And did Maggie read that text right away, at least
25 according to the phone, her phone?

1 A She did not.

2 Q All right. When did she -- her phone finally read
3 that text?

4 A Around 8:49:26.

5 Q What time?

6 A 8:49:26 is when Maggie read that text.

7 Q 8:49?

8 A 8:49.

9 Q At 8:31 what, if any, entry do we see?

10 A So, at the 8:31:15, Maggie Murdaugh's phone unlocks
11 and does orientation changes, and then at 8:31:18 to
12 8:49:26 we show that her phone was locked.

13 Q All right. At 8:31 there's an orientation change.
14 Was her -- does the data reflect that her phone was
15 unlocked at that period of time?

16 A That is correct.

17 Q All right, and then what happens after that at 8:31
18 and 18 seconds?

19 A Her device is locked until 8:49:26.

20 Q 8:49:26. Is that correct?

21 A 8:49:26.

22 Q All right. At 8:32:25, we have an entry in green and
23 then a line going down. Can you explain to the jury those
24 time periods, and what, if any, significance they have?

25 A So, green is going to reflect Paul Murdaugh. Any time

1 you see green it's going to be Paul, and purple is going to
2 be Maggie. That is reflecting that his iPhone moved
3 approximately 283 steps during that time period. So on the
4 left-hand side as we go down -- and you're going to see
5 other data entry points -- you see the green next to it,
6 that means that those steps are being traveled during
7 those -- that timeframe.

8 Q All right, and now we have a map. Whose phone is
9 that?

10 A This is also going to be Paul Murdaugh's, and this is
11 going to be his iPhone location data.

12 Q All right, and where is that iPhone location data
13 located?

14 A That is going to be at the kennel, the kennel area of
15 the property.

16 Q All right, and tell me the time periods that he is at
17 the kennels at this point in time.

18 A At this point in time, he's at the kennels at
19 8:38:07 p.m., 8:44:53, 8:44:55, and 8:44:56.

20 Q What happens at 8:40 when Paul's phone is at the
21 kennels?

22 A Paul calls Rogan Gibson. It shows answered for 4
23 minutes and 14 seconds.

24 Q Starting at what time?

25 A 8:40:20.

1 Q And if you have about a 4 minute call, what time does
2 that end?

3 A 8:44.

4 Q At 8:44:34, what, if anything, does Paul's phone
5 indicate?

6 A So, at 8:44:34 Paul Murdaugh initiates a FaceTime
7 video call with Rogan Gibson. It shows answered, 11
8 seconds long. And that's based off of Paul and Rogan's
9 information.

10 Q And then at 8:44:55, what does it reflect on Paul's
11 phone?

12 A This is when this video was extracted and created
13 through Paul's phone, which shows Alex, Maggie -- well, you
14 can hear Alex, Maggie, and Paul in the background.

15 Q That's the kennel video at 8:44.

16 A That's the kennel video that's been in previous
17 testimony, correct.

18 Q Below that at 8:47 and 8:48, does Paul continue to
19 communicate with his phone?

20 A He does. He uses the iMessage feature in his phone to
21 send a couple of messages to Meagan Kimbrell. It looks
22 like it's based off of movie recommendations.

23 Q Are those communications for 10 minutes or just for a
24 couple of minutes or a minute or so?

25 A A minute or so.

1 Q Going to the top of Page 19.

2 A Uh-huh.

3 Q What time do we see there?

4 A 8:48:29.

5 Q All right, and what is going on? What is Paul doing?

6 A He's receiving a message from Meagan, and we have some
7 backlight on data at 8:48:56.

8 Q All right, and the next entry, tell me the time
9 periods for that entry.

10 A 8:48:58 to 8:49:01.

11 Q All right, and what happens there?

12 A Paul Murdaugh's phone is -- that's the last time that
13 it was unlocked.

14 Q Ever?

15 A Ever. 8:49:01.

16 Q And the next activity that we'll see on Paul's phone
17 occurred when?

18 A We have a backlight off from 8:49 to --

19 Q Going back to 8:48 to 8:49:01, you said that was when
20 Paul's phone was unlocked?

21 A That is correct.

22 Q And continue on with that data entry. What does it
23 indicate? What's the next time ever that Paul's phone
24 shows any activity?

25 A 10:18. That's when --

1 Q And the 8:48 to 8:49 p.m.?

2 A I'm sorry. Next activity notification is going to be
3 the Rogan Gibson call at 9:58:35. That's the next time
4 that any activity or notification shows up on his phone.

5 Q Looking at this entry with the green line on the right
6 side, what are those time periods there, and what do they
7 represent starting at 8:49:01?

8 A Starting at 8:49:01 to 10:34:23, Paul's phone shows
9 device locked.

10 Q And was it ever opened again until it died at
11 10:34:23?

12 A It was not.

13 Q 8:49:01 is the last time before that that Paul had
14 ever unlocked his phone.

15 A That is correct.

16 Q Just a few seconds later, does Maggie's phone reflect
17 any activity?

18 A It does. 8:49:26, approximately 26 seconds later, her
19 phone unlocks for a text message notification, and it
20 implements an orientation change.

21 Q And was that that text message about Mr. Randolph that
22 you earlier referred to?

23 A That is correct, that group message. I believe it was
24 in response to Lynn.

25 Q And at 8:49:31 here in red, what happens to Maggie's

1 phone just seconds later?

2 A Maggie Murdaugh's phone locks forever.

3 Q Forever until when?

4 A Until it's recovered the next day at 1:10 p.m.

5 Q On June 8th.

6 A On June 8th by law enforcement.

7 Q Do both Maggie and Paul's phone lock forever around
8 8:49?

9 A They do.

10 Q At 8:49:35, does Paul's phone receive a text from
11 anyone?

12 A It does. It receives a text from Rogan Gibson.

13 Q And what does that text say?

14 A See if you can get a good picture of it. Mary
15 Anne --

16 Referring to his girlfriend --

17 -- wants to see -- wants to send it to a girl we
18 know that's a vet. Tell him to sit and stay and
19 he shouldn't move around too much.

20 That shows on red.

21 Q Never read that.

22 A Never read it.

23 Q According to the investigation, is that a conversation
24 that Paul and Rogan were activity engaged in starting at
25 8:40?

1 A That is correct.

2 Q The kennel video was at what time?

3 A 8:44.

4 Q And did the defendant repeatedly deny that he was ever
5 at those kennels with the victims just minutes before their
6 phones go silent forever?

7 MR. BARBER: Objection.

8 THE COURT: Basis for the objection?

9 MR. BARBER: It's leading.

10 THE COURT: Don't lead the witness. Restate the
11 question.

12 Q Did the defendant repeatedly deny ever being at the
13 kennels during that time period?

14 A Yes, he did, in various interviews with law
15 enforcement.

16 Q And was that kennel video -- what time was that kennel
17 video?

18 A 8:44.

19 Q And what time did Paul and Maggie's phones go silent
20 forever?

21 MR. BARBER: Objection, Your Honor. Asked and
22 answered several times.

23 THE COURT: The objection is overruled.

24 A 8:49 is when their phones went silent forever.

25 Q At 8:53, do we see any activity on Maggie's phone?

1 A We do. At this time, as you can see to the right, her
2 phone is locked, but we do see 59 steps were traveled over
3 the period of 8:53 to 8:55.

4 Q And that just means the phone was moving, correct?

5 A That is correct.

6 Q Do you see some orientation changes as well?

7 A We do. Between 8:53:08 and 8:55:32 we see various
8 orientation changes, which with would indicate someone has
9 the phone, based on previous testimony.

10 Q Moving on to Page 20. At the top we have 8:55, and we
11 have a reference to a data point. Can you explain that to
12 the jury, whose phone that is and just generally what that
13 is based on information gathered during your investigation?

14 A The 8:55:48?

15 Q 8:55:48, yes, sir.

16 A That's just an internal application running in the
17 background for Maggie Murdaugh's phone. It's just -- the
18 iPhones will take a random Snapchat of what's going on in
19 the phone, so that's just reflecting that there was some,
20 you know, behind the scenes stuff happening on her phone.
21 It's not saying that someone was actively using it.

22 Q Hold on for me just real quick.

23 (Break in proceedings.)

24 Q Right here at the bottom of Page 13, we have a
25 reference to step data on Alex's phone.

1 A That is correct.

2 Q And what are those time periods?

3 A 8:05:35 to 8:09:52, it's showing 54 steps traveled.

4 Q All right. Turning to page 20, what suddenly happens
5 to Alex's phone around 9:02?

6 A It pretty much wakes up.

7 Q And what data point is reflected?

8 A From 9:02:18 p.m. to 9:06:47, it shows 283 steps
9 traveled.

10 Q And how long, how many minutes roughly?

11 A 5 minutes, 5 or 6 minutes.

12 Q I'm going to show you what's been marked as
13 Exhibit 521 to your testimony and see if you recognize
14 that.

15 A I do.

16 Q And tell me what that is, please.

17 A This is going to be a Pace spreadsheet for Paul
18 Murdaugh, Maggie Murdaugh, and Alex Murdaugh that I
19 created.

20 MR. WATERS: All right, Your Honor, at this time I
21 offer State's 521 into evidence.

22 MR. BARBER: No objection.

23 THE COURT: It's admitted.

24 (SPREADSHEET MARKED AS STATE'S NUMBER 521 WAS RECEIVED
25 INTO EVIDENCE.)

1 MR. WATERS: Can I have the ELMO, please?

2 (Break in proceedings.)

3 Q All right, tell the jury real quick as we look at this
4 exhibit just admitted, just generally we have at the top --
5 tell them quickly what this is and what these columns
6 represent. Explain this chart, if you would.

7 A The first column entry, that's just going to be from
8 all of the various entries from the phone data. We have a
9 start time, we have an end time, we have the time elapsed
10 in between the estimated amount of steps, and then we have
11 a steps permanent calculation, which is going to be the far
12 right.

13 Q And the steps, those are the data entries in this,
14 this timeline that's you've been testifying to as reflected
15 from the phone data?

16 A That is correct.

17 Q And then the last column is just a simple calculation
18 of steps based on the time periods of those readings.

19 A That is correct.

20 Q And the last step readings that we have on Paul's
21 phone are from what time to what time?

22 A The last step reading from Paul's phone is 8:32 to
23 8:42.

24 Q And we have one for Maggie as well. Is that correct?

25 A We do. Her last timeframe is going to be 8:53 to

1 8:55.

2 Q And then down at the bottom, who do we have?

3 A This is going to be Alex Murdaugh's Pace spreadsheet.

4 Q Let's talk about this a little bit. If you would,
5 start with entry 21, and what time period is that? And
6 this is Alex's phone, correct?

7 A This is going to be Alex Murdaugh's phone.

8 Q All right. The time period?

9 A 6:52 to 7:02.

10 Q How many steps?

11 A Approximately 283.

12 Q And how many steps per minute based on the simple math
13 calculation?

14 A Estimated 29.34.

15 Q All right, 22. Time period, steps, and steps per
16 minute.

17 A 7:03 to 7:11, approximately 165 steps, estimated 19.20
18 steps per minute.

19 Q 24?

20 A 24 is going to be 7:28 to 7:37, approximately 47
21 steps, and estimated 5.46 steps per minute.

22 Q 25?

23 A 7:41 to 7:48, showing 29 -- approximately 29 steps,
24 3.97 steps her minute.

25 Q 26?

1 A 26 is showing 7:55 to 8:05, 270 steps, approximately
2 28.2 steps per minute.

3 Q 28?

4 A 28 is going to be the 8:05 to 8:09. It's showing
5 approximately 74 steps, and it's 17.28 steps per minute.

6 Q And as you testified, that was the last entry on
7 Alex's phone before we get to the 9:00 hour. Is that
8 correct?

9 A That's correct.

10 Q What time was the video again?

11 A 8:44 p.m.

12 Q Let's talk about 27. What is the time period there?

13 A Time period is going to be 9:02 to 9:06.

14 Q How many steps?

15 A 283 steps, 70.75 steps per minute estimated.

16 Q He was a busy guy right then, wasn't he?

17 MR. BARBER: Objection.

18 THE COURT: The objection is sustained.

19 Q Was that -- what was the average steps per minute from
20 9:02 to 9:06?

21 A 70.75.

22 Q Was that far in excess of any readings on his phone in
23 those prior entries?

24 A According to this table, yes.

25 MR. WATERS: Can I have the computer back again,

1 please?

2 Q We have a map here on Paul's phone. Can you tell us
3 very quickly what that represents?

4 A This is going to be based off of Verizon records for
5 Paul Murdaugh, and it's showing 9:03:22 and 9:03:30, just
6 showing what cell towers it was pinging off of.

7 Q Again, is his phone still locked during this time?

8 A That is correct. Paul and Maggie's phones are still
9 locked at this time.

10 Q Bottom of page 20, we've got a pink box. What does
11 that reflect?

12 A That's from the FBI telemetry data just showing a
13 system start up of the telemetry system.

14 Q On which vehicle?

15 A It's going to be Alex Murdaugh's 2021 Suburban.

16 Q Is there a CDR reference to a Mary Anne Dempsey
17 attempting to call Paul?

18 A There is.

19 Q And Mary Anne Dempsey, again, is who?

20 A Rogan Gibson's girlfriend at the time.

21 Q We have two entries after that. Can you explain those
22 entries to the jury, and tell the jury what those are,
23 please?

24 A So, at 9:03:52 to 9:04:23, Maggie Murdaugh's iPhone
25 backlight is on. At 9:04:23, Alex Murdaugh calls Maggie

1 Murdaugh; it shows 18 seconds in his CDRs. This does not
2 show on that Dylan Hightower first extraction or the second
3 extraction. And it also shows missed on Maggie's phone
4 extraction.

5 Q That one is missing from Alex's phone, correct?

6 A That is correct. From the call log, it is missing.

7 Q At 9:05:15, is there any activity on Alex's phone?

8 A It shows that Alex Murdaugh calls Randolph Murdaugh,
9 18 seconds. It does not show on the Dylan Hightower or the
10 second extraction, just on the CDRs.

11 Q We have a pinkish box. What does that represent?

12 A The pinkish is going to represent that system start up
13 for the telemetry data for the '21 Suburban.

14 Q At 9:06:12, what happens?

15 A Between 9:06:12 and 9:06:20, Maggie Murdaugh's phone
16 implements orient change -- orientation change from
17 portrait to orientation sideways.

18 Q That starts at 9:06:12?

19 A Yeah, and it goes to 9:06:20.

20 Q Orientation starts to change. What happens 2 seconds
21 after that orientation starts to change?

22 A At 9:06:14 -- so that's 2 seconds afterwards -- the
23 phone receives an incoming call from Alex.

24 Q And is that call on the call log when Dylan Hightower
25 downloaded the defendant's phone?

1 A It is not.

2 Q 9:06:14 and 9:06:15, are those referencing that missed
3 call from -- that showed up on Maggie's phone?

4 A That is correct.

5 Q And 9:06:20, we're still seeing an orientation change?

6 A Yep. That's when the orientation ended.

7 Q Moving down to the box of page 21, we have a blue --
8 bluish/green box. Tell the jury what that is.

9 A So, according to the FBI telemetry data, the blue is
10 going to indicate a shift in the transmission, and then
11 green is going to show driving.

12 Q The Suburban is under way?

13 A That is correct, according to the telemetry data.

14 Q At the bottom of page 21, is there another call from
15 Alex Murdaugh's phone to Maggie's phone?

16 A There is. At 9:06:52, Alex calls Maggie; it shows 7
17 seconds long, and that's based off his CDR since this was
18 deleted off the call history.

19 Q It wasn't on Alex's extraction, correct?

20 A It was not.

21 Q Two missed calls?

22 A Two missed calls.

23 Q Moving to page 22 at the top, what, if anything, does
24 Alex Murdaugh's phone show in relationship to the Suburban?

25 A So, it's just showing that, you know, the device

1 connected to the car. When you get in your car it will --
2 your phone will pair. It's just showing the device
3 connection to iPhone.

4 Q And then the next entry, there's a time range there.
5 Explain that time range to the jury and what that means.

6 A So, starting at 9:07 and going to 9:44 --

7 Q 9 what?

8 A I'm sorry, 9:31:44, her backlight is off.

9 Q Her backlight is off.

10 A Uh-huh.

11 Q That entire time period.

12 A That entire time period. It was on but now it -- from
13 this time period, from 9:07 to 9:31, it's going to show
14 off.

15 Q Going to this map, is that some of the CAST data that
16 you did that you've testified to the jury?

17 A It is. This is a previous slide that we have up.
18 It's showing at 9:07:06, the Suburban is leaving 4147
19 Moselle Road.

20 Q Two calls from Maggie. Does the Suburban just take a
21 quick right and go down this road right there to the
22 kennels, or does it just continue straight on?

23 A It just continues straight on.

24 Q Doesn't stop by the kennels for a second, does it?

25 MR. BARBER: Objection. Leading.

1 Q Does it stop by the kennels?

2 A His vehicle does not stop by the kennels.

3 Q Keeps right on going.

4 A Keep going to Moselle Road and makes a right.

5 Q Going down to the bottom of page 22.

6 A It's just another data point that's showing the
7 approximate location of Maggie Murdaugh's phone, where it
8 was located, and at -- it's 9:08:36, it's showing 42 miles
9 an hour on Moselle Road, and it referenced -- we're coming
10 up to Godley Farm Road on Moselle Road. This is at
11 9:08:36.

12 Q And then we have -- below that we have a reference to
13 a data point that you previously showed to the jury at
14 9:08:42?

15 A Yep. It's going to be on the next page.

16 Q All right.

17 A It's going to be at 9:08:42. It's showing the
18 approximate miles per hour 45 in reference to where the
19 phone was found the next day.

20 Q And what's the speed on the defendant's vehicle at
21 that point?

22 A 45 miles an hour.

23 Q And is Maggie's backlight off during this time period,
24 this entire time period?

25 A Her phone is locked and the backlight is off.

1 Q At 9:08:58, what are we seeing?

2 A Alex Murdaugh sends a iMessage to Maggie stating:
3 Going to check on M, be right back. This shows unread in
4 Maggie's phone.

5 Q Moving on, does Alex's phone reflect a series of calls
6 being made?

7 A It does.

8 Q Tell me about the first one.

9 A The first one is going to be at 9:10:47. Alex calls
10 Buster; it shows 60 seconds long. That's based off CDR
11 since it's not in his phone extractions.

12 Q And that's, again, also missing from that entire
13 series of events around the time of the murders that was
14 not on Alex's extraction when it was downloaded.

15 A That's correct. It's not on the call log.

16 MR. HARPOOTLIAN: Objection. Leading.

17 MR. WATERS: I'll move on, Your Honor.

18 THE COURT: It's been asked and answered.

19 Q At 9:12:14, what, if any, activity is reflected on the
20 defendant's phone?

21 A Alex Murdaugh calls Chris Wilson. It shows 42 seconds
22 long. That's based on his CDR because it's not in any of
23 his phone extractions.

24 Q That includes connection time as well?

25 A It does.

1 Q Moving on to Page 24, we have a map. Tell the jury
2 quickly what this map reflects.

3 A This is going to be Alex Murdaugh location map from
4 Verizon. It's going to show at 9:12:14 what tower, what
5 sector it's pinging off of, and then at 9:18:46 what tower
6 it's pinging off of. The red dot is going to be Moselle;
7 the green one is going to be the Almeda property.

8 Q Moving on to the next map, is that similar information
9 of the defendant's trip from Moselle to Almeda?

10 A It's similar. It's just going to show the coverage
11 areas for each tower.

12 Q And then on page 26, what does this map reflect?

13 A It's going to be Verizon records for C.B. Rowe. The
14 far right, the little red dot is going to be Moselle; blue
15 dot is going to be C.B. Rowe's home in Brunson. This is
16 just showing the cell tower data at the timeframe of 9:14,
17 9:20, and 9:21.

18 Q And?

19 A And 11:37 p.m. This is close to Fairfax, just for
20 reference.

21 Q And he's pinging in the arc near his home over here in
22 Fairfax. Is that right?

23 A That is correct. The --

24 Q Where is Moselle?

25 A Moselle is going to be the red dot to the right.

1 Q At 9:18:46, what, if any, activity is reflected on the
2 defendant's phone?

3 A At 9:18:46, Alex Murdaugh calls John Marvin Murdaugh.
4 It shows 106 seconds. And that's from his CDR since it's
5 not on either phone extraction call log.

6 Q All right. We're on page 26 now. Tell the jury
7 quickly what this map reflects.

8 A It's also going to be Verizon records from Alex
9 Murdaugh's phone plotted. It's showing starting at 6:20:34
10 all of the way to 9:36:45. It's showing from the cell
11 tower in the sector of Alameda.

12 Q You said 6:24 or 9:20?

13 A I'm sorry, 9:20:34.

14 Q So, roughly a 20 minute period at Alameda?

15 A Roughly 20 minutes, correct.

16 Q Moving over to page 27, what is this map?

17 A This is just going to be a zoomed in picture from the
18 previous one, just showing the same timeframe, just showing
19 a little bit more zoomed in from the cell tower in
20 proximity to Alameda.

21 Q At 9:20:34, what, if anything, happens on the
22 defendant's phone?

23 A At this time Chris Wilson calls Alex at 9:20:34. It
24 shows for 131 seconds, and we got this data from his CDR
25 since it does not show on his -- either one of his

1 extractions. And during that time Claude C.B. Rowe, at
2 9:21:36, calls but Alex does not answer it.

3 Q And, again, his phone was pinging back at his house in
4 Fairfax at that time period, correct?

5 A That is correct.

6 Q We see the blue and green box. Tell the jury what's
7 happening with Alex's Suburban at this point.

8 A So at 2122, which that's military time -- that's going
9 to be 9:22 -- green is going to show vehicle movement, and
10 blue is going to show transmission shifting.

11 Q And is that consistent with the OnStar data at 9:22:49
12 of him arriving at Alameda?

13 A It is.

14 Q And on page 28, is that that data point that you just
15 referenced?

16 A That is correct, 9:22:39.

17 Q Starting about 9:22, does Alex's phone reflect any
18 step activity?

19 A It does. 9:22:39 to 9:32:14, showing approximately
20 195 steps taken on his phone.

21 Q At 9:24:13, what, if anything, does the defendant
22 phones reflect?

23 A He calls Libby Murdaugh, which would be his mom. It
24 shows 20 seconds long. That's from his CDR; it's not on
25 either phone extraction.

1 Q And that would be the line up to -- landline at
2 Alameda?

3 A That's correct.

4 Q After that, is there another missed call from Rogan to
5 Paul?

6 A There is, at 9:26:06 p.m.

7 Q And then at 9:31:44, is that the first backlight
8 activity on Maggie's phone since that time period you
9 testified earlier about 9:07?

10 A That is correct.

11 Q At 9:34 around that same time, is there any
12 communication on Maggie's phone around the time of that
13 backlight activity?

14 A There is. At 9:34:14, Rogan Gibson sends an iMessage
15 to Maggie Murdaugh saying: Tell me to -- tell Paul to call
16 me. And that shows unread.

17 Q Never read?

18 A Never read.

19 Q Do we also have backlight activity associated with a
20 missed call to Maggie's phone.

21 A We do, at 9:34:20.

22 Q Up here at 9:34 to 9:36:20, it says Maggie -- Maggie
23 Murdaugh's iPhone backlight. Is that backlight off?

24 A That's going to be backlight off.

25 Q Just the off is missing from the words?

1 A That is correct.

2 Q 9:35 to 9:45:10, a 10 minute period, is there any
3 activity on Alex's phone?

4 A It's showing approximately 60 steps taken on his phone
5 during that timeframe. And also as you see on the right-
6 hand side, Paul and Maggie's phones are locked. It's
7 referenced with the lines in the color coordination on the
8 right side.

9 Q And those lines have been continuing through the past
10 few pages?

11 A They've been continuing, correct.

12 Q We have some orange and purple boxes. Quickly tell
13 the jury what those are.

14 A So, the orange color is going to be that system
15 startup from previous testimony from Falkofske, and the
16 pink is going to be engine running propulsion.

17 Q Is there another missed call from Rogan to Paul?

18 A There is. At 9:42:17 there's a missed call. And then
19 we have Alex's Suburban showing device connection at
20 9:42:49, which is consistent with the data.

21 Q The Suburban is leaving Alameda around this time?

22 A That is correct, 9:43:18. We show it starting at 2
23 miles per hour.

24 Q Do we have some additional telemetry consistent with him
25 leaving?

1 A We do.

2 Q Is there any activity on Maggie's phone at this point?

3 A So, at 9:44:04 to 9:45:04, it shows that her backlight
4 was off.

5 Q And is there a missed call associated with that
6 backlight activity, or around the same time?

7 A Yes. Maggie Murdaugh received a call from -- it's
8 going to show as PA in the phone extraction, which is
9 Alex's number, and it shows missed.

10 Q And was that call missing from Alex's phone
11 extraction?

12 A It was. It was missing from both phone extractions.

13 Q Going down to 9:46:35, what, if any, activity do you
14 see?

15 A It shows that Alex Murdaugh called Paul Murdaugh. It
16 shows 18 seconds long. That's with the connection time,
17 and that is based off of Alex's CDR. It does not show in
18 either extractions.

19 Q 9:47:23, what do we see, if anything?

20 A Alex sends an iMessage to Maggie, stating: Call me,
21 babe. And that shows unread in Maggie Murdaugh's
22 extraction.

23 Q Do we see some backlight activity around the time of
24 that text message, that unread text message?

25 A We do, a couple of seconds.

1 Q We have a map here. Generally what does this reflect?

2 A We do. This is going to reflect the coverage area of
3 the cell tower between Moselle and Alameda.

4 Q And this is whose phone?

5 A This is going to be Alex Murdaugh's phone. This is
6 going to be his Verizon records, not location data for the
7 phone.

8 Q Moving towards the direction of Moselle?

9 A That is correct.

10 Q Additional maps consistent with that as testified to
11 by Matt Wilde?

12 A That's correct, just showing coverage area.

13 Q At 9:52:15, what, if any, activity is on Alex's phone?

14 A So, at 9:52:15 Alex Murdaugh send an iMessage to Chris
15 Wilson saying: Call me if up.

16 Q Is this around the time when he's running 80 miles an
17 hour?

18 A That's correct. 9:51:43 is when we have the 80.16
19 mile per hour.

20 Q Moving over to the next page, is there any further
21 activity?

22 A Alex ends up receiving a call from Chris Wilson at
23 9:52:59; it shows 42 seconds long with connection. That is
24 also not on either extraction. And at 9:53:55 he receives
25 another call from Chris Wilson. It shows 123 seconds, and

1 that is on his CDRs but not on either phone extractions.

2 Q And then from -- at about 9:56:57, what, if any,
3 activity do you see on Alex's phone?

4 A So, from 9:56:57 to 10:06:57, it shows that Alex
5 Murdaugh traveled 231 -- approximately 231 steps traveled
6 during that time.

7 Q Starting at what time?

8 A 9:56:57 to 10:06:57.

9 Q And remind the jury what time the 911 call was.

10 A It was 10:06:14.

11 Q At 9:57 and 9:58, what activity is reflected on Paul's
12 records?

13 A So, Rogan Gibson calls Paul Murdaugh. It shows 4
14 seconds, and that's based off CDRs. And then at 9:58:35,
15 Rogan sends a text message to Paul stating: Yo.

16 Q And that hits Paul's phone?

17 A That's correct.

18 Q It was never read.

19 A It shows unread from his phone extraction.

20 Q We have a bunch of green and blue boxes. Is this more
21 telemetry data from the Suburban?

22 A This is. The green is going to represent drives, and
23 blue is going to represent some type of gear shifting with
24 the vehicle.

25 Q But the GM OnStar data reflects what about 10 on the

1 dot?

2 A It reflects him pulling into the driveway at 4147
3 Moselle Road, the main entrance.

4 Q And where did the Suburban go first?

5 A The Suburban went directly to the house, bottom left.

6 Q It doesn't go to the kennels first. It went to the
7 house first.

8 A That is correct.

9 Q And what time does it arrive at the house, or what
10 time right there in that map? That's, what, the map at the
11 top?

12 A That's what time that it pulls into the driveway.

13 Q All right. Sorry. One second.

14 (Break in proceedings.)

15 Q At 10:03:36 p.m., there's two entries around that
16 time. Can you tell the jury what, if any, activity you see
17 as it relates to Maggie's phone?

18 A So, Alex Murdaugh calls Maggie Murdaugh's phone at
19 10:03:58, and the backlight is on associated with that.

20 Q And then starting about 10:04:08, what don't we see
21 for a time period?

22 A So, from 10:04:08 to 10:46:40, there's a gap in
23 activity. Don't see any activity on Maggie's phone at all
24 through the KnowledgeC database.

25 Q At 10:05:06, what, if anything, does the data reflect?

1 A It reflects Alex's Suburban leaving the main house
2 based on the GM data.

3 Q Going over to page 35, is this one of your CAST maps?

4 A Yes, it is. It's 10:05:06, and it's showing the time
5 the Suburban starts to leave down to the kennels.

6 Q Going to the next map, what time is that?

7 A The next map is going to be 10:05:57, and that's the
8 arrival time at the kennels.

9 Q According to that GPS location data.

10 A Yes, sir, from GM and OnStar.

11 Q What's that time again?

12 A It's going to be 10:05:57.

13 Q Down at the bottom of the page, what time is the 911
14 call?

15 A 10:06:14.

16 Q How many seconds of that from the time that the
17 Suburban arrives at the kennels and he calls 911?

18 A Roughly 20 seconds.

19 Q 20 seconds?

20 A That's correct.

21 Q Do you recall the defendant's statements to law
22 enforcement shortly after the crime that he went over and
23 checked the bodies and that sort of thing?

24 A I do.

25 MR. BARBER: Objection. Leading.

1 THE COURT: Don't lead the witness.

2 Q What, if anything, in his statements to law
3 enforcement did the defendant say about what he did when he
4 arrived at the scene?

5 A The defendant stated that he went and checked on Paul
6 and Maggie and checked the bodies.

7 Q From the moment the Suburban arrived at the kennels,
8 how long did it take for that 911 call to be made?

9 A Less than 20 seconds.

10 Q And another call from Rogan to Paul that would never
11 be answered?

12 A That's correct, 10:08:27, never answered.

13 Q At 10:11:54 what happens?

14 A This is when Alex Murdaugh was on the 911 call.
15 Stated he was going to go get a gun. This was at 10:11:54.
16 This is when the Suburban is shown leaving the kennels.

17 Q And down at the bottom of page 36, we see another map.
18 What does that reflect?

19 A That's going to be 10:13:54, and on the next page it's
20 going to show the map. That's when his Suburban left the
21 main house going back to the kennels.

22 Q And what time does the location data reflect that the
23 Suburban arrived back at the kennels?

24 A 10:14:30 is when it's going to reflect driving back to
25 the kennels, or approximately. This is when he's coming

1 into the view of the kennels.

2 Q And then what time does the 911 call end?

3 A So, the 911 call is going to end at 10:17. And then
4 the step data is what the 10:16:37 p.m. is referring to.
5 That's going to be when his step data ended. I believe it
6 was 594 steps taken.

7 Q After the 911 call, does the defendant's phone reflect
8 any activity?

9 A It does. It shows him calling Randy Murdaugh. It
10 shows 16 seconds long connectively time, and that's off of
11 CDRs. It was not found on either extraction. Then also we
12 have a 10:18 where he's sending a text message to Randy
13 saying: Please call me, emergency.

14 Q Is there step activity around this time on Alex's
15 phone?

16 A There is. 10:18:53 to 10:28:05, we're showing
17 approximately 525 steps taken during that timeframe.

18 Q And does Paul's backlight come on again at 10:18?

19 A If does. 10:08 to 10:18:20 we're showing backlight.

20 Q Was that after the 911 call had ended?

21 A No. I'm sorry, yes. Yes, it was.

22 Q Yes, it was?

23 A Yes, it was. So, 10:17 is when the 911 call ended.
24 This would have been at 10:18:08. This would have been
25 right after.

1 Q And last text that hits Paul phone was from whom?

2 A Rogan Gibson. I believe it said: Yo.

3 Q Is Paul's phone still hitting, of course, at the
4 kennel location?

5 A That is correct. This is going to be off his iPhone
6 location data.

7 Q And where was Paul's phone found again, according to
8 your knowledge of the investigation?

9 A It was found on Paul's rear end facing up.

10 Q Top of page 49, we have a map. And what does that
11 reflect?

12 A This is going to reflect Verizon records from Alex
13 Murdaugh starting at 10:19 all the way to 11:18, and it's
14 just showing the sector it was pinging off of, and that's
15 in the area of Moselle Road.

16 Q All right, and we have a range of times there from the
17 10ish hour to the 11ish hour p.m. of Alex's phone being
18 there?

19 A That is correct.

20 Q Does Alex's phone reflect a couple of calls that were
21 not on his extraction but in the CDR?

22 A It does.

23 Q To what people?

24 A It's going to be to Randy Murdaugh, John Marvin, and
25 then Rogan Gibson, and then Christy.

1 Q At 10:20:08, what activity does Paul's phone reflect?

2 A So, Paul's phone shows a display on screen auto lock.
3 It's been locked. It's just documenting auto lock.

4 Q Display on, auto lock?

5 A Uh-huh.

6 Q And that auto lock can be consistent with what,
7 according your understanding?

8 A According to my understanding is that auto lock could
9 be -- it doesn't recognize, like, a face, so it
10 automatically locks, or it could be just hitting, like, on
11 an iPhone, the power button on the side.

12 Q And what was the last text that hits Paul's phone
13 again? Who was it from?

14 A Rogan Gibson.

15 Q And what does the defendant do just seconds later?

16 A Calls Rogan Gibson.

17 Q Was that on the Dylan Hightower extraction?

18 A It was not on the Dylan Hightower extraction or the
19 second one.

20 Q You mentioned before that there was a group text about
21 Mr. Randolph's health and the -- when did the defendant
22 finally read that text?

23 A The following day, so that would be June 8, 2021.

24 Q At 10:22:09, was there a text that the defendant read?

25 A There was. 10:22:09 he received a group text message

1 from Michael Gunn and a few group of people saying: She
2 brought the heat from Miami, boys. And it was read the
3 same night at 10:48:42 p.m., and an associated picture is
4 below.

5 Q 10:24 and the 10:25 hours, what, if anything, does the
6 defendant's phone reflect?

7 A Alex tries to call Rogan, and then he sends a iMessage
8 stating: Call me. And then he attempts to do a FaceTime.
9 And this is going to be the first -- the first log that we
10 see on his phone records is going to be this FaceTime call
11 with Rogan on his extraction for the day of June 7, 2021.

12 Q Multiple attempts to contact Rogan.

13 A That is correct.

14 Q And what time does law enforcement arrive on the
15 scene?

16 A Approximately 10:25 is when the first deputy arrived
17 on scene.

18 Q 10:25?

19 A That is correct.

20 Q We see step activity around this time on Alex's phone?

21 A We do. So, we have group of step activity end at
22 10:28:54, and then we had a new group start at 10:28:54
23 that goes to 10:37:27. It showing 320 steps traveled
24 approximately.

25 Q And does the defendant's phone reflect any phone

1 activity after that?

2 A It reflects at 10:29:17 a call to Randy. It shows
3 answered, 42 seconds long. That's also not on the
4 extraction, and then a FaceTime with Rogan at 10:30:31 that
5 does show on the extraction.

6 Q And that was an attempted FaceTime?

7 A That's correct. I believe the previous testimony,
8 Rogan said he was asleep during the time.

9 Q Moving onto page 41.

10 A This is going to be a Paul Murdaugh Verizon records.
11 This is just going to show the cell -- the tower, and then
12 just the location, and you can see Moselle Road within it.
13 It's a 10:34 time period.

14 Q Is there a display on activity on Paul's phone, but
15 also in a phone call from Nolen Tuten around that time?

16 A That is correct. Around 10:34 it's showing a display
17 on, and then a Nolen Tuten phone call.

18 Q And then finally what time does Paul's phone finally
19 die?

20 A Paul's phone finally dies at 10:34:24 p.m. on June 7,
21 2021.

22 Q Almost 2 hours after the kennel video.

23 A That is correct.

24 Q And Maggie's phone stays locked until when?

25 A The following day, June 8th, around 1:10 p.m. when the

1 investigators find it.

2 Q When the investigators find it?

3 A That is correct.

4 MR. WATERS: Could I have the ELMO, please?

5 (Break in proceedings.)

6 Q I'm going to show you a couple of exhibits. We're
7 almost done. I know everybody is hungry. I show you
8 what's been marked as 523 to this trial, State's 523. Do
9 you recognize that?

10 A I do.

11 Q And tell the jury just where that's from, please.

12 A This is going to be a text message I retrieved from
13 one of the Cellebrite extraction reports. This will be
14 from Paul to Alex.

15 MR. WATERS: Your Honor, at this time I would offer
16 State's 523 into evidence.

17 MR. BARBER: Your Honor, we would renew the previous
18 objections, but have no additional objections, 404/403.

19 THE COURT: May I see the exhibit?

20 MR. WATERS: Yes, sir, Your Honor. May I approach?

21 THE COURT: Yes, sir.

22 (Break in proceedings.)

23 THE COURT: It's admitted over objection.

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

25 (TEXT MESSAGE MARKED AS STATE'S EXHIBIT NUMBER 523 WAS

1 RECEIVED INTO EVIDENCE.)

2 Q I'm going to show 523, and this is a text from which
3 person to which person?

4 A So, this is going to be from Paul Murdaugh, and it's
5 going to be to -- it says voicemail. That's going to refer
6 to Alex because this is obtained from his phone; it's going
7 to be the owner. So, that's going to be Paul to Alex.

8 Q And what's the date?

9 A The date is going to be May 6, 2021, at 10:52:13 a.m.

10 Q And what does it say?

11 A It says:

12 I am still in EB because when you get here, we
13 need to talk. Mom found several bags of pills in
14 your computer bag.

15 This is, again, from Paul to Alex on May 6th.

16 Q I'm showing you what's been marked as State's 553.
17 See if you recognize this exhibit.

18 A Okay. I do.

19 Q Tell me what that is.

20 A This is going to be some searched items that I
21 obtained from Maggie Murdaugh's extraction report.

22 Q All right.

23 MR. WATERS: Your Honor, at this time I would offer
24 State's 553, I believe, without additional objection.

25 MR. BARBER: No additional objection.

1 THE COURT: Admitted.

2 (EXTRACTION DOCUMENTS MARKED AS STATE'S EXHIBIT NUMBER
3 553 WERE RECEIVED INTO EVIDENCE.)

4 Q And tell the jury what this exhibit is, please.

5 A So, this is going to be Google searches. The far left
6 you're going to have a timestamp, the source, which is
7 going to be Safari -- that's for Apple -- and then the
8 value is going to be the searched item. And on May 26,
9 2021, at 11:21 p.m., Maggie searched green gel pill P30.
10 She also searched at 11:20 p.m. a green -- green gel pill
11 P30, white pill 30 on one side, RP. And if you look to the
12 right, you're going to see a column that says deleted.
13 That one is showing that, yes, it is been deleted. And
14 then if you go down to row number 4, it's going to be
15 May 6, 2021 from Safari, white pill 30 on one side, RP, and
16 that's also shown deleted.

17 MR. WATERS: Court's indulgence one moment, please.

18 (Break in proceedings.)

19 A Could you slide it down just a little bit? I just
20 want to make sure there's not another entry.

21 Q Yeah. Yep, sorry.

22 A Okay.

23 (Break in proceedings.)

24 Q I've just got a couple of more. I'm going to show you
25 what's been marked as State's 556 and see if you recognize

1 this exhibit.

2 A I do.

3 Q And tell just generally, what is this?

4 A This is going to be a text message thread between Alex
5 Murdaugh and Russell Laffitte.

6 Q And at the time, where did Russell Laffitte work
7 again, to your understanding?

8 A Palmetto State Bank.

9 MR. WATERS: And, Your Honor, at this time I would
10 offer State's 556, I believe without additional objection.

11 MR. BARBER: No additional objection beyond the 403
12 and 404 objections previously made.

13 THE COURT: Let me see it.

14 MR. WATERS: May I approach, Your Honor?

15 THE COURT: Admitted over objection.

16 (TEXT MESSAGE THREAD MARKED AS STATE'S EXHIBIT NUMBER
17 556 WAS RECEIVED INTO EVIDENCE.)

18 (Break in proceedings.)

19 Q All right, I'm going to put State's 556 up on the
20 screen. And, again, tell the people on this text and the
21 time and what it says.

22 A So, this is going to be a text from voicemail, which
23 is going to be Alex Murdaugh's phone to Russell Laffitte.
24 It was sent on June 3, 2021, at 3:22 p.m. This is from
25 Alex stating:

1 I need to extend farm credit line another
2 \$600,000. My dad will sign also if needed. How
3 much turnaround will that take?

4 And, again, that's from Alex to Russell Laffitte on
5 June 3, 2021.

6 Q I show you two final exhibits, States's 554 and 555.
7 And do you recognize those?

8 A I do.

9 Q And where were those found?

10 A These from found from Maggie Murdaugh's iPhone
11 extraction.

12 MR. WATERS: Your Honor, at this time I would offer
13 554 and 555 into evidence, I believe without objection.

14 MR. BARBER: No objection.

15 THE COURT: They're admitted.

16 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 554 WAS
17 RECEIVED INTO EVIDENCE.)

18 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 555 WAS
19 RECEIVED INTO EVIDENCE.)

20 Q State's 554, who is that?

21 A It's going to be Maggie Murdaugh and her sister.

22 Q State's 555, who is that?

23 A It's going to be Buster Murdaugh, Maggie Murdaugh, and
24 Paul Murdaugh.

25 MR. WATERS: Special Agent, please answer any

1 questions that the defense may have.

2 THE COURT: Ladies and gentlemen, we'll break for
3 lunch now for an hour and 15 minutes. Please do not
4 discuss the case.

5 (The jury left the courtroom.)

6 THE COURT: Please do not discuss your testimony
7 during lunch.

8 And we'll be in recess.

9 (A lunch break was taken.)

10 THE COURT: You may bring the jury. Bring the jury,
11 please.

12 (The jury returned to the courtroom.)

13 THE BAILIFF: The jury is present, sir.

14 THE COURT: All right, thank you.

15 Welcome back.

16 Cross-examination, Mr. Barber.

17 MR. BARBER: Please the Court?

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. BARBER:

21 Q Good afternoon, Agent Rudofski. Did I say that right?

22 A Good afternoon. Yep, sounds good to me.

23 Q Let's start first with the GM data that recently came
24 in. I think that may have made things a little more clear.

25 We don't really need to look at a lot of those cell phone

1 plots, tower plots now that we have the exact position of
2 the car, do we?

3 A I agree, yeah. The GM data is pretty clear.

4 Q At first you did an analysis of a driving to and from
5 the office in Hampton in the middle of the day. Not too
6 interested in that, but let's skip to the drive from
7 Moselle to Alameda.

8 A All right.

9 Q How long was that drive? How long did it take him
10 from start to finish?

11 A So, I would have to -- I'd have to look back. If
12 you're referring to the 9:06 times?

13 Q Yes, sir.

14 A It looks like 9:07 to 9:22, so about 15 minutes.

15 Q Do you need -- is it more like 16 minutes? Do you
16 need a pen and paper? 16 minutes?

17 A 16 minutes, sure.

18 Q Okay, and coming back, how long was it?

19 A 9:43 -- about 18 minutes.

20 Q 18 minutes?

21 A Uh-huh.

22 Q Okay.

23 A Approximately.

24 Q So, the top speed on the way back we saw was a little
25 faster, but it actually took a little longer to make the

1 return trip. Is that accurate?

2 A That's correct. And you are referring to the same
3 drive to Alameda and back.

4 Q Exactly, yes.

5 A Okay.

6 Q Are you aware that Senior Special Agent David Owen did
7 a test drive from Alameda to Moselle on January 3rd of this
8 year?

9 A That is correct. I was in the passenger seat of that.

10 Q And how long did that take?

11 A I would have to see the data. I don't remember.

12 Q You don't have that. You don't know if it was 17
13 minutes and 35 seconds?

14 A If I was presented with something, it could be, but I
15 do not have that number in front of me.

16 Q If it were that, it would be right in between those
17 two times that we just saw for Mr. Murdaugh going back and
18 forth, would it not?

19 A It could, but there was different variables at the
20 time.

21 Q It was during the day, wasn't it?

22 A It was. It was.

23 Q So on his way back, there's that little 80 mile an
24 hour spurt. How long did that go on?

25 A I'm unsure of that. It just -- the data point is

1 plotted. It doesn't give a -- it just gives you a
2 timestamp. It doesn't say for how long.

3 Q In your experience, I think you talked earlier that
4 you would respond to calls in a marked car with blue
5 lights.

6 A Not a marked car but unmarked car blue lights, yeah.

7 Q Okay. Is it extremely unusual for someone who is on a
8 straightaway on a rural road at night to give it some gas,
9 a little burst?

10 A A little bit of gas, but when, you know, it's 55 and
11 you have deer and other environmental factors that play in
12 it.

13 Q Yes, but it's not that unusual, is it, for someone to
14 give it a little gas on a straightaway on a rural road.

15 A It depends on what a little gas is.

16 Q But the overall speed that he went to get from where
17 he was going -- coming from to where he was going to, as
18 far as you know it's in line with the test drive that you
19 were in the passenger seat for?

20 A If that is correct what you mentioned, then yes.

21 Q So, right in between those two actually.

22 A Like I said, I don't have that test drive data in
23 front of me, but --

24 Q Well, let's move on then to when he drove past that
25 point where Maggie's cell phone was later recovered, and I

1 think that may start on Slide 23.

2 A 23?

3 MR. BARBER: Actually if you'll go back one slide.

4 (Break in proceedings.)

5 Q So, we're on Slide 22, sorry.

6 A 22? Okay.

7 Q So, he's going 37.2 miles an hour here.

8 A That's correct.

9 MR. BARBER: Next slide.

10 Q Now he's still approaching it at 42, so he's
11 accelerating gently. Is that fair?

12 A That's fair.

13 MR. BARBER: Next slide.

14 Q It looks like he is just past it going slightly faster
15 than he was on the previous slide. Is that correct?

16 A That's correct.

17 MR. BARBER: Next slide.

18 Q He's continuing to -- now he's a good bit down the
19 road there at 45, but is it fair to say he's continuing a
20 fairly gentle acceleration?

21 A I would say so, yes.

22 Q So, what we saw as he passed it, he did not slow down
23 and speed up as he went past that point. He continued his
24 same gentle acceleration.

25 A Per the data, yes.

1 Q And we won't go through it, but if we went down later
2 when it goes down to the bottom of the screen, it would
3 show that he slowed down slightly, corresponding when he
4 sent that text go to see M. Be right back. Is that
5 accurate?

6 A I believe so, yes.

7 Q Okay. We'll be done with that. I'm going to now just
8 skip with this data all of the way to when he approaches
9 the kennel coming from the house right before he calls 911.

10 A Okay.

11 Q The direction he is driving as he comes right up,
12 right before he parks, would he have his -- would he be
13 illuminating the bodies of Maggie and Paul?

14 A Per the aerial that I'm looking at -- I don't know if
15 you want to put on the screen so you can show, but per the
16 aerial, it would be coming around that curve and would
17 illuminate at least Maggie's body.

18 Q Would the illumination, is it going back towards that
19 space between the barn and kennels where Paul's body was
20 out?

21 A Like I said, this is just a data plot, you know --

22 Q But you could determine that, could you not, from just
23 the last two points because that would show you the
24 direction that the vehicle is pointed.

25 A It doesn't say the vehicle pointed in that direction.

1 It just says that's where the vehicle was at.

2 Q But if it moved from point A to point B, being a car,
3 it would have to be --

4 A Yeah, but where the final -- where it final rests, I
5 don't know which direction it's pointing.

6 Q But as it's moving.

7 A As it's moving, yes, you would think it would go that
8 direction.

9 Q Right. So, the headlights certainly on Maggie, it
10 would appear from the plot maybe on Paul as well. And does
11 he park --

12 MR. WATERS: Objection to counsel's statement.

13 Q Does he park near Maggie's body?

14 A I do not know where he parked the first time because
15 all we have is when the deputies arrived the second time.

16 Q On your plot.

17 A On the plot here.

18 Q When he comes the first time before the 911 call,
19 where does his vehicle stop in relation to Maggie's body?

20 A It stops before it.

21 Q Is it -- how close is it?

22 A I do not have a --

23 Q Can you give a descriptive? Is it very close? Was it
24 pretty much right there?

25 A I wouldn't say it's right on top of it, but it's --

1 Q Very close?

2 A -- it's in the area.

3 Q So as he's pulling up to the scene, he can certainly
4 see one, if not both, bodies on the ground, and he stops
5 right next to Maggie. Is that fair?

6 A I'm just looking at the data provided. I was not
7 there on scene. I don't know; I don't know what he saw.

8 Q But the data provided you the location of the car and
9 the location of the plot, correct?

10 A But I don't know what he would have saw or what the
11 car would have saw at that time.

12 Q You don't know what would be directly in front of his
13 car as it was moving from point to point to point?

14 A I was not out there.

15 Q You don't know what direction the car would be
16 pointing as it moves forward?

17 A We know which direction the car would be pointing, but
18 where -- what he saw, what the final resting place --

19 Q Well, forget what he saw. Is the car's headlights
20 pointing at the bodies as he's pulling up?

21 A I cannot give a definitive answer on that because I
22 was not there, and the data I have --

23 Q I'm asking from the data --

24 A The data does not say --

25 MR. WATERS: I would ask that the witness be allowed

1 to finish his answer.

2 THE COURT: You must give the witness an opportunity
3 to respond fully. You may proceed.

4 A There is no data that says that the headlights were
5 pointing at a specific direction or at a specific object,
6 so I cannot answer that.

7 Q When you say there's no data saying the headlights are
8 pointed in a specific direction, were they not pointed
9 along the line that would connect the last two data points
10 before the car stops and goes into park?

11 A For the drive, but it does not show -- I mean, it
12 could be at an angle. It's such a -- it's a little dot.
13 It does not show a vehicle and an exact position of it, so
14 I cannot answer that.

15 Q Right, and we're not talking about the dot. We're
16 talking about a line connecting two dots.

17 A Okay, but you were asking about the dot.

18 Q The car would be those -- that line, the headlines
19 would be pointed down the line, correct?

20 MR. WATERS: Objection. Asked and answered.

21 THE COURT: The objection is overruled.

22 A Ask your question again.

23 Q We're talking not about a point but about a line and
24 the car moving down a line. As it moves down that line
25 between two points, would its headlights not be pointed in

1 the same direction down that line?

2 A I would assume.

3 Q So he arrives at the scene, gets out, presumably he
4 goes into park, and then 20 seconds later first dials 911.
5 Is that your testimony?

6 A Yep.

7 Q So pulling up on the scene, bodies in his headlight,
8 presumably knows something is horribly wrong, gets out, 20
9 seconds to the first call to 911. Is that correct?

10 A That's correct.

11 Q Which was actually misdialed 9111 and he had to redial
12 it a second time, which was at 18 seconds, correct?

13 A That's correct.

14 Q So, he had 20 seconds. And I think there's maybe an
15 implication or -- that that's not enough time.

16 MR. WATERS: Objection to the form, Your Honor.

17 THE COURT: The objection is sustained to the comment
18 of counsel.

19 MR. BARBER: Sir, may I approach?

20 Q Is this timer set for 20 seconds?

21 A It is.

22 Q Okay. When I say so, would you please press the start
23 button?

24 A Okay.

25 Q Now.

1 (Break in proceedings.)

2 Q That was 20 seconds, would you agree?

3 A Per your phone, yes.

4 Q You don't dispute the phone's accuracy, do you?

5 A I do not.

6 Q If the person getting out of the car had seen the
7 bodies already and already knew something was horribly
8 wrong, do you believe that that is an unreasonably short
9 period of time to inspect and call 911?

10 A I am here to testify on this data, not a hypothetical.
11 I think you're asking the wrong person on that.

12 Q Fair enough. We'll move on. I'm going to turn to
13 your condensed timeline, which I think is State's Exhibit
14 519.

15 A Okay.

16 Q I'm going to ask you to turn to page 21.

17 A Okay.

18 Q And towards the bottom at 9:06 and 20 seconds, it says
19 Maggie Murdaugh's phone sideways orientation.

20 A That is correct.

21 Q Meaning that her phone at that time went to a sideways
22 orientation?

23 A So, between 9:06:12 and 9:06:20, from the phone
24 experts, it started at 9:06:12 and it ended at 9:06:20,
25 those two orientations.

1 Q I'll ask it this way. A second later, what would be
2 the orientation of her phone?

3 A From a second from what, the 20?

4 Q After that, yes, at 9:06:21.

5 A I do not know.

6 Q Well, then what does this entry mean if it doesn't
7 mean that it --

8 A There's nothing that says 9:06:21 on here.

9 Q Right. So, what happened at 9:06 and 20 seconds?

10 A It finished its orientation change to sideways.

11 Q What does that mean?

12 A So, it went from a portrait -- so, let me get -- so,
13 it went from portrait to sideways.

14 Q And until --

15 A In those between --

16 Q Go ahead. I'm sorry.

17 A Between 9:06:12 and 9:06:20, that is what it's showing
18 and that's why we have a little purple on the right hand
19 side to show that it's connected. It's all one big
20 sequence per our phone experts that had previously
21 testified.

22 Q So, it would remain in portrait until the next -- I'm
23 sorry, remaining in the landscape orientation until the
24 next change?

25 A I am unsure of that. I'm not a phone expert, so I am

1 unsure of that. I was given this data and this is how it
2 was related to me, and this is how I have put it in this
3 timeline.

4 Q Okay. So, if you were to go at that page 19, please.

5 A Okay.

6 Q In the very last entry there, Maggie Murdaugh's iPhone
7 vertical orientation.

8 A Uh-huh.

9 Q What does that mean?

10 A So, this was all given to me from different, you know,
11 data sources. So, how I read this is that the phone has
12 turned to a vertical orientation, so I guess --

13 Q Has turned to a vertical orientation. And --

14 A Because we have a sideways orientation, and then we
15 have a vertical orientation.

16 Q Just keep scanning down until you get to the next
17 orientation change for Maggie Murdaugh's phone, please.

18 A From Page 19?

19 Q Yes, sir. I'm just looking for the next orientation
20 change.

21 A I believe it's going to be that 9:06:12.

22 Q And what does that say?

23 A Implements orientation change to portrait.

24 Q But the previous change was to portrait, was it not?

25 A It says vertical orientation.

1 Q So, there's no intervening orientation change. It
2 just goes to portrait, then changes to portrait again?

3 A As I read the data, yes, that's correct. Like I said,
4 I'm not a phone expert. I was given these different pieces
5 to plot, and this is how they've been plotted.

6 Q When you're given these pieces to plot, do you ever
7 notice if things don't seem to make sense or don't match
8 with other data? Do you alert anyone?

9 A So, we have phone experts that review that. So, they
10 have reviewed the data, and I do not know if that's
11 something that they came across.

12 Q And you can't tell me what that last -- can you tell
13 me this? The last orientation change here on Page 21, is
14 that the last change on her phone until the extraction at
15 the SLED lab?

16 A I would have to go through and doublecheck. Would you
17 like me to do that?

18 Q You may.

19 (Break in proceedings.)

20 A You said orientation change, correct?

21 Q Yes, sir.

22 (Break in proceedings.)

23 A Per this condensed timeline, you are correct. That
24 would be the last orientation change that I see noted.

25 Q Meaning that's the last one until the phone was

1 recovered?

2 A I believe so.

3 Q Let me show you State's Exhibit --

4 A Now, the thing is this is just the timeline. So, it
5 could be in what's already in evidence from Lieutenant
6 Britt Dove, but in this timeline that is the only one
7 showing.

8 Q Okay.

9 A For orientation changes, we're really only concerned
10 for the day of.

11 Q Right.

12 A For this timeline.

13 Q I show you what's been previously admitted as Defense
14 Exhibit 38.

15 MR. BARBER: And go to the last page, please.

16 (Break in proceedings.)

17 Q This was previously admitted into evidence during the
18 examination of Lieutenant Dove. It's a complete list of
19 every orientation change recorded on her phone as of the
20 extract. Is the last one listed, the very last one, the
21 9:06 orientation change?

22 A The 9:06:22 on the bottom?

23 Q Yes, sir.

24 A That is correct. The 9:06, yep, the far bottom
25 column.

1 Q Yes.

2 MR. BARBER: Can we show State's Exhibit 278?

3 Q This was also admitted in examination. This is a
4 photo taken in the SLED lab before extract, actually five
5 days before extract. This phone is in portrait mode, is it
6 not?

7 A The way I read it, yes, that is portrait mode.

8 Q So that very last orientation change we saw was to
9 portrait mode because there are no subsequent orientation
10 changes.

11 A I would assume so, yes.

12 Q And not landscape as this says on this.

13 A The thing is, before this picture was taken, you have
14 to remind yourself that, you know, SLED got the phone and
15 then -- this photo was taken at a lab.

16 Q Yes.

17 A So, I don't know. I don't know what happened. People
18 have -- you know, it's been moving around and manipulated.
19 I don't --

20 Q But we just looked at a complete list of all of the
21 orientation changes, did we not? It wasn't time limited to
22 a particular day. It's everything on the phone.

23 A Like I said, I did not produce that document. So, I'm
24 going to have to go on your word on that.

25 Q Let me ask this before we kind of move on from this.

1 It's been stated a few times in testimony, and I think you
2 did as well, that you don't get an orientation recorded
3 when the screen is off. Is that correct?

4 A That is my understanding from previous testimony.

5 Q Okay. So, my screen is off. If I turn it, like, to
6 get an orientation change and it's off, if I just stand
7 here for awhile, however long, an hour, and without moving
8 the phone turn the screen on, will there be an orientation
9 change?

10 A That's a technical question for an expert that we had
11 up here yesterday. That -- I am not an expert and I am not
12 a phone expert, so --

13 Q So, where I'm going with that is simply you don't know
14 yourself in preparing this timeline whether the orientation
15 changes that you're putting on here correspond with
16 movement of the phone at that moment?

17 A I do not. I'm going off of data I was given from the
18 phone experts that gave me the data and has been put on
19 this timeline.

20 Q I'm going to now to the timeline and really focus on
21 the timeline for Maggie Murdaugh. And I'm going to skip,
22 you know, kind of close to the time that we're --

23 A Are you still on the condensed or the --

24 Q I'm going to be on the condensed the entire time.

25 A Okay.

1 Q I'm not going to refer to the other one.

2 A Okay.

3 Q And I want to start on Page 17 with that group text
4 that Maggie Murdaugh read that came in at 8:31 but she read
5 it at 8:49:26.

6 A Okay.

7 Q And I guess the actual reading of that would be on
8 page 19 for your reference. We'll start there.

9 A On page 19, you say?

10 Q Yes.

11 A Okay.

12 Q You have some screen off times here, but you didn't
13 put every time the screen went on and off, did you?

14 A I don't recall. I would have to look at what was
15 given.

16 Q So, you don't know if the screen, her screen went off
17 at 8:49:28, came back on --

18 A Everything should be on this document.

19 Q Okay. Did her screen go off at 8:49:28 and come back
20 on at 8:53:08?

21 A I have a screen on at 8:49:20.

22 Q And when did it go off?

23 A I do not see it on here.

24 Q Well, let me ask it this way. Do you know whether the
25 screen went off at 8:49:28 and came back on at 8:53:08?

1 A I do not unless I have it on here.

2 Q Okay, and then she has steps that begin at 8:53:15.

3 Is that correct?

4 A For this document, yes.

5 Q When you were looking at the step data, did you look
6 it the corresponding distance data that that goes to the
7 step data?

8 A I was just provided the timestamp and then the steps.

9 Q Are you aware that the phone in the same database
10 keeps distance data with the step data?

11 A I have been made aware of that.

12 Q But you have not looked any of that distance data.

13 A No. I was told it's not accurate, it's not reliable,
14 the distance. So, you know, I did not focus in on that.

15 Q So, would you think that it is possibly -- well, just
16 as an investigator, on your spreadsheet -- I won't bother
17 to put it up -- but you had a bunch of time periods where
18 Alex had steps, different times.

19 A Uh-huh.

20 Q Do you think there would be any relevance to whether
21 the number of feet per step and all of those different
22 increments was extremely consistent?

23 A You say is there any relevance to it?

24 Q Would it maybe suggest the same person was walking?

25 MR. WATERS: Objection, Your Honor.

1 THE COURT: The objection is overruled.

2 A I would have to -- I didn't do the feet per step, so I
3 would have to see the data.

4 Q And I understand that. The question is would there be
5 any relevance to an investigation to seeing that the feet
6 per step were extremely consistent for disparate time
7 periods for the same phone?

8 A Like I said, this was just a tool that we used. It
9 could be. It was not explored.

10 Q And if this time period, 8:53 with Maggie Murdaugh's
11 steps to 8:55:32, if the distance covered in that time were
12 short, meaning she was moving particularly slowly, would
13 that have any relevance?

14 A It depends. But that distance is -- we're told is
15 highly inaccurate, and everything is in an estimate. So,
16 even the steps that -- we're told by the phone expert
17 that's an estimate and it's not an exact number. The same
18 I would assume for the distance.

19 Q So, you don't think -- I mean, you did not check to
20 see if the speed -- the speed at which Maggie Murdaugh was
21 moving on that very last increment, the last time the phone
22 says she was ever walking, there is no how fast was she
23 going? Is she running? Is she creeping? No one looked at
24 that?

25 MR. WATERS: Objection. Facts not in evidence.

1 THE COURT: The objection is overruled.

2 A I did not look at that, no. I cannot say for anyone
3 else.

4 Q And the same question for Alex Murdaugh. Did anyone
5 look for -- I think you have, you know, over eight of these
6 increments listed out -- whether he was going particularly
7 fast, unusually fast for him? Unusually slow for him? The
8 same speed he always goes? Did anyone look at that?

9 A All we have here is the data that is on that sheet.

10 Q And you do have these steps per minute, but do you
11 have any data suggesting that within -- and I'll pick one
12 just to make the question simpler. Alex Murdaugh's
13 first -- well, I'll pick an even easier one, entry number
14 30.

15 A Okay.

16 Q Which is when he's at Almeda and then part of when
17 he's leaving Almeda. Is that correct?

18 A That is correct by the base, by the time.

19 Q And it says 60 steps over almost just a little short
20 of 10 minutes?

21 A I believe so, yep.

22 Q So, of course, it's 6, slightly more than 6 steps per
23 minute, which would be a step every 10 seconds. So, this
24 time period is not saying that he's going that many steps
25 per minute, right? It's saying he walked, and then he

1 didn't walk, and he walked. Is that fair?

2 A It was just giving us an analysis -- a general
3 overview of, you know, our estimated steps that it gives
4 us, and then estimated steps per minute. That all --
5 that's it is, is just a general --

6 Q Well, I'll just ask open ended. Why is this last
7 column steps per minute here, why are you presenting this?

8 A It's just another way to present the data.

9 Q So, turn back to -- I think we're on page 19.

10 A Okay.

11 Q Maggie Murdaugh's phone is walking. Now, we had from
12 previous testimony an activation of the Siri user interface
13 with the side button. Do you recall that from previous
14 testimony?

15 A I do not, but it could have been.

16 Q Okay. You don't recall previous testimony about that.

17 MR. BARBER: Can we bring up Defense Exhibit 41?

18 Q And there's a begin and end. It's all on the same
19 there on the bottom couple of rows. You can see 8:53:20.

20 A Uh-huh.

21 Q I don't know if this refreshes or if you recall.

22 Perhaps you know from experience that the Siri interface
23 can be activated by squeezing and holding the right button
24 on the phone. Do you know that?

25 A I believe so if you have it, you know, activated to do

1 that.

2 Q So, the phone is walking. It's in somebody's hand.
3 Now, this is something that's not in your timeline, but
4 again was certainly discussed with Lieutenant Dove. At
5 8:54:32 the screen comes on, and a couple of seconds later
6 there's a camera access. Do you recall that?

7 A I do.

8 Q Okay, and that's not on your timeline?

9 A It's not.

10 Q Okay. Now, we had -- that came up in testimony with
11 both experts, and I believe -- do you recall Lieutenant
12 Dove said he had not -- that it was possible to find out
13 what caused that but that he had not himself looked to see?

14 A That's correct.

15 Q And I believe Investigator Grubb said he did not know
16 why. Is that correct?

17 A I believe so.

18 Q But it's knowable according to the previous testimony?

19 A That's correct.

20 Q But no one has checked to see.

21 A To my knowledge, no.

22 Q Then after that, there's some orientation changes, and
23 then finally the screen goes off, I believe, for an
24 extended -- more extended period of time at 8:55:36.

25 A Uh-huh.

1 Q Is that correct?

2 A That is correct.

3 Q Now, after this period there's nothing else that
4 happens with her phone other than missed calls and texts
5 except that final orientation change. Is that accurate?

6 A That is accurate.

7 Q Now, does that fact that we aren't seeing anything
8 after 8:55:36, does that mean that she was dead at 8:55:36?

9 A Like I said, this is just data that I plotted.

10 Q So, the answer is no?

11 A I don't know that answer.

12 Q It does not mean that?

13 A I have to go by the data here and there's no activity.

14 Q Right.

15 A You can take that however you want, but there's no
16 activity.

17 Q I mean, is it fair -- and this isn't trying to be
18 tricky. If use of the phone ceases as time goes on, it's
19 more and more likely there's something amiss, right? The
20 first second --

21 A Time goes on.

22 Q -- no one is using the phone is normal. I mean,
23 someone might easily go -- even Paul might go 5 minutes
24 without using his phone, but as you keep going on, it gets
25 a little more likely something is going wrong, right? Is

1 that fair?

2 A I would say so. But you have --

3 Q It's not an immediate thing that --

4 MR. WATERS: Your Honor, I would request that the
5 witness be able to finish the answer he started.

6 MR. BARBER: I apologize, Your Honor. I honestly
7 thought he had finished.

8 A Go ahead.

9 Q So, it wouldn't be fair to say that if the last usage
10 was at some particular second, that the person was dead
11 that second, right? It would create an inference that
12 would increase in strength over time that if no one is
13 using the phone, something is wrong, right?

14 A I can't answer that. I mean, I don't have the
15 knowledge on that.

16 Q Do you recall in previous testimony that Special Agent
17 Owen said with regard to Almeda and I think a blue rain
18 coat that it would take, in his estimation, 5 to 10 minutes
19 to dispose of evidence wrapped -- already wrapped up from
20 this? Do you recall that?

21 A I do recall.

22 Q So to be consistent with the data you have here --
23 well, let me ask you this. How long with the test drives
24 was the drive from the kennels to the main house?

25 A I know we did various ones. I'd have to look at the

1 data. We did it at various speeds. It was very short.

2 Q Maybe 15 seconds?

3 A That would be a lot I would say.

4 Q So -- and we know that Alex's phone is at the house,
5 right, from -- it got left at the house. That's -- it's
6 not going anywhere since it was up at the house with the
7 family.

8 A I just show no activity on it.

9 Q Right.

10 A You can assume he was at the house.

11 Q But it starts showing activity again at 9:02 and 18
12 seconds. That's when the steps start.

13 A That's correct, 283 steps.

14 Q So from that 8:55:36 to 9:02, with some seconds to get
15 up to that house, you would have, like, 5 minutes, if it
16 were him, to do everything, and get back to the house -- in
17 his house to the phone? 5 minutes?

18 A I think -- I think you're missing that the phone was
19 actually locked at 8:49 for Maggie's phone. So the 8:55:36
20 is just when the backlight is off, but her phone locks
21 forever at 8:49.

22 Q But it's moving around, right, at 8:53. You didn't
23 look at the speed at which it's moving but that could tell
24 us something. There's a Siri activation --

25 MR. WATERS: Object to counsel's statement.

1 MR. BARBER: I'm just asking my question, Your Honor.

2 THE COURT: What's the question?

3 Q Her phone is moving around starting at 8:53. There is
4 a Siri activation near the start of that time, and then
5 there's a camera activation during this time and some
6 orientation changes, and then it goes off. Is that all
7 correct?

8 A That is correct.

9 Q And you don't know how fast the phone was moving
10 during that period but that is known, just no one has
11 looked. Is that correct?

12 A So, everything is in estimation with the phone. It
13 does not track your exact, you know, speed or distance or
14 steps. It's all estimated so an exact number is unknown.

15 Q And you have, I assume, from your testimony, you don't
16 know why someone would take Maggie's phone but not Paul's
17 phone.

18 A I would not know. I mean, I'm not there --

19 Q I mean, given your job as a SLED agent, I mean, would
20 the fact that the camera was -- that the phone was somewhat
21 -- in someone's hand and there was an attempt to take a
22 picture, would that be an inference you can draw as to --

23 A You never said they --

24 Q -- how that phone was taken?

25 A -- attempted to take a picture from what I heard. But

1 you would have to ask a technical expert on exactly what
2 that camera function was for.

3 Q Well, you see, the thing is the technical experts,
4 they're not going to say either, are they? It's -- some
5 investigator is going to have to make some inferences from
6 the data. And the question is, is it a fair inference that
7 if the camera is in somebody's hand and they're trying to
8 take a picture, that that might be why the killer is taking
9 that phone and not the phone that's in somebody's pocket?

10 A So, the way I --

11 MR. WATERS: Objection, Your Honor.

12 THE COURT: The basis for the objection?

13 MR. WATERS: Argumentative.

14 THE COURT: The response to -- by the -- any response?

15 MR. BARBER: Your Honor, I'm asking the
16 investigator --

17 THE COURT: I know what you're asking him. The
18 response to the objection. The objection is argumentative.

19 MR. BARBER: Your Honor, I do not believe it's
20 argumentative. I'm asking if an inference would be fair.

21 THE COURT: I overrule the objection.

22 A So, the inference I'm looking at is that the camera
23 was trying to identify a face to unlock, which it did not,
24 so that is an inference that I would look at instead of
25 taking a photo, from a lay person's perspective.

1 Q Right. Except that's not an inference an investigator
2 would make, correct? A technical expert would go and see
3 what triggered the camera activation and tell that to an
4 investigator, correct?

5 A I was not -- I am not the technical person.

6 Q And I think we covered in some previous questioning
7 that your testimony has been that that's knowable but no
8 one has checked. I'm going to kind of switch over to Paul.
9 And just to start of summarize everything up, there doesn't
10 seem to be any missed activity until the unread text
11 message from Rogan at 8:45 -- I'm sorry, 8:49:35. Is that
12 correct?

13 A That is correct.

14 Q And is it correct that his screen does not ever come
15 on again until after the 911 call?

16 A His screen coming on?

17 Q Yes, sir.

18 A I believe it dies shortly after at, like, 10:30
19 something, like 10:36.

20 Q And I'm aware of the screen coming on after the 911
21 call, but I'm asking did it come on at any time between
22 this text from Rogan and those 10 -- after 10:00 times?

23 A Let me just doublecheck.

24 (Break in proceedings.)

25 A I show a display screen on at 10:20:08.

1 Q Okay. So, the answer is no?

2 A It does turn on. That's what you asked, correct?

3 Q Oh. I'm sorry. I was asking if it turns on before
4 the 911 call.

5 A Before the 911 call. For the whole day?

6 Q Well, it would be about an hour and 10 minutes, but --

7 A I'm not seeing a screen on before the 911 call in that
8 9 to --

9 Q So incoming text messages or calls, if they were
10 received, did not cause the screen to come on.

11 A That is correct.

12 Q Is it possible -- and I understand this may be a
13 question for a technical person, but is it possible that
14 that's because the battery was at 2 percent?

15 A Like I said, I would not know that answer.

16 Q Did anyone ask, hey, why isn't the screen coming on on
17 these notifications?

18 A Unfortunately I think it's hard to tell, you know,
19 with experts, but that would be my assumption that it would
20 be the low battery, trying to conserve the battery because
21 you don't want -- the light takes so much power. So, I
22 would assume that would be the answer.

23 Q So, after whatever happened after 8:49, his phone is
24 not prompting him. It's not lighting up when things come
25 in.

1 A I don't know if it's vibrating or whatnot, but
2 according to the data here, it is -- it's not lighting up.

3 Q Now, I think the previous testimony was that whoever,
4 if anyone, saw his screen -- lock screen before the phone
5 went dead, you know, after the 911 call would have seen the
6 yo text. Is that correct?

7 A I believe so, yes.

8 Q They would have also seen this 8:49 text, right?

9 A The 8:49 --

10 Q 35.

11 A 35.

12 Q Or at least a notification that there were multiple
13 texts, correct?

14 A I would assume so, that's correct.

15 Q And there were at least four incoming calls from Rogan
16 between 9 and -- 9:10 and 10:08. Is that correct?

17 A I'm going to go off your account. That's correct.

18 Q 9:10 and 28 seconds, 9:42 and 17 seconds. I think
19 there's one at 9:57.

20 A Okay.

21 Q One at 10:08.

22 A Correct.

23 Q The one at 10:08, that would be during the 911 call,
24 right?

25 A That is correct.

1 Q And that would be before -- during the 911 call before
2 Alex leaves, Alex Murdaugh leaves the scene to go up to the
3 house and come back.

4 A Based on the data, that's correct.

5 Q We don't know where the screen came on those two
6 times, do we, at 9-0 10 and 18, and then 9-0 -- I'm sorry,
7 10:18, and then 10:20?

8 A We do not.

9 Q Do you know how long the screen stayed on those times?

10 A I do not know that.

11 Q You don't know if it was 12 seconds? Okay. At the
12 second one of those, the 10:20:08 screen on, doesn't the --
13 Alex Murdaugh's phone indicate he's walking at that time?

14 A So, at -- you know, we have a start time and an end
15 time. It doesn't mean he was walking during the whole
16 time, but that is what the phone --

17 Q Well, is this the start -- I'm sorry, let me just ask
18 this. Is this the --

19 MR. WATERS: Your Honor, I would ask that he be able
20 to finish his answer.

21 MR. BARBER: Your Honor, it was just a clarification.

22 THE COURT: So, the witness starts talking and then
23 you start talking. I don't know whose talking. Were you
24 talking?

25 THE WITNESS: Yes.

1 THE COURT: Go ahead.

2 A So, the phone parses the data and it gives you a start
3 time and an end time. It doesn't mean they're walking
4 during that whole time. It just takes a start time, an end
5 time, and gives you that data. So, to say that someone is
6 walking during the whole time would be, you know,
7 unreasonable.

8 Q After the 911 call, was Rogan the first person Alex
9 Murdaugh called?

10 A After the 911 call?

11 Q Yes, sir.

12 A The call was at 10:06:14. You said Alex called?

13 Q Yeah. The first person he called after hanging up
14 with 911, was it Rogan?

15 A I have it 10:17:46 he calls Randy Murdaugh.

16 Q And that's his brother, correct?

17 A That's correct.

18 Q Who was the second person who called?

19 A He iMessages Randy, and then calls Randy Murdaugh
20 again, and then John Marvin.

21 Q John Marvin is another brother, correct?

22 A Yeah, at 10:19.

23 Q And then the third time -- person he calls is Rogan.
24 Is that correct?

25 A At that time, yes.

1 Q And is that about 2 minutes and 30 seconds after that
2 first screen on time?

3 A That's correct.

4 Q So not immediate, not the first person.

5 A I think you're referring to the -- I think you're
6 referring to that question that was previously during the
7 911 call. This is all after the 911 call.

8 Q Right. The question is it's about 2 and a half
9 minutes after Paul's phone screen comes on that there's a
10 call to Rogan, and it's the third person that Alex Murdaugh
11 calls. Is that correct?

12 A That was at 9:08. Wasn't the screen on?

13 Q No, 10:18 and 53 seconds.

14 A That would be correct.

15 Q Okay. So, I think we went over that anyone who was
16 looking at -- could see what was on Paul's screen would see
17 multiple missed messages, calls from Rogan right on the
18 screen.

19 A I would assume.

20 Q Even a call coming in during the 911 call.

21 A I would assume, but --

22 Q Okay. So as an investigator, do you think it would be
23 terribly unreasonable that after calling other family
24 members, someone would call the person who is the best
25 friend of the dead son who had multiple missed messages and

1 calls, and even a call coming in during the 911 call, is
2 calling that person and asked what happened, what's going
3 on, is that to you, as an investigator, an unreasonable
4 thing to do after calling other family members?

5 A I would -- as an investigator, I think that would be
6 very odd given the scene and the whole situation that
7 you're on the phone constantly, yes.

8 Q That you're standing there next to your dead son,
9 whose phone is ringing from someone --

10 A Yep.

11 Q -- and you call that person after calling other
12 people, that would be unreasonable?

13 A Yes, because I am standing over my son and wife, and
14 just witnessing that for the first time, I would think that
15 would be -- to have someone on their phone constantly like
16 that right after, given the scene and the situation, yes,
17 as an investigator I would think that is very odd.

18 Q It wouldn't be someone trying to find out what
19 happened?

20 A At that moment, that would be the last thing that
21 would probably come through my mind as an investigator
22 looking at the scene is trying to figure out what happened
23 minutes after I discover it. I would be in a state of
24 shock if that was me personally.

25 Q And speaking of a state of shock, I think you have in

1 the timeline later on he reads some spam text message
2 about -- I think there's a picture of a woman in a bikini.

3 A I wouldn't call it a spam text message. It's from
4 Michael Gunn, who would be one of his friends.

5 Q A group text.

6 A A group text, yeah.

7 Q And then he googles the name of a restaurant in Edisto
8 Beach. Is that correct?

9 A That is what comes up on his phone extraction.

10 Q Doesn't he also call a videographer he hadn't spoken
11 to in years?

12 A Can you give me a page number to refer to?

13 Q Yes. Page 42. Brian White, last entry.

14 A That's what the data shows.

15 Q So, he would seem to be in a state of shock. None of
16 that makes any sense, does it? You're not going to google
17 the name of a restaurant after you find your son murdered.

18 A I'm not Alex Murdaugh. I don't know what he was
19 thinking at that moment. I probably wouldn't be on my
20 phone.

21 Q Really? You wouldn't be calling family?

22 A Might be calling family, but I wouldn't be --

23 Q The testimony was --

24 A -- googling stuff.

25 Q -- that Rogan was his family --

1 THE COURT: Just a moment. You ask a question. If
2 you want him to answer it, you have to give him an
3 opportunity to answer the question. Proceed.

4 A I would not be googling and doing other things with my
5 phone, no.

6 Q You don't -- do you think -- do you believe he was
7 googling a restaurant, or do you think he was fat-fingering
8 the phone because he was in shock?

9 A I have to go off of the data, and that's what the data
10 shows.

11 Q And you believe that calling family and calling
12 someone that the prior testimony was, was like another son
13 is unreasonable given the circumstances?

14 A I would say so, yes. Given the fact that you just
15 arrived to the scene, yes.

16 Q And having just arrived back to the scene, had
17 actually been there at that point 15 or 20 or 25 minutes,
18 correct?

19 A That's correct. I would be doing anything I could to
20 help my loved ones.

21 Q Now, kind of turning back to Maggie's phone, her
22 screen was on at 9:06 and 12 seconds, right, that last
23 rotation change?

24 A Let me flip back to it. You said her screen was on?

25 Q Yes.

1 A Yeah. Her phone was locked but her screen -- yeah.
2 For the orientation from previous testimony, the screen had
3 to be on for it to log the orientation changes.

4 Q So, there was some movement of the phone between 9:06
5 and 12 seconds and 9:06 and 20 seconds?

6 A That would be my understanding given the previous
7 testimony, correct.

8 Q And in this period, 9:02 to 9:06 and 47 seconds, Alex
9 Murdaugh is walking, I think, 283 steps in that time
10 period?

11 A In that timestamp period, correct.

12 Q Yeah. But her phone is not. No one is walking with
13 her phone, correct?

14 A The phone is not logging any kind of steps. I don't
15 know if someone is walking with it, but it's not logging
16 steps at that time.

17 Q But at that time, Alex Murdaugh's is logging steps.

18 A His phone was logging from 9:02:18 to 9:06:47. I
19 believe her last log was in the 8:00 -- yeah, the 8:53 to
20 8:55.

21 Q And at 9:06 and 14 or 15 seconds, Alex Murdaugh calls
22 her phone, correct?

23 A That's correct.

24 Q So he calls her phone while walking, or in a period in
25 which his steps are being recorded by the phone, to be

1 specific.

2 A There's a begin time and an end. He could have
3 stopped walking a couple of seconds, a couple of minutes
4 into it. It doesn't give us that precise data from these
5 phone extractions.

6 Q And that time period that he stops walking is 9:06 and
7 47 seconds, correct? And the car, the Chevy Suburban,
8 starts a second later after that, right?

9 A From the data, correct.

10 Q So, it's a fair inference that his -- ends that by
11 walking to the car, getting in, and turning it on.

12 A I'm not sure exactly when he got in the car or how
13 long he was sitting in the car before, but this is what the
14 timestamps show, and this is what the vehicle start time
15 shows and the end time for the steps.

16 Q Yeah. So, his phone is stepping walking while he
17 calls Maggie's phone, which is moving but not stepping with
18 him. Is that what the data shows?

19 A That's your inference on the data, but --

20 Q Well, I mean, breaking it down, his phone is in a
21 period of steps, correct?

22 A Unknown when there is steps during that period.

23 Q His phone is in this time period of steps, correct?

24 A Correct.

25 Q Her phone is not in any period of steps, correct?

1 A Correct.

2 Q Her phone in this time period where the phone call is
3 coming in, 9:06:12 seconds or 20 seconds, there's some
4 motion because there is an orientation change, correct?

5 A That's correct.

6 Q And he's calling the phone during this period that his
7 phone is in steps right? At that moment, right?

8 A I cannot say that he's actually in steps at 9:06:12.

9 Q Yes, and you've said it. But he's -- his phone says
10 there's this period that he's walking, and in that period
11 within -- between the start and end times he's calling her
12 phone.

13 A That is correct. But you can see during the 911 call,
14 too, that there's -- I mean, times where someone could be
15 stopped, someone could be walking. So, we don't know if he
16 stopped at 9:05:15, then the orientation changes and he's
17 right at the car. I don't know that.

18 Q Do we know -- do we have any evidence that her phone
19 and his phone ever moved together? Not speculation, but
20 evidence showing that they're moving together, same person
21 moving at the same time with both phones?

22 A Moving together like physically moving, or functioning
23 in, like --

24 Q Yes, that they're both moving -- the same person is
25 carrying both phones. They're moving at the same time --

1 A I would argue that between 9:06:12 and 9:20 that the
2 same person had both phones.

3 Q Because there's an orientation change and no steps on
4 this phone and steps on this phone?

5 A You have an orientation change starting while someone
6 is calling looking at the phone during that time period.

7 Q And would it perhaps be reasonable that someone has
8 that phone and an incoming call comes in, the screen says
9 Alex Murdaugh, and it gets tossed out a window? Is that
10 another fair possible explanation?

11 A That could be your explanation.

12 Q Why would that explanation be less fair than what you
13 just said based on the data?

14 A It's how you interpret the data.

15 Q On the drive to Alameda and back, did Alex take any
16 detours from the expected route?

17 A Not that I can see. The route matched up with his
18 interviews.

19 Q And in your timeline, we occasionally see these, I
20 guess, infotainment systems coming on but nothing else
21 happening. The prior testimony was that even the FBI agent
22 engineer doesn't know why that is. Is that accurate?

23 A That's accurate. He said it could be, you know, you
24 get close to the vehicle, sometimes it -- with newer GM
25 vehicles you get close to it and you can kind of hear a

1 little buzzing noise. It's almost like the system is
2 booting up. That's how he described it to me. It could be
3 the key fob being close, it could be the car unlocking,
4 locking, the door opening. They don't know what actually
5 caused it, but it's just booting up and running in the
6 background.

7 Q When you were looking at the -- sort of going in and
8 out of park data, did you look at the data for other days
9 than June 7th?

10 A I did not.

11 Q So, you wouldn't know whether on other days there are
12 periods in which it seems to go in and out of park
13 repeatedly in a short period of time?

14 A I would not.

15 Q You wouldn't know if that happened on 6/4 or 6/5 or
16 also 6/6?

17 A I would not, no. I was focusing on June 7th of 2021.

18 Q Would looking at those other days and seeing the same
19 things happen inform your interpretation of it, seeing it
20 going in and out of park on 6/7?

21 A I was just looking on the day of the murders.

22 Q I mean, if it did that every single day, would it seem
23 unusual to also do it on 6/7?

24 A That would be a question for Mr. Falkofske, who
25 actually looks at that data as a professional.

1 Q Would it?

2 A It would.

3 Q He's going to make inferences about behavior based on
4 the data, or is he just going to say what the data is?

5 A He could say what the data is, but I wouldn't know an
6 inference. I don't know someone's driving pattern and how
7 they shift and -- how would I know that?

8 Q And he would?

9 A But how would I know that?

10 Q Well, the question really is if it happens every day,
11 is there anything unusual about it happening on 6/7?

12 A A period of the day is not every day. You would have
13 to look at a -- I would assume a wide range of days to
14 get --

15 Q How many?

16 A I don't know.

17 Q If it happened every day from the preceding three
18 days, would that be enough?

19 A Every day is a new day. I would not -- you know,
20 something could happen different on a different day. I
21 mean, I don't know how you could compare that data. You go
22 different places; you do different things. Different
23 things happen during drives. I don't think you could
24 accurately show that.

25 Q You were -- you were shown towards the end some text

1 messages, and one of them seemed to make a reference
2 regarding possible drug use. Do you remember that?

3 A I do.

4 Q And that was dated May 6th?

5 A You have it -- do you have the copy pulled out? Are
6 you referring to the text from Paul --

7 Q Yes, I am.

8 A -- to Alex? Okay. I have May 6, 2021, at 10:52.

9 Q And then there was some Google searches by Maggie
10 Murdaugh.

11 A That is correct.

12 Q Are you aware of a text from Alex regarding pills to
13 Maggie on May 7th?

14 A I would have to see the text.

15 Q I show you what's been marked as Defendant's 138,
16 which I believe --

17 A I am very sorry that I do this all to you. I love
18 you.

19 MR. WATERS: No objection to the exhibit, Your Honor.

20 MR. BARBER: Your Honor, I would offer what's been
21 marked as Defendant's 138 into evidence.

22 THE COURT: It's admitted.

23 (TEXT MESSAGE MARKED AS DEFENDANT'S EXHIBIT NUMBER 138
24 WAS RECEIVED INTO EVIDENCE.)

25 MR. BARBER: Can I have the ELMO?

1 (Break in proceedings.)

2 Q So, this was Mr. Murdaugh's response to the -- being
3 confronted about the pills that you previously read.

4 A I can only assume this is from Alex to Maggie. The
5 text message I read was from Paul to Alex.

6 Q So, his family was aware of his drug issues, correct,
7 from the text?

8 A I would assume from the text.

9 Q And he was aware that they were aware, correct?

10 A Correct.

11 Q And they appear to be loving and supporting him.

12 A Well, this is Alex to Maggie. If you read other text
13 messages, she never responds to this that day from what I
14 saw, so I don't know. Unless you have what she sent back
15 -- we can't ask them. I don't know if they were loving and
16 supporting of it. This is from Alex to Maggie.

17 Q I'm sure we will have an opportunity to see further
18 text messages.

19 MR. BARBER: Beg the Court's indulgence.

20 (Break in proceedings.)

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

22 THE COURT: Redirect.

23 MR. WATERS: May it please the Court?

24 Do we have the computer up?

25 THE COURT: Ladies and gentlemen, I'll have you go to

1 the jury room for a short break.

2 (The jury left the courtroom.)

3 THE COURT: We will be in recess for 5 minutes.

4 (A break was taken.)

5 THE COURT: You may bring the jury.

6 (The jury returned to the courtroom.)

7 THE BAILIFF: The jury is present, sir.

8 THE COURT: Thank you.

9 You may proceed.

10 MR. WATERS: May it please the Court?

11 REDIRECT EXAMINATION

12 BY MR. WATERS:

13 Q Special Agent Rudofski, just a couple of matters. I
14 have up on the screen, this is from your CAST slides from
15 the defendant's trip coming back from Almeda. Is that
16 right?

17 A That is correct.

18 Q And going to this next slide, did the -- and this is
19 the trip. What's max speed that the defendant hit on his
20 trip from Almeda back to Moselle approximately?

21 A I believe it was around 70 -- I'm sorry, the trip back
22 to Moselle, that would have been around 80.

23 Q 80?

24 A Yep. The previous one was around 70.

25 Q Did the data, while he was still at Almeda, did it

1 reflect a -- that the vehicle paused for a period of time
2 in the driveway before continuing?

3 A It did.

4 Q And would that pause affect that average speed that
5 you calculated?

6 A It would.

7 Q And that time.

8 A It would.

9 Q I want to go to page 22 of your condensed timeline.

10 A Okay.

11 Q And up at the top, tell the jury what time period the
12 data reflects that Maggie Murdaugh's backlight was off.

13 A It shows from 9:07 p.m. to 9:31:44 p.m.

14 Q And during the entirety of that time period, does the
15 data reflect that her phone was also locked?

16 A It does.

17 Q If you could turn to page 18 -- page 19, my apologies.

18 A Okay.

19 Q From 8:53 to 8:55, what does the data reflect? Any
20 steps logged on Maggie's phone?

21 A The data reflects Maggie Murdaugh's iPhone shows 59
22 steps logged.

23 Q Can the data tell who was holding that phone during
24 that time period?

25 A It does not, no.

1 Q If you could turn to page 39, please. At 10:20:08,
2 what happens, if anything, with Paul's phone?

3 A Paul's iPhone, it shows display on, screen auto lock.

4 Q Screen auto lock?

5 A That is correct.

6 Q And what is your understanding again of auto lock?

7 A My understanding of auto lock, so the phone is already
8 locked but it's just an automatic feature that when the
9 screen turns on, it auto locks. It just logs in as auto
10 locks even though it's already locked.

11 Q Would that be from not recognizing the face?

12 A Either a face or, you know, pushing the button on the
13 side, yeah.

14 Q What's in the next entry on your timeline after that
15 screen on auto lock on Paul's phone at 10:20:08?

16 A After --

17 Q The very next entry at 10:21:25?

18 A Alex calls Rogan. So, at 10:20:08 we have that screen
19 lock auto on, and at 10:21:25 Alex calls Rogan Gibson.

20 Q And in preparing this timeline here today for the jury
21 and for this investigation, what was your specific job with
22 that timeline?

23 A Specific job was just to take all of the data that we
24 collected throughout this whole investigation and put it in
25 one concise document.

1 Q Synthesize it together on one timeline.

2 A That is correct.

3 Q From multiple sources.

4 A From multiple sources.

5 Q Provided to you by experts.

6 A That is correct.

7 MR. WATERS: Thank you, Investigator Rudofski.

8 THE COURT: Anything further?

9 MR. BARBER: Briefly, Your Honor.

10 THE COURT: Yes, sir.

11 RECROSS-EXAMINATION

12 BY MR. BARBER:

13 Q I think there was some -- a question was asked about
14 peak speeds to and from Moselle.

15 A Uh-huh.

16 Q Did you look to see if he passed anyone on the way
17 there or back?

18 A What do you mean passed anyone? Like a vehicle?

19 Q Yes. That his car passed another vehicle on a two
20 lane road?

21 A I don't know how I would be able to tell that with
22 this data.

23 Q So, you don't know if a very fast peak speed was
24 simply gunning it to pass another car?

25 A I do not. But that late night hour, I would think

1 that would be -- with, you know, the area, not a lot of
2 people out.

3 Q I mean, that's just total speculation. You don't know
4 if there was another car --

5 A Just like yours is total speculation --

6 Q Right.

7 A -- when you pass someone.

8 Q You don't know.

9 A That would be correct, yeah, I do not know.

10 Q You don't know if there were any other cars out there
11 to pass. You don't know if he passing another car. You
12 just don't know, do you?

13 A I do not, just like with your first question.

14 Q And you also don't know why Paul's phone, the screen
15 came on those two times at 10:18 or 10:20, do you?

16 A I do not physically, no.

17 Q That second time that the phone came on was at that
18 moment Alex was actually on the phone with John Marvin,
19 correct?

20 A At what time?

21 Q The second time that the phone came on, 10:20, and I
22 believe it was 8 seconds.

23 A So, at 10:20 and 8 seconds, that's when we had the
24 display on, and at 10:21:25 Alex calls Rogan Gibson.

25 Q And at 10 -- when the display comes on, at that very

1 second Alex Murdaugh was on his phone with John Marvin,
2 correct?

3 A If you do the math, I believe so, correct.

4 Q And this was also during a period in which, according
5 to his phone, he's walking around, though again we don't
6 know if he was walking that exact second. But it's during
7 a period of steps, correct?

8 A It's during a period, correct.

9 Q Walking around on the phone with John Marvin.

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

11 THE COURT: You may step down.

12 THE WITNESS: Thank you, sir.

13 (The witness exited the stand.)

14 THE COURT: From the State?

15 MR. WATERS: Your Honor, as discussed, we request a
16 very brief recess for housekeeping matters.

17 THE COURT: All right, the housekeeping matters are
18 noted. Any further witnesses by the State?

19 MR. WATERS: Not at this time, Your Honor.

20 THE COURT: The State rests but for the housekeeping
21 matters?

22 MR. WATERS: The housekeeping matters, and then, yes,
23 at that point the State would formally rest, yes, sir.

24 THE COURT: All right, ladies and gentlemen, I'll have
25 you go to the jury room for another break. Please do not

1 discuss the case.

2 (The jury left the courtroom.)

3 THE COURT: All right, everyone be seated.

4 What type of housekeeping matter do you have?

5 MR. WATERS: I just wanted to do, as my practice, is
6 just one final exhibit check and make sure that there was
7 nothing missed. It will just take a moment, Your Honor.

8 THE COURT: All right.

9 MR. GRIFFIN: Your Honor, we do have a Rule 19 that we
10 can make, but perhaps we can do it while the jury is out,
11 but they need to formally --

12 THE COURT: Well, that's why I did it in the manner in
13 which I did. Let's -- we'll do it that way.

14 MR. GRIFFIN: Okay. Thank you.

15 (Break in proceedings.)

16 MR. HARPOOTLIAN: Your Honor, briefly an
17 administrative clock issue, if he rests in the next 10
18 minutes, we'll say 20 minutes to argue --

19 THE COURT: The next 3 minutes.

20 MR. HARPOOTLIAN: Well, whatever. It looks like -- we
21 have a witness. I believe, he's here, 4:00, and we have
22 another one coming at 4:30. We're trying to get them here
23 a little quicker. I'm not sure we have anybody after that
24 this afternoon.

25 THE COURT: Well, we'll be ready to leave by that

1 time. We do not intend to go long today, certainly not
2 past 5:30 or --

3 MR. HARPOOTLIAN: I don't believe these witnesses will
4 keep us here to 5:30. And we're trying to figure out -- if
5 some other short witnesses we can call, but it just
6 really --

7 THE COURT: Whenever you get through with those two,
8 then we'll be ready to go.

9 MR. HARPOOTLIAN: Yes, sir.

10 (Break in proceedings.)

11 THE COURT: Mr. Waters, you have a concern about the
12 exhibits that you have not offered into evidence?

13 MR. WATERS: There was one very early in the heat of
14 litigation that -- one didn't ever get moved in that was
15 intended to be, but the State is satisfied with the
16 exhibits as admitted.

17 THE COURT: All right. So, we -- per Mr. Griffin,
18 you can rest formally when the jury comes back. I will
19 take any motions now.

20 MR. GRIFFIN: Yes, sir. At this time, the defendant
21 would move pursuant to Rule 19 for a directed verdict. As
22 Your Honor knows, after the evidence has closed, if
23 there's a failure of competent evidence tending to prove
24 the charge in the indictment, defendant is entitled to a
25 directed verdict. The Court should consider only the

1 existence and/or non-existence of the evidence and not its
2 weight.

3 In this case, Your Honor, the evidence is exclusively
4 circumstantial. And in *State v. Dent*, the South Carolina
5 Court of Appeals in 2021 explained that the standard to be
6 applied when the State relies upon circumstantial evidence
7 is that all of the circumstances must be consistent with
8 each other, and when taken together point conclusively to
9 the guilt of the accused beyond a reasonable doubt. If
10 the circumstances merely portray the defendant's behavior
11 as suspicious, the proof has failed. Also, another legal
12 document that we would point out is mere presence at the
13 scene of a crime without more is insufficient to
14 constitute guilt.

15 The reason I say that legal doctrine, Your Honor, is,
16 is at most what the State has proven and offered of the
17 proof is that the defendant was at the kennels at 8:44.
18 He misstated that he was there, or he lied about he was
19 being down there, but -- and that raises a level of
20 suspicion, and that they have concocted a cell phone
21 timeline to come up with a time of death without any
22 actual evidence of time of death. And there is no direct
23 and, frankly, circumstantial evidence presented that the
24 defendant shot and killed his wife, Maggie, or son, Paul.

25 As the evidence established, the murderer would have

1 blood and biological material on him or her. The murderer
2 would have blood on his or her clothing. The murderer
3 would have murder weapons. The murder or murderers would
4 have evidence of disposing of murder weapons on property
5 or vehicle. And there's no evidence that Alex Murdaugh
6 had any of this. He had no blood from the brutal murder
7 of his son, Paul; he had no DNA from Paul on his clothing
8 in the area where you would expect to find it. If he had
9 shot his son, which he did not, there was no GSR on his
10 clothing or clothes that is inconsistent with Alex holding
11 a shotgun for protection.

12 The State has proven at most that he was at the
13 kennels at 8:44 p.m. The State does not have proof of
14 time of death. The State only have proof of when the last
15 time Paul and Maggie used their phones. Most importantly,
16 and I mentioned earlier, the law is clear: mere presence
17 at the scene of a crime is insufficient to establish
18 guilt. Although, to be equally clear, Alex Murdaugh was
19 not at the scene of the crime at the time his wife and son
20 were murdered, there's no evidence that he was. And for
21 that reason we move for a directed verdict.

22 THE COURT: Yes, sir, by the State.

23 MR. WATERS: Your Honor, I am looking at the evidence
24 that's been presented by the State. First of all, without
25 detailing every bit of evidence, there's been ample

1 evidence of motive, evidence presented in this particular
2 case. The years of embezzlement and theft, the exposure,
3 very significant exposure that the defendant was facing as
4 June 7th approached, which includes the loss of a job, the
5 loss of a career, the loss of his bar license, the loss of
6 years of wealth. The potential to lose everything, in his
7 own words. You've heard evidence about a confrontation
8 June 7th on those matters that very day, as well as the
9 boat hearing that was upcoming, and the effects that that
10 would have. Also heard extensive evidence of the
11 defendant's financial condition on that day as we move
12 forward. Also evidence, Your Honor, of his ongoing
13 narcotics addiction and how those particular things were
14 relevant to what was going as it related to the victims.

15 There's been evidence -- and again, as Your Honor is
16 aware, the evidence must be taken in the light most
17 favorable to the State -- that family weapons were used to
18 murder Maggie and Paul. You heard evidence from the
19 defendant's own mouth about the missing shotgun. And, of
20 course, we have extensive evidence about the missing
21 Blackout, that being the replacement gun. Of course,
22 you've heard evidence that the defendant claimed that was
23 missing at Christmas time, but there was evidence from
24 Will Loving that that gun was present and being used,
25 including at the side of the house as late as turkey

1 season just a couple months prior to the murders. And
2 that from the firearms expert that the cases found around
3 Maggie's body were cycled through the same weapon. The
4 murder weapon cycled the same cases, as well as cases that
5 were found at the side of the house consistent with what
6 Will Loving testified, as well as shooting range across
7 the street. You additionally heard that the same exact
8 brand and weight of ammo that was used to kill Maggie was
9 found throughout the property, as well as the same
10 buckshot and birdshot ammo as well.

11 There's been evidence presented by the State as to
12 the defendant's trip to Alameda, his interaction with
13 Shelley Smith after the murders, as well as the --
14 bringing the rain coat in. Additionally, that he left and
15 moved his dad's truck and four wheeler, and that the rain
16 coat contained high levels of GSR.

17 There's been evidence presented in this particular
18 case inconsistent with the defendant's statements to law
19 enforcement, multiple changes of clothes that particular
20 day, as well as evidence from Blanca that the clothes he
21 was wearing in the Snapchat video were never seen again,
22 as well as the fact that the earlier clothes that he was
23 wearing were not seen either.

24 You have evidence that the defendant claimed that he
25 was unaware that Maggie was coming to Moselle, and he did

1 not ask for that. But you've heard evidence from multiple
2 sources, including a text message, that he specifically
3 asked the victim to be present on that day.

4 Your Honor, he was found in possession of a shotgun
5 that cannot be excluded as a murder weapon, and also had
6 Maggie's blood on it. And then, of course, Your Honor, we
7 have extensive phone and other digital evidence. And I
8 don't need to reiterate the last witness, but that's been
9 presented from multiple witnesses and multiple sources in
10 a timeline.

11 The defendant, of course, claimed that he was never
12 at the scene, and the evidence shows, pursuant to the
13 State's theory and the reasonable inferences therefrom,
14 that he was at the scene contrary to what he told everyone
15 who would listen. Just minutes -- he's at the scene with
16 the two victims just minutes before, under the State's
17 theory and reasonable from the evidence, the victims were
18 killed. Additionally, his conduct in the timeline after
19 that, there's a number of reasonable inferences about that
20 that are consistent with the defendant's guilt. And to
21 summarize a month's worth of evidence, that is the
22 summary. I would be happy to address the timeline more,
23 but I know that Your Honor just heard it in great detail.

24 THE COURT: When there is a motion for a directed
25 verdict that's made at the end of the State's case, the

1 Court is concerned with whether there is any evidence,
2 either direct or circumstantial, which reasonably tends to
3 prove the guilt of the accused, or from which the guilt of
4 the accused may be fairly and logically deduced. In this
5 case we've had in day twenty now, I guess eighteen days of
6 direct and circumstantial evidence, and the law makes no
7 distinction between the weight or value to be given either
8 direct evidence or circumstantial evidence, nor is a
9 greater degree of certainty required of circumstantial
10 evidence than of direct evidence. Cases can be proven by
11 direct evidence, circumstantial evidence, or a combination
12 of the two.

13 At this stage of the proceedings, there is evidence
14 to support a guilty verdict, if it is believed by the
15 jury. I, therefore, deny the motion for a directed
16 verdict.

17 Are we ready to roll with the defense?

18 MR. HARPOOTLIAN: Rock and roll, Your Honor.

19 THE COURT: All right. Well, let's take a 30 second
20 stretch and bring the jury out.

21 (The jury returned to the courtroom.)

22 THE BAILIFF: The jury is present, sir.

23 THE COURT: Very good.

24 Madame Forelady.

25 THE JUROR: Yes, sir.

1 THE COURT: How is the jury doing?

2 THE JUROR: They're doing good.

3 THE COURT: Doing good.

4 THE JUROR: Yes, sir.

5 THE COURT: Very good.

6 You have heard the State's case. It is now the
7 defense's turn.

8 And you may call your first witness.

9 MR. HARPOOTLIAN: Coroner Richard Harvey, please.

10 The witness, RICHARD HARVEY, was first duly sworn and
11 testified as follows:

12 THE CLERK: If you would, sir, be seated. State your
13 full name for the record, and spell the last for me.

14 THE COURT: And before we begin testimony, I think,
15 Mr. Waters, you were going to formally rest.

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

17 THE COURT: Yes.

18 MR. WATERS: In the matter of the indictments, the
19 defendant, Alex Murdaugh, for the murders of his wife,
20 Maggie, and his son, Paul, the State of South Carolina
21 rests.

22 THE COURT: The State has rested, and now it's the
23 defense's turn.

24 DIRECT EXAMINATION

25 BY MR. HARPOOTLIAN:

1 Q Would you state your full name for the record, please?

2 A My name is Richard Harvey.

3 Q And Mr. Harvey, you're an elected official here in
4 Colleton County?

5 A Yes, sir. I am the corner of Colleton County.

6 Q Okay, and briefly describe your duties to the jury so
7 they understand what a coroner does.

8 A We basically investigate any death that occurs outside
9 the hospital. Any death that dies within 24 hours of
10 admission to the hospital. Any emergency room death is
11 reported to the coroner's office as well. And primarily
12 our responsibility is to do an investigation as to the
13 cause of their death, including medical records, autopsies.
14 And that's basically my responsibility is to determine what
15 the cause of death and the manner of death is.

16 Q So, you don't have a medical degree, though.

17 A No, sir.

18 Q Okay.

19 A But I was one of the first medically trained coroners
20 in the State of South Carolina.

21 Q Okay, and how long have you been coroner?

22 A This is my thirtieth year.

23 Q Thirtieth year. So, let me talk a little bit about in
24 general -- well, no, let me just go ahead and cut to the
25 chase here. You were -- you have a file with you, and I

1 believe it's a file concerning the deaths of Paul and
2 Maggie Murdaugh?

3 A I do.

4 Q And how did you get notified of their death?

5 A I was actually notified by one of my deputies who was
6 on call that evening, and any time there's a homicide along
7 that lines, in most cases I attend those. And he was on
8 call, and basically he told me he also has another job
9 because he's only part-time, and he told me, he says, look,
10 I can't stay. He says I've got to work tomorrow morning.
11 He says you know I hate to dump this on. He says -- he
12 says but, you know, this is going to be yours.

13 Q So, you took -- well, let me back up for just a
14 second. Did you respond, and if so, what time did you get
15 to the scene? And I'm going to lead you and say in
16 Moselle.

17 A I was notified at 2304, which is 11:04 in the evening.

18 Q Okay.

19 A And I arrived on the scene -- let me back up there. I
20 arrived on the scene at 2304. I was actually notified
21 about 2230 by my deputy who was on call.

22 Q So, 2230 would be 10:30?

23 A Yes, sir.

24 Q So, you got notified at 10:30. You got on the scene
25 at?

1 A At 11:04.

2 Q And were you by yourself?

3 A Yes.

4 Q Okay, and I'm going to jump ahead a little bit. Did
5 you process this scene? Did you take -- did you have
6 somebody to take -- did you take photographs or somebody --

7 A Yes, sir, I did.

8 Q So, the photographs in your file --

9 A Yes, sir.

10 Q -- are your photographs.

11 A Yes, sir.

12 Q And in taking those photographs, did you, for
13 instance, go into the feed room and take some photographs?

14 A Yes, I did.

15 Q Okay, and had that crime scene been processed by SLED
16 at that point?

17 A No, sir.

18 Q Okay. Did you do anything to -- I mean, and I'll be
19 frank with you. There's some footprints that have been
20 identified as law enforcement or perhaps your folks that
21 were in the feed room perhaps in blood before SLED could
22 finished processing. Are those your folks, or SLED, or
23 whose? Do you know?

24 A I'm unaware of those.

25 Q Okay. So when you took those photographs, did you

1 take precautions to -- how do you not disturb evidence?

2 A We've always kind of followed a pattern of we follow
3 the same path in and the same path out. Therefore, we
4 don't cross over into any possible assailant's.

5 Q Okay, and, again, you're preserving evidence. It's a
6 homicide, so this is your case, right?

7 A Correct.

8 Q And you do that pursuant to state law.

9 A Yes, sir.

10 Q And the -- and we've got -- received your photographs,
11 thank you for those, and I think you gave them to SLED
12 also, correct?

13 A Yes, sir.

14 Q And so you performed a function also -- I've looked at
15 the death certificates of Paul and Maggie Murdaugh, and you
16 have a time of death of 9:00. Is that correct?

17 A Yes, sir.

18 Q Okay. So, let's go through. When you begin to
19 examine the body to determine time of death, tell me how
20 you do that.

21 A Well, initially that evening when I initially got
22 there, I was -- I was told that SLED was coming, which I
23 knew, depending on where SLED was coming from -- it
24 depends. It could be an hour; it could be 2 hours. It all
25 depends on what part of the state and what group is

1 actually coming to you.

2 My initial processing was that I went and checked both
3 bodies, and I simply put my hands in their armpits to
4 determine how warm they are. This is -- this is one of the
5 things we do sometimes to try and estimate a time of death
6 is, is the body cold? Is the body warm?

7 And one of the other things we check for is what they
8 call rigor. And rigor is basically when a person dies, the
9 body goes through this process. As it goes through this
10 process, your joints start to stiffen. And when I
11 initially got there, that was all I did initially because I
12 knew SLED was coming.

13 Q So, was -- is it rigor or rigor? I'm not sure how you
14 pronounce it.

15 A I call it rigor.

16 Q I call it rigor. So, if I'll -- if you'll allow me to
17 say rigor --

18 A That's fine.

19 Q -- because I've never said rigor. Was there rigor or
20 rigor?

21 A There was not.

22 Q Okay. So, these folks had been dead less than a
23 couple hours?

24 A 1 to 3 hours typically is what they say that rigor
25 should start developing.

1 Q Okay, and so in terms of trying to estimate or get a,
2 a little bit closer than 1 to 3 hours, you took your
3 hand -- show me what you did. And you did it both to Paul
4 and Maggie?

5 A Yes.

6 Q How about, would you step down here, please?

7 A Sure.

8 Q And they were laying on the ground, both of them,
9 right?

10 A Yes, sir.

11 Q And did you move them?

12 A No.

13 Q Okay. So --

14 A They were covered with a sheet initially when I got
15 there.

16 Q Right. So, let's have you stand over --

17 A Okay.

18 Q -- here so the jury can see me and you. You went up
19 to Paul, and where did you put your hands?

20 A I put --

21 Q I'm not worried about if it was left or right.

22 A Basically what I did is I lifted his arm just a little
23 bit here, and I stick my hand up into the armpit. And
24 that's one of the central sixteen areas of your body
25 without using -- the only other choices is a rectal

1 thermometer, and in most case when you have that many
2 people around, I'm not going to pull somebody's pants down
3 to utilize a rectal thermometer, so I stick my hands in
4 their armpit. And like I said, I can get an idea, I mean,
5 how warm they are.

6 Q Okay, and you did the same thing to Maggie.

7 A I did the same thing to Maggie.

8 Q And you concluded on your death certificate 9:00.

9 A That's strictly an estimation.

10 Q That's a guess.

11 A It's a guess.

12 Q Okay. It could have been 8:30?

13 A Could have been 8:30.

14 Q It could have been 10:00.

15 A There were no witnesses there to tell me exactly what
16 time this happened.

17 Q Do you carry a rectal thermometer to do specific
18 measurements?

19 A Well, usually what I'll do is I'll get it from fire
20 and rescue, the ambulance, and then I'll borrow those. And
21 yes, I do do rectal temps.

22 Q But you didn't do it that day

23 A But we didn't do it that night, no.

24 Q And that's the reason the death certificate says 9:00.

25 A Right. That is an estimation from what I found as far

1 as the warmth of the body.

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

3 (Break in proceedings.)

4 MR. ZELENKA: May it please the Court?

5 MR. HARPOOTLIAN: I'm not quite done.

6 Q I just wanted to make sure that we understand each
7 other. Your statement of 9:00, it could have been 8:00?

8 A It could have been 8:00.

9 Q Their deaths could have been the result of being shot
10 at 8:00.

11 A I basically looked at 2 and a half hours from the time
12 that the call came in until the time I actually got there.

13 Q So, they could have been shot at 10:00.

14 A Could have been.

15 Q Or any time in between.

16 A Yes, sir.

17 MR. HARPOOTLIAN: Thank you, Coroner. Please answer
18 any questions that Mr. Zelenka has.

19 THE COURT: By the State?

20 MR. ZELENKA: Thank you. May it please the Court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. ZELENKA:

24 Q Mr. Harvey, you did not use a rectal or any sort of
25 thermometer on that night?

1 A No, sir.

2 Q And isn't it true that the best way to determine the
3 actual time of death, particularly in a violent homicide,
4 is to take the temperature?

5 A Yes, sir.

6 Q Correct?

7 A Yes, sir.

8 Q And the temperature decreases roughly at a rate of one
9 and a half degrees every hour.

10 A Right.

11 Q Correct?

12 A Correct.

13 Q And it's also affected by the ambient temperature and
14 the weather, correct?

15 A Correct, yes, sir.

16 Q And yet as I understand your testimony, and correct me
17 if I'm wrong, you really do not have a general idea as to
18 when that incident actually occurred.

19 A That's right, yes, sir, that's true.

20 Q Because you didn't take the temperature, correct?

21 A Correct, and thermometers are not always accurate
22 either, so -- and that's one thing that we've learned over
23 the years. I mean, we do have -- and actually we now have
24 the -- I can't think -- ultraviolet light, the light that
25 shoots for the forehead, but what I've determined with that

1 is that it's not necessarily accurate. I may shoot it at
2 the forehead and it will say 99 degrees, but if I shoot it
3 in your ear, it might say 103.

4 Q That's right.

5 A So, I mean, they're not necessary accurate either.

6 Q That's right, and it's impacted by body weight,
7 correct?

8 A Absolutely. Absolutely.

9 Q Age. Elderly versus youth, correct?

10 A Yes, sir.

11 Q And the weather, correct?

12 A Yes, sir.

13 Q If they were covered by a sheet, that would --

14 A Yes, sir, which they were at that time when I
15 initially got there.

16 Q That could affect something?

17 A Yes, sir.

18 Q If they got wet through rain, that could affect it.

19 A That could, yeah. That could definitely drop the
20 temperature.

21 Q And it had rained at that time, didn't it?

22 A It had not rained hardly at that point. Both of their
23 hairs -- heads of hair were dry.

24 Q Okay, but all those are factors which reflect what the
25 actual time of death is.

1 A Yes, sir.

2 Q Yet temperature is key.

3 A Yes, sir.

4 Q And the only information you have is that the bodies
5 were warm, correct?

6 A Yes, sir.

7 Q Based upon --

8 A And rigor had not started.

9 Q And that usually begins to occur within 1 to 3 hours.

10 A 1 to 3 hours, so that's the timeframe that I was
11 looking at.

12 Q Okay, and you walked around the area, got close to
13 them at that particular time. Is that correct?

14 A Yes, sir.

15 Q And you were walking in the scene, correct?

16 A Yes, sir.

17 MR. ZELENKA: No further questions.

18 MR. HARPOOTLIAN: Your Honor, just --

19 THE COURT: Yes, sir.

20 REDIRECT EXAMINATION

21 BY MR. HARPOOTLIAN:

22 Q Do you remember when SLED showed up?

23 A I do have probably the times for that. I do not see
24 SLED on here, though.

25 Q Well, let me perhaps ask another question.

1 A Okay.

2 Q Was Colleton County already there?

3 A Yes, sir.

4 Q Okay. Were there Colleton County detectives there?

5 A Yes, sir.

6 Q Okay. Did any of them talk to you about time of
7 death?

8 A No.

9 Q Did any of them ask you what your examination
10 revealed?

11 A No.

12 Q Did any of them ask you how you came to your decision
13 about time of death?

14 A No, sir.

15 MR. HARPOOTLIAN: Thank you.

16 THE WITNESS: Yes, sir.

17 THE COURT: Anything further?

18 MR. ZELENKA: Nothing further.

19 THE COURT: Thank you, sir. You may step down.

20 THE WITNESS: Thank you.

21 (The witness exited the stand.)

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

23 THE COURT: Yes, sir.

24 MR. HARPOOTLIAN: We call Shalene Tindal to the stand,
25 please.

3 THE CLERK: Please be seated. State your full name
4 for the record and spell your last name. Try to speak in
5 that mic as well, please.

8 DIRECT EXAMINATION

12 A Yes, sir.

14 A No, sir.

18 A I work for the Colleton Sheriff's Office as public
19 information part-time, and then I -- for my full-time
20 position I work for the nonprofit blood organization the
21 Blood Connection as the individual -- divisional, excuse
22 me, logistics coordinator and calendar specialist.

23 Q Okay. If I find my glasses, I'm sorry. So, back on
24 June 7th and 8th of 2021, what was your -- what was your
25 job back then with Colleton County?

1 A I was solely the public information officer at the
2 sheriff's office at that time.

3 Q The Colleton County Sheriff's Office?

4 A Yes, sir.

5 Q Okay. I want to show you a document and see if you
6 can identify this. The easiest way to do that is -- hold
7 on one second. I'm sorry.

8 MR. HARPOOTLIAN: I apologize, Your Honor. I've
9 gotten my two documents jumbled here.

10 Q Have you seen this document before?

11 A I'm aware of the *Post and Courier* publishing things of
12 this nature, yes, but not strictly this document in
13 question.

14 Q Okay, but go to the second page. Now, if you look
15 halfway down the page, does that -- there is a quote in
16 here from you, correct?

17 A Yes, sir.

18 Q Is it accurate?

19 A This quote was actually coordinated between SLED and
20 us at the time. We received multiple inquiries from the
21 media, and per the sheriff's standard protocol, any time
22 SLED is in charge of a case or investigation, it's standard
23 procedure to reach out to them and coordinate something
24 with them.

25 Q Okay. So the quote from you, this is on the

1 morning -- this is the *Post and Courier* on the morning of
2 June 8th, and the quote contained by you in here -- we'll
3 get to how that was put together, but is it accurate?

4 A The quote wasn't by me. It was joint information from
5 SLED and the sheriff's office.

6 Q The sheriff's spokeswoman, Shalane Lowes, referred
7 questions. So -- but you were part of the release of this
8 statement.

9 A Yes. It was a joint -- uh-huh.

10 Q Okay.

11 MR. HARPOOTLIAN: Your Honor, I would like to offer
12 this into evidence.

13 MR. MEADORS: Your Honor, can I look at it, please?

14 (Break in proceedings.)

15 MR. MEADORS: Your Honor, I have no objection. We
16 have no objection to the quote, but the article, I haven't
17 read the article. We just object to the rest of the
18 article, and I think he's agreed to that.

19 (Break in proceedings.)

20 MR. MEADORS: No objection.

21 THE COURT: No objection to what?

22 MR. MEADORS: To the -- her quote that she gave and
23 not the rest of the article. We're in agreement on that if
24 Your Honor is.

25 THE COURT: Is that what you're offering?

1 MR. HARPOOTLIAN: Yes, sir. I'm going to have her
2 publish two paragraphs in this story.

3 THE COURT: All right.

4 MR. HARPOOTLIAN: Thank you.

5 THE COURT: Yes, sir.

6 MR. HARPOOTLIAN: And for the record, Your Honor, this
7 is a story in the *Post and Courier* on the morning of
8 June 8th, which would be the morning after the murders.

9 THE COURT: Yes, sir.

10 Q So, what I would ask you to do is -- it's in quotes.
11 Would you read this paragraph and this paragraph, publish
12 it to the jury? This paragraph at this time, and then the
13 paragraph right after that. Okay?

14 A Okay.

15 Q And would you slow down just a little bit for me?

16 A Yes, sir.

17 Q Thank you.

18 A At this time there is no danger to the public.
19 The sheriff's office said if information is
20 received that dictates otherwise, we will
21 immediately notify the public. Sheriff's
22 spokeswoman Shalane Lowes referred questions
23 regarding the incident to SLED and the Colleton
24 County Coroner's Office. A request for 911 audio
25 recordings was denied due to the ongoing

1 investigation.

2 Q That's okay. All right. Now, so that statement was
3 the public has nothing to worry about, right?

4 A That's what this states, yes, sir.

5 Q Okay. Now, let me ask you. The process for this,
6 getting something like this getting released, you said SLED
7 was involved.

8 A Can you clarify exactly what you're asking?

9 Q Okay. So, is this statement:

10 At this time there is no danger to the public.

11 The sheriff's office said --

12 You would be the spokesperson for the sheriff's
13 office?

14 A Correct, but this was a joint statement released in
15 coordination with SLED's PIO and us while we were waiting
16 on updated information to do an actual letter and release.

17 Q Okay. So, I guess what I'm saying on that, were
18 you -- who -- did you release -- were you the one making
19 this release, or was SLED making -- I mean, when I say --
20 I'm talking about physically. How did the *Post and Courier*
21 get this quote?

22 A SLED's IPO at the time coordinated multiple times
23 through numerous phone calls. There was also emails. This
24 was discussed over the phone, due to them being the agency
25 on the case, but it did come from my email, but it was

1 coordinated with SLED's PIO at the time.

2 Q Okay. So, SLED signed off on this statement.

3 A From what I understand from speaking with their PIO at
4 the time.

5 Q I mean, you, you consulted with their -- now, PIO
6 stands for?

7 A Public information officer.

8 Q Okay. So, the sheriff's department has a public
9 information officer. You?

10 A Yes, sir.

11 Q SLED has a public information officer named --

12 A At the time, I believe it was Tommy Crosby.

13 Q Thomas Crosby. Y'all talked and emailed?

14 A On numerous occasions from the time of the incident on
15 further.

16 Q And decided this was the statement that should be
17 made?

18 A When I coordinated with SLED's PIO, this is what was
19 mentioned and this is what we had published.

20 Q Okay, and, and what you're saying is there's no danger
21 to the public. If information is received that dictates
22 otherwise, we will immediately notify the public. Did you
23 ever -- was there a subsequent release given?

24 A After this statement that we put out?

25 Q Right.

1 A Yes. There was a joint letterhead released. The
2 initial -- what the *Post and Courier* published was an
3 actual statement. Later on we actually published a release
4 while we were waiting on additional information.

5 Q And that subsequent statement didn't indicate there
6 was any danger to the public. It didn't change this
7 position, did it?

8 A I'm sorry, can you repeat that?

9 Q Did SLED and the sheriff's department change its
10 position and put out a statement saying whoa, now, there's
11 something to worry about? Or did they just not mention
12 this again?

13 A When we did the updated release, that same information
14 was also in the body that we sent over to SLED for their
15 approval. Tommy Crosby had taken a moment to look at the
16 release and later, I guess, decided that -- we took that
17 out of the release and that was what was published. Excuse
18 me.

19 Q So -- but they never came back and said there's
20 something to worry about. They just took this language
21 out.

22 A Yes.

23 Q And SLED signed off on that.

24 A We worked on this together, yes.

25 Q Okay, but it wouldn't have gone out if SLED hadn't

1 said --

2 A Yes, sir.

3 Q -- let it out, correct? You get information and then
4 you shape it into a release here, or subsequently, that is
5 digestible. Maybe that's the best way to put it. You're
6 the wordsmith. You're the one that tries to make it make
7 sense.

8 A Yes, sir, I'm public information. We're not privy to
9 the investigation. We just receive details, and then we
10 take those and turn them into paragraphs so the paper
11 and/or the media can print for laymen's terms to be better
12 understood by the public.

13 Q And I want to make sure I understand this. Any
14 subsequent release never changed -- actually, I think you
15 said the subsequent release said the same thing: At this
16 time there's no danger to the public. That didn't change,
17 correct?

18 A In the updated release that was sent out on
19 letterhead, yes, that was removed.

20 Q That was removed?

21 A Yes, sir.

22 Q But did they say there is a danger to the public?
23 They never said that, did they?

24 A No, sir.

25 MR. HARPOOTLIAN: Beg the Court's indulgence just a

1 moment.

2 (Break in proceedings.)

3 Q Only one other question. In this story, your last
4 name was Lowes?

5 A Yes, sir. I got married since then, yes. Somebody
6 decided to like me.

7 Q Well, congratulations to Mr. Tindal.

8 A Thank you.

9 Q Thank you.

10 MR. HARPOOTLIAN: Please answer any questions that the
11 State has.

12 MR. MEADORS: Beg the Court's indulgence.

13 (Break in proceedings.)

14 CROSS-EXAMINATION

15 BY MR. MEADORS:

16 Q And I missed the last question. Did you get married?

17 A Yeah. Are you still trying to court me? No, I'm just
18 kidding.

19 Q I'm happily married. I am not, I promise you. I just
20 couldn't hear.

21 A I'm just kidding.

22 Q What was the date of the second release that Mr.
23 Harpootlian -- I honestly don't know.

24 A Am I talking into here?

25 Q Yes, ma'am.

1 A The date of the second -- it's the same date.

2 Q The date of the second --

3 A The initial letterhead release was released on the
4 same date a few hours after the initial statement.

5 Q So, the one he was asking about, the second, was the
6 same statement word for word that you -- was released
7 earlier.

8 A No. The second -- the initial -- what we initially
9 put out around, I think, before 10:00 in the morning, we
10 had received inquiries from *FitsNews*, *News 4*, and I believe
11 *Post and Courier*. So, the initial statement that I
12 coordinated with SLED was the -- what he was referring to.
13 Afterwards an updated letterhead release, as additional
14 information became available to us, was coordinated with
15 SLED that redacted that information.

16 Q Okay, and I'm just going to show you for this -- is
17 this the document you're talking about here? I mean, it's
18 dated June 21st. Is that what you're talking about or not?

19 A No, that is not.

20 Q Congratulations on your marriage.

21 MR. MEADORS: That's all I have. Thank you.

22 THE WITNESS: Thank you, sir. I appreciate you.

23 THE COURT: Anything further?

24 REDIRECT EXAMINATION

25 BY MR. HARPOOTLIAN:

1 Q Only this question. Did you think that Mr. Meadors
2 was proposing to you a moment ago?

3 A I don't know. No, I'm just picking.

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

5 THE COURT: You may step down.

6 THE WITNESS: Thank you, sir.

7 (The witness exited the stand.)

8 THE COURT: Any additional witnesses today?

9 MR. HARPOOTLIAN: Your Honor, as we've discussed, the
10 next witness will be extraordinarily lengthy. It's 4:30.
11 I apologize to the jury and the Court for not having
12 somebody intermediate. We just could not find anybody, not
13 knowing when the State was going to rest.

14 THE COURT: All right. Thank you.

15 Ladies and gentlemen, we will adjourn for the weekend.
16 As you know, Monday is a holiday; we will not be here on
17 Monday. We'll be back 9:30 Tuesday morning. I know that's
18 a long holiday, but still do not discuss the case with
19 anyone. I hope you have a safe and happy holiday and a
20 good weekend, and we'll see you all Tuesday morning at
21 9:30.

22 (The jury left the courtroom.)

23 THE COURT: Anything else today?

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

25 MR. HARPOOTLIAN: Nothing from the defense, Your

1 Honor.

2 THE COURT: We'll see everybody next week.

3 (Whereupon, the case was at ease.)

1 *TUESDAY, FEBRUARY 21, 2023*

2 (Court resumed at 9:35 a.m.)

3 THE COURT: Good morning.

4 (Portions of audience responded good morning.)

5 THE COURT: I have two issues. I don't know if you
6 all have something. First, we have a juror who is not
7 feeling well and who is at a doctor's appointment, Juror
8 Number 441. That juror is not here. You will need to
9 replace that juror with an alternate. As I understand it,
10 this is a juror who took the place of another juror, took
11 the place of 220.

12 Any comment, State or the defense?

13 MR. WATERS: Court's indulgence one moment.

14 (Break in proceedings.)

15 MR. WATERS: You said the juror number, I apologize,
16 Your Honor, was 441. Is that correct?

17 THE COURT: Maybe someone heard it from your side.

18 MR. HARPOOTLIAN: Your Honor, my only question would
19 be has she indicated she's too ill to be here, or she's
20 just gone to a doctor's appointment and could be here by --

21 THE COURT: Not feeling well. They have a doctor's
22 appointment. I haven't spoken to the juror. The note came

1 from someone.

2 Would it have come from the clerk's office?

3 THE CLERK: I believe the jury coordinator.

4 THE COURT: From the jury coordinator?

5 THE CLERK: Yes, sir.

6 (Break in proceedings.)

7 MR. HARPOOTLIAN: I'm sorry. We're having to pull out
8 documents. We haven't really looked before, please.

9 THE COURT: Can we have the jury coordinator come up?

10 (Break in proceedings.)

11 THE COURT: What is the name of the jury coordinator?

12 THE CLERK: Sherry, Sherry Robinson.

13 THE COURT: Okay.

14 MR. HARPOOTLIAN: Your Honor, we have no objection to
15 replacing the juror. That leaves us with two alternates.

16 (Break in proceedings.)

17 MR. WATERS: All right, Your Honor, that's fine with
18 proceeding if that is the Court's desire to proceed on.

19 Certainly I don't have any objection either.

20 THE COURT: Proceeding as opposed to what?

21 MR. WATERS: I mean, she's at a doctor's appointment.

22 I don't know if that was something that would keep her out
23 for awhile, you know. That would be the only thing. But
24 obviously she's not here and not feeling well, so that's
25 why we have the alternates.

1 MR. HARPOOTLIAN: And, Your Honor, and I know you're
2 going to tell the jury it's day twenty-one --

3 THE COURT: Yes.

4 MR. HARPOOTLIAN: -- and we would like to not be doing
5 day thirty-one, and if this delays it, we sit here and wait
6 and find out what her health condition is, it might go on
7 for awhile, so we would rather go ahead and proceed.

8 THE COURT: All right, Madame Jury Coordinator,
9 what --

10 MR. GRIFFIN: Your Honor, can I make a --

11 THE COURT: Yes, sir.

12 MR. GRIFFIN: -- statement right quick?

13 THE COURT: Yes, sir.

14 MR. GRIFFIN: We think the defense will be rested --
15 we will rest our case by Friday, probably mid to late day
16 Friday. And then I don't know if the State has any reply,
17 but we're looking at finishing early next week. I don't
18 know if it makes sense to notify the jury of this
19 anticipated schedule, and that creates -- that we know
20 we're going to lose some people if they're aware right now
21 that we may be finishing early next week and we will be
22 coming up short, and I just don't want to come up short.
23 That's all.

24 THE COURT: All right.

25 MR. HARPOOTLIAN: And, Your Honor, of course that's

1 all predicated on cross-examination and reply.

2 THE COURT: Ms. Sherry, did you receive a call from a
3 juror or some communication from a juror?

4 JURY COORDINATOR: Yes, sir.

5 THE COURT: Tell us about it. Stand and tell us about
6 it.

7 JURY COORDINATOR: Yes, sir. Ms. Cindy, the clerk
8 down in general sessions, she took the message, and they
9 say they weren't feeling good this weekend, and that he has
10 a doctor's appointment this morning.

11 THE COURT: All right. So, it's same as the other
12 juror who ended up in the emergency room and we replaced
13 that juror.

14 JURY COORDINATOR: Yes, sir.

15 THE COURT: So we now have -- we'll need to select by
16 lot the next juror. Out of the three, we need another
17 juror. Any objection to the clerk randomly pulling out a
18 number out of the box?

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

20 MR. HARPOOTLIAN: Nothing from the defense, Your
21 Honor.

22 THE COURT: All right. Let's see who we have.

23 (Break in proceedings.)

24 THE COURT: Tell us who the -- juror number.

25 JURY COORDINATOR: Juror Number 530.

1 THE COURT: All right, Juror Number 530 will become
2 part of the regular panel.

3 Secondly, I've been receiving over the past two to
4 three days emails concerning a social media post by
5 Mr. Griffin commenting upon a witness's testimony and
6 quality of the investigation by the State, and it appeared
7 on my Twitter feed this morning.

8 Mr. Griffin, is this part of your defense strategy
9 or --

10 MR. GRIFFIN: Your Honor, all I did was re-tweet an
11 article that was published in the *Washington Post*. I
12 didn't put any comment, I didn't make any statement, I just
13 re-tweeted the article that's in the newspaper. That's all
14 I did.

15 THE COURT: And we had an NBA player who re-tweeted an
16 article, a professional basketball player who re-tweeted an
17 article that resulted in him being suspended from the NBA
18 for about ten days and cost him about \$10 million in
19 salary. So, re-tweeting is the same to some as if you --
20 your tweet. It appeared -- I didn't know that -- well, I
21 mean, I'm not a Twitter friend of yours. It just appeared
22 on my -- under Twitter. The first thing up this morning
23 was you.

24 You know, we had the lawyer who had a similar name
25 to -- a person with a similar name to our lawyer witness

1 and it was someone else by the same name. In your
2 interest -- in your instance, it's your name and your
3 picture, so --

4 MR. GRIFFIN: Your Honor, I did re-tweet the article,
5 no question about it.

6 THE COURT: And I've been reviewing Rule 3.6 regarding
7 that, and whereas the rule does not specifically state
8 that, that lawyers are prohibited from criticizing
9 witnesses during the course of the trial or commenting on a
10 case that they're actively participating in, I think it
11 goes against the spirit of the law, of the rule, and it
12 doesn't pass the field test. So, let's -- to quote Judge
13 Kinard, it doesn't pass the feel test.

14 So, you should not post or repost anything that would
15 give me or the general public or hopefully never land in
16 the hand of a juror who -- you know, the jurors were
17 instructed not to discuss the case and, you know, obviously
18 that did not extend to the lawyer -- lawyers, but I -- it's
19 not a good practice, and it could easily lead to a
20 modification of our rules that might specifically address
21 something like that, so I'll leave it at that.

22 MR. GRIFFIN: I understand, Your Honor. I will not
23 re-tweet anything, or tweet anything until the trial is
24 over.

25 THE COURT: Yes, sir.

1 Anything else before the jury comes?

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

3 MR. HARPOOTLIAN: Nothing from the defense, Your
4 Honor.

5 THE COURT: Okay. You may bring the jury.

6 (The jury returned to the courtroom.)

7 THE COURT: Good morning.

8 THE BAILIFF: The jury is present, sir.

9 THE COURT: Day number twenty-one. Now the defense's
10 case.

11 As you all might know, one juror is missing, absent,
12 and that juror has to be replaced, and that juror is being
13 replaced by Juror Number 530.

14 Juror Number 350, nod. 530? All right. Juror Number
15 530, you're one of the first twelve now, a participating
16 member of the regular jury panel. And we'll press on with
17 our case, and hopefully we'll not have much more attrition,
18 but it's understandable the longer this case goes.

19 We'll proceed now with the defense's case.

20 MR. GRIFFIN: Thank you, Your Honor.

21 THE COURT: Yes.

22 MR. GRIFFIN: The defense would call Richard Alexander
23 Murdaugh, Jr., also known as Buster Murdaugh.

24 The witness, RICHARD ALEXANDER MURDAUGH, JR.,
25 was first duly sworn and testified as follows:

1 THE CLERK: If you'll have a seat up on the witness
2 stand. Adjust your chair and your microphone. And if
3 you'll state your full name and spell your last name.

4 THE WITNESS: Richard Alexander Murdaugh, Jr.,
5 M-u-r-d-a-u-g-h. I go by Buster.

6 DIRECT EXAMINATION

7 BY MR. GRIFFIN:

8 Q Mr. Murdaugh, is this your father sitting over here at
9 defense's table?

10 A Yes, sir.

11 Q Tell the jury a little bit about yourself, where you
12 were born, where you were raised, where did you go to
13 school.

14 A Right. So, my name is Buster, twenty-six years old.
15 I live in Hilton Head Island, South Carolina. I was born
16 in Savannah and lived in Beaufort for about two years when
17 I was a little child. We moved to Hampton in about 2000,
18 and I grew up in Hampton, went to Wade Hampton High School.
19 And after high school I went to a small college in
20 Spartanburg called Wofford.

21 Q Did -- is your mother Maggie?

22 A Yes, sir.

23 Q And your brother Paul?

24 A Yes, sir.

25 Q The -- when you moved to Hampton, do you remember how

1 old you were when you first moved to Hampton?

2 A Three or four.

3 Q Okay, and then you -- and did you live in Hampton in
4 the house within the city limits?

5 A Yes, sir.

6 Q The town limits.

7 A Yes, sir.

8 Q And you did that for -- with your mom and dad and
9 brother for how long?

10 A For around twenty years.

11 Q All right. The -- and you -- what schools did you go
12 to coming up through in Hampton County? Where did you go
13 to grade school?

14 A Went to Ben Hazel Primary School, Hampton Elementary
15 School, North District Middle School, Wade Hampton High
16 School.

17 Q And as you were growing up, what were your interests,
18 Buster?

19 A Sports, playing sports. Doing things outdoors,
20 hunting, fishing.

21 Q And was your father involved in those interests with
22 you?

23 A Yes, sir.

24 Q And was your mother, also?

25 A Yes, sir.

1 Q And in what way?

2 A Well, my father coached every little league team I
3 played on up until I started playing for the schools in --
4 which had a coach.

5 Q And what about Paul? What were his interests growing
6 up?

7 A Paul's interests were outdoors mostly: hunting,
8 fishing, playing around in the woods.

9 Q Did he also play sports at times?

10 A He did, yeah. He played basketball and baseball.

11 Q Did your dad coach him as well?

12 A He did.

13 Q And would your parents attend all of your and Paul's
14 sporting events as you were growing up?

15 A Every game. And it was a rarity for them to miss one,
16 and then if they had to, they would call and explain and --

17 Q Okay, and at some point in time, did your parents buy
18 this property off Moselle Road?

19 A Yes, sir.

20 Q Do you remember roughly when that was?

21 A Right around 2012, I think. I would have been a
22 sophomore in high school.

23 Q And when that property was first purchased, did you
24 move out to Moselle, or were you still living in Hampton?

25 A So, we had a house in Hampton, and also purchased the

1 property at Moselle, which had a house, and for the
2 beginning stages of owning Moselle, Hampton was still
3 working as our primary residence. But I believe it was
4 Hurricane Matthew, or one of the hurricanes came through
5 and blew a bunch of pine trees over on the house, so it had
6 to get work done to it. And from that point we moved out
7 from Hampton to Moselle while the house was getting fixed,
8 and more or less it just kind of -- it never transitioned
9 back to Hampton. It just -- almost like Moselle became the
10 primary residence.

11 Q And during this time, did your family also have a
12 house at Edisto?

13 A Yes, sir.

14 Q How frequently would you stay at the house in Edisto?

15 A Very frequently during the summertime, almost every
16 weekend.

17 Q And when your family essentially relocated to the
18 Moselle property and making it the primary residence, were
19 you still living at home in high school? Or do you
20 remember how old you were at that point in time?

21 A Yeah. I'm sorry, Jim, will you say that again?

22 Q Were you living at home at that point in time? Is
23 that while you were still in high school --

24 A Yes.

25 Q Do you remember when that -- when you transitioned to

1 Moselle and started staying there basically full time
2 during the school year?

3 A So, when I was still in high school, we were living in
4 the Hampton house, and then I had gone off to college --

5 Q Okay.

6 A -- which is when the stuff happened and they moved out
7 to Moselle. So, I was living at college.

8 Q And when did you go off to college?

9 A 2014.

10 Q So, some time after 2014, the family relocated to
11 Moselle for the most part --

12 A That's right.

13 Q -- because of hurricane damage.

14 A Yes, sir.

15 Q Tell the jury a little bit about the Moselle property.
16 I know they've heard a fair amount, but you probably know
17 it better than anybody.

18 A Yeah. So, the Moselle property is -- it's roughly
19 7 -- roughly 1700 acres, and a lot of that is really not
20 even accessible. It's a lot of swamp lands, a lot of stuff
21 that you just -- you know, no road systems or anything like
22 that. But a big portion of it is -- you know, has road
23 systems and everything, and it's a big property. It's
24 broken up into several different parcels that border each
25 other. And, you know, we have 20 some odd deer stands,

1 dove fields, duck ponds just all over the property, so --

2 Q What type of hunting did you and your brother and your
3 father do at Moselle?

4 A Everything. Deer, duck, quail, dove, hogs.

5 Q Do you have a duck pond?

6 A We have a -- we have a duck pond.

7 Q Okay, and the hunting was -- did you have a lot of
8 friends come out and hunt as well?

9 A Yes, sir.

10 Q Okay. Now, the jury has seen an aerial view of the
11 property, and there's a main house, there's sheds, kennels,
12 and then there's a house sort of right on Moselle Road.
13 What do you call that house?

14 A That's the cabin.

15 Q The cabin, and did you live in the cabin with friends
16 over summers at some point in time?

17 A I did. The summer of my sophomore year, after my
18 sophomore year, me and two of my buddies lived in the
19 cabin.

20 Q And who were those buddies?

21 A Nolen Tuten and Rogan Gibson.

22 Q Okay, and the -- so we've -- let me get more -- we've
23 heard about hogs and pigs on the property. Can you tell
24 the jury a little bit about that?

25 A About the hogs?

1 Q Yes, sir.

2 A We had a lot of hogs. And if you don't know, hogs are
3 very destructive to a piece of property. You know, we'd
4 plant food plots for the deer, plant the fields for the
5 doves and the ducks, and they basically go through and ruin
6 it all. So, given the high population of hogs, we, you
7 know, would frequently go out and hunt them and try to cut
8 the numbers down a little bit.

9 Q Did -- what kind of guns do you have there at Moselle?

10 A We had a lot of guns.

11 Q Did you have shotguns?

12 A We did, shotguns.

13 Q Did you have 12 gauge shotguns?

14 A 12 gauge shotguns, 20 gauge shotguns, 16 gauge
15 shotguns, 28 gauge shotguns.

16 Q Right, and how many rifles -- type rifles did you have
17 on the property?

18 A A lot.

19 Q Can you just name some of them?

20 A Yeah. 270. 270 Short Mag. 7-millimeter 08, 308,
21 243, 223, 300 Blackout.

22 Q And what type of ammo did you keep on the property?

23 A Well, I mean, all ammos for those calibers.

24 Q Sure, and where were the guns kept primarily?

25 A In the gun room at the main house at Moselle.

1 Q And was there a pool table in the gun room?

2 A There was.

3 Q Were there times when guns were left elsewhere on the
4 property?

5 A Yes.

6 Q Where else on the property would guns be left?

7 A Well, just myself, I mean, I've left them up at the
8 shed before. I've left them on a golf cart used that day,
9 left them in a truck. I mean, guns would just not always
10 find their way back to the gun room.

11 Q How about Paul? How was he with securing guns?

12 A Not good.

13 Q What do you mean by that?

14 A He would -- Paul left guns probably more on the
15 property than anybody else, and just -- and sometimes if
16 he -- like sometimes he would use my gun and then he would
17 leave it, and then I would have to track it down.

18 Q Did Paul carry guns in his truck?

19 A He did.

20 Q Would he keep his truck locked up?

21 A No. No, not all of the time.

22 Q At some point in time, you and Paul received 300
23 Blackouts for Christmas.

24 A Yes, sir.

25 Q Do you remember roughly, was that 2016 or 2017?

1 A Sounds right.

2 Q Okay, and what color was your 300 Blackout?

3 A It was black.

4 Q And you've been sitting in this courtroom during the
5 entire trial?

6 A Yes, sir.

7 Q And there's -- the jury has seen a black 300 Blackout.
8 Is that yours?

9 A It is. That was my 300 Blackout.

10 Q Was that the one you got for Christmas?

11 A Yes, sir.

12 Q And what color was Paul's?

13 A Paul's was black and tan.

14 Q And when you say black and tan, what part was tan and
15 what part was black?

16 A So, I -- so, the receiver would have been tan, and
17 the -- I think, and the barrel would have been tan.

18 Q What part would have been black?

19 A The stock maybe.

20 Q And so yours was all black, his was black and tan.

21 A That's right.

22 Q What happened to his that he got for Christmas in
23 2016?

24 A His gun was apparently stolen, lost, taken, yeah.

25 Q Do you -- how do you know that?

1 A That's just what Paul told me.

2 Q Did -- what happened to your gun after Paul's was
3 stolen?

4 A My gun became, you know, what we would both use.

5 Q And would -- did that create some confrontation
6 between you two at times?

7 A Yes, sir.

8 Q And what -- why?

9 A Well, kind of like I just touched on. So, he would
10 use it. He's not very good about putting it back where he
11 found it. I would leave it somewhere. I go back and, you
12 know, want to get it and it's not there.

13 Q Did, did, did you notice or were you aware that Paul
14 got a replacement at some point in time?

15 A No, sir.

16 Q Well, you heard about that in the courtroom in the
17 trial?

18 A Yes, sir.

19 Q But up to that point, did you ever see Paul use the
20 replacement?

21 A No, sir. I've never seen a replacement.

22 Q So, every time in your presence Paul was using a 300
23 Blackout, which one would it be?

24 A Mine.

25 Q There's -- I'm not going to pull these guns out,

1 Buster, but there's a -- been just a discussion and the
2 jury has seen a 12 gauge Benelli with a Mojo sticker on it.
3 Whose gun is that?

4 A That's mine.

5 Q And what is Mojo?

6 A Mojo is a brand of decoy. It's -- basically what it
7 is, is it's -- you know, say you buy a wood duck Mojo and
8 it sits on a pole but the wings are motorized, so it's to
9 replicate, you know, a more alive duck.

10 Q And did you -- why does your Benelli have a Mojo
11 sticker on?

12 A Because I bought a Mojo decoy, and in the box it came
13 with a sticker, and I put the sticker on the gun barrel.

14 Q And so that way you know that's your gun.

15 A That's right.

16 Q I believe the evidence in the case is that that Mojo
17 Benelli, when it was seized, was loaded. Do you -- did you
18 frequently put the gun away loaded?

19 A Yes, sir.

20 Q Why?

21 A You know, knowing that I might need it again at any
22 point.

23 Q Okay.

24 A Just, you know, put it back on the shelf. I kept the
25 safety on.

1 Q Okay, and I think it was loaded with a three inch and
2 a three and a half inch turkey load. Do you remember that
3 you would load that gun with a three inch and a three and a
4 half inch?

5 A Yes, sir.

6 Q And why would you do that?

7 A I do that because when I go turkey hunting, the goal
8 is to, you know, get the turkey close to you and shoot it
9 in the first try, but if I were to miss and the turkey goes
10 running away and I try to shoot it again, I put a bigger
11 shell -- larger shell behind the smaller one for that
12 purpose.

13 Q Okay, and that's something you commonly do.

14 A Yes, sir.

15 Q Did you ever load in a 12 gauge, 20 gauge, 28 gauge, a
16 buckshot followed by a birdshot?

17 A No, sir, I've never done that.

18 Q Have you ever known anybody to do that?

19 A No, sir.

20 Q Do you know of any reason to do that?

21 A No. I can't think of any reason to do that.

22 Q And specifically, have you ever loaded in any gun a
23 buckshot followed by a Drylok steel waterfowl pellets?

24 A I have not.

25 Q Do you know anybody to do that?

1 A No, sir.

2 Q Do you know any reason to do that?

3 A No, sir.

4 Q And have you ever seen any guns on your property
5 loaded in that fashion?

6 A No, sir.

7 Q Buckshot with some sort of birdshot right behind it.

8 A No, sir.

9 Q The jury has heard testimony about goings and comings,
10 which way you go in and go out at Moselle. How many
11 entrances were there at Moselle?

12 A There's two entrances.

13 Q And will you describe the two entrances?

14 A So, the main entrance is pretty much straight out of
15 the front door of the house. You would go down a dirt road
16 and then you would come up on big brick columns, and that's
17 what I refer to as the main entrance. But down by the
18 kennels is another entrance and that one, it's a little bit
19 different. That one has the mailbox beside it, and those
20 are the two entrances.

21 Q So, let's talk about coming onto the property. Which,
22 which, which entrance coming onto the property would your
23 mother normally take?

24 A I would say normally everybody took the main entrance,
25 unless there was a reason that you needed to go down the

1 other one, which for her, her reasons of going down the
2 other one would be the mailbox. And also when we got
3 packages delivered from Amazon, they actually would be --
4 or would go to the shed as opposed to the house.

5 Q So, your deliveries would go not to the yellow or
6 whatever, white house that you lived in, but down at the
7 shed.

8 A That's right.

9 Q Now leaving the Moselle property, which way would you,
10 Alex, your mom, Paul normally go leaving Moselle?

11 A Out of the main gate.

12 Q And if you're going to Almeda, which way do you turn
13 coming out of the main gate?

14 A To the right.

15 Q The -- in 2020/2021 during the summer months, where
16 did your mother prefer to stay?

17 A At Edisto.

18 Q And where were you staying, say, in the spring/summer
19 of 2021? Where were you living?

20 A Spring? Moselle.

21 Q And then summer, where did you move to?

22 A I was down at Edisto a lot in the summer.

23 Q And then where was Paul living in the, say, spring of
24 2021?

25 A Um --

1 MR. MEADORS: Your Honor, is he saying in the spring
2 of '20 or '21?

3 MR. GRIFFIN: '21.

4 Q Now, did you -- maybe I said the wrong thing. In the
5 spring of 2021, where were you living?

6 A Spring of 2021, I --

7 Q Did you have an apartment in Columbia?

8 A Yes. I did have an apartment in Columbia.

9 Q Did you split time between Columbia and Moselle?

10 A Yes, sir.

11 Q And you have a girlfriend?

12 A Yes, sir.

13 Q Okay, and then in the summer of 2021 -- well, in June
14 where were you living?

15 A Between Columbia and between Rock Hill.

16 Q Okay, and who lived in Rock Hill?

17 A My girlfriend's mom.

18 Q And then in the spring up through June of 2021, where
19 was Paul living?

20 A In Columbia.

21 Q He had an apartment in Columbia?

22 A Yes, sir.

23 Q And was he at -- was he enrolled at the University of
24 South Carolina in the spring of 2021?

25 A Yes, sir.

1 Q And then once school got out, do you know where Paul
2 relocated to?

3 A No, not exactly. I know that -- I mean, I think he
4 went down to live with John Marvin when he was working for
5 him for the summertime.

6 Q And who is John Marvin?

7 A My uncle.

8 Q And what kind of business was John Marvin in?

9 A He has a rental business, and he sells Kubota
10 tractors.

11 Q And where does he have store locations?

12 A One in Okatie and one in Hampton.

13 Q And was Paul working at the Okatie location?

14 A Yes.

15 Q Just sort of backing up. Did you and your dad and
16 mother and brother, Paul, do a lot of things with your
17 mother's family, the Branstetters?

18 A Yes, sir.

19 Q What types things would y'all do?

20 A Well, we would gather every holiday and, you know,
21 other than that we would do trips together. We would go
22 down to Key West. Go over to my Aunt Mary and Uncle Bart's
23 lake house, river house, just --

24 Q Right.

25 A -- stuff like that. Take trips, family trips.

1 MR. GRIFFIN: And I'm just going to pull up on the
2 screen, Doug, Defendant's Exhibit 122.

3 Which is in evidence, Your Honor.

4 Q And, Buster, take a look on the screen, and I believe
5 your aunt Marian testified about this. Can you tell the
6 jury what this photo is?

7 A This is a photo of me and my brother and my mom and my
8 dad.

9 Q And was this taken in, I think, May '21 when y'all
10 were up for a baby shower. Is that right?

11 A Yes, sir.

12 Q And where was this?

13 A So, this is in -- this is at Lake Keowee in a
14 community called The Reserve.

15 Q Okay, and y'all were visiting with whom?

16 A With my aunt and uncle, Aunt Marian and Uncle Bart.

17 Q For what purpose?

18 A For my oldest cousin's baby shower.

19 Q All right, and was events like this unusual or --

20 A No, sir.

21 Q -- they were frequent?

22 A No, sir, they were common.

23 Q And was your father close with Maggie's dad, your
24 grandfather, Papa T as has been heard -- has been known in
25 this courtroom?

1 A Yes, sir, he was.

2 Q What kind of things would they do together?

3 A They would do a lot together. For a long time there
4 was a -- my grandfather had a camping trip, and Papa T
5 frequented the camping trip. He liked that. Dad and Papa
6 T would go to Carolina sporting events together, play golf
7 together.

8 Q And did you spend a lot of time with your dad and your
9 grandfather, Papa T?

10 A Yes, sir.

11 Q Did you play golf with them?

12 A Yes, sir.

13 Q We'll get to that in a little bit. And let's talk
14 about your dad's side of the family. Was it a close knit
15 family?

16 A Yes, sir.

17 Q And your grandfather, your dad's father, his name was
18 what?

19 A Handsome.

20 Q Handsome. And that was a nickname, I take it?

21 A Yes, sir. It's what grandchildren called him. Well,
22 it started as grandchildren called him, and then all of our
23 friends started calling him that.

24 Q But that was Randolph Murdaugh?

25 A Yes, sir.

1 Q And then your grandmother's name was Libby?

2 A Yes, sir.

3 Q And they lived close by. Is that correct?

4 A That's right.

5 Q Where did they live?

6 A Alameda.

7 Q And in relation to, I guess, Hampton where is Alameda?

8 A So, it's straight down 278 like you're going to
9 Yemassee.

10 Q And how far away is it from, say, the law office of
11 PMPED to your grandparents' house?

12 A Right.

13 Q Roughly how far is that?

14 A 10 minutes.

15 Q And how far of a drive was it -- would it have been
16 from your house in Hampton?

17 A I mean, roughly the same.

18 Q And do you know roughly how far of a drive it would
19 have been from the house in Moselle?

20 A Probably more like 20, 25 maybe.

21 Q And did you and your mom and your dad and your
22 brother, Paul, spend a lot of time with the Murdaugh side
23 of the family?

24 A Yes, sir.

25 Q And what would y'all do together?

1 A Similar stuff. Obviously gathering during the
2 holidays, various things like that. We would take trips
3 with that side of the family as well, you know, get out.
4 Everybody rent a big house. You know, meet up on the water
5 on the weekends. Just a lot of stuff going on with that
6 side of the family as well.

7 Q So, I guess let's go back and -- well, let's identify
8 on your dad's side of the family. Does your dad have
9 brothers and sisters?

10 A Yes, sir.

11 Q Who were they?

12 A John Marvin, Randy, and Lynn.

13 Q Okay, and then John Marvin, Randy, and Lynn had
14 children, did they?

15 A Yes, sir.

16 Q Do you have a lot of cousins?

17 A Yes, sir.

18 Q And the families would get together, those cousins and
19 aunts and uncles?

20 A That's right.

21 Q And was there property down on Chechessee that y'all
22 would spend time out?

23 A Yes, sir. That was the family river house,
24 Chechessee.

25 Q And where is that located?

1 A So, it's located in Okatie, Waters Avenue off the
2 Chechessee River. It's pretty desolate.

3 Q The -- in the spring -- well, in May or June of 2021,
4 what was your grandfather Handsome's health condition as
5 you knew it?

6 A Not good. He wasn't in good health.

7 Q What did you understand his health problems to be?

8 A I understand he had cancer, and I understood that, you
9 know, he was having a pretty big battle with it.

10 Q And what was your grandmother -- what did you call
11 your grandmother?

12 A M.

13 Q M?

14 A Yes, sir.

15 Q What health issues did she have in May and June of
16 2021?

17 A She has Alzheimer's.

18 Q And would your dad frequently check on Handsome and M?

19 A Yes, sir, he would.

20 Q Did you go with your dad to check on Handsome and M?

21 A I would occasionally go with him, too, yes, sir.

22 Q And what times of day would you go with your dad to
23 check on your grandparents?

24 A It could have been any time. Went over at lunch a lot
25 of times, went over in the evenings a lot. Just no real

1 set schedule. Just kind of mosey on over there.

2 Q When -- would your mother go with your dad?

3 A She would. Not regularly but she went.

4 Q Would Paul stop in and check --

5 A Yeah.

6 Q -- on your grandparents?

7 A Yeah. Yes, sir.

8 Q Was that fairly regularly something Paul to do?

9 A Yeah. Paul would do it regularly as well.

10 Q When you would go with your dad in the evenings -- and
11 maybe it's not limited to the evenings -- where would you
12 park when you would go to visit your grandparents?

13 A For the most part, just like an ordinary afternoon
14 visit, park in, you know, the garage, the carport. But if
15 we went over a little bit later, then we would pull around
16 to the back side of the house and be able to enter through
17 the back door.

18 Q Okay, and what's at the back side of the house?

19 A So, when you walk in the back side, it's like a -- we
20 call it a sunroom but it's, you know, a dining table, it's
21 got a TV in there, and then that's right next to the
22 kitchen. And then if you're in the kitchen and you go to
23 the right, then that's where my grandparents' room is.

24 MR. GRIFFIN: Doug, if you could pull up page 38 from
25 State's Exhibit 524, please, that's in evidence.

1 SPEAKER: State's Exhibit 54 you said, Counsel?

2 MR. GRIFFIN: 524. I believe it's page 38.

3 SPEAKER: 524, correct?

4 MR. GRIFFIN: Yes, and that's page 38?

5 SPEAKER: Yes.

6 Q So, Buster, this is from State's Exhibit 524 that's in
7 evidence, which is the GPS data off of the OnStar provider
8 from General Motors. And can you see that?

9 A Yes, sir.

10 Q Can you tell us, what's that house?

11 A So, that's my grandparents' house at Alameda.

12 Q All right, and these, these dots in the back, and I'm
13 going to point to this line of dots just right next to the
14 circle that Doug drew. Do you see them where they seem to
15 be connected right here in the far right?

16 A Yes, sir.

17 Q Where is that on the property?

18 A So, that's right off the back corner of the house.

19 Q Is that a place where you would normally park to go in
20 the back of the house?

21 A Yes, sir, that is where.

22 Q And have you parked there yourself?

23 A I have.

24 Q Have you seen other family members park there?

25 A I have.

1 Q Is that -- is that a customary place to park when you
2 go in the back door where the kitchen and sunroom is?

3 A Yes, sir.

4 Q I'm going to show you some photos, which are
5 Exhibits 130 to 136. And I want to ask you if you can just
6 identify them. Don't show them to the jury, but just tell
7 us what those photographs are of.

8 A So, these photos are of the area we're talking about
9 off the back corner of the house at Almeda.

10 Q All right.

11 MR. GRIFFIN: Your Honor, at this time I would move
12 Defendant's Exhibits 130 to 136 into evidence.

13 MR. MEADORS: No objection.

14 THE COURT: They are admitted.

15 MR. GRIFFIN: Thank you.

16 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 130 WAS
17 RECEIVED INTO EVIDENCE.)

18 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 131 WAS
19 RECEIVED INTO EVIDENCE.)

20 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 132 WAS
21 RECEIVED INTO EVIDENCE.)

22 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 133 WAS
23 RECEIVED INTO EVIDENCE.)

24 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 134 WAS
25 RECEIVED INTO EVIDENCE.)

1 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 135 WAS
2 RECEIVED INTO EVIDENCE.)

3 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 136 WAS
4 RECEIVED INTO EVIDENCE.)

5 MR. GRIFFIN: So, Doug, please pull up Exhibit 133.

6 (Break in proceedings.)

7 Q And, Buster, tell us what 133 is, please.

8 A Yeah. So, this is the back door entrance to where I
9 was just talking about to enter into the sunroom/kitchen
10 into the -- kind of the back quarter is where my
11 grandparents' bedrooms were.

12 Q All right.

13 MR. GRIFFIN: And if you'll pull up 134, Doug, please.

14 (Break in proceedings.)

15 Q And what is 134?

16 A Same thing. Same back side of the property, just
17 little bit of a different angle.

18 Q So, that part of the house to the right of the photo,
19 what is that? Can you see here?

20 A Yes. So, that right there would be my grandparents'
21 bedroom.

22 Q Okay. So, that's -- in the evening, your grandparents
23 would be in that part of the house. Is that correct?

24 A Yes, sir.

25 Q And if you went to the garage entrance, what would

1 happen? Or what would be required of your grandparents or
2 some sitter to let you in?

3 A Yeah. So, you could go and knock, but a lot of times
4 they're in the back part of the house and they don't hear
5 you, so you normally call and say, like, hey, I'm at the
6 front. I need to be, you know, let in. And they would
7 have to walk from the back to the front, unlock the door,
8 and let you in.

9 Q But if you're in the back, how far is the walk?

10 A Quarter of the distance it would be to walk to the --
11 it's very short.

12 Q And was it common to go in the back door?

13 A Yes, sir.

14 Q And is it -- and then I'm going to show you
15 Exhibit 131.

16 MR. GRIFFIN: Please pull that up, Doug.

17 (Break in proceedings.)

18 MR. GRIFFIN: So, Your Honor, can he step down off the
19 stand and point to the jury?

20 THE COURT: Yes.

21 MR. GRIFFIN: Where --

22 (Break in proceedings.)

23 Q So, Buster, step aside so that the jury can -- you're
24 not blocking their view. I don't have a pointer, but can
25 you point out in the -- in this photo where you would

1 normally park? All right, yeah, point out to the jury
2 where you would normally park to go into to the --

3 A So, you would park, you know, right about here coming
4 right off the -- basically the corner of the house, and
5 this is the same stairway to go up to the back --

6 Q You would park in the grass.

7 A Yes, sir.

8 Q And near that satellite dish, or not near the
9 satellite dish.

10 A Yeah --

11 MR. MEADORS: Objection.

12 Q Where would you park --

13 MR. MEADORS: Leading.

14 Q -- in relation to the satellite dish?

15 A Yeah, right there close to it.

16 Q All right, and that was -- now, hang on, Buster. I'm
17 sorry, come back. What's this structure right here?

18 A That's what we call the cook shed.

19 Q And maybe those -- what's in the cook shed?

20 A A couple of couches, big TVs. That's mostly where --
21 my grandfather used to have a cookout on every third
22 Thursday of month, and that's where he would have his
23 little gathering. It's just an open -- open concept in
24 there with a kitchen, TV, a couple of couches.

25 Q All right. Hang on.

1 MR. GRIFFIN: Doug, pull up 132 while Buster is still
2 standing here.

3 (Break in proceedings.)

4 Q Buster, what's this structure to the right of the --
5 as you're looking at the cook house?

6 A That's the old shed.

7 Q Okay. Now, roughly what's the distance between the
8 cook house and the cook shed to where you would normally
9 park to go in the back door?

10 A Yeah. 10 or 20 yards maybe.

11 Q All right. Go ahead and take your seat. Buster, how
12 often would you speak with your mom and dad on the
13 telephone? On a daily basis?

14 A Pretty much every day.

15 Q Right, and would you be with your dad when you were
16 talking with your mother?

17 A Yes, sir.

18 Q I guess, how -- can you give the jury some sense of
19 how frequently as a family y'all would engage in telephone
20 conversations? Daily?

21 A Yeah. It was very frequent. I mean, I spoke to my
22 mom every day multiple times a day, and the like for my dad
23 and for my brother, too, and then -- and that's just me.
24 And I know it's -- like, they're all talking to each other,
25 too. Just a lot of conversating throughout the day over

1 the telephones within the family.

2 Q Okay.

3 MR. GRIFFIN: So, Doug, I want to pull up State's
4 Exhibit 520, which is in evidence. And this is the
5 Rudofski extended -- or extensive timeline, not the
6 condensed version, State's 520. And if you would go to
7 page 14, please.

8 (Break in proceedings.)

9 Q So, Buster, what I would like to do -- and this just
10 starts at 111 10 p.m.

11 MR. GRIFFIN: If you could go up that first entry,
12 Doug, the -- and this is in evidence offered by the State.

13 Q And I just want to go through some of these again.
14 So, at 1:10 this document says that Paul Murdaugh misses a
15 phone call from Margaret Murdaugh. And then at 1:11:36 it
16 says Maggie makes an outgoing phone call to Buster.
17 Answered. 1 minute and 22 seconds long. Do you have any
18 independent recollection of this particular phone call?

19 A No, sir.

20 Q Okay, but as you keep working your way down --

21 MR. GRIFFIN: At 1:19, Doug --

22 Q -- there's another entry. It says: Paul Murdaugh
23 makes an outgoing phone call to Mom. Do you see that at
24 1:19?

25 A Yes, sir.

1 Q And then if we'll go down to -- well -- so, I guess --
2 let's just stop there. Is it frequent that your mother
3 would reach out to you and Paul during the day?

4 A Yes, sir.

5 Q Okay.

6 MR. GRIFFIN: And if you'll go down to 1:41, please,
7 Doug, at 1:41:33.

8 Q And you see Maggie makes an outgoing phone call to
9 Buster. Do you see that? At 1:42, I'm sorry.

10 A Yes, sir.

11 Q And then right before that at 1:41, it looks like
12 Maggie makes an outgoing phone call to Alex, not answering.
13 Do you see that?

14 A Yes, sir.

15 Q And then if you go right below that, it said 1:42:43
16 Maggie makes an outgoing phone call to Paul. Now, do you
17 see that?

18 A Yes, sir.

19 Q Was anything unusual going on this day, or is this
20 just sort of how life was in the Murdaugh family?

21 A No, this was normal. This was the way we
22 communicated.

23 Q Okay.

24 MR. GRIFFIN: And then if you'll to page 15, Doug, in
25 the bottom at entry, 1 minute -- 1 -- 1:52:39.

1 Q It says Maggie Murdaugh makes outgoing phone call to
2 Buster, answered at 1:19. So, there's another call from
3 your mother. Is that right?

4 A Yes, sir.

5 Q Not unusual, was it?

6 A Not unusual.

7 Q All right, and page 16 at 1:55:40, if you'll take a
8 look --

9 MR. GRIFFIN: Blow that up, Doug.

10 Q It says Maggie Murdaugh received an incoming phone
11 call from PA, Alex Murdaugh. Answered. 6 minutes and 18
12 seconds. And that was your dad and mom apparently talking,
13 correct?

14 A Yes, sir.

15 Q And then right below that at 1:56:18, there's some
16 instant messages to you about some medication. Do you
17 remember what this might be about?

18 A Yeah. So, this was about -- I take a medication
19 called Dupixent, which is a self-given shot, and I was up
20 in Rock Hill and I needed to get the medicine delivered to
21 this address here on the screen, and that's what we were
22 talking about. She was, you know, calling the pharmacy to
23 get it redirected to that address.

24 Q Normal day. Is that right?

25 A Yes, sir.

1 Q All right.

2 MR. GRIFFIN: Doug, if you'll go to page 19 at
3 3:24:20 p.m. Excuse me, I'm sorry, 3:24:35.

4 Q Alex Murdaugh received an incoming phone call from
5 Buster, 518 seconds. Sitting here today, do you remember
6 what the phone call was about?

7 A No, sir. I don't know specifically what it was about.

8 Q But it was just a normal --

9 A Yeah, just --

10 Q -- day in the life of Buster Murdaugh --

11 A That's right.

12 Q -- talking to his parents.

13 A Yes, sir.

14 MR. GRIFFIN: Would you go to page 24, Doug, at
15 4:42:56 p.m.?

16 (Break in proceedings.)

17 Q See, that looks like at 4:42 your mother is calling
18 you again, right?

19 A Yes, sir.

20 Q Anything unusual going on?

21 A No, sir.

22 MR. GRIFFIN: And then if you'll go to page 26, Doug,
23 at 5:16:25 p.m.

24 Q And there's an entry that says Alex Murdaugh calls
25 Buster Murdaugh. Do you see that?

1 A Yes, sir.

2 Q It looks like at 6 second call. Do you remember what
3 that might be about?

4 A No. 6 seconds could be a butt dial. That would
5 happen often.

6 Q All right, and then if you go down to the bottom of
7 the page at 5:21:11, it looks like there's a 92 second
8 call, which is about 5 minutes after what might have been
9 the butt dial. It says Alex Murdaugh received a call,
10 Buster. Answered. 92 seconds long. Do you see that?

11 A Yes, sir.

12 Q So, are you returning your dad's call, you think?

13 A Probably.

14 Q Okay, and I've just carried through.

15 MR. GRIFFIN: If you'll -- Doug, if you'll go to page
16 32 at 6:52:32 p.m., please.

17 (Break in proceedings.)

18 MR. GRIFFIN: Pull that up. Thank you.

19 Q So, this entry says Alex Murdaugh calls Terry
20 Branstetter, 412 seconds. Who is Terry Branstetter?

21 A Papa T.

22 Q And would your dad call your grandfather fairly
23 regularly?

24 A Yes, sir, he would.

25 Q And so, again, anything unusual going on on the 7th

1 for y'all to have all of these communications?

2 A No, sir.

3 MR. GRIFFIN: And then we jump to Page 49, Doug. And
4 if you go to 9:08:58.

5 Q And it says Alex Murdaugh I-messages Maggie Murdaugh
6 stating, quote: Going to check on M, be right back. Closed
7 quote. Now, who's M?

8 A My grandma.

9 Q And that's at 9:08:58. And then at 9:10:47, there's
10 an entry that says Alex Murdaugh calls Buster, and it says
11 60 seconds long, and that is at 9:10:47 p.m. on June 7th.
12 Do you remember getting that phone call?

13 A Yes, sir.

14 Q What did you talk about?

15 MR. MEADORS: Objection.

16 MR. GRIFFIN: What did you talk about?

17 THE COURT: Basis for the objection.

18 MR. MEADORS: I was just reacting to the hearsay.

19 THE COURT: Pardon?

20 MR. MEADORS: I didn't want to open the door to
21 anything he's -- I was reacting to hearsay.

22 THE COURT: Okay.

23 MR. GRIFFIN: I asked what the topic was, Your Honor.

24 THE COURT: The objection is overruled.

25 A Um.

1 Q Yeah. Don't say what your dad said. Just tell me
2 what y'all talked about.

3 A Yeah. Well, we just talked about hey, how are you
4 doing? And then he said that he was going out to --

5 Q Hang on --

6 MR. MEADORS: Your Honor, if he could finish his
7 answer.

8 MR. GRIFFIN: Okay. I mean, I thought you didn't want
9 to hear hearsay. I'm sorry, Your Honor.

10 Q Go ahead.

11 A And he was just letting me know that he was going out
12 to Alameda to check on M.

13 Q And was this an unusual conversation you had with him?

14 A No, sir.

15 Q What was his demeanor in the conversation?

16 A Normal.

17 Q Had it changed from any of the other times you talked
18 to him earlier in the day on the 7th?

19 A No, sir.

20 Q And would he on occasion call you when he was going to
21 check on his mother, M?

22 A He would, yes, sir.

23 Q And was that an unusual occurrence?

24 A No. Probably one of the more regular occurrences. We
25 all usually would make phone calls, like, riding in a car,

1 so when he was riding over, it's very common for him to
2 call.

3 MR. GRIFFIN: You can take that down, Doug.

4 Q So, just going through this extraction from, say,
5 1:00 until what we just talked about, 9:00, there were
6 multiple phone calls within the family. Tell the jury
7 about cell phone coverage at Moselle.

8 A Not great cell phone coverage. Didn't have a lot of
9 service, especially around -- so if you were underneath the
10 shed at the shed, it had a metal roof. Just couldn't get
11 any service inside of it. It was spotty around the whole
12 property. And it had honestly gotten bad up at the house.
13 We had just put on a new roof. The roof was metal, and it
14 just kind of hindered a lot of the phone coverage out
15 there.

16 Q Would it be unusual for your dad to leave his phone at
17 the house when he was going down to the shed?

18 A No, sir, it wouldn't --

19 MR. MEADORS: Objection. Leading.

20 THE COURT: Can't lead the witness.

21 A No, sir, it would not be unusual.

22 Q Well, did your dad always have his phone with him when
23 he was on the property at Moselle?

24 A Not all the time.

25 Q Did your brother always have the phone on him when he

1 was at the property at Moselle?

2 A Not always on him. He would have it near him but, you
3 know, he's out there working on stuff and didn't always
4 have his phone just in his hand or in his pockets or
5 anything like that.

6 Q Did your father ever misplace his phone?

7 A Yes, sir.

8 Q Was that a frequent occurrence?

9 A It was.

10 Q How about your brother? Did he ever misplace his
11 phone?

12 A He did.

13 Q Was that frequent?

14 A It was.

15 Q Now, there's been some testimony about Bubba.

16 A Yes, sir.

17 Q Who is Bubba?

18 A Bubba was our dog.

19 Q What kind of dog is Bubba?

20 A He's a yellow lab.

21 Q And was he difficult to control?

22 A He could be, but for the most part, no. He would
23 listen -- he would listen to Dad more than anybody else,
24 but also we, we had a gun dog shock collar that we would
25 put on him sometimes, and when he had that on he was on his

1 Ps and Qs.

2 Q The -- switching gears to another topic. When your
3 dad -- well, let me just put it like this. How frequently
4 would your dad take a shower or bath?

5 A He could take them -- he could take them a lot. I
6 mean, working out there, if he goes outside and sweats a
7 lot, comes back in and takes a shower.

8 Q Was that a normal routine for him?

9 A It was.

10 Q And did he sweat a lot?

11 A Yeah. It's hot out there in the summertime.

12 Q Was he a lot bigger then than he is today?

13 A He was.

14 Q How big was he?

15 A Probably 2 -- you know, 6-4, 250, 260.

16 Q Okay. Alex -- I mean, excuse me, Buster, were you
17 aware that your dad had an opioid addiction?

18 A A little bit. I knew a little bit about the usage of
19 pills.

20 Q What did you know about it?

21 A I knew that -- I knew that either my brother and Mom
22 had found them at some point, and then, you know, told him,
23 like, hey, we found these. And he, I want to say in 2018
24 around Christmas, he went to a detox facility after
25 Christmas, and that was my knowledge of it. Thought that

1 that handled it, and then there were a couple of more times
2 after -- after the fact where they would kind of go into
3 this finding pills, all that stuff. And then he did a
4 few -- he did a few kind of like at home, just self-detoxed
5 a couple of times and, you know, thought, you know, once he
6 did that that, you know, he could get off them. But that
7 was kind of my general knowledge about it all.

8 Q You thought he had beat it.

9 A That's right, yes, sir.

10 Q And when he was confronted about his pills, what was
11 his attitude?

12 A I don't know for sure because I wasn't there when a
13 lot of the confrontations happened with them finding the
14 pills. But, I mean, I've never heard anything -- just, you
15 know, apologetic and, you know, sorry, and -- would usually
16 be his kind of regular kind of response.

17 Q How did your family handle disputes and disagreements?

18 A Pretty -- I mean, you know, like adults. Pretty
19 civilly. You know, talked about it, stuff like that. I
20 mean, and it just depends on the dispute, too. Like, you
21 know, when I was a kid I would get spanked, stuff like
22 that. It's not really a disagreement. That's just a --

23 Q Once you were a teenager and college age --

24 A Right.

25 Q -- any reprimands or disputes you had gotten into with

1 your father, was it all civil?

2 A Yeah, definitely civil.

3 Q Did your father show patience with you and your
4 brother?

5 A Yes, sir, he would.

6 Q Was there ever any violence in the family?

7 A No, sir.

8 Q In February of 2019, your brother was in a boating
9 accident. Is that correct?

10 A Yes, sir.

11 Q And I believe -- where were you living at the time?

12 A Columbia.

13 Q And was he criminally charged eventually?

14 A Yes, sir.

15 Q And what type of reaction was there to his involvement
16 in a boating accident and his criminal charges in the
17 community in Hampton?

18 A I would say a negative reaction in the community. The
19 media spite kind of got -- kind of got going after it.
20 There was a lot of articles in the media about, you know,
21 our family and stuff like that.

22 Q And to your knowledge, was Paul being threatened or
23 bullied on social media or anything like that?

24 A Yeah. He was definitely being bullied and -- on
25 social media. You know, just people sending random

1 messages. And I would talk to him. I know a lot of times
2 he would be walking down the sidewalk and, you know, a car
3 comes by and they would yell some stuff at him. I knew he
4 would go out, you know, in a bar and, you know, there's
5 somebody that wants to talk about it and, you know, make a
6 scuff about it and whatnot.

7 Q Right. The -- what was -- what was your mother's
8 reaction to all of the negativity surrounding the boating
9 accident?

10 A It, you know, it kind of consumed her. She's big on
11 reading all of it, and when she read the negative stuff,
12 you know, it made her feel upset and whatnot. It
13 ultimately -- it ultimately kind of caused her to distance
14 herself from Hampton at this time, you know, primarily
15 living at Moselle. She quit going to the grocery stores in
16 Hampton, quit going to the pharmacy, quit going to get food
17 in Hampton. Just thought that there was a real, you know,
18 kind of a bad -- kind a bad vibe in Hampton. Like, you
19 go -- she felt like people were staring at her and talking
20 about her and stuff.

21 Q Where would she do her shopping?

22 A She moved over to Walterboro and started going over
23 that way.

24 Q All right. Were you sued in the boating accident?

25 A Yes, sir.

1 MR. MEADORS: Objection. Relevance.

2 THE COURT: Any response?

3 MR. GRIFFIN: With regard to relevance, Your Honor, it
4 is civil litigation about the boating accident, and it has
5 been a big part of the State's case. He's a party to the
6 litigation.

7 THE COURT: I overrule the objection.

8 Q Were you sued?

9 A Yes, sir.

10 Q Was your dad sued?

11 A He was.

12 Q Was your mother sued?

13 A She -- her estate became sued.

14 Q But before she was murdered, had she been sued?

15 A I don't know. I can't remember. Maybe.

16 Q And do you know if Paul had been sued?

17 A No. I don't know that he had been sued.

18 Q What -- was your mother anxious about the civil
19 lawsuit?

20 A Yes, sir.

21 Q What was her biggest concern?

22 A Her -- I would say her biggest concern was reading
23 articles after, you know, Mark Tinsley had made a statement
24 about how much money he was wanting to collect in the civil
25 lawsuits, and I think it was to the tune of, like,

1 \$40 million or something like that he was trying to get,
2 and that made her anxious.

3 Q And what was your reaction to statements like that?

4 A Well, I mean, I knew what he was saying, but, I mean,
5 it's not -- to me it just didn't seem -- you know, I didn't
6 think -- well, I don't have \$40 million, so --

7 Q Right, and was your dad anxious about the lawsuit, to
8 your knowledge?

9 A Didn't appear to be overly anxious about it.

10 Q What took priority, the criminal case against Paul or
11 the civil case?

12 A The criminal case.

13 Q And was -- did the family support Paul in the criminal
14 matter?

15 A Yes, sir.

16 Q And what do you mean by that?

17 A I mean, the -- supported him in his criminal case
18 because, you know, amongst the family, none of us thought
19 that he was driving the boat. We thought he'd been --

20 Q At the time of the accident?

21 A That's correct.

22 Q Buster, I want to now talk about the weekend leading
23 up to June the 7th.

24 A Yes, sir.

25 Q And we've showed the picture of the lake weekend

1 that -- where you were -- went up to Keowee with the
2 Proctors and the Branstetters.

3 A Yes, sir.

4 Q And then the following weekend, I believe, was
5 Memorial Day. Were you with your family on Memorial Day
6 weekend?

7 A Yes, sir.

8 Q And who was present?

9 A A lot of people were present. I was there, my brother
10 was there, my mom, my dad, my brother had some friends
11 staying with us. And those were the people sleeping there,
12 and then people are, you know, in and out throughout the
13 day, throughout the weekend.

14 Q And was it a fun family weekend?

15 A Yes, sir.

16 Q It was a normal Memorial Day weekend at Edisto with
17 your family and friends?

18 A That's right.

19 Q And let me show you -- I'm going to show you
20 Defendant's Exhibit 123, and I want to get you to identify
21 it, Buster. Don't -- just say what it is, please.

22 A It's a picture of my mom and my dad and I on a boat.

23 Q Is that Memorial Day weekend?

24 A Yes, sir.

25 MR. GRIFFIN: Your Honor, we would move Defendant's

1 Exhibit 123 into evidence.

2 MR. MEADORS: No objection.

3 THE COURT: It's admitted.

4 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 123 WAS
5 RECEIVED INTO EVIDENCE.)

6 Q Is this the photo, Buster?

7 A Yes, sir.

8 Q And then I believe the same weekend there was a
9 birthday party or a cookout. Is that right?

10 A Yes, sir.

11 MR. GRIFFIN: Doug, if you could play exhibit --
12 Defendant's Exhibit 51, please, that's in evidence?

13 Q I want you to take a look at that.

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

15 Q And was that -- did your mom make a cake for your dad?

16 A Yes, sir.

17 Q And that was a group of friends -- when is your dad's
18 birthday? Do you know the exact date? It's not a test.

19 You can just say you don't know.

20 A No. I don't know the exact date.

21 Q Okay. It's around the Memorial Day?

22 A That's right.

23 Q Okay.

24 A The 27th, maybe.

25 Q And then the following weekend, there was a baseball

1 tournament in Columbia?

2 A Yes, sir.

3 Q Tell the jury about that weekend. What happened
4 there?

5 A That was the weekend South Carolina was hosting a
6 regional baseball tournament, and me, my mom, my dad, and
7 my girlfriend went to the baseball games.

8 Q And where was the game?

9 A Columbia.

10 Q And it was a super regional or --

11 A Regional.

12 Q A regional.

13 A Yes, sir.

14 Q And what days that weekend did you go to the game?

15 A Saturday and Sunday.

16 Q Did your mom and dad stay in Columbia that weekend?

17 A They did.

18 Q They stayed on Saturday night?

19 A Yes, sir.

20 Q And do you -- did y'all tailgate with them on Saturday
21 or Sunday?

22 A Yes, sir, we did.

23 Q And was it a normal weekend?

24 A It was.

25 Q A fun weekend.

1 A Yes, sir.

2 Q And Sunday would have been June the 6th. Is that
3 right?

4 A Yes, sir.

5 Q And then on June 7th, we went through a host of -- a
6 number of telephone calls with you and your dad and mom
7 leading up to 9:08, 9:10 on June 7th. Buster, when did you
8 first find out that your mom and brother were murdered?

9 A My dad called me. I can't remember the exact time,
10 but it was later, and he called me on the phone. He asked
11 me if I was sitting down, and I was, like, yeah. And then
12 he, you know, sounded odd, and then he told me that my mom
13 and brother had been shot.

14 Q What did you do?

15 A Well, Brooklynn, my girlfriend, was with me, and I
16 think she heard the -- she could hear my conversation kind
17 of over the phone, and so she just started packing stuff.
18 And I kind of just sat there for a minute. I was in shock.
19 But eventually we got our stuff together and drove down to
20 Moselle.

21 Q Do you remember what time you got to Moselle?

22 A It was early in the morning, late in the morning. You
23 know, if we left around 10:30 or 11:00, got there some time
24 probably around 2:00 in the morning.

25 Q And when you got there, did you see your dad?

1 A Yes, sir.

2 Q What kind of condition was he in? What was his
3 demeanor?

4 A His demeanor was he was destroyed. He was heart
5 broken. I walked in the door and saw him and gave him a
6 hug, and just broken down.

7 Q Could he speak?

8 A Not really.

9 Q Was he crying?

10 A Yes, sir.

11 Q Who else was in the house? Do you remember?

12 A Yeah. My girlfriend, Brooklyn, and I got there, my --
13 out in the driveway my uncle Randy and Uncle John were out
14 there. Chris Wilson and Cory Fleming had just gotten
15 there; they had pulled in behind us. And when I walked in,
16 several of the partners were there: Ronnie Crosby was
17 there, Lee Cope was there, Mark Ball was there. Austin
18 Crosby was there. William Barnes. My buddy Nolen was
19 there. And I'm sure I'm leaving some out, but that's what
20 I remember.

21 Q Sure. Do you remember how long you stayed there?

22 A Stayed there several hours, probably, you know,
23 probably 3 or 4 hours, until about 4:00 or 5:00 in the
24 morning.

25 Q And where did you go?

1 A And then we left Moselle and we went to Almeda.

2 Q When you say we, who are you talking about?

3 A My girlfriend, my dad, and my uncle John.

4 Q I know this seems kind of trivial, but what was your
5 dad wearing when you first saw him?

6 A Shorts, t-shirt.

7 Q And did you help him pack?

8 A I did, yes, sir.

9 Q What did you do to help him pack?

10 A Got his bag, went into the closet, grabbed some
11 t-shirts, grabbed some shorts, grabbed a toilet kit, put it
12 the bag and, and left.

13 Q Why were you doing the packing?

14 A Just trying to help him. He, you know, he was so
15 upset. We were all upset, but just trying to expedite the
16 process of getting to Almeda.

17 Q When you went into pack your dad, was there a t-shirt
18 laying on the floor?

19 A I couldn't remember.

20 Q Did you get shirts from above the --

21 MR. MEADORS: Objection to the form of the question.

22 Q Where did you get the t-shirt?

23 A Got them from the closet, and there's, like, a
24 wooden -- it was, like, wooden shelves up on the wall and I
25 was getting the t-shirts from there.

1 Q Were there a lot of t-shirts on the shelf?

2 A Yes, sir.

3 Q Do you know whether or not one of the t-shirts fell on
4 the floor when you were packing them?

5 A I don't know whether one of them fell on the floor or
6 not, but, I mean, it certainly could have happened.

7 Q When you got to Moselle, were you able to get some
8 sleep?

9 A No, sir.

10 Q Did you go back to Moselle the next morning?

11 A Yes, sir.

12 Q And who went with you?

13 A Me, my girlfriend, Brooklyn, and my dad, and maybe
14 John Marvin. I don't know if he was riding with us or
15 already out there separately, but he was somewhere in the
16 mix.

17 Q Do you remember roughly what time you got to Moselle?

18 A I mean, I think we got there rather early, you know.
19 Nobody really slept and, you know, early in the morning,
20 sun comes up and just go back.

21 Q Did you take a shower and Brooklynn take a shower at
22 Almeda, or did you do it over at Moselle?

23 A No, sir. We slept at -- well, tried to sleep at
24 Almeda, and then we took everything back with us to Moselle
25 and we showered there.

1 Q Do you know where your dad took a shower that morning?

2 A Moselle.

3 Q And when you went back over in the morning, do you
4 know what your dad was wearing when you were traveling from
5 Alameda back to --

6 A No, not specifically. But I know that, you know -- I
7 know what I packed, so it could have been any of that.
8 Just athletic shorts and t-shirts and stuff.

9 Q And after you got to Moselle and, I guess, just
10 carrying the days forward, were you with your dad -- well,
11 how often were you with your dad once you got back from
12 Moselle on the 8th?

13 A Every day.

14 Q For how many days?

15 A For a good while.

16 Q Okay. So, let's talk about where you stayed on the
17 night of the 8th. Do you remember?

18 A Night of the 8th, would have either stayed back at
19 Alameda, or that's, that's potentially when we made the
20 transition over to John Marvin's hunting lodge.

21 Q Were you -- when you say we, are you including your
22 father?

23 A Yes, sir.

24 Q Did you drive together?

25 A Yes, sir.

1 Q Was he pretty much in your eyesight for the first few
2 days?

3 A Yes, sir.

4 Q So after the 8th, then you come up on the 9th, a
5 Wednesday. Do you know whether you were at Almeda, or
6 spent the night at your uncle John Marvin's place?

7 A Yeah. I think at that point we had switched over to
8 his place over at Greenfield.

9 Q Now -- and you call it Greenfield. That's the name of
10 his hunting --

11 A Yes, sir, just the name of the property overall.

12 Q Property. Now how far is it from Almeda?

13 A To Greenfield?

14 Q Yeah.

15 A Couple of minutes. I mean, not very --

16 Q Close by? Close by?

17 A Yeah, right down the road.

18 Q And did -- and do you remember how long you stayed at
19 Greenfield with your dad?

20 A Yeah. I mean, several days. And, you know, I think
21 anywhere from the 9th to the, you know, probably that --
22 the rest of that week through that weekend.

23 Q On Thursday, June 10th, what happened?

24 A My grandfather died.

25 Q So, the family was together and stayed together?

1 A Yes, sir.

2 Q Do you ever remember your dad disappearing for any
3 periods of time?

4 A No, sir.

5 Q Were you close, physically close to him most all the
6 time?

7 A Yes, sir.

8 Q Except when you're sleeping.

9 A That's right.

10 Q And I believe the funeral for your mom and your
11 brother, the Memorial service, was on that Saturday?

12 A Yes, sir.

13 Q And then that Sunday was the funeral for your father
14 -- grandfather, I'm sorry.

15 A Grandfather, yes, sir.

16 Q And at some point in time you went to -- did you go to
17 Summerville at some point in time?

18 A Yes, sir.

19 Q Do you remember when you went to Summerville?

20 A Right, you know, beginning of that next week.

21 (TEXT MESSAGES MARKED AS DEFENDANT'S EXHIBIT NUMBER
22 129 FOR IDENTIFICATION.)

23 Q I'm going to show you what I've marked as Defendant's
24 Exhibit 129 and ask you --

25 (Break in proceedings.)

1 MR. MEADORS: We discussed previously, we're objecting
2 on the hearsay basis to 129.

3 MR. GRIFFIN: Your Honor, I'm not introducing 129.
4 Offering to the witness to refresh his recollection, that's
5 the extent.

6 THE COURT: All right.

7 MR. GRIFFIN: This is for ID.

8 Q Buster, I don't want to you publish that, but I want
9 you to -- I want to ask you if Defendant's Exhibit 129,
10 marked for identification purposes, refreshes your
11 recollection as to when you left to go to Summerville.

12 A Yes, sir.

13 Q And when -- well, tell the jury, what is that? What's
14 that document have you in your hand?

15 A It's a text thread between my girlfriend and I.

16 Q And does it have some -- so based on that text
17 communication between you and your girlfriend refreshing
18 your recollection, when did you leave to go to Summerville?

19 A June 14th.

20 Q And looking through there, refreshing your
21 recollection, how long did you stay in Summerville?

22 A I stayed in Summerville until -- stayed in Summerville
23 until the 17th.

24 Q And then what do you remember doing after you left
25 Summerville?

1 A On the 17th, we left Summerville to go to Lake Keowee.

2 Q And so when you were in Summerville from the 14th to
3 the 17th, who were you staying with?

4 A Staying with my grandparents.

5 Q And then you went to Keowee. Who did you go with?

6 A Went with my dad and I, my grandparents, my aunt, and
7 uncle, and their children, their children's boyfriends, and
8 that was it.

9 Q So, you're with your dad from the night of June 7th
10 through the Keowee trip. Is that correct?

11 A Yes, sir.

12 Q And do you remember what you did after the Keowee --
13 Lake K trip?

14 A No.

15 Q At some point in time you just decided, you know, I've
16 got to go back to Rock Hill?

17 A Yeah. Yes, sir.

18 Q Do you remember roughly when that was?

19 A No. I mean, I think it was some time following all of
20 this, but I couldn't -- I can't tell you exactly when I
21 went back to work.

22 Q When you decide to go back to Rock Hill, you got a job
23 in Charlotte. Is that right?

24 A Yes, sir.

25 Q Did you have any discussions with your father about

1 your personal safety?

2 A Yes, sir.

3 Q Did he make any offers to you?

4 A He did.

5 Q What offers did he make to you?

6 A He offered me to --

7 MR. MEADORS: Objection.

8 THE COURT: Basis for the objection?

9 MR. MEADORS: Hearsay. Self-serving hearsay.

10 THE COURT: Any response?

11 MR. GRIFFIN: Your Honor, offer is not hearsay. It's
12 offer.

13 THE COURT: The objection is sustained.

14 Q Did you take any security precautions?

15 A No.

16 Q Did you want any security protection?

17 A No, sir, I didn't.

18 Q Why not?

19 A Well, I didn't want to carry a gun or anything like
20 that. And I also didn't want, like, a private security
21 detail following me around just for lack of privacy. And
22 at the time, the places that I was staying and the places
23 that I were going, like, I was staying at Rock Hill at my
24 girlfriend's house who has, you know, alarm systems and
25 security cameras and whatnot. And then other than that,

1 I'm staying in hotels, which, you know, just --

2 Q Right.

3 A -- felt --

4 Q Did at some point in time you and your father announce
5 a reward?

6 A Yes, sir.

7 Q I'm going to show you what I've marked as Defendant's
8 Exhibit 126 and ask if you can identify this.

9 A Yes, sir, this is the reward.

10 Q It's a news release about the reward?

11 A Yes, sir.

12 MR. GRIFFIN: Your Honor, we move Defendant's
13 Exhibit 126 into evidence at this time.

14 MR. MEADORS: No objection.

15 THE COURT: It's admitted without objection.

16 (REWARD DOCUMENT MARKED AS DEFENDANT'S EXHIBIT NUMBER
17 126 WAS RECEIVED INTO EVIDENCE.)

18 MR. GRIFFIN: Can you pull it up, Doug?

19 (Break in proceedings.)

20 MR. GRIFFIN: And if you could, just pull out the top
21 two paragraphs please, Doug.

22 (Break in proceedings.)

23 Q Did you work on this language with your dad?

24 A Yes, sir.

25 Q Can you -- can you read to the jury the first two

1 paragraphs, please, beginning with: Alex and Buster
2 Murdaugh.

3 A Yes, sir:

4 Alex and Buster Murdaugh announced today a reward
5 of 100,000 for information leading to the arrest
6 and convictions of the person or persons who
7 brutally murdered Paul and Maggie on June 7,
8 2021. I want to thank everyone for the
9 incredible love and support that we have received
10 over the last few weeks. Now is the time to
11 bring justice for Maggie and Paul. Buster and I,
12 along with Maggie's mother, father, and our
13 entire family, ask that anyone with helpful
14 information immediately call the SLED tip line or
15 crime support --

16 Sorry.

17 -- Crime Stoppers.

18 Q Thank you. Now there's a -- in the body of this,
19 there's a expiration date on this reward. What's your
20 understanding and purpose of having an expiration date?

21 A I'm not real sure.

22 Q Okay, and you see it says:

23 To be eligible, the person claiming the reward
24 must submit the tip to SLED or Crime Stoppers by
25 September 31, 2021.

1 A Yes, sir.

2 Q What happened in September, early September of 2021,
3 Buster?

4 A Talking about the --

5 Q Yeah. Do you remember your dad --

6 A Yes, sir.

7 Q -- going off to detox, the roadside shooting?

8 A Yes, sir.

9 Q From that moment that your dad went to the hospital
10 and went to detox, did he ever come back home to his
11 property, his clothes, his belongings --

12 A No, sir. No, sir.

13 Q There's been some questions about whereabouts -- the
14 whereabouts of Alex's clothes. Will you tell the jury
15 before he went off to detox where his clothes were, how
16 many different locations he had clothes?

17 A So, he had clothes at Moselle, had clothes at
18 Greenfield, had clothes at -- probably a few clothes at
19 Almeda. Had clothes at Randy and Christy's house. Had
20 clothes a lot of places.

21 Q Did he have clothes down at Chechessee?

22 A Yeah, Chechessee, Okatie.

23 Q Did he have clothes at Edisto?

24 A Yes, sir.

25 Q Did he have clothes in his car?

1 A Yes, sir.

2 MR. MEADORS: Objection.

3 THE COURT: Can't lead the witness.

4 Q How many nights after June 7th to your knowledge did
5 your dad spend at Moselle?

6 A None.

7 Q How many nights after June 7th did you spend at
8 Moselle?

9 A None.

10 Q I'm going to --

11 MR. GRIFFIN: Doug, do you have the Snapchat video?
12 Will you pull that up, please? The one with the tree.

13 (Break in proceedings.)

14 MR. GRIFFIN: Your Honor, this is the Snapchat video
15 that's in evidence. I'll get the exhibit number for the
16 record shortly.

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

18 Q Buster, do you recognize that shirt?

19 A Yes, sir.

20 Q What kind of shirt is it?

21 A It's like a, you know, short sleeve button down shirt.

22 Q Is it a Columbia shirt?

23 A No. It doesn't look like a Columbia shirt.

24 Q What color is it?

25 A It's blue.

1 Q Did your dad have a foam green Columbia sport shirt?

2 A Maybe.

3 Q Is this it?

4 A No, this is blue.

5 Q Did -- do you know if your dad ever ordered any Vinny
6 Vines or --

7 MR. MEADORS: Objection. Form.

8 Q Did he order -- did he order clothes after your mother
9 and brother's murders?

10 A Maybe he ordered clothes, but he doesn't wear a lot of
11 Vinyard Vines.

12 Q Have you ever seen him buy Vinyard Vine?

13 A No, sir.

14 Q And --

15 MR. GRIFFIN: You can take that down, Doug.

16 Q Some time in August, did you go with your dad where
17 you played in a golf tournament?

18 A Yes, sir. I went and played in a golf tournament, and
19 he came and wanted to watch us play in it.

20 Q And what kind of golf tournament?

21 A It's a golf tournament that a buddy of mine puts on in
22 Summerville every year. It's called the Jasso
23 Invitational. It's just bunch of guys that were friends
24 come together and play in a golf tournament.

25 Q And did you look up the date of that tournament before

1 testifying today?

2 A I did.

3 Q And what date was -- what weekend was that tournament
4 in August of -- excuse me -- in 2021?

5 A Yeah. It's the last weekend in August of 2021.

6 Q Do you know if you were in the -- was there a house
7 that Johnny Parker had that your dad kept stuff in?

8 A Yes, sir. There's a small house in between Johnny
9 Parker's house and my uncle Randy's house. It's -- I think
10 Mr. Johnny built it for his mom or mother-in-law or
11 something when she was sick. But, yeah, there's a little
12 two bedroom house right there.

13 Q Did your dad stay there some?

14 A He did.

15 Q I don't know if we mentioned that as one of the places
16 where there was clothing.

17 A Yeah, that would be one. That would be another one.

18 Q So, there were a lot of places.

19 A Yes, sir.

20 Q Were you there -- did you observe your dad talking to
21 Blanca about anything when you were getting ready to go on
22 the golf trip?

23 A No, sir.

24 Q Okay. You were not present.

25 A No, sir, I don't think I was present.

1 Q Did you go on any other golfing outings in August with
2 your dad?

3 A Yes. Earlier in -- earlier August of that year, we
4 played golf down at Hilton Head with the people from the
5 Trial Lawyers convention.

6 Q Okay. Now, you've been sitting in this courtroom
7 since day one --

8 A Yes, sir, every day.

9 Q -- since the trial started?

10 A Every day.

11 Q And you were -- were you here when a video was played
12 of an interview with your dad on June 10th?

13 A Yes, sir.

14 Q And there was a question about whether your dad said I
15 did him so bad or they did him so bad. Do you remember
16 that?

17 A Yes, sir.

18 Q Do you recognize your dad's voice?

19 A I do.

20 Q If you listened to it, would you be able to tell the
21 jury whether it's I or they?

22 A Yes, sir.

23 MR. GRIFFIN: Your Honor, I would like to pull up
24 exhibit 153, the clip.

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

1 Q What did your dad say?

2 A He said they did him -- they did him so bad.

3 Q Is that the first time you heard him say they did him
4 so bad?

5 A No, sir.

6 Q When was the first time you heard him say they did him
7 so bad?

8 A The first time I heard him say that was the night that
9 I went down to Moselle, the night of June the 7th.

10 Q Did he say that more than one time?

11 A He did.

12 MR. GRIFFIN: One second, Your Honor. Let me check to
13 see what I left out.

14 (Break in proceedings.)

15 MR. GRIFFIN: Just very briefly.

16 Q Buster, you've heard testimony during this trial that
17 your dad was stealing money from clients.

18 A Yes, sir.

19 Q Did you know anything about that?

20 A No, sir.

21 Q And just lastly, roughly how long would it take to
22 clean a dog run down at the kennels, two dog runs down at
23 the kennels?

24 A Roughly? I would say 10 minutes or so.

25 Q And what do you have to do?

1 A You've got to get the hose, turn the hose on, spray
2 out the dog kennels, you have -- you know, put the bed on
3 top of the wooden box so the bed is not wet.

4 Q Now, what were you spraying? Dog manure?

5 A Yeah, spraying, you know, dog poop.

6 Q And if it spreads out, you've got to --

7 A That's right, yeah. You've got to spray it and make
8 sure it's all out of there, spray it to the back.

9 Q All right.

10 MR. GRIFFIN: Thank you. That's all I have, Your
11 Honor.

12 THE COURT: We'll take a break now, ladies and
13 gentlemen, of about 15 minutes. Please go to the jury
14 room. Please do not discuss the case.

15 (The jury left the courtroom.)

16 THE COURT: You may step down. You are not allowed to
17 discuss your testimony with anyone during the break.

18 THE WITNESS: Yes, sir.

19 THE COURT: Okay. We'll be in recess for 15 minutes.

20 (A break was taken.)

21 THE COURT: You may bring the jury.

22 (The jury returned to the courtroom.)

23 THE BAILIFF: The jury is present, sir.

24 THE COURT: All right, thank you.

25 Cross-examination.

1 MR. MEADORS: May it please the Court?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. MEADORS:

5 Q Can I call you Buster?

6 A Yes, sir.

7 Q I'm John. And I want to first off tell you I'm sorry
8 about your mother. I'm sorry --

9 MR. HARPOOTLIAN: I'm sorry, I can't hear him, Your
10 Honor. If he'd step --

11 MR. MEADORS: I'm sorry about his mother --

12 MR. HARPOOTLIAN: If you'd step back a little bit, I
13 could hear you.

14 Q And I'm sorry about your brother.

15 A Thank you.

16 Q And I'm sorry about your grandfather.

17 A Thank you.

18 Q He was nice to me when I was a young assistant
19 solicitor, and I'm sorry for your loss.

20 A Yes, sir. I appreciate it. Thank you.

21 Q I don't have many questions for you, Buster.

22 A Okay.

23 Q When you're leaving the main house, you told
24 Mr. Griffin that the main entrance was the brick entrance?

25 A Yes, sir.

1 Q But there's also a side entrance or -- by the kennels,
2 or entrance/exit. I'm --

3 A Yes, sir. Just a totally different entrance.

4 Q And the mailbox was at the side entrance.

5 A Yes, sir, the --

6 Q The kennel entrance.

7 A Yes, sir.

8 Q Why was that? Do you know?

9 A I don't know. I think it's just the -- I really don't
10 know.

11 Q I don't either. But the packages would come to, you
12 said, the kennel side?

13 A They would come to the shed.

14 Q Okay, and a lot of times y'all would use that kennel
15 entrance/exit to go just like you would use the main one,
16 right?

17 A Yeah, you would. I would say that I more so tended to
18 use the main one, the one that I say is the brick pillars.
19 But, yeah, I mean, you could certainly leave either way.

20 Q If you were leaving the main entrance --

21 A Uh-huh.

22 Q -- and you go down, you're leaving the house and
23 you're going toward the brick, and then you know what's
24 kind of a Y, what kind of cuts off to the kennel, too,
25 right?

1 A Sure.

2 Q So, you go straight or left. If you were leaving at
3 night going straight, and if you were looking out to the
4 left and the lights were on, you would be able to see the
5 lights on at the kennel just from a that little Y, wouldn't
6 you?

7 A Maybe, depending on what lights were on and whatnot.
8 I mean, if it was fully lit up. Maybe.

9 Q Okay, and just from that Y, instead of going straight,
10 if you -- from that distance you would be able -- if the
11 lights were on fully, you would probably be able to see
12 them.

13 A Maybe, yes, sir.

14 Q Almeda, where your grandmama and granddaddy were, is
15 that close to the -- I think you -- it's close to the law
16 firm, isn't it?

17 A Almeda?

18 Q Yes.

19 A Close to the law firm? I wouldn't say so. I mean --

20 Q Well, how close?

21 A -- anywhere in Hampton is close to anywhere in Hampton
22 because it's not very big.

23 Q Fair enough.

24 A But, I mean, it's a 10 minute, 12 minute drive out to
25 Almeda, I would think, from the law firm.

1 Q I think --

2 MR. MEADORS: Mr. Doug, can you bring up 131?

3 Can I ask him to do that?

4 MR. GRIFFIN: Sure.

5 MR. MEADORS: I know Mr. Harpootlian spoke, but this
6 is Mr. Griffin's witness.

7 MR. GRIFFIN: I said sure.

8 Q Buster, you don't have to get -- but do you see, is
9 this kind of where you said everybody would park?

10 A It's right -- so, if you look --

11 Q Do you mind if I come up here?

12 A No, sir, you can. So, if you look right off this
13 point --

14 Q You might want to come down here, if you don't mind,
15 just so the jury can see you?

16 A So, if you look right over here, this is kind of what
17 I refer to is, like, the back corner of the house. And it
18 would basically -- you would come around. There's a big
19 oak tree here. You would come around it, and if you
20 basically pull up, you would probably stop the hood of your
21 car right in -- you know, right off the back corner of the
22 house.

23 Q So, it would be closer to here than over here.

24 A It would be about right in here.

25 Q So, right in here.

1 A Yeah, because, I mean, you don't want to pull up super
2 close to it. Yeah. It would be about right here.

3 Q But there was a driveway on -- a paved driveway in
4 here, right?

5 A There is a paved driveway over towards the side of the
6 house.

7 Q Okay, and really not many tire tracks. The grass
8 looks good in here.

9 A I don't know when these pictures were taken.

10 Q But there is a driveway, right?

11 A There is a driveway.

12 Q Okay. You can have a seat back, thank you, please,
13 sir. When did you first -- when did you first mention that
14 to anybody about parking in the yard there?

15 A What do you mean?

16 Q I mean, like, when did you first discuss that with
17 anybody as far as where cars parked at your grandmama and
18 granddad's house? When was the first time you talked to
19 anybody about that?

20 A Couple days -- couple days ago.

21 Q Couple of days ago? Okay. That's the first time you
22 had mentioned that?

23 A Sure.

24 Q Okay, and then that would have been after Shelley
25 testified, right? Shelley Smith?

1 A I guess. I don't really remember when Ms. Smith
2 testified.

3 Q Ms. Smith. Did you bring that somebody's attention or
4 did somebody ask you about it?

5 A I couldn't -- I'm not sure.

6 Q And I think you -- I forget I'm on cross. You
7 testified that -- how many times had you been there with
8 your dad? I wasn't quite clear with your answers to Mr.
9 Griffin. I'm not trying to be difficult, Buster.

10 A I understand, and I can't give an approximate number,
11 but, I mean, I've been out there with him several times.

12 Q Okay, and would you always call? You said you called.
13 Did you always call when you got there?

14 A Yeah. I feel like most of the time you would call
15 just to tell -- you know, because the ladies get nervous,
16 you know, if you hadn't called and they see a car pulling
17 in the driveway, you know. It's just easier to call and
18 let them know, like, hey, we're going to be pulling around,
19 you know. Please unlock the door. Or we would like to
20 come in.

21 Q Had you ever been over there at 6:30 in the morning?

22 A Have I ever been out there at 6:30 in the morning?

23 Q Yes, sir.

24 A Any -- I mean, just like overall my --

25 Q I guess, yeah.

1 A Yeah. I've been out there at 6:30 in the morning
2 before going hunting and whatnot.

3 Q And you would call then also then, right, before going
4 into the house?

5 A Well, that was -- I mean, yeah, yeah, sure.

6 Q Okay. I mean, just to let them know, especially at
7 6:30 in the morning.

8 A Sure.

9 Q Your mom loved Edisto, didn't she?

10 A Yes, sir, she did.

11 Q I love Edisto. She was actually getting some work
12 done down there, wasn't she?

13 A Yes, sir. She was getting some work done on the
14 house.

15 Q And on this date, June 7th, literally there were
16 people inside doing work that day, weren't they?

17 A I think so.

18 Q Yeah, and her plan was to stay down there that night,
19 wasn't it?

20 A I don't know. I don't know what her plan was.

21 Q You had -- I think the last time you had been to
22 Moselle, you said, was the spring, maybe a few months prior
23 to this?

24 A Uh-huh.

25 Q Okay, and you have to say yes for the court reporter.

1 Not for me but for her.

2 A Yes. Sorry.

3 Q And you talked to your mama that day on June the 7th?

4 A Yes, sir.

5 Q And I think you had talked to Paul the last time on
6 the 5th, if I'm not mistaken. June 5th is what you told in
7 one of the interviews.

8 A Sure.

9 Q And Mr. Griffin asked you about the financial troubles
10 that have come out here, and you had no knowledge of your
11 financial -- your dad's financial difficulties at all, did
12 you?

13 A No sir.

14 Q I mean, you really didn't.

15 A No, sir, I really didn't.

16 Q And as far as you knew, financially the family was
17 sound.

18 A Yes, sir.

19 Q Okay. You went to Wofford.

20 A I did go to Wofford.

21 Q Go Terriers, for the record.

22 A Thank you.

23 Q But everything, as far as you knew financially, was
24 okay, and when did you learn it wasn't?

25 A I guess on September the -- whatever that day in

1 September was.

2 Q So, back in the birthday, I guess, for your dad, the
3 Memorial Day down at Edisto.

4 A Sure.

5 Q Defendant's Exhibit -- and I apologize, I don't know
6 what number it was just played, I believe Mr. Chris Wilson
7 is hugging your dad?

8 A Yes, sir.

9 Q Okay, and he's a family friend.

10 A Yes, sir.

11 Q Okay. You didn't know then that he owed -- your dad
12 owed Chris Wilson -- or stole 192,000 from him, did you?

13 A I did not.

14 Q Okay, and I'm not saying that to be mean, but you
15 really didn't know that.

16 A That's correct, didn't know.

17 Q And this boating -- the boating accident that Mr.
18 Griffin asked you about, that was pressure on the family,
19 wasn't it?

20 A I don't know that pressure is the right word. I mean,
21 it's definitely an uneasy feeling. You know, your brother
22 is criminally charged, and then you, myself and my father,
23 have civil charges. I mean, definitely unsettling.

24 Q I mean, it caused stress within the family, didn't it?

25 A It was stressful. I wouldn't say within the family

1 because, I mean, you know, we supported each other.

2 Q Sure, and I'm not -- I'm not questioning that, but
3 just -- your mom felt ostracized?

4 A Yes, sir.

5 Q She even more so wanted to stay at Edisto.

6 A Yes, sir.

7 Q And really, I mean, you were a little frustrated with
8 Paul yourself, weren't you?

9 A In terms of?

10 Q Just as far as using your ID and getting all that.
11 And that case is over. Okay?

12 A Sure.

13 Q But, I mean, you didn't like it when you used your ID
14 yourself. And I'm not trying to go anywhere, Buster, but
15 he would use your ID sometimes and you didn't want him to.

16 THE COURT: Mr. Meadors, how many questions are you
17 going to ask? Questions, comments. What's the question?
18 What was the question --

19 Q Did you like --

20 THE COURT: Yes, go ahead.

21 Q Did -- he used your ID, didn't he?

22 MR. GRIFFIN: Objection. Relevance.

23 THE COURT: The objection is overruled.

24 A I'm sorry, can you say that again?

25 Q Did Paul use your identification?

1 A Yes.

2 Q Did that frustrate you?

3 A Sometimes.

4 Q You were shown the tree video with the shirt and
5 pants. Do you remember that?

6 A Yes, sir.

7 Q When you saw your dad on the night of June 7th, what
8 did he have on?

9 A When I had made my way up to the house, he was wearing
10 shorts and a t-shirt.

11 Q And who took -- who laundered his clothes?

12 A At that period of time, it would have been Blanca, and
13 then my mom also does laundry sometimes, too.

14 Q But on a day-to-day, did Blanca take care of your
15 dad's clothes, laundering, cleaning, folding?

16 A Yes, sir.

17 Q Now, Mr. Griffin asked you about you never went back
18 to Moselle after this incident.

19 A Well, I mean after --

20 Q Or did you?

21 A If you take June 7th, on June -- I mean, I've gone --
22 I've been back to Moselle since then, but I've never slept
23 another night at Moselle.

24 Q And did your dad -- well, strike that.

25 MR. MEADORS: Beg the Court's indulgence.

1 (Break in proceedings.)

2 MR. MEADORS: Beg the Court's indulgence.

3 (Break in proceedings.)

4 Q Did your dad try to get you to go hunting out there
5 again one time, or suggest it?

6 A He asked if I wanted to, and if I wanted to, that I
7 could.

8 Q But you didn't want to.

9 A No, sir, didn't want to go.

10 MR. MEADORS: That's all I have. Thank you, Buster.

11 THE WITNESS: Yes, sir. Thank you.

12 THE COURT: Redirect?

13 MR. GRIFFIN: Very briefly, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. GRIFFIN:

16 Q Buster, your mother, when she went to Edisto and
17 stayed for multiple nights, would she take Bubba with her?

18 A Yeah, usually. She would take a combination of Bubba
19 and maybe another dog, Grady.

20 Q Okay.

21 A She would take dogs with her, yes.

22 Q And do you understand Bubba and Grady were at Moselle
23 the night of June 7th?

24 A I do, yes, sir.

25 Q All right.

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

2 THE COURT: Anything further?

3 MR. MEADORS: No, sir. Thank you.

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

5 THE WITNESS: Thank you, sir.

6 (The witness exited the stand.)

7 THE COURT: Your next witness.

8 MR. HARPOOTLIAN: Mike Sutton.

9 The witness, MIKE SUTTON, was first duly sworn and
10 testified as follows:

11 THE CLERK: If you'll have a seat up there on the
12 witness stand. If you could, adjust that microphone and
13 pull it closer to you if you need to. Pull your seat up,
14 but state your name for the record and spell your last
15 name, please.

16 THE WITNESS: Mike Sutton. S-u-t-t-o-n.

17 VOIR DIRE EXAMINATION

18 BY MR. HARPOOTLIAN:

19 Q Mr. Sutton, what do you do for a living?

20 A I'm a forensic engineer.

21 Q A forensic engineer. Now, what is a forensic
22 engineer?

23 A Well, the majority of the work that I do involves the
24 investigation of accidents and failures in the field of
25 legal questions, legal problems, court of law. So, what

1 forensic engineers do is they collect data, collect
2 physical evidence, they interpret the data, and then try to
3 come up with what happened in an event, maybe what didn't
4 happen in an event. Or maybe you try to limit the
5 possibilities of what happened in an event.

6 Q Okay, and do you have an educational background in
7 this area, or are you trained or -- how about just tell us,
8 first of all, where, as we say around here, where are you
9 from?

10 A Well, I was born in Hickory, North Carolina. Then I
11 grew up in Cary. When I was young, my family moved to
12 Cary, which is right outside of Raleigh. When I graduated
13 from Cary High School, I went to North Carolina State
14 University. And I was in the Materials Engineering
15 Department for about a year, and my sophomore year I
16 transferred over to the Mechanical Engineering Department.
17 And so I was at NC State for my undergraduate from '84 to
18 '88. And when I was a sophomore, I met an engineer whose
19 name is Dr. Charles Manning who owns a company still in
20 Raleigh. He's passed away but his company is still there.
21 And Dr. Manning was an ex-professor at State. He's also an
22 ex-NASA engineer. And I worked with him from basically
23 1987. Then after I graduated, I went full-time with him.

24 Q When you graduated, you graduated with a degree in
25 what?

1 A In mechanical engineering and --

2 Q Okay. You were working with him.

3 A Working with him, and I continued to work with him.

4 And then I got a Master's Degree at North Carolina State
5 University, also in mechanical engineering with a
6 concentration in acoustics and vibrations.

7 Q In acoustics and vibrations.

8 A Correct.

9 Q Your Master's.

10 A Yes.

11 Q Okay, and then what did you do?

12 A Well, I worked with him as a consulting engineering --
13 consulting forensic engineer looking at all different kinds
14 of accidents and failures, about anything that you can
15 imagine. We do a lot of motor accidents, of course,
16 because there's so many. We look at structural failures,
17 product failures, material failures, about anything that
18 you can imagine basically. If there's anything that is
19 based in physics, it's capable of being explained and
20 understood.

21 Q And what do you mean by physics?

22 A Well, physics is -- are the laws that govern how
23 things around us, how they behave. You can predict the
24 behavior. You know, if I drop a basketball off of a
25 balcony, I can predict how long it's going to take to reach

1 the ground based on all of the different variables. So,
2 the laws of physics are there. That helps us figure out
3 how things would have happened.

4 So, I worked with Dr. Manning for awhile until 2000,
5 the end of 2000. And in 2001 I founded my current company,
6 which is based in Cary. It's call Accident Research
7 Specialists, and we do --

8 Q What's the name of it again?

9 A Accident Research Specialists in Cary, North Carolina,
10 and we do the same thing. There are ten engineers that I
11 work with and support staff, and we investigate, analyze a
12 variety of cases for a variety of clients. Like I said,
13 most of my work is related to either criminal cases or
14 civil cases, and I do some consulting that's not related to
15 courtroom issues, just straight consulting to companies.

16 Q Have you from time to time dealt with shooting
17 incident reconstruction?

18 A Yes, I have.

19 Q And tell the jury what shooting incident
20 reconstruction is.

21 A Well, the shooting incident reconstruction, at least
22 how I'm involved with it, I deal with what would be with
23 called external ballistics and terminal ballistics. So,
24 external ballistics are the flight of a bullet after it
25 leaves the gun. A bullet leaving the barrel of a gun, it's

1 going to be affected upon by gravity, air resistance, so
2 that's just physics. And then there's terminal ballistics,
3 which is what happens to a projectile when it strikes the
4 target or an object.

5 Q And how many times have you been involved in a case
6 involving shooting incident reconstruction?

7 A I would say over the years maybe fifty, and all
8 different kinds. Like, for instance, it could be a case
9 where a manufacturer is being sued for, like, a drop fire
10 where somebody dropped a pistol and it went off and killed
11 them.

12 Q That's not supposed to do that.

13 A No, and so it could be a products case. I've worked
14 on cases involving hunters, you know, long range distance
15 shots where you're trying to figure out where a particular
16 hunter was aiming the gun so he -- where he hit and killed
17 somebody. I've worked certainly in law enforcement
18 shootings. I've worked for law enforcement, and I've
19 worked on the side opposite law enforcement for people who
20 have been shot by law enforcement. I worked on insurance
21 cases. Sometimes there's a question about whether it was a
22 suicide or an accident. So, those are the types of cases
23 that I would be involved with.

24 Q And when you do these cases, you're looking for --
25 what's the difference between you and a crime scene

1 reconstructionist?

2 A Well, crime scene reconstructionist would be looking
3 at a lot of different things. I'm a mechanical engineer.
4 I deal with physics, but somebody who works a crime scene
5 may have also a background in chemistry, and they may be
6 using different reagents to find blood or gunshot residue.
7 That's not what I do, but I physically reconstruct a site.

8 One of the main things that we do in forensic
9 engineering, such as myself, accident reconstruction, is
10 what it is, is that we have the ability to go and capture
11 data, collect facts from a site, whether it's an accident
12 or a murder or what have you. And then what we do is we
13 interpret what we're finding and try to, again, put
14 ourselves in a position to answer questions about how an
15 event occurred, or maybe limit what could have occurred, or
16 maybe what didn't occur.

17 Q Okay. So, have you ever been qualified by a state or
18 federal court to testify about a shooting incident
19 reconstruction, for instance, in Wake County, North
20 Carolina?

21 A Yes.

22 Q And what was that -- was that in federal court?

23 A That was in federal court.

24 Q And were you allowed to testify as an expert?

25 A Yes.

1 Q Okay. Now, let me move on to -- and I believe the
2 name of that case is *Michael Morgan v. Wake County*
3 *Sheriff's Office*, correct?

4 A That is correct.

5 Q And that was in 2018.

6 A Yes.

7 Q Now, you've been involved in many more cases. Have
8 you ever been qualified additionally to that by any federal
9 or state court to testify about a shooting incident?

10 A Yes. I have testified in other criminal trials where
11 the questions were, just as I said -- which is where was
12 the weapon aimed, maybe how many shots were fired, where
13 were the shots fired from, maybe the sequence of shots.
14 Again, this is all, you know, developing and understanding
15 of what the physical evidence tells you.

16 Q Okay. So, let me move to a second area of expertise
17 I'm going to ask you about. Tell us about what acoustics
18 engineering is.

19 A Well, acoustics and vibrations, or acoustics
20 specifically, is part of mechanical engineering. It's the
21 study of how sound moves, how it's made, how it may be --
22 how a sound may decrease over distance, the effect of sound
23 on people. It's obviously something real important because
24 if you're exposed to sound for long periods of time, you
25 can lose part of your hearing. So, it is a subset of

1 mechanical engineering. And so I have testified in cases
2 involving acoustics.

3 And my Master's paper was in the area of something
4 that I do quite often, which is audibility of emergency
5 vehicles. Like if the police car has a siren on and you're
6 driving up to an intersection and you've have got the radio
7 on, can you hear the siren or can you not hear the siren?
8 Maybe it makes a difference if your window is up or down,
9 those types of issues. So, the audibility of noise.

10 Q To do that kind of analysis, do you have to do some
11 sort of reconstruction often times?

12 A Yes. Often with acoustics, you can definitely look at
13 it theoretically, but I typically test it because it's
14 something that is readily testable.

15 Q Okay, and you've been qualified, again, in at least
16 one state. Have you been qualified many -- multiple times
17 to testify as to the acoustical engineering?

18 A Yes.

19 Q And one of those cases was *Coutlakis v. CSX* in state
20 court in Richmond, Virginia. Is that correct?

21 A Yes.

22 Q And many other times, also?

23 A Yes.

24 Q Okay. The last area of expertise -- all of these are
25 engineering related, correct?

1 A They are.

2 Q Is accident reconstruction involving vehicles.

3 A Yes.

4 Q And you've done that more than you probably have done
5 the other two, correct?

6 A It is. Motor vehicle accidents, and again it's just
7 because there are so many of them. Throughout my career of
8 thirty-six years, I've looked at probably a couple thousand
9 motor vehicle wrecks.

10 Q And, again, you apply these same principles, data, and
11 then you do engineering analysis of mathematics,
12 trigonometry, those kinds of things. Is that correct?

13 A Yes.

14 Q And you have been qualified multiple times on that
15 issue.

16 A Yes.

17 Q As an expert to give an opinion.

18 A Yes.

19 Q And, again, going back to the other two, you've been
20 qualified as an expert to give an opinion by many courts,
21 several courts in shooting incident reconstruction,
22 acoustics engineering, and in motor vehicle reconstruction.
23 Is that correct?

24 A Yes, it is.

25 MR. HARPOOTLIAN: Your Honor, I move that this witness

1 be qualified as a witness -- an expert in the three areas I
2 just mentioned.

3 THE COURT: What says the State?

4 MR. FERNANDEZ: No objection.

5 THE COURT: He's admitted without objection as an
6 expert in the fields that he's offered.

7 DIRECT EXAMINATION

8 BY MR. HARPOOTLIAN:

9 Q Okay. So, let's start off with the shooting incident
10 reconstruction, okay?

11 A Yes.

12 Q Now, have you prepared a PowerPoint -- well, let's
13 back up. Strike that. Were you hired by myself and
14 Mr. Griffin to do some analysis on what occurred at Moselle
15 that resulted in the deaths of Paul and Maggie Murdaugh?

16 A Yes.

17 Q And what is -- let's first of all talk about what's
18 generally -- what is the process generally and then we're
19 going to put the PowerPoint up, or do you want me to put
20 the PowerPoint up first?

21 A I can speak to that generally.

22 Q Okay.

23 A So, I think I mentioned it earlier, but really the
24 first steps in any investigation, if it's a little
25 investigation, big investigation, my job and the people I

1 work with and people in other companies that do what we do,
2 you go collect facts. And in this case this is -- and this
3 is typical. Facts were collected. The crime scene was
4 processed. There were a lot of pictures taken, things like
5 that, by SLED, so that's one place that I can get facts. I
6 typically do -- and I did in this case -- I go collect
7 facts myself, so I went to Moselle.

8 And it had changed. I went there about eighteen
9 months after the murders. I went in October of '22, but I
10 was able to measure the Moselle property and look at the
11 physical evidence, what was remaining, and then I was able
12 to use that in conjunction with what SLED had done because
13 SLED had collected a lot of evidence at the scene that I
14 looked at.

15 Q Now, some of the evidence collected by SLED that you
16 looked at were measurements made by SLED Agent Worley
17 either the night of or soon after the incident to things
18 like shell casings, right?

19 A That is correct.

20 Q And there's also pictures of those shell casings,
21 correct?

22 A Yes.

23 Q And also the location of Maggie's body and Paul's body
24 or measurements done on both of those, correct?

25 A Yes.

1 Q And did Agent Worley also find two bullet holes, one
2 in the dog house, one in the quail pen?

3 A Yes.

4 Q And did she take measurements there?

5 A She did.

6 Q And were those important to your calculations?

7 A They were. It was what I was looking at, at least to
8 my role in look at the crime scene or the site of the
9 crime, the questions that I was being asked.

10 Q Okay.

11 MR. HARPOOTLIAN: Can we have the PowerPoint, please?

12 (Break in proceedings.)

13 MR. FERNANDEZ: Your Honor, I object to showing this.

14 Nothing has been entered --

15 MR. HARPOOTLIAN: Oh, I apologize. I got ahead of
16 myself. This is a disk of the PowerPoint. Any objection?

17 (Break in proceedings.)

18 MR. FERNANDEZ: No objection.

19 MR. HARPOOTLIAN: Your Honor, we offer into evidence
20 Defendant's Exhibit Number 143 without objection, I
21 believe.

22 THE COURT: It's admitted without objection
23 apparently.

24 (POWERPOINT MARKED AS DEFENDANT'S EXHIBIT NUMBER 143
25 WAS RECEIVED INTO EVIDENCE.)

1 MR. HARPOOTLIAN: And, Your Honor.

2 Q Okay. Let's just walk through the PowerPoint.

3 MR. HARPOOTLIAN: Go to the next slide, please.

4 Q Okay. Now, this is titled shot trajectories as
5 measured by Special Agent Worley. Are these what we're
6 talking about, the measurements she made?

7 A Yes.

8 Q Okay.

9 MR. HARPOOTLIAN: Next slide, please.

10 Q Quail pen.

11 MR. HARPOOTLIAN: Go ahead.

12 Q Now, what are we looking at here?

13 A So, this is what I call the quail pen, and it's a
14 small animal cage it's been referred to, but it's a bird
15 cage. And it's up against the building, or the barn, or
16 the hangar. I think it's been called several things. It's
17 up underneath the roof.

18 Q Okay. Now, if you went perpendicular to that, would
19 you run into the dog kennels?

20 A Yes.

21 Q Okay. So, this is across from the dog kennels, and
22 that is the quail pen.

23 A Yes, and this particular photograph was taken the
24 night of the murders. So, the first few pictures just show
25 the points of evidence that were of interest to me. And

1 then what happened later on, it was the next month -- I
2 believe was July the 6th -- Special Agent Worley went back
3 and actually took some measurements. It's -- she used
4 basically a common technique where you try to get more
5 information about these bullet holes.

6 Q Okay.

7 MR. HARPOOTLIAN: Next one.

8 Q And what is this we're looking at?

9 A It's a little bit closer view of the quail pen. And
10 what you have there on the side of the quail pens, it would
11 be the side that's really facing the crime scene.

12 Q Right.

13 A It's made out of like a fiberboard, a little bit more
14 robust than cardboard. It's like a fiberboard so you can
15 penetrate is easily, and there was a bullet hole basically
16 in the center of it.

17 Q Okay.

18 MR. HARPOOTLIAN: Next slide.

19 Q That would be that bullet hole?

20 A That is the bullet hole. And if you were able to zoom
21 in a little bit and look carefully, you would be able to
22 see what's called a bullet wipe. It's down -- it's -- you
23 know, if that was a tiny little clock, it would be just
24 under 3:00. And so when I looked at that, it looked like
25 the bullet was on an upward trajectory, a small one but an

1 upward trajectory. And what the bullet wipe is, is when
2 the bullet comes out of the barrel of the gun, it's going
3 to have products of the bullet being fired. And when it
4 enters sheetrock, or a car door, or a piece of plywood, you
5 commonly see that lead-in mark where the bullet goes into a
6 piece of the material.

7 MR. HARPOOTLIAN: Can we make that bigger? There we
8 go. Okay.

9 Q So, how about just step down here just a second, and
10 there's a pointer right behind you.

11 MR. HARPOOTLIAN: Your Honor, may he step down?

12 THE COURT: Yes.

13 Q Okay, grab that pointer right there. And would you
14 point out for the jury, please, that -- you call a bullet
15 wipe?

16 A So, when you look at the entry -- the entrance of a
17 bullet hole into a surface like this, and this is the piece
18 of gray cardboard. There's some tearing here, but if you
19 look here in the side, that's what's called the bullet wipe
20 mark, and that shows you the direction that it's coming
21 from. So, it's coming from where I'm standing. And it's a
22 little bit below -- like if you could draw a straight line
23 through there, that would be even with the horizon. It's a
24 little bit below that. So, right away that told me that
25 this bullet, when it penetrated this piece of material

1 here, that it was traveling upwards and from right to left.

2 Q Okay.

3 MR. HARPOOTLIAN: Let me see the next slide just in
4 case. Okay. Any way to make that a little bigger?

5 (Break in proceedings.)

6 Q While he's doing that, what are we looking at here?

7 A This is a photograph from Special Agent Worley's trip
8 to the crime scene. I think it was the next month, July
9 the 6th.

10 Q And what's going on here?

11 A So, this, this bullet, it penetrates this quail pen
12 and actually goes through the wall of the hangar, too. It
13 goes through several layers of material. And a common
14 technique to try to figure out why is the angle of that
15 shot, you take something like this. Typically they're
16 fiberglass so they don't bend. They're perfectly straight,
17 and you insert that rod through the bullet hole, and then
18 what you do is you measure this rod. So, right now she's
19 measuring what's called the vertical angle. So, if I was
20 measuring this -- the angle of the shot to the TV right
21 here, so vertical angle is this way. Was the bullet going
22 up? Or was it going down? Or was it going straight in?

23 Q And what did that -- did you look at the close-up
24 picture of that, and did you also look at her notes?

25 A Yes.

1 Q And what were her -- what was her conclusion about the
2 angle? You say vertical angle, the angle going into the
3 quail pen, was it going up? Was it going down? And by --
4 I guess it gave you some degrees, correct?

5 A Correct.

6 Q Okay. So, was it going up or down?

7 A It was going up.

8 Q At what degree?

9 A So, the bullet was traveling upwards, which is
10 consistent with what I just showed you on the previous
11 pictures. So, her measurement that's going up is
12 consistent. She recorded in her notes that that was 3
13 degrees going up, so pretty flat. But the bullet was
14 traveling upwards. But there are two pictures. She has
15 one picture of it at 3 degrees, and one at 1 and a half
16 degrees. So, pretty close but two different trajectories.
17 And later on I looked at the difference between the 1 and a
18 half and the 3.

19 Q Okay.

20 A And we can -- that will come up later. But for the
21 purposes of me understanding what was going on here, I
22 considered both 1 and a half and 3.

23 Q And while and a half or 3 is not a steep incline as it
24 goes in, if you project that back, it's going to have -- it
25 can go 10 feet. It's going to make --

1 MR. FERNANDEZ: Object to the form.

2 Q As it projected back, what, if any, difference is
3 there on that firearm trajectory?

4 A Okay. Well, the reason this is interesting is because
5 it's an upward traveling bullet. So, if you think about
6 the path of this bullet for all purposes here, because
7 we're talking about maybe 50 feet in this crime scene, it's
8 not 400 yards. If it's 400 yards, the bullet has a curved
9 trajectory.

10 So here, because the area that we're considering is so
11 small that, for all intents and purposes, it's a flat
12 trajectory, which means that the barrel of the gun was on
13 the same angle as that rod. Okay? And it's going down,
14 which means if you extend that rod -- if you're able to
15 extend that rod some distance, it's going to go into the
16 ground. So, if it goes in the ground -- obviously the gun
17 can't be underground. So, you know that the shooter who
18 fired the weapon that sent the bullet in the quail pen has
19 to be on that line. So, the weapon has to be on that line,
20 and it's going to go into the ground at some point. So,
21 that is a good piece of information because that locks the
22 location of the shooter at least for one shot.

23 Q And I believe Agent Worley identified -- I'm sorry,
24 strike that. What, if any, caliber or kind of weapon did
25 Agent Worley deduce that fired that bullet?

1 A This was the 300 Blackout.

2 Q Okay.

3 MR. HARPOOTLIAN: Now go to the next slide, please.

4 (Break in proceedings.)

5 A This is just another measurement. This may be the one
6 that's pushed 1 and a half degrees, but you can see this is
7 called -- they call it trajectory rods, which again is
8 inserted through the multiple paths of the bullet as it
9 went through things.

10 Q So as you look at that device, whatever that's called,
11 one of them shows 1 and a half, one of them shows 3, and
12 she wrote down 3?

13 A Correct.

14 Q Okay.

15 MR. HARPOOTLIAN: Next, please.

16 Q What is this?

17 A Same thing. I'm just showing the -- kind of the
18 different -- the different readings that she got here. It
19 was within the range.

20 Q Okay.

21 A So, the same answer for these.

22 Q Okay.

23 MR. HARPOOTLIAN: Next.

24 (Break in proceedings.)

25 Q Okay. So, what are we looking at now?

1 A This will explain a little bit better.

2 MR. HARPOOTLIAN: Can you give me -- make that a
3 little bigger, please?

4 (Break in proceedings.)

5 Q Okay. So, what are we look at here?

6 A This is to show the trajectory rod. It comes in.
7 We've been look at this side right here, but if you look
8 inside, you see it kind of goes through the cage, and it
9 goes through the back of the cage, and it actually goes
10 into the hangar of the barn. It goes through the siding
11 and then the plywood.

12 Q So, that is that same rod except that's the inside
13 going out.

14 A That's the inside. I was just trying to show the
15 technique, and this technique is a technique that is used
16 often. There are other ways to do it, and you may talk
17 about it later, but this is a technique that's often used
18 to come up with this line of fire, or the path that that
19 bullet took, because if you consider the path of the
20 bullet, you may be able to conclude something.

21 Q Okay.

22 MR. HARPOOTLIAN: Next.

23 (Break in proceedings.)

24 A It's just more of the same. This is the trajectory
25 rod inside the cage of the quail pen.

1 Q Okay.

2 A More of the same.

3 MR. HARPOOTLIAN: Next.

4 A More of the same.

5 Q But these are -- okay. Wait one second. So, these
6 pictures depict that rod coming from the outside, going
7 through the quail pen, and through the wall behind the
8 quail pen.

9 A That's correct.

10 Q And that's -- you put that rod through, and then you
11 can make some measurements outside the trajectory, correct?

12 A That's correct.

13 MR. HARPOOTLIAN: Next, please.

14 Q Now, what is that device on there?

15 A This is called a zero edge protractor. So, the
16 protractor is going to measures 0 to 180 degrees. So, this
17 is -- Special Agent Worley puts it up against the side of
18 the quail pen and drop a thumba down so you can get what's
19 called the azimuth. An azimuth is just your compass
20 direction. So -- because without the azimuth -- and this
21 is about 41 degrees coming in from where I'm standing. So,
22 you know, 45 degrees would be here. There's 41 degrees.
23 90 degrees would be straight in. So, what that does is it
24 tells you the direction of this line.

25 Q So, you know -- at that point you know whether it's

1 going up or down, and you know whether it's coming from the
2 left or the right.

3 A That's correct.

4 Q And as we look at that quail pen, is it coming from
5 over here to the left, or is it coming from the right?

6 A Well, it's coming from over here to the right.

7 Q Okay.

8 A And then to determine exactly how, you need to go back
9 and kind of look. You have to do it to scale, of course,
10 right?

11 Q Right.

12 A So, you have to create a scale diagram, or do what we
13 typically do, which is we scan.

14 Q Okay.

15 MR. HARPOOTLIAN: Let me see the next one.

16 Q And is that just a close-up of the measurement, the
17 angle?

18 A Yes, and you can see here that it's 41 degrees.

19 Q 41 degrees?

20 A And that's what she recorded in the notes.

21 Q Okay.

22 MR. HARPOOTLIAN: Next.

23 Q Now, this is the dog kennels. And in a minute we're
24 going to see a 3D rendition of this so the jury can get a
25 little better idea of where everything is.

1 A Yes.

2 Q But let's go ahead and talk about the dog house.

3 MR. HARPOOTLIAN: Next.

4 Q So, tell me what you see there.

5 A So, the dog house had a bullet hole in it. It was
6 pretty low to the ground. It was about 5 and a half inches
7 above the ground, 3 inches up from the bottom of the siding
8 on the dog house, and this bullet hole was going downwards,
9 14 degrees down, and it had an angle slightly to the left.
10 And so kind of the same way that you can think about the
11 one that was going up, you think about the one that's going
12 down.

13 So, if you put a trajectory rod, and you'll see that
14 in a second, it's going to be sticking upwards like that,
15 so you can go up that trajectory rod to a point where it
16 makes no sense. Like the shooter would have to be on a
17 ladder, right? So, what that does is it tells you where
18 that shot came from, and it puts a limit on where that
19 shooter could be. You know, just the same way that the
20 shot trajectory would disappear into the ground makes no
21 sense. You know, shot trajectory that's up to 10 feet
22 doesn't make any difference either -- I mean, doesn't make
23 any sense.

24 Q Right.

25 MR. HARPOOTLIAN: Let me see the next slide.

1 Q Okay, and what is that?

2 A That is the 300 Blackout projectile. It went into the
3 dog house, went into a dog bed, so you're able to dig it
4 out, so you can see that here. So, again, these are the
5 night of the murders.

6 Q So, if it doesn't go through the back wall, how does
7 one get a trajectory off of that?

8 A Well, in this particular case the siding was thick
9 enough where Agent Worley was able to put a dowel rod, or a
10 trajectory rod into that hole unlike the quail pen, which
11 is very thin. So, a very thin material is considered thin
12 if the thickness of that material is much less than the
13 length of the bullet.

14 Q Right here?

15 A So, in a thin material -- there's some special
16 considerations with thin materials versus thick materials,
17 but the dog house had siding and wood construction, so it's
18 thicker. So, a thick materials is going to be more in line
19 with the length of the bullet and even longer. So, you can
20 still get the trajectory with reasonable accuracy in this
21 particular case.

22 MR. HARPOOTLIAN: Next slide, please.

23 Q Okay. Now, what is that?

24 A This is the same process here, the dog house where --

25 MR. HARPOOTLIAN: Can you blow that up for me, please?

1 There you go.

2 Q So, what do we see?

3 A This is the trajectory rod. This is a dial
4 protractor. It just uses gravity to tell you what the
5 angle is.

6 Q And what was the angle?

7 A 14 degrees down.

8 Q Coming in at a 14 degree -- the bullet is coming --

9 MR. HARPOOTLIAN: There you go.

10 Q It's coming in -- it's coming down into the dog house
11 at a 14-degree angle.

12 A That's correct.

13 Q Okay.

14 MR. HARPOOTLIAN: Next, please.

15 Q And what is this?

16 A Zoomed in so you can see. So, there's 90, and it's
17 over at about 76 degrees or so.

18 Q So, it's a 14-degree downward path.

19 A Yes.

20 MR. HARPOOTLIAN: Next.

21 Q Now, this is that thumba and azimuth thing, right?

22 A Azimuth. So, if this is -- this shows you the compass
23 direction of the shot, where it's coming from, and here
24 it's -- she measured 7 degrees, she recorded 6 degrees off
25 of there, but it's somewhere in there. All you really got

1 to know, it's not straight into the dog house. It's a
2 little bit of an angle, about 6 or 7 degrees.

3 Q Okay.

4 MR. HARPOOTLIAN: Next.

5 Q And that's just a close-up of the same thing.

6 A Yeah, so there's 90. So, the thumba would be right
7 here if it was going straight into the dog house, but it's
8 a little bit to the left.

9 Q About 6 or --

10 A 6 or 7 degrees.

11 Q Okay.

12 MR. HARPOOTLIAN: Next.

13 Q Now, tell me what this is.

14 A So, this is Agent Worley's diagram, and it's not to
15 scale. And these are just the lines that I drew in to
16 begin with, you know, before I really did much work in the
17 case. And it's clearly not to scale because, for instance,
18 from the small animal cage, that pole is 24 feet, about,
19 and you can see that Maggie's body is, you know, 17 feet
20 long. You know, it's -- but it says not to scale.

21 But what that doesn't do for you, it really doesn't
22 tell you, okay, we went through all of that trouble and
23 measured these, and what does it tell you? And what I
24 noticed was this, is that there was two shots, and one was
25 into the dog house, which was facing this way, and one was

1 into the quail pen, which is, like, facing the way this
2 desk here -- that's two totally different directions. So,
3 the first thing that would be good to do is to draw those
4 lines backwards and see where they cross, right? And where
5 they can cross, is there anything of interest there, right?
6 Are they footprints or something? In this case there was,
7 but -- not footprints. But that's what you do here. And
8 so the thing you're looking at is, is let's figure out what
9 this is telling us, which it is these two lines are going
10 to cross somewhere.

11 Q Well, and this is not to scale, so it doesn't tell you
12 much.

13 A It doesn't really tell us much because they don't
14 cross at the right spot.

15 Q Right, but in terms of the relationship of different
16 objects, we see the quail pen, and it looks like it is,
17 again, perpendicular to the dog kennels, correct?

18 A Yes.

19 Q Okay.

20 MR. HARPOOTLIAN: Next.

21 Q Okay. So, this is your reconstruction. Maybe ought
22 to go ahead and take your -- do you want to do it from down
23 there or up there?

24 A I can stay up there.

25 MR. HARPOOTLIAN: Let me see what this does. Go

1 ahead.

2 A This is a AVI file.

3 Q This is a --

4 A Well, I can explain --

5 Q Was it a video?

6 A It is a video.

7 MR. HARPOOTLIAN: Yeah. Go ahead and play it.

8 Q And then we may play it again and explain it after
9 they look at it.

10 MR. HARPOOTLIAN: Go ahead.

11 (The video was played.)

12 MR. HARPOOTLIAN: Okay. Stop is right there for me,
13 can you? Stop is right -- there you go.

14 Q So, we see the dog house, the quail -- point where --
15 we just flew by it --

16 MR. HARPOOTLIAN: Go ahead and start it.

17 (The video was played.)

18 MR. HARPOOTLIAN: So as we get right -- stop it
19 right -- not yet, not yet, not yet, not yet. There. Stop
20 it.

21 Q Okay. So, we see the dog house. Point it out,
22 please. We see the kennels. How about point those out?
23 And the -- I don't see think we can see the quail pen yet
24 but it's going to be up in there, correct?

25 A Yeah. So, the quail pen is against this wall.

1 Q Okay.

2 MR. HARPOOTLIAN: Go ahead and start is it back up.

3 (The video was played.)

4 MR. HARPOOTLIAN: And stop it.

5 Q Okay. So, show the jury again where the quail pen is.

6 A Here is the quail pen.

7 Q And where is the dog house?

8 A The dog house is right here.

9 Q Okay.

10 MR. HARPOOTLIAN: Go ahead and start it up again.

11 (The video was played.)

12 Q Now, maybe I ought have you explain how you do this.

13 You can go ahead and take the stand if you will, please.

14 A Yes, sir.

15 MR. HARPOOTLIAN: Let me see the next slide, please,
16 while he's going up there.

17 (The video was played.)

18 Q You don't need to come down for this. But this is
19 called fly through with no roof. So, you eliminated the
20 roof with the computer to show what it looks like and get a
21 better sense of perspective. Is that right?

22 A That's correct.

23 Q And is this to scale?

24 A It is to scale. It's very accurate. It's kind of the
25 modern way to measure a site. It's -- scanning is used all

1 over now, from dentist offices to everything, but --

2 Q We'll talk in just a minute about how you put this
3 together and the process of developing it. Okay.

4 MR. HARPOOTLIAN: How about let that one go.

5 Q This is without -- you took the roof off of the shed,
6 correct?

7 A I did.

8 Q Okay.

9 MR. HARPOOTLIAN: Go ahead.

10 (The video was played.)

11 Q You can see the dog house. You can see the quail pen.
12 You can see where Maggie's body was. And you can see where
13 Paul's body was, correct?

14 A Yes.

15 Q Okay. Let's do that one more time.

16 (The video was played.)

17 Q That would be Maggie's body near the dog house?

18 A Yes.

19 Q And that would be -- that would be Paul's body over
20 here, correct?

21 A That is correct.

22 Q Okay.

23 MR. HARPOOTLIAN: Keep going.

24 (The video was played.)

25 Q And why did you do this particular visual? What is

1 that? Does that make it easier to see where everything is
2 relative to each other?

3 A Yes. In the scan, you can just cut the roof of. It
4 just makes things easier to see. The roof -- the roof was
5 of no importance to me.

6 Q Right.

7 MR. HARPOOTLIAN: Next.

8 Q Now, tell me what this represents.

9 A Well, this is where I start constructing some lines.
10 And this is just an overall shot looking straight down.
11 Like this is a bird's eye view of the scan, and the dog
12 kennels are in the bottom right, and the hangar, the barn
13 is kind of the center top of the picture. And it's just --
14 there's nothing really, you know, of this particular shot.
15 It just illustrates what you can do and what I did. For
16 instance is I drew some white lines in there. Those are
17 measurement bars. One is 25 feet long, one is 50 feet
18 long, but the scan itself, you can measure very accurately
19 anywhere in the scan because this is not a picture. What
20 it is are the points. And there's so many points, there's
21 millions of points, and there's so many points when you put
22 them together it actually looks like an object, like a
23 three dimensional object.

24 Q So, let me ask you this. The State -- it's been a
25 month, so we may not all remember. The State had -- it's

1 called a FARO --

2 MR. FERNANDEZ: Object to leading, Your Honor.

3 Q What is this called?

4 A It's a -- we call them FARO scan. FARO is the company
5 that builds the scanner. There are other companies like
6 Nikon that make scanners, but a FARO scan is a laser
7 scanner. And what it does is it sends out a laser and when
8 that laser hits an object, it returns back to the scanner.
9 It gets reflected back. Depending on how much time that
10 takes, it can figure out how far away that object is, and
11 we're talking about a very small point. And then what it
12 does is it -- because the scanner is spinning around this
13 way and a mirror is spinning this way, it knows where that
14 point is in space. And then what it also does to make it
15 look better, it spins the camera around, and then the
16 camera applies more information on these points, so what
17 you end up with are millions of points. Like if you scan
18 the front yard of this courthouse you would get trees, you
19 would get signs, you would get people kind of ghosting by
20 as they walk through the scan, so it just picks up
21 everything.

22 Q So, does law enforcement use FARO?

23 A Yes. They did do a FARO scan. I have seen their fly
24 through like we just showed you, but that's the only thing
25 that I've seen. So, they did -- and, again, it is a common

1 technique people in our field use to measure things because
2 you don't have to take 100 measurements with a tape
3 measure, and it's much more accurate.

4 Q And SLED, I believe you just said, did a FARO scan of
5 the same murder scene.

6 A They did.

7 Q And I think we played it. It's been a month, but I
8 think I played it a month ago, but --

9 MR. FERNANDEZ: Objection, Your Honor. Testifying.

10 THE COURT: The objection sustained.

11 Q At some point in this trial, have you -- are you
12 familiar with the fact whether a FARO -- their FARO scan,
13 SLED's FARO scan was played?

14 A Yes.

15 Q Okay, and is their FARO scan as detailed as yours?

16 A I would have to compare them, but it should -- it
17 should basically be the same thing. Their scan and our
18 scan should be the same because it's a highly precise
19 instrument, and --

20 Q Okay.

21 MR. HARPOOTLIAN: Let's go to the next slide.

22 A -- the only difference would be they did it in July.

23 Q And you did it in --

24 A October of '22.

25 Q Okay. Now, what does this depict?

1 A So, the next thing I wanted to do, other than
2 reconstruct the shot trajectories like we said before, I
3 wanted to know where the evidence markers were. So, what
4 this here is, I took Special Agent Worley's measurements.
5 She had measured to a bunch of different things, including
6 the head and feet of the victims, and then also to those
7 little yellow evidence marker tags. And the evidence
8 markers that I was most interested in were numbers two
9 through seven, which would have been the empty cartridge
10 cases from the 300 Blackout. But what I did was is I
11 created a CAD diagram to scale of Agent Worley's
12 measurements.

13 Q Okay. What's a CAD diagram?

14 A It's a -- it's just computer aided drawing. It's a
15 drawing package so you can do a scale diagram. Now, she
16 did this just, you know, measuring from a pole or post and
17 whatnot. But we have a technique -- when we scanned in
18 '22, obviously these markers were not there, but we had
19 lots of photographs of them. And so there's a methodology
20 that we can use to where we can flatten the picture taken
21 the night of the murders, and then we can match that to the
22 scan, so then once you match that photograph to the scan,
23 you can actually place in objects that no longer exist very
24 accurately.

25 Q Now this FARO program, is it -- you indicated it was

1 used by SLED. Is it used by other law enforcement
2 agencies?

3 A Yes.

4 Q It's very common. It is used by hundreds or thousands
5 of them?

6 A Yes.

7 Q And they do the same process that you do?

8 A Yes.

9 Q Okay. So, once you got this -- and what is this?
10 This is a -- tell me what that process is.

11 A Yes. So, this is Special Agent Worley's hand
12 measurements.

13 Q Put on a computer program.

14 A Put on a computer program. And because I wanted to
15 put the evidence markers in my scan, and so you can -- you
16 would have the scan of the Moselle property, but then I can
17 put stuff in there, too. I could put a car in there, I
18 could put a body, or I could put these evidence markers.
19 So, I used this to check what we did was -- which we used
20 photographs and the techniques of putting the evidence
21 markers where they belong.

22 Q Okay.

23 MR. HARPOOTLIAN: Next slide, please.

24 Q What does this depict?

25 A So, what this is, is then I overlaid Agent Worley's

1 drawing, the one that we just looked at, over my scan. And
2 I used that -- if you were able to zoom in a little bit, I
3 don't know if it's how -- it may be a little bit hard for
4 you guys to see, but those circles with the crosses in them
5 are Special Agent Worley's measurements. And then either
6 touching them or inside of them are the evidence markers
7 that got placed by what we call a reverse camera
8 projection, which is just a fancy name of we can take the
9 information from a photograph taken the night of the
10 murders, and we can attach that to our scan, and then if we
11 want to we can put missing objects in there, which is what
12 we did here.

13 Q Okay. Go ahead.

14 A There's an example of it there.

15 MR. HARPOOTLIAN: Can you make that a little bigger,
16 please?

17 Q So, what is --

18 MR. HARPOOTLIAN: Yeah, that's perfect right there.

19 Q What does that show?

20 A It shows the same thing. So, we use a reverse camera
21 projection method to get the yellow evidence markers in the
22 scan. And you can see there Special Agent Worley's
23 measurements are usually right beside it, but you have to
24 remember she was probably stretching a tape measure, so it
25 all makes sense. So, it agreed. So, what that tells you,

1 you have a high degree of confidence that these markers are
2 in the correct place.

3 Q Okay.

4 MR. HARPOOTLIAN: Next.

5 Q Now, what does this depict?

6 A Well, it's a -- it is a video, if you want to show the
7 whole screen.

8 MR. HARPOOTLIAN: Yeah, we need the whole screen. And
9 play the video, please.

10 (The video was played.)

11 Q Okay, what are we seeing here?

12 A So, this is fading back and forth between the scan
13 world, or the computer world, and reality. So, you can see
14 there that that's a crime scene photo that was taken the
15 night of the murders. And what that is doing is it's
16 showing you the comparison between this world that we built
17 to try to understand what was the physical evidence telling
18 us.

19 Q Well, the picture taken on the night of the murders,
20 is this a complete picture, or have you dropped some things
21 out?

22 A No, it's a complete picture. You know, they -- some
23 items may have been moved by the time this picture was
24 taken. I would have to go back and see exactly when it was
25 taken.

1 Q Oh, so this was taken -- this picture was taken by you
2 in October.

3 A Oh, no, no. This is the night of the murders here.

4 Q Okay. Okay.

5 MR. HARPOOTLIAN: Next.

6 Q Okay. So --

7 MR. HARPOOTLIAN: Go ahead.

8 Q Quail pen shot trajectory. So, tell us what this is.

9 A Okay. So, I picked a place in the scan to start
10 laying in those lines. So, now we've talked about how we
11 built this up, so let's put the trajectory of the two shots
12 that were measured and see what it tells us. And so I just
13 chose a point. You're looking straight into the side of
14 the dog house. The sheet in the foreground there would be
15 Maggie's body. And then you can see the evidence markers.
16 There's three, four, you can see five and six over by the
17 sheet, and twelve is something else. I believe it was a --
18 it may have even been bullet fragments. But three, four,
19 five, and six there are empty cartridge cases from the
20 bullets that were fired.

21 Q Okay.

22 MR. HARPOOTLIAN: Go back out a little for just a
23 second. There you go.

24 Q I see somebody standing over here on the right. What
25 is that?

1 A That was probably one of -- one of my engineers, or
2 somebody I work with, who was doing some other task.

3 Q Okay.

4 A So when you scan, if you stand still long enough, it
5 will scan you.

6 Q Scan you in. Okay.

7 A Yes.

8 MR. HARPOOTLIAN: Next.

9 Q Now, what are those two green lines?

10 A The two green lines are the shot trajectories into the
11 quail pen.

12 Q And why are there two?

13 A Because one is at 1 and a half degrees up, and one is
14 at 3 degrees up.

15 Q Okay, and this projection -- I mean, in terms -- I
16 understand you took the dowel that she put through the
17 hole --

18 MR. FERNANDEZ: Object to the leading.

19 THE COURT: Objection is sustained.

20 MR. HARPOOTLIAN: Sorry, Your Honor. I'm just trying
21 to get it in terms I understood it. Let me see if we can
22 get to the same place.

23 Q Tell us what that depicts in terms that I can
24 understand.

25 A Yes. So, that is the flight path of the bullet

1 somewhere along that line, and so it's just -- it's
2 trigonometry. It's not any more complicated than that. I
3 don't know it's too complicated for you, but it's just
4 trigonometry.

5 Q The -- these lines, are they put in there by you
6 manually, or are they computed by the programs?

7 A Well, it -- the lines are put in by me on the computer
8 program. And, again, there are the 1 and a half degrees, 3
9 degrees. The importance of them is, is that's where the
10 barrel of the gun has to be perfectly in line with that --
11 with those two green lines. But right now without knowing
12 anything else, you could slide that gun up and down that
13 green line and it could be anywhere, right? So -- but you
14 start looking at other pieces of evidence.

15 And so what you would have is, is, well, what other
16 pieces of evidence we have. I looked at this and I said,
17 well, where does the shot trajectory go? Well, it goes
18 almost right over Maggie's body, very close to it, right
19 close to the feet. That's one thing. The second thing is,
20 is there is a collection of empty cartridge cases right to
21 the line. So, if I'm facing the quail pen, there is a
22 collection of cartridge cases to my right.

23 Q And what's your understanding about the ejection of
24 the cartridge cases from the Blackout?

25 A Typically it should be to the right and to the back

1 somewhat.

2 Q Okay.

3 A It depends, but -- so, that was a piece of
4 information, which is, is that starts to -- as I said
5 before, sometimes what you'll look -- not you're looking at
6 what you can determine but maybe you can limit where
7 something happens. So, you know, that is a point of
8 interest. Well, you have a pile of cartridge cases that go
9 right beside the shot trajectories. That's an important
10 point.

11 Q Okay.

12 MR. HARPOOTLIAN: Next.

13 Q Okay. So, what are we seeing here?

14 A So, that is a shooter that I constructed. And what
15 this is, it's actually a scan of a person, so you can get
16 scans of people. In this particular case, just for the
17 purposes of this trial, I stripped all of the textures off
18 this person, so there's no clothing, or hair, or skin
19 color, anything like that. So, it's just more almost like
20 a robotic looking figure. It is holding a 300 Blackout
21 weapon, a model of one. And when I started examining those
22 shot trajectories, a couple of things were apparent. One
23 is that it would be really hard for anybody to be shooting
24 that shot from the shoulder because remember: the shot is
25 going up. But it's only 4 feet 2 off the ground.

1 Q But it's the entrance wound, the -- where it goes into
2 the body.

3 A Yeah, the entry point. It's only 4 feet 2 off the
4 ground, and it's going up, which means that even if you're
5 a fairly short person, to get that trajectory you would
6 have to walk all the way up to the quail pen to get it to
7 work. So, what I was seeing here is that the most likely
8 way that that shot was made was from a low position, like
9 shooting low on the hip. So, I took this scanned in person
10 with a Blackout, and I pushed the gun down about as far as
11 I could push it.

12 Q When you say about as far as you could push it, what
13 do you mean by that?

14 A Well, eventually -- at some point you have to have
15 your hand on the trigger and the gun. And so instead of
16 having the person stand straight up, too, I just put them
17 in a shooting position. I don't know what the position the
18 shooter was, but this is a thought process. Okay, what is
19 this telling us? So that's what I did here.

20 Q And what degree line is that one on?

21 A That's on the 1 and a half degree.

22 Q Okay.

23 MR. HARPOOTLIAN: Next.

24 Q And what does this depict?

25 A That is the exact same shooter, except that shooter

1 has its barrel on the 3 degree line.

2 Q Okay. So, he would be on the other side of Maggie's
3 body, and on the other side of the dog house.

4 A Correct.

5 Q Okay.

6 MR. HARPOOTLIAN: Next.

7 Q Okay. Now, this has two individuals in it. What's
8 the one behind?

9 A So, those are the two. So, the shooter --

10 Q Oh, okay.

11 A -- the shooter behind is the 1 and a half degree. The
12 shooter in front is the 3 degree. So, that kind of gives
13 the range of this person being able to make that shot. And
14 so the -- to me, because of several different factors, it's
15 much more likely that the angle into the quail pen was
16 flatter than 3 degrees, which we talked about before. One
17 of the main reasons is there's no shell casings over behind
18 the dog house.

19 Q So, this person up front, what did you say about shell
20 casings?

21 A There's no shell casings anywhere close to that
22 person.

23 Q And I guess -- and can you demonstrate for us how
24 you're depicting this person or persons holding a gun? I
25 mean, how -- I mean, what -- are they -- you say from the

1 hip.

2 A Yes.

3 Q What does that mean? How about demonstrating --

4 MR. HARPOOTLIAN: If that's okay, Your Honor?

5 THE COURT: Yes, sir.

6 A So, what I would say is, is that what I did for this
7 purpose is instead of having it here, I put it down here
8 about as low as I could go.

9 Q Okay.

10 A And within, like, a shooting stance, like a shooting
11 position. You're not aiming, but -- at least you're not
12 aiming in the traditional sense, but you're --

13 Q If you're aiming, it will be on your shoulder, right?

14 A Right. So, I stretched that gun down until I could
15 just still keep my hand like I was shooting a gun.

16 Q Now, from the shoulder where generally would they be?
17 You've got -- I mean, you have that downward shot.

18 A It's really hard to put a shoulder shot on that
19 trajectory just because it's so low. Because even a small
20 person, going like this 4-foot-2, even if you put the
21 barrel on the quail pen, it would be above the hole. So,
22 it just doesn't make any sense.

23 MR. HARPOOTLIAN: Next slide, please.

24 Q So, this is without the guy up front because you
25 concluded this is where the person would have been.

1 A Yes. For a person of this height, this is, to me,
2 because of its proximity or closeness to the empty shell
3 casings.

4 Q Okay.

5 MR. HARPOOTLIAN: Next.

6 Q Now, let's look at the dog house trajectory shot.

7 MR. HARPOOTLIAN: Next.

8 Q Okay. Now, explain that green line.

9 A The green line here is the shot trajectory into the
10 dog house. And this is the same shooter again. And it
11 looks like he's standing on the sheet there, but all of
12 that would tell me, if this did occur, then the body was
13 not there.

14 Q This is a shot that would have come before the body
15 fell to the ground.

16 A That is correct. And so, again, you have a shooter
17 low on the hip. That's where that person would have to be
18 to follow that upward line.

19 So, the same exact shooter. Now that shooter is
20 shooting down. I slid that person on the line until it was
21 shooting down, and what I discovered was it's basically in
22 the exact same spot. You know, maybe one step away, maybe
23 two steps away, but --

24 Q The two shots were made from very close to each other.

25 A Right. So, now what we've done is the two shots cross

1 each other at a point, and at that point is right beside
2 where the shell casings were ejected, relatively close to
3 it.

4 Q Okay. Now, you don't know where Maggie was when these
5 shots were made. Is that correct?

6 A Correct.

7 Q So, we heard from, I think, one of the State's
8 witnesses --

9 MR. FERNANDEZ: Object to testifying.

10 MR. HARPOOTLIAN: Strike that.

11 Q What, if anything, did we hear from the State's
12 experts about the relative position of Maggie and whoever
13 shot her?

14 A The only thing that I heard was is that maybe two of
15 the shots were done at less than 3 feet because of
16 stippling to the skin.

17 Q And what about the relative position of the shooter
18 and her prior to that?

19 A Nothing specific or definitive.

20 Q Okay. So --

21 MR. HARPOOTLIAN: Let's see the next slide.

22 Q What is that?

23 A This is a shooter -- because this shot is going down,
24 this shooter is shooting from the shoulder, which can be
25 done with this shot. And if you're shooting from the

1 shoulder, you've got to be further back. So, that's just
2 to illustrate that's the range of possibility, you know,
3 from the shoulder --

4 Q From the shoulder --

5 A -- from the hip.

6 Q -- or down low?

7 A Right.

8 Q Those two that we just saw, is that also consistent
9 with where the shell casings are?

10 A It is. That could be consistent, too.

11 Q Okay.

12 MR. HARPOOTLIAN: Next slide, please. Both shots. Go
13 ahead.

14 Q So, what does this depict?

15 A So, this is the shooter making both shots. And you'll
16 see, and there's a couple different angles I could show
17 you, but they're really close and in the right location
18 relative to the empty shell casings. So, what that says,
19 it's not -- I'm not saying it's exactly there because
20 there's some variables to it, but I find it interesting
21 that the two shot trajectories cross at a point where both
22 shots can be made, and they're at the right location
23 relative to those empty shell casings. So, in my opinion
24 when these two shots were made, at least these two shots,
25 that the shooter was standing right in that area.

1 Q Okay.

2 MR. HARPOOTLIAN: Next.

3 Q And what does this depict?

4 A This is the same thing I just described except a
5 little bit different angle. So, there you may have a
6 shooter taking two steps forward, depending on which one
7 was fired first --

8 Q Right.

9 A -- or two steps backwards --

10 Q Backwards.

11 A -- but, you know, within a generally small area,
12 that's where those shots were fired from.

13 Q Okay.

14 MR. HARPOOTLIAN: Next.

15 Q Is that the same --

16 A That is the same thing. That -- you know, the
17 shooter's from the hip. If you have the shooter shooting
18 from the hip, it makes a lot of sense that with a little
19 bit of movement, the shooter can produce both of those
20 shots and have it agree with the evidence that Special
21 Agent Worley collected.

22 MR. HARPOOTLIAN: Next.

23 Q Okay. Now, we're going --

24 MR. HARPOOTLIAN: Don't go to his -- well, let's get
25 to that in just a minute.

1 Q Based on your analysis, tell us how you came to
2 conclude the range of heights that a person is shooting
3 from those distances. Tell us how that works.

4 A Okay. So, we are able to locate the weapon, where the
5 weapon was, and that's --

6 Q Now, when you say locate the weapon, what do you mean
7 by that?

8 A Locate the weapon on the green line. Okay.

9 Q You say locate the weapon, is it muzzle? Is it the --

10 A The whole barrel.

11 Q The whole barrel. Okay.

12 A Right, because the bullet starts its path inside the
13 barrel, and when it leaves the barrel it finds the target.

14 Q Okay. So, you can slide that barrel up and down the
15 green line?

16 A Correct.

17 Q Okay. Tell us how you get to a height of the shooter.

18 A So, for the purposes of what I've been showing you is
19 that I start putting different height people in the
20 trajectory analysis. And so what I've been showing you is
21 a person that is 5-foot-2.

22 Q The person is how tall? The shooter is how tall?

23 A 5-foot-2.

24 Q Could it have been someone a little taller crouching
25 down a little bit?

1 A Could be.

2 Q 5-3? 5-4?

3 A Yes.

4 Q So, between 5-2 and 5-4, the shooter?

5 A Yes, because what happens is, let's say if you put a
6 5-4 person even -- or 5-5, 5-6 in kind of that shooting
7 position from the hip, you've got to move them all the way
8 up to the quail pen, and it doesn't make any sense there
9 because there's no shell casings. And it starts to not
10 make any sense. Why would a person stand right in front of
11 the quail pen a few feet away and shoot into it?

12 Q And as you slide it back, what happens in terms of --
13 and this is all trigonometry? These are angles.

14 A It's just trigonometry. So, again, you have 5-2
15 people. What happens is if I move those people back --

16 Q Well, come take the quail pen to begin with.

17 A Yeah. With the quail pen, if you start to move the
18 shooter at the quail pen back, then you're down to -- you
19 start getting to, you know, less than 5-foot-2 very quickly
20 because that shot is going up. And what you have here is
21 that -- this is as far back as basically I could justify
22 putting a 5-2 shooter here.

23 Q And how did you come to 5-2? I mean, what -- did you
24 look at any data?

25 A Well, again, these are actual people that were scanned

1 in, and so, so these are 5-2. What happens is, for
2 instance, if you -- you know, I tried it with a 5-4. I
3 tried it with a 5-9. It just --

4 Q Why didn't that work?

5 A Because it puts the person under the shed close to the
6 quail pen. It doesn't make much sense being under there.
7 There are no shell casings there. So, in order to get the
8 shooter at the cross of the two shot trajectories near the
9 empty casings, then you've got to lower that shot.

10 Q Okay.

11 MR. HARPOOTLIAN: Next slide, please.

12 Q Okay. Let's look at this. Okay, this is
13 measurements. We don't need to look at each one of these.

14 MR. HARPOOTLIAN: Go ahead. Go ahead. Go ahead.
15 Now, let's hold on for 1 second before we go to that.

16 Q So in terms of Alex Murdaugh, how tall is he?

17 A 6-3, 6-4.

18 Q Okay, and you took a measurement of him this morning,
19 correct?

20 A Yes.

21 Q And what did you measure?

22 A I measured to his kneecap.

23 Q To his kneecap.

24 A Yes.

25 Q And how much -- what was the distance between the

1 bottom of his foot and his kneecap?

2 A 25 inches.

3 Q Okay. Now, explain why that's relevant to what we're
4 talking about.

5 A Well, I mean, the obvious question is, is well, what
6 if you were 6-4 and not 5-2? What does that mean? So,
7 what that means is, is that the shooting hand, the bottom
8 of the shooting hand for somebody the height of Alex
9 Murdaugh would be right at and below his kneecap.

10 Q So, his shooting hand would be below his kneecap.

11 A Yes.

12 Q What does that tell you?

13 A Well, it puts the shooter, or whoever fired the
14 weapon, if they were that tall it puts them in an
15 unrealistic shooting position. It's not an aiming
16 position. It's not a shooting position. It would be
17 something other than a, you know, a shooting position where
18 you were on your feet. So, it would be -- again, it would
19 be very difficult. You would have to be bending over and
20 have your shooting hand down at or below your kneecap. And
21 what's important about that to me is, is that it just makes
22 is very unlikely that a tall person made that shot.

23 Q Okay. More likely, it would be more likely than a
24 person between 5-2 and 5-4 fired those shots, correct, for
25 the quail pen?

1 A Yes. Yes.

2 MR. HARPOOTLIAN: Can I have -- yeah.

3 (Break in proceedings.)

4 MR. HARPOOTLIAN: Can I have a red or black pen or
5 something?

6 Q So, I had one of these -- the shots you had with the
7 two -- the shooters and their alignment blown up. Would
8 you step down here, please, and bring the pointer? Thank
9 you.

10 (Break in proceedings.)

11 Q And you stand over here.

12 (Break in proceedings.)

13 Q And so explain to the jury why they have got to be 5-
14 foot-2? This is blown up. Why would it be 5-foot-2? I
15 mean, how -- if this guy moves forward this way, or either
16 one of them move forward, what happens to the barrel of the
17 gun?

18 A Yeah. So, what happens is, is if you move them
19 forward they can be taller, up until wherever you talked
20 about before. At some point in time, even shooting from
21 the hip you still have to be very close to the quail pen.
22 If I move them back, either two things have to happen is,
23 is they have to be even shorter than 5-2, or they have to
24 be in some unnatural or kind of like an unreasonable
25 shooting position. I mean, obviously you could have

1 somebody laying on the ground taking a shot. They could be
2 really of any height, right?

3 So -- but what I'm doing here is, is that as you move
4 these people back, the gun has to be lower, and lower, and
5 lower to the ground. When you move it forward, the gun has
6 to be higher. So, then you start looking at, well, where
7 are the shell casings? The shell casings are here. So, if
8 you move a person back, let's say where they're laying on
9 the ground, right, and they're shooting like in a sniper
10 position on their elbows and laying down flat, there's no
11 shell casings back there. But the shells casings are being
12 ejected to the right, maybe to the back, we don't really
13 know, but at least it's going to be back here.

14 This area where Maggie's body was found where the
15 collection of the empty shell casings are found, because
16 some of these were at close range, but some of them are
17 spread over here, is going to put the shooter here, or it
18 certainly puts the weapon there. And then what you have to
19 do is go through the thought process of how can somebody
20 hold the weapon that height off the ground.

21 Q Okay. Now, if you've got a tall person and they're
22 coming this way towards the quail pen, let's say a 6-3, 6-4
23 person, can they -- how close would they have to be to the
24 quail pen to shoot the bullet that angle into the quail
25 pen?

1 A Well, it would be difficult. It wouldn't be either a
2 hip shot or a shoulder shot. You would have to -- or
3 somebody who is tall -- because again, I don't have a tape
4 measure, but the hole in the quail pen is at 4-foot-2.
5 Okay. So --

6 Q I've got one right there.

7 A So, let's just say -- I need a sticker or something.

8 Q You need what? A sticker?

9 A The quail pen shot is right here.

10 Q How about put a sticker right there. Okay. So,
11 that's the height it went into the quail pen.

12 A Right. So, I am 5-10.

13 Q Right.

14 A Shoes on maybe 5-11. All right. So, it's going 3
15 degrees up. So, there's -- I understand that's all flat,
16 let's just say that's 3 degrees, and I'm standing at the
17 quail pen. I would have to do like that, or I could do
18 this, like, not from the hip. I would have to come in here
19 like this, which, of course, is possible, you know, just
20 like that.

21 Q What about 6-4?

22 A Now if you're 6-4, it would be, you know, a lot taller
23 than I am. So, you would -- you know, you would have to go
24 through that thought process of how the shooter could --

25 Q And, of course, as you come back off the quail pen,

1 the only place you see shell casings are back here.

2 A Yes. The empty shell casings, there's some right by
3 the body. There's one underneath the body, and then I
4 believe it's two, three, and four are here, and five, six,
5 and seven are here. But two, three and four are here, and
6 the shells are being ejected to the right and maybe
7 slightly backwards.

8 Q And so can you say to a degree of engineering
9 certainty more probable than not that whoever shot this
10 shot, or these shots -- well, first of all, the quail pen
11 shot was 5-2 to 5-4.

12 A That is the most likely explanation, yes.

13 Q Okay, and we know that Alex was 6-4.

14 A Yes.

15 Q So, could you say to a degree of engineering certainty
16 more probably than not that Alex Murdaugh on the night of
17 June 7th did not fire that -- fire that shot into the quail
18 pen?

19 A In my opinion, it's very unlikely that he fired that
20 shot.

21 Q Okay. Now in reviewing the SLED file, did you see
22 whether or not they did any analysis like this? Have you
23 seen any charts, any FAROs, anything indicating that SLED
24 ever looked at these shot angles before?

25 A No.

1 Q You can go ahead and take a seat.

2 MR. HARPOOTLIAN: Your Honor, this is probably going
3 to go another extended -- probably another hour before I'm
4 done. I was just looking to see. It's 1:00. I don't know
5 what your -- do you want me to continue or do you want to
6 take a lunch break?

7 THE COURT: We can break for lunch now if that's what
8 you want to do.

9 MR. HARPOOTLIAN: Thank you.

10 THE COURT: Ladies and gentlemen, we will --
11 I'm addressing the jury.

12 Ladies and gentlemen, we'll break now and return at
13 2:15. Please do not discuss the case.

14 (The jury left the courtroom.)

15 THE COURT: Step down, sir. We'll be in recess
16 until --

17 Mr. Harpootlian?

18 MR. HARPOOTLIAN: Your Honor, I would like you to
19 instruct this witness that while we're having lunch waiting
20 for us across the street, he can't share it with us.

21 THE COURT: Understood?

22 THE WITNESS: Understood.

23 THE COURT: Very good. Resume at 2:15.

24 (A lunch break was taken.)

25 THE COURT: You may bring them.

1 (The jury returned to the courtroom.)

2 THE BAILIFF: The jury is present, sir.

3 THE COURT: Thank you.

4 You may proceed.

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

6 CONTINUED DIRECT EXAMINATION

7 BY MR. HARPOOTLIAN:

8 Q So, I'm almost done with the quail pen and the dog
9 house, but I've got to tell you. I was thinking about how
10 to demonstrate a little more graphically what you're
11 saying.

12 MR. HARPOOTLIAN: Your Honor, may I take this weapon
13 out of its box?

14 THE COURT: Yes, sir.

15 MR. HARPOOTLIAN: Thank you.

16 (Break in proceedings.)

17 MR. HARPOOTLIAN: I keep pointing it -- okay.

18 Q Do you recognize this? Do you know what this is?

19 A Yes.

20 Q What is it?

21 A It's the -- I think it's an Exemplar 300 Blackout
22 rifle.

23 Q And this is the weapon, or weapon like this, that the
24 shooter would have had.

25 A Yes.

1 Q Okay. So, we try to sort of get a visual of -- do you
2 want to come down here so I don't point at you? Or
3 maybe -- let me come up there and come this way, okay? Why
4 don't you -- I'm sorry.

5 (Break in proceedings.)

6 Q So, I am not 5-foot-2 or 5-foot-4. I think you said
7 5-foot-2 to 5-foot-4. But position me -- huh, tempting,
8 but -- I don't know how I can do this so I'm not pointing
9 at somebody. I guess what we need to do is we need to come
10 back here. Okay. So, position me as that shooter would
11 be. I'm trying to figure out where -- did he lower his gun
12 up here? Down here? Where?

13 A You want to push it down on the hip. Your wrist would
14 have to be --

15 Q This grip?

16 A Right.

17 Q Like this?

18 A Yeah. Obviously you could crouch in some sort of a
19 shooter's stance, but that's --

20 Q Not much lower than this.

21 A That's going to be there, yes.

22 Q Okay, and as I approach the quail pen, the gun has to
23 go up.

24 A The gun stays the same angle, right? But for
25 different height people, the gun has to get higher and

1 higher.

2 Q Right.

3 A Like that.

4 Q And if I go backwards, it's got to get lower and
5 lower.

6 A Right, because if you walked up to the quail pen, the
7 hole is 50 inches above the ground, which is right here.

8 Q So, I would have to be like half way down.

9 A Yes, for your height, right? A little bit lower.
10 About like that.

11 Q At the quail pen.

12 A At the quail pen. So, you can see if you back up, you
13 have to get lower and lower and lower. Not like -- but the
14 gun has to stay the same angle.

15 Q Oh, so it's got to be up but I go down.

16 A You go down.

17 Q Or I get shorter.

18 A To put the barrel on that --

19 Q So if I'm 6-foot-4 -- and you measured to Alex's knee.

20 A Right.

21 Q So, where would this gun be placed on me if I'm
22 6-foot-4?

23 A Well, if you're 6-foot-4, you know, your hip is going
24 to be about 46 inches. It should be about right here,
25 that's 46.

1 Q Right.

2 A And so you've got your trigger hand --

3 Q Right.

4 A -- about where your hip is. So, it would have to
5 be -- your trigger hand is going to have to be up where
6 I've got -- I'm pinching the tape measure.

7 Q And this is how far away from the --

8 A Well, it could be anywhere. But you raise it some
9 more -- a little bit lower. Right. So, then if, you know,
10 you were at the quail pen, the hole is right here, right?
11 And you shoot from the hip.

12 Q You would have to shot like that?

13 A Yeah. You would have to shoot lower.

14 Q Now, come back where you say the lines converge. I
15 think it has to be pretty low, right?

16 A Yes. It has to be very low. It has to be very low.
17 That's why it's -- to get a position that would be either
18 shooting or aiming.

19 Q Right.

20 A Or, you know, a basic shooting position, you would
21 need to be shorter. If you're bending over and some other
22 body position that may, you know, that be somewhat of an
23 awkward shooting position, then you could be taller.

24 Q Right.

25 A You could be taller than 5-2.

1 Q But his -- I think you told us his foot to knee was 25
2 inches.

3 A 25 inches.

4 Q And would it be -- proportionally for me, where would
5 I be?

6 A Proportionally for you, your trigger hand is going to
7 have to be back down where your kneecap is.

8 Q Right about right here?

9 A About like that, right, and then point upwards 3
10 degrees. That would be the equivalent of somebody who's 6-
11 foot-4 in the area where the two shot lines cross.

12 Shooting in the quail pen, they would be holding the gun
13 like that if they were on their knees.

14 Q Okay. Thank you. Please take the stand. Okay. So,
15 based on the angles and the -- basically trigonometry, is
16 what you're saying -- you say the shooter would have been
17 between 5-2 and 5-4 and back -- to have the ejected shells
18 in the appropriate place, if you would mark that place on
19 the sketch where these two folks are, just sort of the
20 range?

21 A Yes. And you can see some of the ejected shells, but
22 they're right beside the body.

23 Q Right.

24 A Just off where I've got the yellow sticky --

25 Q Okay.

1 A -- that is the area where you have, I believe, two,
2 three, and four. So, three empty 300 Blackout cases.

3 Q Okay, and that would be consistent with the position
4 of the shooters in this position, and based on the angle of
5 the bird cage -- the bird cage, they would be somewhere
6 between 5-2 and 5-4.

7 A That is correct.

8 Q To have a shot in the kennel, the lower part, I mean,
9 almost crouched down.

10 A Yes.

11 Q All right. Now, let's move on in our presentation,
12 and I'm going to try to expedite this a little bit and skip
13 some slides because you and I were too detailed when we
14 talked about this, and it's the afternoon. Let's go with
15 the Paul Murdaugh first shot. Tell us what this is.

16 A So, this was -- these first pictures are from the
17 night of the murders, and that's inside the feed room. On
18 the south wall of the feed room, there's just a regular
19 window.

20 Q And what's that?

21 A Those are pellet holes from the buckshot. There are
22 nine pellets in a buckshot, this particular load of
23 buckshot.

24 Q Okay, and what did you do?

25 A So, what I did was --

1 MR. HARPOOTLIAN: Next picture, please.

2 A When I looked at the -- there's the window from the
3 outside of the feed room. When I looked at the crime scene
4 pictures, I noticed that one of the buckshot pellets hit a
5 pine tree and SLED take a -- took a picture of that damage
6 to the bark of the pine tree. And so when I was there, the
7 tree -- there's, like, a stand of pine trees that have been
8 planted behind the kennels.

9 Q Right.

10 A And so what I did, there are nine pellets but the
11 pellets had already spread out by the time they went
12 through the window. In fact, there was one pellet still
13 wedged in the window sill itself.

14 Q That you found.

15 A That I found. But there was a tree and it had some
16 ivy on it, but it had damage. And so what I did was I
17 located that damaged tree and put a mark on it; I put just
18 some yellow tape there. I went back in the feed room. If
19 you look at the pictures of the feed room, there are some
20 bloody footprints from tennis shoes, and it's just as -- I
21 believe it was Chief Deputy Kinsey talked about Paul being
22 about midway in the room, that approximate location, and so
23 I stood there, but I knew Paul got shot in the chest, so I
24 lowered my head about eye to chest level, and I looked
25 through each hole until I saw the tape on the tree, which

1 is where the sap was coming out where the pellets had hit
2 it. So, I determined which hole in the window belonged to
3 that pellet.

4 And then what I did, instead of using a trajectory rod
5 or laser -- it was daytime -- I did the old school method,
6 which I stretched a neon pink string from the damage of the
7 tree through the hole in the window out the door. Because
8 -- from what I've understood, you know, this shot was taken
9 within 3 feet or so because there was stippling on this
10 wound here. So, what I did was I basically took the string
11 out as far as you needed to go and -- which is what is in
12 that picture there --

13 Q This would be that string?

14 A Yes. That is simply a string that's pulled tight from
15 the sap coming out of the tree where the buckshot pellet
16 hit it through the hole in the window, and then back
17 through the feed room to -- I set up a tripod in the door.
18 So, that is the shot line or the trajectory of the pellets
19 in the shotgun. And there's -- that's where the damage to
20 the tree is. It's leaking sap.

21 Q Okay.

22 A And --

23 Q And what are these?

24 A That was the hole in the window that if I stood where
25 Paul -- roughly where Paul was shot in the chest, it was

1 the only hole that lined up with that tree.

2 Q Okay. What is this?

3 A And that shows basically at the door seal, the
4 threshold of the door to the feed room, the height of the
5 shot, which was at the door seal it's 3-foot-11.

6 Q Okay. Was it an upward trajectory?

7 A Upward trajectory.

8 Q Okay.

9 MR. HARPOOTLIAN: Next.

10 A And so what I did there is just to demonstrate it.
11 Obviously because there's a string there, I can't put the
12 barrel right on the string line like we did in the computer
13 with the green lines. I just held it beside it. I'm
14 5-foot-10. I have normal shoes on here. That's the stance
15 that I would have to take to shoot up that string. So,
16 it's --

17 Q And at what height would that hit Paul in the chest on
18 that trajectory?

19 A That's like about right at my hip or so. Yeah. Maybe
20 just a little -- maybe just a little bit lower than my hip
21 if you looked at the butt of the gun. And I'm 5-10.

22 Q You're how tall?

23 A 5-10.

24 Q So, it's somebody not 5-2 to 5-4 but somebody slightly
25 taller.

1 A Right. Or -- yeah, or moving the gun up and down.
2 Again, there's a variable here, of course.

3 Q Okay.

4 A And then what I did was demonstrate -- because there
5 has been, you know, some talk -- well, that's me standing.
6 Again, I'm fairly comparable in height to Paul Murdaugh,
7 and what I did was I just let the string touch where the
8 wound is in his chest, the entry wound. And if you look
9 where my feet are, you'll see I'm just beyond the door,
10 which is right where the bloody footprints are. So,
11 another way of confirming that this all makes sense here --

12 Q And those are the bloody footprints?

13 A Those are the bloody footprints. That's about where
14 I'm standing when this picture of me was taken with the
15 string going through. You know, we're within, you know, a
16 few inches or so. And then the idea there -- that that
17 would be, you know, inconsistent with, say, somebody my
18 height. I think there's one more picture here.

19 MR. HARPOOTLIAN: Go ahead --

20 A Just to drive the point home. Like, if I shouldered a
21 shotgun and shot into the feed room, that wouldn't work.
22 The gun needs to be lower. So, similar concepts, as we
23 said before, but just on a different way.

24 Q Okay.

25 MR. HARPOOTLIAN: Next.

1 Q Okay, let's talk a little bit about -- before we get
2 into acoustical testing, let's talk a little bit about the
3 second shot on Paul.

4 A Yes.

5 Q And I believe you watched my cross-examination of
6 Deputy Kinsey, correct?

7 A Yes.

8 Q And his testimony was --

9 MR. FERNANDEZ: Objection.

10 Q Do you remember what his testimony was?

11 A Yes.

12 Q Go ahead.

13 A He analyzed the data, physical evidence, and he was
14 thinking that the shot was about 135 degrees relative to
15 the ground, and maybe plus or minus 5 degrees, and that he
16 took a height for Paul's shoulder about 4-foot-7. He was
17 going between a couple of data points that he had, and so
18 he had 4-foot-7. And then what you have to consider is, is
19 that basically that's 90 degrees, and then so 135 is here.
20 It's 90 plus 45. So, it's a 45-degree angle into the
21 shoulder. But the consideration was is that they didn't
22 see any stippling on Paul's shoulder, so you have to back
23 the weapon up. And typically you're looking at 3 foot or
24 less for stippling. He opined that, well, maybe it was 2
25 feet because it wouldn't work out. And the reason it

1 wouldn't work out, if you back up a normal size shotgun 3
2 feet to get no stippling, it puts the butt of the gun under
3 the concrete or through the concrete. So, of course, that
4 wouldn't work.

5 Q Right. So, he had to adjust the distance for
6 stippling.

7 A Right. He said, well, maybe, you know, it didn't work
8 out that way so maybe the stip -- maybe 2 feet. The
9 correct way to do that, of course, though, would be to test
10 the shotgun and/or the ammunition at least, because we
11 don't have the shotgun, but test the ammunition. Does it
12 cause stippling at 3 feet or 2 feet? That would be the
13 correct way to do that. But if you take 3 feet of
14 stippling, which is what the State medical examiner, Ms.
15 Riemer, testified to, if you take 3 feet and a normal sized
16 shotgun, that 135 doesn't work because the butt of the gun
17 will be into the concrete, or, you know, below the ground.

18 Q And I think we may have -- he and I may have
19 demonstrated that with a little red dot.

20 A Yes. You did a hand drawn exhibit.

21 Q Okay. So, you would disagree with his assessment that
22 the 45-degree angle shot was possible with a normal size
23 shotgun, and adopting Dr. Riemer's 3 feet, any -- for there
24 not to be stippling, it would have to be 3 feet or further,
25 correct?

1 A Correct. It doesn't work out dimensionally.

2 Q Okay. So, tell us about acoustical testing and -- as
3 briefly as possible.

4 A Okay. So, I was asked a question, which is if a
5 person is in the main house, would they be able to hear
6 gunshots at the kennels. And so the way that you do this
7 is you do acoustical testing, and I could spend a long time
8 talk about this, but you guys probably don't want to hear
9 all of this, but let me just tell you in general how this
10 is done.

11 So, what happens is, is when you have -- a gunshot is
12 impulsive noise. It's very quick. Gunshot probably only
13 lasts about 10 milliseconds. It's very loud. The
14 threshold of pain is about 140 decibels. Now, when you
15 move decibels, like 140 to 150, it's twice as loud. So,
16 you'll see what -- I recorded these weapons with the
17 special instrument and you'll see how loud they are. And
18 the idea is, is that will the sound attenuate, decrease
19 enough when it reaches the house?

20 And there are a lot considerations. I considered
21 there's a little grove of trees. You have -- you don't
22 have a hard reflecting surface. It's pasture and trees and
23 sand. You also have a well built house, double paned
24 windows, wood paneling. So, it's going to have at least a
25 normal sound -- a normal sound attenuation properties. In

1 other words, you know, if you shut all your windows, you
2 shut all of your doors, there's a noise outside, depending
3 on how loud that is, you may not hear it.

4 So, what I did was I set up testing. It's the same
5 testing -- it's called military standard 1474. That -- the
6 military has concerns about soldiers firing weapons and
7 causing hearing damage. They want to know how often can we
8 send them to the range, or what kind of hearing protection
9 -- how many rounds can they fire in a day, that sort of
10 thing. So, I just set up the testing.

11 And in a nutshell the Blackout rifle, we got an
12 Exemplar Blackout, the same ammunition involved in this
13 case. We got a 12 gauge shotgun. We got birdshot. We got
14 buckshot. Basically the shotgun is around 155 DB.

15 Q DB is?

16 A Is decibel.

17 Q Okay.

18 A And when we measure sound, it's not on a regular
19 scale, and the reason is, is because we can hear -- the
20 threshold of human hearing is very, very minor, and then we
21 can hear loud noises like a rock concert. So, if it was
22 like a speedometer, your speedometer would have to go,
23 like, zero to a million. It's not practical, so we make it
24 a logged scale. And all you really need to take away from
25 that is, is if you have something, a sound that's 50 DB, 60

1 DB is twice as loud. That's how we perceive it if you have
2 normal hearing. And then the idea is, is that like the
3 background in the courtroom here, just a little bit of
4 noise going on, but when everybody is quiet it's probably
5 maybe 45 DB in here, right? So if a sound is 55 DB, we're
6 all going to hear it, no problem. If a sound is like 45
7 DB, we may not hear it at all unless we're really listening
8 for it. Or if it's a really quiet sound, like 25 decibels
9 or 30 decibels, we would never hear it. It's just the same
10 thing as you could be at a rock concert and the person
11 beside you is trying to talk to you and you can't hear them
12 even though they're talking in a normal voice, you just
13 can't hear them because your background is too high. You
14 know, they're talking in a voice like I am without the
15 microphone and it would be about 70 DB, but your rock
16 concert is 110 DB, right? So, all we're doing here is
17 we're comparing sound.

18 I did the testing, and also went back and just used
19 the theoretical calculations for the propagation of sound
20 to make sure that my results, which I took on January the
21 5th of this year, were the same as the results that you
22 would have gotten if you would have done the testing on
23 June the 7, 2021. You have to take into account humidity,
24 temperature, pressure, the wind direction, those types of
25 things, so I did that.

1 Q So, what does this slide depict?

2 A So, that's an overhead shot of Moselle. From the
3 center of the dog kennels, the area where all of the
4 evidence is, to the center of the house, the main house at
5 Moselle, it's 1,142 feet. So, 1,142 feet.

6 Q Okay. As the crow flies.

7 A As the crow flies.

8 Q Okay.

9 MR. HARPOOTLIAN: Next.

10 Q And this is looking past the dog house to the kennels?

11 A Yes. So, you're looking towards the kennels. The
12 door on the right end of the kennels is the feed room.
13 That's the area where Paul's body was found, and then the
14 dog house is there. What I'm showing here is, is that
15 there is a backdrop to this area which is vegetation and
16 trees. For reasonable close distances, you have to take
17 into account that vegetation and the trees. At longer
18 distances, the sound can carry. Because the sound -- when
19 I shoot the gun, the sound is going to expand like you're
20 blowing up a bubble, right? It's just going to get bigger
21 and bigger and -- but the bigger that bubble gets, the
22 weaker it gets just like the sound, and eventually it goes
23 away.

24 MR. HARPOOTLIAN: Next.

25 Q What does this depict?

1 A That's looking back towards the house to show -- you
2 can't see the house here, but that's looking straight back
3 towards the house to show that if you were going to do some
4 calculations, you have to take into account there is a
5 barrier of trees in the way.

6 MR. HARPOOTLIAN: Next.

7 Q All right, what is this device?

8 A That's a sound pressure level meter, and it's a type
9 1, which is a high precision. Normally when you're
10 recording sound, sound is somewhat continuous, and you can
11 use a high grade meter. This is a special meter that's
12 designed to capture gunshots because you're talking, you
13 know, 20 microseconds, thousandths of a second, the rise of
14 that pressure wave of shooting a gun. So, you have both
15 the gasses escaping from the gun, and you have the sonic
16 boom of the bullet leaving the gun, so it's a complex
17 noise. And you have to have a meter that can -- that is
18 fast enough to catch it, and that's what that --

19 Q That's what that is?

20 A -- meter is, yes.

21 Q Okay.

22 MR. HARPOOTLIAN: Next.

23 Q What is that?

24 A That's a little weather station I had. So, I was
25 recording the weather before and after the testing because

1 I knew that I was going to go back and pull the weather
2 history for the night of the murders and just see what kind
3 of correction factors needed to be applied to my testing.

4 Q Just curiosity, if the humidity was high that night
5 but low then, how do -- what we -- how do you adjust that?

6 A Well, there were charts and tables. That's just
7 standard conversion.

8 Q Okay.

9 A Right, and the humidity was higher in June than it was
10 when I did it in January. The temperature was about the
11 same; the humidity was different.

12 Q But you got tables and charts, calculations, physics,
13 or whatever --

14 A For the results of this, all of these, all of these
15 modifications or adjustments that you would make really
16 don't make a difference because the results were so far
17 apart or like a -- what you would have to be able to hear a
18 gunshot inside the house, it really didn't matter. You
19 didn't have to make the corrections for the temperature and
20 stuff, but I did anyway.

21 MR. HARPOOTLIAN: Next.

22 Q And that just shows where you had instruments set up.

23 MR. HARPOOTLIAN: Next.

24 Q Again, a picture where the instrument was set up.

25 MR. HARPOOTLIAN: Next.

1 Q So, why do you have a measuring item there?

2 A So, what you're doing -- and so I took a piece of
3 dental floss, tied it to the muzzle, and then anchored it
4 so that I knew that the muzzle was 1 meter -- it's a little
5 over a yard -- from the microphone. And the reason you do
6 that is, is that -- so, you fired this gun and let's say
7 it's 165 DB. So, for every doubling of distance, it's
8 going to lose 6 DB, 6 decibels. So, at 1 meter it's 165.
9 At 2 meters it's going to be 159. At 4 meters it's going
10 to be 153, and so on and so on because every doubling of
11 distance, that's theoretical. Then you have to add
12 correction factors, but that's basically what happens.

13 Q This is to ensure that your responses you're
14 recording, your calculations are accurate as possible.

15 A Correct. I'm just following the MIL standard here.

16 Q And what's that?

17 A It's MIL, United States Military --

18 Q Okay. You talked about it before.

19 A -- Standards, yes.

20 Q Okay.

21 MR. HARPOOTLIAN: Next.

22 Q That would be the ammunition you used?

23 A These slides are just showing what I used to do the
24 testing. So, this is the 300 Blackout.

25 MR. HARPOOTLIAN: Next.

1 Q Is that a 300 Blackout shell -- bullet?

2 A Yes.

3 Q Okay.

4 MR. HARPOOTLIAN: Next.

5 Q That would be the 300 Blackout?

6 A Yes.

7 MR. HARPOOTLIAN: Next.

8 Q That would be the shotgun?

9 A Yes.

10 Q 12 gauge?

11 A Yes.

12 Q Okay.

13 MR. HARPOOTLIAN: Next.

14 Q That would be the buckshot you used?

15 A Yes.

16 MR. HARPOOTLIAN: Next.

17 Q Okay, and that would be the birdshot, the Turkey Load
18 birdshot --

19 A Yes.

20 Q -- you used, right?

21 A Yes.

22 MR. HARPOOTLIAN: Next.

23 Q And this is the inside of the house?

24 A That is inside the den of the house. And what I did
25 there was I took background readings. In the quiet house -

1 - it's really quiet because you're way out in the country
2 there. I mean, there's no traffic. So, it was about 35
3 decibels in the house, which is equivalent to, say, a quiet
4 bedroom at night.

5 Q Did you have the air conditioning on?

6 A I believe the air was working, the refrigerator was
7 running, but it was very quiet. And then so what I did was
8 I set up some equipment there to measure the background.
9 We also, of course, we turned on the TV to normal volume,
10 so that's up around 68DB, 70DB, you know, depending on how
11 you want it listen to your -- we put a movie in and just
12 had that. So, two background levels in the house. And
13 then the next question is when your fire a gun at the
14 kennels, do you hear it? Do you not hear it? How loud is
15 it?

16 Q Okay.

17 MR. HARPOOTLIAN: Next.

18 Q So, what is that?

19 A Well, we did -- we shot the Blackout out around the
20 dog house, and then we shot the shotgun into the feed room,
21 out of the food room, and then with the muzzle outside the
22 feed room. So, we shot into the feed room, we shot out of
23 the feed room. So, we're just trying to figure out is
24 there anything about the shape of the feed room that really
25 changes the -- really changes the character of the shot.

1 The take away is, yes, it muffles the sound if you shoot
2 into the feed room. It's not hard to understand, but the
3 Blackout was much louder than the shotgun.

4 Q And it was shot over by the dog house where the shell
5 casings were found.

6 A Yes.

7 Q And that is what you shot in the feed room?

8 A Yes. It's a ballistic gel, dummy. It gave us
9 something to shoot into.

10 Q Okay.

11 MR. HARPOOTLIAN: Next.

12 Q Not quite sure what that is.

13 A It's just more -- it's just pictures showing the
14 testing.

15 Q Okay.

16 A Same.

17 Q Okay.

18 MR. HARPOOTLIAN: Next.

19 Q This is the various indoor and outdoor sound levels.
20 And could you -- rather than reading all of this, could you
21 sort of give us an overview of -- and are these the results
22 of those shots you made?

23 A No. This is just actually just from the literature if
24 there was a discussion about different decibel levels.

25 But, you know -- you know, vacuum cleaner is 70 decibels.

1 Q Oh, okay.

2 A Yeah. Quiet conversation 55. A dishwasher in the
3 next room is 50, you know, and on and on for --

4 Q Okay.

5 A -- you know loud noises to soft noises.

6 MR. HARPOOTLIAN: Next.

7 A I think that's just a blow-up of the last slide.

8 Q Okay. So, what does all of that mean?

9 A Just as a comparison to my numbers, these are other
10 people's test numbers basically done the same way I did it.
11 And you have a bunch of rifles and they're between -- you
12 know, you have 166 decibels, 163, 161, and therefore -- so,
13 basically your rifles all the way down to a .22, which is,
14 like, 143 decibel. But if you're shooting a rifle with a
15 decent size cartridge, then you're looking at something
16 from 160 to 165 DB.

17 MR. HARPOOTLIAN: Next.

18 A This is a similar chart of other people's work doing
19 the same thing and for shotguns. And basically your
20 shotguns are going to be 150 to 160 DB. So, not as loud as
21 a rifle.

22 Q Quieter? It's quieter?

23 A A little bit quieter, but obviously a 12 gauge still
24 is a loud gun.

25 MR. HARPOOTLIAN: Next.

1 Q Okay. Here is your results.

2 A These are my results. So, basically the Blackout was
3 right at 165 DB.

4 Q Uh-huh.

5 A And the shotgun was at 155 DB. So, the results that I
6 got from the testing were in line with the testing that
7 other people had done.

8 Q That other people had been doing. Okay.

9 MR. HARPOOTLIAN: Next.

10 Q Okay. So, you want us to play this?

11 A Sure.

12 MR. HARPOOTLIAN: Go ahead. Well, wait a second.

13 Q What is this?

14 A This is an audio file. You know, I could present
15 numbers, graphs, but what I did here just to get the point
16 across -- and here is the bottom line. This will be the
17 300 Blackout fired in the loudest direction because we
18 tried north, south, east, west, but this is fired in the
19 loudest direction. I'm sitting in the den; the doors and
20 windows are shut. The TV is not on, so it's as quiet as it
21 possibly can be, and I'm sitting there listening for the
22 shot. But you can gauge the sound of the shot, and I'm --
23 I've got a microphone now but, you know, I'm talking on
24 this audio recording the same way I'm talking right now.

25 MR. HARPOOTLIAN: Play it, please.

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

2 Q Is that it?

3 A Yes. So, it was about 1 second before I said: All
4 right.

5 Q Okay. Go ahead.

6 A So, you could barely hear it, and we were all
7 listening for it. So, if you were in the house, even if
8 you were walking around, you wouldn't hear that. I could
9 barely hear it and I was listening for it. So, what that
10 tells you is that the sound inside the house is right at --
11 right at that background level, it's kind of sitting right
12 in your background at the quiet house. And so if you were
13 doing any kind of activities inside the house, you wouldn't
14 hear it. And certainly if you had the TV on -- which will
15 be, remember 10 DB is twice as loud, so it's 35 if you've
16 got the TV on -- there's no way you could hear that shot.

17 Q So, do you have a engineering professional acoustical
18 opinion more probable than not as to whether somebody in
19 that house without the TV, not listening for it, would hear
20 that, those shots, those Blackout shots down at the dog
21 pen?

22 A I do.

23 Q And what is it?

24 A You would not be able to hear it.

25 Q And the shotgun, I assume, is quieter so it would be

1 even less an opportunity to hear that.

2 A Yeah. There were times we fired the shotgun in a
3 quiet house, and you couldn't hear it at all.

4 Q I've got just a few more questions. Any more slides?

5 A I think there's some more slides, but I think we have
6 covered the acoustics, unless you want to get more into it.

7 MR. HARPOOTLIAN: Keep going. I don't think we need
8 to do that, keep going. Keep going. Keep going. Keep
9 going.

10 SPEAKER: That's it, Counsel.

11 MR. HARPOOTLIAN: That's it? Good.

12 Your Honor, I would like to offer into evidence a
13 printout of that.

14 MR. FERNANDEZ: No objections.

15 THE COURT: It's admitted without objection.

16 MR. HARPOOTLIAN: This would be Exhibit Number 140.

17 (PRINTOUT MARKED AS DEFENDANT'S EXHIBIT NUMBER 140 WAS
18 RECEIVED INTO EVIDENCE.)

19 MR. HARPOOTLIAN: Beg the Court's indulgence just a
20 moment.

21 (Break in proceedings.)

22 Q Okay. Now, let's do one last matter. And you
23 indicated you have done accident reconstruction.

24 A Yes.

25 Q And I have a number of questions about just, I guess,

1 all -- mostly physics, but let me ask you. You've seen
2 this document before. Do you recognize that?

3 A Yes.

4 Q Okay. Don't tell me what it is yet.

5 (Break in proceedings.)

6 MR. HARPOOTLIAN: Any objection?

7 (Break in proceedings.)

8 Q This graph was created under your supervision?

9 A Yes.

10 Q Okay, and then there's another one, which is 142.

11 Yeah, here we go.

12 MR. HARPOOTLIAN: So, we would offer 141 and 142 into
13 evidence. Any objection?

14 MR. FERNANDEZ: No objection.

15 THE COURT: They're admitted.

16 (GRAPH MARKED AS DEFENDANT'S EXHIBIT NUMBER 141 WAS
17 RECEIVED INTO EVIDENCE.)

18 (GRAPH MARKED AS DEFENDANT'S EXHIBIT NUMBER 142 WAS
19 RECEIVED INTO EVIDENCE.)

20 Q Okay. So, I'm going to use these copies, and that's
21 142. Hold on to both of those. So, 141 is speed from
22 Moselle from Alameda, which I guess maybe I need --

23 MR. HARPOOTLIAN: We don't have that on the computer,
24 do we? No? Let me put this on the overhead. Let's start
25 with 141. Can I have the ELMO, please?

1 (Break in proceedings.)

2 Q And so what does this depict?

3 A This is a graph of the speed of Mr. Murdaugh's
4 Suburban, and this is from the trip from Moselle to his
5 parents' house.

6 Q And that would be on the night of June 7th?

7 A Yes, and each one of those little vertical lines, the
8 blue lines, represents 3 seconds.

9 Q Okay. So, two things. If you look at 141 and you
10 look at the time, and I believe you looked at this and
11 correlated it, at 9:07 has Mr. Murdaugh left his home --

12 A Actually, the one you've got up is the return trip, I
13 believe.

14 (Break in proceedings.)

15 Q Is that better?

16 A Yes. That's the -- that's 141 there.

17 Q Right, and at 9:07 has he left Moselle?

18 MR. FERNANDEZ: Object, Your Honor. There's no times
19 on this chart.

20 Q Have you independently checked the data behind this
21 and determined where he was at 9:07?

22 A Yes.

23 Q Where was he?

24 A On the chart he would be -- that first rise there --

25 Q Yeah.

1 A -- there's a little bit of a dip. Then it rises all
2 of the way up just a little bit over 60 miles an hour
3 there.

4 Q Right.

5 A It's right before the dip in the middle. The dip in
6 the middle is when he sent a text message, so just slight
7 slowing -- no, back over. Back, back, back. That little
8 dip right there.

9 Q Right.

10 A So, 9:07 is going to be right before you get to that
11 dip.

12 Q Okay, and so this graph starts at 9:07, does it not?

13 A Yes.

14 Q Okay. So, it means that he is on Moselle at 9:07?

15 A Yes.

16 Q Okay. My questions are confusing. After he leaves
17 there, does he slow down? I mean, after he turns on to the
18 Moselle Highway, does he slow down at all for -- at any
19 point until minutes down the road?

20 A Not until he's down the road. He's building speed
21 when he passes that -- what you just asked, the cell phone
22 location. He's passing through the mid 40s.

23 Q Didn't slow down at the -- where the -- where Maggie's
24 cell phone was and is on the side of the road.

25 A Correct.

1 Q He was actually accelerating a little bit as he went
2 through there, just like, I think, 42 or 44 --

3 MR. FERNANDEZ: Objection. Testifying.

4 THE COURT: Sustained.

5 Q Is that about right?

6 THE COURT: Sustained. There's an objection.

7 Sustained.

8 Q So as he drove past, I think you testified to that,
9 where Maggie's cell phone was thrown out on the side of the
10 road, tell us approximately what he was doing. Was he
11 accelerated? Decelerating? Stopping? What was he doing?

12 A He was speeding up. So, he was speeding up from, you
13 know, 42, 43, 44, 45 miles per hour as he goes through that
14 area.

15 Q Any indication he stopped to slow down?

16 A No.

17 Q Now, so you studied physics, or you actually testified
18 about physics. If someone were throwing a phone from a
19 moving vehicle -- and I believe you went down and looked at
20 the area where the Maggie's phone was found, right?

21 A Yes.

22 Q Would there be any -- describe for me the kinetics of
23 that.

24 MR. FERNANDEZ: Objection. Beyond the scope of his
25 expertise.

1 MR. HARPOOTLIAN: Beyond the scope of what?

2 THE COURT: Couldn't hear your objection.

3 MR. FERNANDEZ: Objection. Beyond the scope of his
4 expertise.

5 THE COURT: All right. Response?

6 MR. HARPOOTLIAN: Yes, sir. He is a mechanical
7 engineer. We're talking about a mechanical motion. He's
8 done accident reconstructions where they have to determine
9 the motions of certain objects during that wreck. And
10 perhaps I could even ask him are you confident you can give
11 us an expert opinion on how a moving object would move if
12 thrown from a moving car.

13 THE COURT: I sustain the objection.

14 Q Now, you've also done -- looked at a number of crime
15 scene photos, correct?

16 A Yes.

17 Q And you understand where Maggie's body was.

18 A Yes.

19 Q And you understand where Paul's body was.

20 A Yes.

21 Q Would a vehicle -- first of all, tell me the typical
22 headlights, the headlights on a Suburban, how far out would
23 they go? How far out would you be able to see with them?

24 A Well, it depends on the object that you're looking at.
25 But low beams, modern low beams, which would be on the --

1 Q Okay.

2 A -- you're going to be able to see about 250 feet in
3 front of the vehicle along the ground.

4 Q What about the width of the vision?

5 A Yeah. There will be a spread out to the side as the
6 headlight beam pattern bends around. It may be 20 feet or
7 so on either side of the vehicle. It depends on whether
8 it's the left or the right, and it depends on the color of
9 the objects on the ground. But, yes, the area in front of
10 the Suburban would be well lit.

11 Q And I believe you saw the Suburban's placement in the
12 photos after the police officers arrived, correct?

13 A Well, yeah, I have seen the photographs. And I also
14 have seen the path that the Suburban took by the GPS points
15 as it drove up to the kennels.

16 Q And based on those, do you have an opinion as to
17 whether or not Alex Murdaugh, if he was driving that
18 vehicle, would have been able to --

19 MR. FERNANDEZ: Objection. Beyond the scope of his
20 expertise.

21 THE COURT: I need the hear the complete question
22 before entertaining an objection.

23 Q Based on your knowledge of the function of the
24 headlights on a motor vehicle, do you ever look at that in
25 terms of motor vehicle accidents that you investigate?

1 A I look at it all of the time, car pedestrian
2 accidents.

3 Q Okay.

4 A It's a well known area of study in my field.

5 Q So, do you have -- would be able to give an opinion as
6 to what someone would be able to see with their headlights?

7 A Yes.

8 Q Do you do it all of the time?

9 A Yes.

10 Q So, do you have an opinion to a degree of mechanical
11 engineering more probably than not whether Alex Murdaugh
12 would have been able to see Paul and Maggie's bodies as he
13 pulled up?

14 MR. FERNANDEZ: Objection. Calls for speculation,
15 beyond the scope, and no foundation laid for that line of
16 questioning.

17 THE COURT: I sustain the objection.

18 Q Okay. You have looked at the photographs of the
19 scene, right?

20 A Yes.

21 Q You've looked at the GPS data to see where that
22 vehicle pulled initially, right?

23 A Yes.

24 Q Talking about the Suburban.

25 A Yes.

1 Q You routinely take that same data in a mechanical
2 and -- not a mechanical, in a motor vehicle accident.
3 You've been qualified to testify about motor vehicle
4 accidents. They agreed to that. Tell me. Would someone
5 driving that vehicle have been able to see in their
6 headlights the bodies of Paul and Maggie at that GPS
7 location?

8 MR. FERNANDEZ: And again, I'm going to object, Your
9 Honor. Same thing: calls for speculation.

10 THE COURT: I overrule the objection.

11 Q Go ahead.

12 A Yes. They would definitely be available to be seen.
13 I can't say what Mr. Murdaugh saw. But you're talking
14 about objects that may be 25 feet in front of his Suburban
15 and directly in front of his Suburban with low beam
16 headlights on flat, level ground. It would illuminate the
17 whole area under the shed, between the shed and the
18 kennels, and the kennels. So, his headlights would
19 definitely illuminate that area.

20 MR. HARPOOTLIAN: Beg the Court's indulgence one
21 moment.

22 Q In your career investigating motor vehicle accidents,
23 have you ever had the opportunity to look at how objects
24 behave if they are thrown from or broken off from a motor
25 vehicle that was in a wreck?

1 A Sure. The most common thing is, say, a motorcycle
2 rider who hits a car and flies through the air. So, there
3 are ways that you can analyze the trajectory. Say an
4 object flying through the air at a certain speed, what
5 happens when that object hits the ground?

6 The other thing that you see, like objects coming off
7 trucks. Unfortunately, things come off trucks all the
8 time, and they bounce on the highway or fall off and they
9 go through people's windshields. So, it's simple
10 ballistics. It's straightforward kinematics of objects
11 moving through some sort of a trajectory, and then also
12 what happens once they strike the ground, how do they slow
13 down. Of course, it depends on the surface, but, you know,
14 how does an object slow down once it's flying through the
15 air? Like if a rock comes off the dump truck and the dump
16 truck is going 55 when the rock hits the ground, it's going
17 to be going 55, so it's not just going to stop. It's going
18 to continue traveling until it rolls and tumbles and slows
19 down.

20 Q Let me get back to a question, and that is an object
21 this size, the size of my cell phone, if it's separated
22 from the vehicle, thrown, fell off or whatever, on a car
23 that's going whatever the speed limit, 45 miles an hour,
24 and it is -- and it's headed -- heads over to where you saw
25 Maggie's phone was found, would it rotate more than

1 45 degrees in the air?

2 MR. FERNANDEZ: Objection. Speculation. No
3 foundation laid.

4 MR. HARPOOTLIAN: Please the Court, Your Honor. He
5 has studied this --

6 THE COURT: I understand what he has studied according
7 to what -- what seems to be in -- not in dispute by the
8 State since he's -- no challenge to his qualifications in
9 any of the areas that you offered him in. The question is
10 whether this calls for speculation.

11 Q Are you speculating, or is this based on years of
12 studies in physics, what you do?

13 A No. It would be based on physics.

14 MR. HARPOOTLIAN: No speculation there, Your Honor.

15 MR. FERNANDEZ: Your Honor, I -- permission to
16 approach.

17 MR. HARPOOTLIAN: Permission to what? I'm sorry.

18 MR. FERNANDEZ: Approach.

19 THE COURT: Let's all stand for a moment. Yes, you
20 can come forward.

21 (A bench conference was held between the Judge and the
22 attorneys off the record.)

23 THE COURT: Okay.

24 Q Okay. Let me see if I can ask this in a very concise
25 way, and I promise I will sit down. So, you -- object's

1 moving from a moving vehicle or even -- a moving vehicle
2 like something this size, if it's going through the air and
3 the car is going 45 miles an hour, will it tumble? Unless
4 it's a spherical object, will it tumble?

5 A Well, it depends on how it's separated, like you said,
6 from the car or thrown from the car. However it gets away
7 from the car, you need to know that before you know what
8 it's going to do in the air.

9 But the one thing is for sure. It's going to hit the
10 ground at 45 miles per hour, which is 66 feet per second,
11 so as soon as the phone hits the ground, it's going to want
12 to come to a stop, right? So, that phone will tumble and
13 slide. If it was just, like, grass, just, like, flat
14 grass, it's going to go about 115 to 120 feet. That's how
15 long it's going to take that phone to slow down from
16 45 miles per hour. In the area where the phone came out,
17 though, there's, like, some saplings and brush and pine
18 straw. I doubt it went that far, but it would definitely,
19 you know, tumble through the edge of the woods there.

20 Q Tilt more than 45 degrees?

21 A Sure.

22 Q One -- and when you say tumble, it would tumble,
23 correct? It would move head over heels, perhaps?

24 A Yes. That's what is going to happen to a --

25 Q Okay.

1 A -- you know, it doesn't have to be a phone, but any --

2 Q Any object.

3 A -- a brick or anything like that, it's going to roll
4 and tumble. Maybe if the surface is flat enough, it might
5 even slide.

6 Q One last question. I wasn't lying. That's what
7 happens. You looked at the data on -- the speed data on
8 the Suburban returning on the night of the 7th from Alameda
9 to Moselle, correct?

10 A Yes.

11 Q And the State mentioned that there are a couple of
12 times where his -- or at least one time where his speed
13 goes up to 80 and comes back down. So, tell us what's
14 happening with those peaks, the 70 and the 80.

15 A Well, if you look at Exhibit 142, this graph
16 represents the speed, so the higher the peak, the higher
17 the speed. The sharper the peak is the smaller amount of
18 time that he spent at that speed. So, like the one in the
19 middle, that goes to 80 miles an hour is just for just a
20 second or so, a couple of seconds because each one of those
21 blue lines represents three seconds. So, what that shows
22 you is, is that he does reach high speeds on the return
23 trip, but it's not for a long period of time. And that's
24 why basically the average speed of Mr. Murdaugh coming back
25 to Moselle is about the same as what SLED drove it, right,

1 because you're not really changing the average speed that
2 much because you're driving faster but just for little
3 periods of time.

4 Q Is that consistent with somebody passing a car?

5 A It could be.

6 Q But it's just a up and down. It's not like 80 miles
7 an hour all of the way back to Moselle, right?

8 A That's correct.

9 Q Not to Moselle. From Almeda. I apologize.

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

11 (Break in proceedings.)

12 MR. HARPOOTLIAN: Thank you.

13 THE COURT: Ladies and gentlemen, we'll take a break
14 now. Please do not discuss the case.

15 (The jury left the courtroom.)

16 THE COURT: We will be in recess.

17 MR. HARPOOTLIAN: Thank you, Your Honor.

18 THE COURT: Sir, you cannot discuss your testimony.

19 (A break was taken.)

20 THE COURT: You may bring the jury.

21 (The jury returned to the courtroom.)

22 THE BAILIFF: The jury is present, sir.

23 THE COURT: Thank you.

24 Cross-examination.

25 MR. FERNANDEZ: Thank you, Your Honor. May it please

1 the Court?

2 CROSS-EXAMINATION

3 BY MR. FERNANDEZ:

4 Q Mr. Sutton, good afternoon.

5 A Good afternoon.

6 Q I want to begin by going over a few of your
7 qualifications that we heard about in the beginning of your
8 testimony. Is your practice focused primarily on -- would
9 you agree your practice is kind of focused primarily on
10 accident reconstruction?

11 A I would say so, and failure analysis.

12 Q And that would be in your advertisements online and
13 your CV that you provided?

14 A Well, probably on a website. We really don't
15 advertise, but definitely on my CV.

16 Q Your website.

17 A Yes.

18 Q And most of the work you've done would have been in
19 that field, the accident reconstruction or analyzing things
20 to do with mostly civil litigation? Would that be fair to
21 say?

22 A I would say yes, that's fair. Most of the work that
23 the company does company-wide is civil litigation, and so
24 accident reconstruction, that's a pretty broad description
25 because -- for instance, I have civil engineers, I have

1 biomedical engineers, so they deal with a lot of different
2 subject matters.

3 Q Okay, and primarily civil litigation, even though it's
4 a broad area, civil litigation.

5 A Exactly, yes.

6 Q Okay, and your client today is the defense. Is that
7 correct?

8 A Yes.

9 Q And you were retained by them. When were you
10 retained?

11 A Jim Griffin called me, I want to say it was about the
12 middle of September of 2022.

13 Q And I know we've seen your PowerPoint. Did you -- is
14 that your report, or did you prepare a separate report for
15 defense?

16 A The written report that I did in this case was on the
17 acoustics testing, but the PowerPoint was just trying to
18 pull -- you know, it's a big file, of course, but just
19 trying to pull it all into one place.

20 Q Did you provide any additional reports to counsel, to
21 defense, or was the PowerPoint the only one?

22 A Just the PowerPoint, and then I had maybe a four to
23 five page report on the results of the acoustics testing.

24 Q And when did you finalize your PowerPoint that we just
25 saw?

1 A In its final form, that would have been yesterday.

2 Q So, you finalized your PowerPoint one day before your
3 trial?

4 A Yes.

5 Q Is that -- is that standard for you to do?

6 A Yes.

7 Q All right, and what's your -- how much are you getting
8 paid for your services?

9 A So, the company charges 350 an hour for my time.

10 Q And how many hours have you worked on this case?

11 A Oh lord, a lot. I couldn't give you an idea, but I
12 made two trips down here. I've been to Moselle twice. I
13 read through a bunch of documents, you know, studied
14 pictures forever. Got ready for trial, of course. That
15 took awhile. I would probably say that I have, you know,
16 somewhere between 40, 50 hours in this case.

17 Q 40 to 50? Is that your estimate?

18 A I would think -- I would think so.

19 Q And travel incurs additional expenses. Is that why
20 you kind of mentioned it separately?

21 A It does, yes. So, yeah. The company charges any time
22 I'm traveling or working.

23 Q Have you ever done any work for the law firm formerly
24 known as PMPED?

25 A No, I've had. Because I've been doing this for so

1 long, and I do a lot of railroad cases, I have been on the
2 other side of that law firm. And I've have been deposed,
3 like, on the other side. They took my deposition. I was
4 on the other side working for a defendant. But I've never
5 worked for them directly, like, on a, like, say, a personal
6 injury case or a wreck case.

7 Q Have you ever been retained by -- to work on the boat
8 case?

9 A Yes, I did.

10 Q Tell me about that. What was your retention for for
11 the boat case? And by the boat case, which one are
12 you referring -- which one -- what did you understand that
13 to be?

14 A Well, the boat case that -- the Mallory Beach case, so
15 the one that occurred down on Parris Island. So, I do boat
16 accidents. I do, you know, small vessel, watercraft, jet
17 skis. I've actually worked an a ship, accident ship
18 collisions before. So, I do a lot of maritime and boat
19 accident work. And I was called by Jim Griffin a few years
20 ago. It would have been probably, you know, within a few
21 months of that accident, and I did an investigation of the
22 boat crash.

23 Q Does your -- do your services also include a retainer?
24 Like, is there some sort of retainer to work off of before
25 the hourly billing kicks in?

1 A No. Our company -- it's pretty simple. We just bill
2 by the hour, so we don't do contracts or retainers. Some
3 people in my field of work do.

4 Q So, you were originally retained by Mr. Griffin for
5 the boat case to do a boat reconstruction. Is that fair to
6 say?

7 A Yes.

8 Q And that would be in line with your, you know, what
9 you primarily do with your services at the -- your firm.
10 Is that fair to say?

11 A Yes. It just falls underneath physics, mechanical
12 engineering. Anything based in physics can -- has the
13 potential for being explained, and that's what I do.

14 Q All right, and I know your educational background is
15 in engineering. Is that correct?

16 A Yes.

17 Q And I want to talk about a few things we can maybe
18 agree on. And engineering is a field that -- would you
19 agree engineering is a field that is based in science?

20 A Yes.

21 Q Would you agree with that?

22 A Yes.

23 Q Would you agree that engineering is a field that's
24 based in, in math? Is that fair to say?

25 A There's a lot of math in engineering, yes.

1 Q I mean, we heard a lot about trigonometry and angles
2 and math, right?

3 A Yes.

4 Q Engineering is based -- a lot of it is based in hard
5 facts. Would you agree with that?

6 A Yes.

7 Q And engineering -- some of the things that really have
8 no business in engineering would be guesswork. Is that
9 fair to say?

10 A Well, in engineering you can sometime make assumptions
11 and then make guesses. But you always have to go back and
12 test them, right? You develop what -- we call them
13 hypotheses, right? So you look at the problem, you try to
14 figure out what the problem is, you form a hypothesis, and
15 then you test it. So, you know, you might say, well, I
16 think this. And then you either mathematically or
17 physically test it.

18 Q Going back to that question about guesswork, though,
19 because I don't know that you answered it, in engineering
20 is it important not to use guesswork in making opinions?

21 A Right. If I give an opinion, I'm not guessing. So,
22 whenever I give an opinion, there is a foundation based on
23 my education, experience, and training for me to give that
24 opinion.

25 Q So, if an opinion is rendered and there's variables

1 that aren't considered, would that be -- would you consider
2 that to be guesswork?

3 A Well, it depends on how important the variables are.
4 I mean, any engineer in any analysis procedure, you know,
5 there could be lots of variables that don't matter. But if
6 the variable matters, then, of course, that would affect
7 your opinion.

8 Q And in engineering, you know -- and we're thinking
9 of -- I think you said you're a mechanical engineer?

10 A Yes.

11 Q By trade -- by education?

12 A Yes.

13 Q So, do mechanical engineers engage in speculation?

14 A Not in the context of giving opinions.

15 Q Okay, and do mechanical engineers when they're --
16 whatever they're engineering or whatever they're opining
17 about, do they base their opinion on assumptions?

18 A No. Primarily not even really -- your opinions can't
19 be based on assumptions. Now, there can be aspects of your
20 analysis that you have to test, but just -- you know,
21 whether it's an assumption or a guess, that does not make
22 for a good engineering opinion.

23 Q I appreciate that. Thank you. By -- are you a member
24 of any -- have you had any formal training in pathology?

25 A No.

1 Q Have you had any formal training in firearms or
2 firearms -- how they work?

3 A No.

4 Q Are you a member of any organizations that do that
5 line of work, that do tests on firearms or pathology?

6 A No.

7 Q Have you taken any shooting incident reconstruction
8 classes?

9 A No.

10 Q Do you have any certifications in shooting incident
11 and reconstruction?

12 A No.

13 Q Do you have any -- have you taken any classes in
14 gunshot wounds?

15 A No.

16 Q Have you ever done any studies on bullet trajectory
17 out of the muzzle of a gun?

18 A Yes.

19 Q Okay. What studies have you done?

20 A I've done all kinds of testing with --

21 Q All right. Such as?

22 A For instance, one time I had a case, it was a murder
23 case where a person was shot through a car door and was
24 shot with a 357 Magnum, and the door had maybe six bullet
25 holes, and each of the bullet holes had different

1 characteristics. So, I went -- so, I went to the junkyard
2 and got twenty-five to thirty of these doors, and I spent a
3 couple of weeks shooting that door with a 357 Magnum at
4 different angles, different distances, until I could
5 replicate the bullet holes in the actual -- in the door.
6 So, what you're doing is you have a door as evidence, and
7 then you're trying to figure out, okay, what does that tell
8 you? Not the same as what I talked about today, but
9 similar.

10 I've done -- I had a case one time where there were
11 two deer hunters in the woods, and one got shot at long
12 range. So, we did a lot of long range ballistic testing of
13 the ammunition in the firearm to determine the drop
14 distance of the bullet, and to understand where the one
15 hunter would have to aim the weapon. I have done proximity
16 testing with firearms by looking at the stippling. So, in
17 other words, I have a rig that I can put a pistol in, and
18 then I put target -- a lot of times I just shoot rock, and
19 then what I do is I fire the gun at increments back and
20 look at the pattern of the stippling. Sometimes you'll get
21 soot and stippling, and sometimes that. So, it would all
22 be testing within the context of the cases.

23 You know, when I get involved in a firearms case,
24 those are the types of things that -- types of tests that I
25 would do. It's just a general part of our business. When

1 we get presented with an engineering problem we do testing.

2 Q And those testing, any of those studies that you did,
3 were they subject to peer review or published in any
4 publication?

5 A No. I typically don't write papers or submit papers.
6 I just -- I do the work.

7 Q So, it's you doing the test on your own. Is that
8 right?

9 A Yes.

10 Q That's what it is?

11 A Yes, or with, you know, of course, people in my office
12 help me.

13 Q In your office.

14 A Yes.

15 Q And are you a member of the International Association
16 for Identifications?

17 A No.

18 Q Firearms Identifications?

19 A No.

20 Q Do you have any certifications along those lines
21 whatsoever?

22 A No. I'm not a firearms expert or a pathologist or a
23 wound expert. That's not my area of physics; it's not my
24 area of expertise.

25 Q So, is it fair to say that any opinion you render

1 on -- relating to firearms, we shouldn't rely on it then?

2 A That's not what I said. If it's related to exterior
3 ballistics and terminal ballistics, then yeah, you can
4 certainly rely upon it. But I'm not going to testify about
5 wounds or pathology or anything like that, and I haven't.

6 Q All right. I want to start with the -- start with the
7 cell phone. I think we ended on the last line -- the
8 charts. I don't know where those are. I'm showing you
9 Defense Exhibit 141 and 142. I believe you testified that
10 you --

11 (Break in proceedings.)

12 Q I believe you testified that you created these graphs.
13 Is that right?

14 A No, I didn't. This is an Excel graph from the data,
15 so it's just the raw data that was presented to me.

16 Q All right. Well, who created it then?

17 A I'm not sure. I just reviewed it. I'm not sure who
18 did this.

19 Q All right. Can you tell me -- I think you testified
20 before that at -- well, show me the time, if you would.

21 MR. FERNANDEZ: And permission for the witness to come
22 down.

23 Q Show me the time that you indicated the phone was
24 thrown from the car, if you wouldn't mind.

25 A Well, I got it specifically on my lap top. I can show

1 you in general. It's up to you. I mean, I --

2 Q Well, this is in evidence, so I'm asking for to you
3 come down and find where it is.

4 A So, you want to know where the car passed where the
5 phone was?

6 Q And just for clarification -- yeah, one second, sorry.
7 Just for clarification, we're looking at this chart. What
8 is this showing us?

9 A That is a graph of the speed of the Suburban versus
10 time. So, the speed is on the Y axis, this is speed, and
11 then that's time. So, time is going that way, and this car
12 speeds up. The line gets taller.

13 Q Got it. And it says total time 16 minutes. What does
14 that refer to?

15 A That's the time it took to drive from Moselle to the
16 parents' house.

17 Q Okay, and then it says next to that SLED test drive
18 during day. What does that indicate?

19 A What, what that is, is it's just comparing. It took
20 16 minutes, Mr. Murdaugh, and then SLED did it. SLED did
21 the same drive, not at nighttime but during the day, and it
22 took 17.58 minutes.

23 Q Okay. All right. So, as I was saying before, I think
24 you testified you said -- you indicated a point where the
25 cell phone had been thrown from the vehicle, or at least

1 the time correlation. Could you please identify where that
2 is for us?

3 A No, that's not what I said.

4 Q Well, what did you say then?

5 A I said that when the car passes the location.

6 Q Okay. Sorry.

7 A Yeah. I don't have any information about --

8 Q When the car passes the location, where is it
9 indicated on --

10 A It's -- I think it's that line right there.

11 Q And you say you think. Why is it that you think?

12 A Well, it's not labeled, but it's on my laptop. I'll
13 be glad to get my laptop.

14 Q Well, this is in evidence, and this is what the jury
15 is going to consider, so I --

16 MR. HARPOOTLIAN: Objection, Your Honor. Objection.
17 He has indicated he has a specific data on his laptop. If
18 he wants the real answer, he'll be happy to walk to his
19 laptop and get it for him. He says he looked at this.
20 That's where it is. I mean, he's asked the question three
21 times.

22 THE COURT: It's cross-examination.

23 You may proceed.

24 Q You're not able to find it on here, are you, looking
25 at this chart?

1 A Well, it's either this line right there or -- I think
2 it's this one or this one.

3 Q All right. Does engineering engage in I thinks and
4 maybes?

5 A Okay. Well, let me get my laptop.

6 Q Well, I'm just asking. You can you identify it on
7 this chart?

8 A Well, I mean, this is a really big file.

9 MR. FERNANDEZ: Your Honor, I would ask that the
10 witness please answer the question.

11 A Well, I will answer it, but I don't have the whole
12 file memorized, so let me just look at it for you. That
13 way, you'll know the answer.

14 Q Can you point it out on this chart without reviewing
15 whatever you're about to review on your laptop?

16 A No.

17 Q Can you identify 9:12 on this chart without reviewing
18 anything you're about to review on your laptop?

19 A You want me to answer the first question?

20 Q You answered it. You said no. Can you answer -- can
21 you identify where 9:12 on this chart is?

22 A No, they're not --

23 Q Okay.

24 A It doesn't have any numbers written down.

25 Q Thank you. Can you identify where 9:20 is on this

1 chart?

2 A Well, hold on. Do you want me to answer your
3 questions, or do you want me to answer the first question?

4 Q The questions, please. Can you identify where 9:20 is
5 on this chart?

6 A No, because there are no numbers on this. But it's
7 in --

8 Q And can you identify where --

9 MR. HARPOOTLIAN: Objection, Your Honor. He won't
10 allow him to answer the question.

11 THE COURT: All right, let's give the witness an
12 opportunity to answer the question.

13 Q Can you identify where 9:52 is on this chart?

14 A Not specifically.

15 Q You can sit down. And I'm showing you what's been
16 marked as State's -- Defense Exhibit 142. And same thing.
17 There's no numbers, there's no times on your items, right?

18 A No, not on the X axis at the bottom.

19 Q And you gave an opinion on objects being thrown,
20 ejected, traveling, what was posited to you was 45 miles an
21 hour. Do you remember that --

22 A Yes.

23 Q -- opinion? What are some variables -- and you're an
24 engineer with a math background. What are some variables
25 you would need to know before determining the distance,

1 trajectory, and speed of an object?

2 A Like, is the hypothetical somebody threw a phone out
3 of a window?

4 Q A hypothetical is in order to determine the speed of
5 any object, what are some variables that you would need to
6 know in order to know the distance it was thrown, the
7 trajectory it was thrown, and the speed in which it was
8 thrown? What are some information that you would need to
9 know in order to posit an opinion about that?

10 A Well, there would be a lot of variables. But the main
11 ones would be -- and I think I understand your question,
12 but let's say you find an object on the side of the road,
13 and you want to know how fast -- let's just assume that
14 somebody throws something out of the car that's driving
15 down the road. And let's say this would be a typical
16 problem that people ask me, or we're presented with. It's
17 like, well, can you calculate based on the physical
18 evidence on the side of the road? How fast was the car
19 traveling when the phone was thrown out? I mean, let's
20 just look at it that way.

21 So, what you would need to know -- like, let's say
22 that it was on the shoulder of a road and there was, like,
23 an impact mark on the shoulder of the road, and then
24 57 feet later is the phone, right? So, you could make a
25 pretty good determination the phone tumbled 57 feet. Well,

1 a tumbling object decelerates at about a half a G, and
2 that's 11 miles per hour per second. So, over 57 feet, you
3 could back calculate it, you're going to come up with
4 something probably like 30 miles per hour, right? The
5 variables would be the condition of the shoulder, you know,
6 obviously the speed that it's thrown out, right?

7 Q Energy, right?

8 A Right, because, for instance, if you're driving down
9 the road, could you throw it forward? You could throw it
10 backwards. So, you may want to add the speed or subtract
11 the speed from the velocity of the vehicle.

12 Q And I'm going to let you keep going, but --

13 MR. HARPOOTLIAN: Objection, Your Honor, he's not --
14 keeps trying to answer the question and he's interrupted
15 again.

16 THE COURT: Were you through answering that question?

17 THE WITNESS: I think so. I think that's probably
18 enough.

19 THE COURT: All right. Next question.

20 Q All right. About the strength, I think you said
21 strength of the throw, is that what you were talking about
22 when you last -- right?

23 A Well.

24 Q Variables.

25 A Right, because if you just drop the phone from the

1 car, it has zero initial velocity relative to the car, but
2 the car has relative velocity to the road. So, for
3 instance, it's going to have a different trajectory if you
4 throw it straight down at your window than it would be if
5 you throw it up in the air or throw it sideways. Those are
6 all what's is called initial conditions. And so -- but,
7 you know, if you had information -- let's say you had a
8 witness in the passenger's seat that said, well, he tossed
9 it straight out of the window. Then you could calculate it
10 that way, but you would need more information. So, you
11 know, to know specifically this type of problem, you would
12 need to know a lot of different information to get a -- to
13 get like a -- if you said how fast is this car going based
14 on how far that phone tumbled down the street, yeah, you
15 would need to know some more information.

16 Q So, you would need to know the energy from, energy
17 with -- at which the object was thrown, correct?

18 A Yes, or the speed.

19 Q Would you need to know the mass of the object that was
20 thrown?

21 A No.

22 Q That wouldn't matter?

23 A No.

24 Q Would you need to know the wind resistance, if any?

25 A Yes.

1 Q Would you need to know the wind speed, if any?

2 A It depends on the problem, but that might be a factor.

3 Q And absent any of those variables, really can't tell
4 anything about an object that was thrown. Is that fair to
5 say?

6 A Well, it depends on the question that's asked. If you
7 were asking me the question how fast were the car going,
8 then yes, you would need all of those variables unless you
9 wanted a wide range of answers. But if you ask me if you
10 toss a phone at near highway speed or close to highway
11 speed, will it tumble, it's a completely different
12 question. There's no variables there. That's just fact.

13 Q And while this may be obvious, I'm going to show you
14 what's been marked -- or what's been entered into evidence
15 as State's Exhibit 230. I'm sorry. I keep doing that to
16 you. Is that the side of the -- is this the side of the
17 road that you visited?

18 A It looks like it.

19 Q Does that look like it also, State's -- sorry, I'm
20 showing you State's 231.

21 A Yes. I know there's woods on the east side, and
22 there's an open field on the west side.

23 (Break in proceedings.)

24 Q And does that look like a shot from the side of the
25 road that you visited on Moselle?

1 A Yes.

2 Q Okay, and what are we seeing here? In the background,
3 what are we seeing?

4 A Well, in the background there's the field that's over
5 on the west side of the --

6 Q All right. In front of the field, what is that?

7 A That's the roadway.

8 Q Okay, and in front of that road, right in front of the
9 road on the picture, the green stuff?

10 A Grass shoulder.

11 Q All right, and then near at the bottom of the screen,
12 what are we seeing?

13 A It's, like, vegetation, leaves, sticks.

14 Q You would agree that bush -- sorry, leaves and grass
15 is fairly soft. Would you agree with that?

16 A Yes.

17 Q I'm showing you what's been entered as 232, different
18 angles. That would be the same road to you?

19 A Yes. That's looking basically north.

20 Q And, again, grass, right, on the side of the road?

21 A Yes. That's on the west shoulder.

22 Q All right. When you do sound studies, is it -- have
23 you done -- is it primarily for like OSHA-related things,
24 or I know you mentioned some companies. Is that what the
25 sound studies have primarily been for?

1 A It's -- typically the work that I do now, because --

2 Q The sound studies?

3 A Yes. The acoustics measurements that I do typically
4 would be related to train whistles, train horns, emergency
5 vehicles. Backup alarms where, say, somebody gets backed
6 over with a truck, audibility of backup alarms. I've had
7 audibility of warning alarms inside of a factory. Like,
8 you know, could a worker hear the alarm and then get out of
9 an area that was dangerous. So, it's usually emergency
10 signals is typical.

11 I have worked on a criminal case where it wasn't a
12 gunshot, it was a woman screaming, and could, could a
13 particular -- become ear witnesses instead of eye
14 witnesses, but could a particular ear witness hear a woman
15 screaming at a distance, and so on.

16 Q And would that be for work place considerations, there
17 was some accident at work and it maybe relates to OSHA?

18 A No, this was a murder case. So --

19 Q Oh, I meant the other things you mentioned previously,
20 sorry.

21 A No. The other ones, I mean, typically are going to be
22 civil litigation where, you know, you might have a dump
23 truck manufacturer getting sued for not having an audible
24 alarm that's, you know, loud enough. Or just plain -- or
25 sometimes what happens in a car accident -- I mean, not a

1 car accident, like a back over accident, they're saying
2 that the person that got run over should have heard the
3 truck coming and got out of the way, right? So, people
4 argue back and forth about who could hear and not hear,
5 like, a backup alarm.

6 Q All right. I'm going to direct your attention now to
7 the sound study that you conducted, and it was in your
8 PowerPoint, I believe, Page 75 of your Defense Exhibit.
9 Referring to the Defense Exhibit 140.

10 MR. FERNANDEZ: And if we could get digitally 143?

11 (Break in proceedings.)

12 MR. FERNANDEZ: All right, if I could -- if you could,
13 please, page 75 -- or Exhibit 76 --

14 SPEAKER: This is 75. The next one is 76.

15 MR. FERNANDEZ: Okay. There you go.

16 Q All right, and remind me again, and I know it's visual
17 there, but what's the distance between the dog kennels and
18 the house right there?

19 A Straight line distance is 142 feet.

20 Q 1,140 --

21 A Oh, what did I say?

22 Q I think you said 142.

23 A Oh, no. It's, like, 1,150 feet. Let's just call it
24 1,150. 1,150.

25 Q All right, and that's as the crow flies, right?

1 A Yes.

2 Q All right.

3 MR. FERNANDEZ: Please continue over to exhibit -- if
4 you would just fast forward for me. Sorry, I'm trying to
5 find the number. Exhibit 1. If you'll keep going, I'll
6 stop you on the 300 Blackout.

7 Q All right, this ammunition. What kind of ammunition
8 is that?

9 A 300 Blackout 147 grain Full Metal Jacket.

10 Q Okay. Do you know who the manufacturer of that is?

11 A It's looks like Sellier and Bellot.

12 Q All right, and that's the ammunition you used on the
13 300 Blackout test?

14 A Yes.

15 MR. FERNANDEZ: All right, if you would fast forward a
16 couple?

17 Q And this is -- is this your rifle?

18 A No.

19 Q Is this a person's rifle that was working for you?

20 A No. This was a -- the lawyer Jim Griffin provided the
21 two weapons.

22 Q Okay. Did you yourself test -- actually fire these
23 weapons?

24 A No. An engineer in my office, whose name is Michael
25 Whitley. So, since I was running the acoustic equipment up

1 in the house, then Michael Whitley was the one who actually
2 pulled the trigger.

3 Q And are you familiar with this type of firearm?

4 A Yes.

5 Q All right. What is that?

6 A Well, it's a 300 Blackout, which is the name of the
7 ammunition. And so basically what it is, is a AR15 style
8 rifle with a shorter barrel, and when they shorten the
9 barrel they needed a specially designed ammo for it so it
10 would be efficient. In other words, it's the type of
11 weapon that might be used in close quarters so it's shorter
12 and you can move around and maneuver, but when you cut the
13 barrel down to, say, 8 or 9 inches, you need to chamber a
14 different round. And that's basically what this is.

15 Q And is it actually -- are you aware it's actually
16 considered a pistol for purposes of government
17 identifications?

18 A I don't know if this particular one is considered a
19 pistol or not. Like I said, I'm not a gun expert, but --

20 Q That's fine. All right.

21 MR. FERNANDEZ: If you would, please, fast forward
22 to there.

23 Q All right. This?

24 MR. FERNANDEZ: Reverse one, please. Thank you.

25 Q All right. This picture, what are we looking at?

1 A That's the ammunition. That's the buckshot that we
2 used.

3 Q All right, and is there any -- is there a reason you
4 chose this particular brand?

5 A The Winchester was similar to the brand of ammunition
6 used.

7 Q What kind of ammunition is this type?

8 A It's a 12 gauge buckshot. It's, like, 2 and 3 quarter
9 inch shells. I want to say that the buckshot in the murder
10 was maybe a 3 inch shell, but this is a similar load.

11 Q So, similar but not the same?

12 A That's correct.

13 Q And not the same manufacturer?

14 A I think it was Federal. I would have to go back and
15 look. But I think it was Federal and maybe Winchester.
16 The reason is, is just because I know that the plastic shot
17 cups were found at the crime sign, and I think that's
18 Winchester, but I would have to go look.

19 Q Okay. So -- but you can concede you didn't use the
20 same buckshot as was used in the murder of Paul Murdaugh?

21 A No. It's probably slightly different.

22 MR. FERNANDEZ: All right. If you would, please
23 continue to Exhibit 7.

24 Q And again, what do we have here?

25 A That would be the Turkey Load, or birdshot with the

1 smaller pellets that we used.

2 Q Okay, and, again, this is not the same load that was
3 used in the murder of Paul Murdaugh.

4 A I don't think it's the exact same. It's just
5 representative.

6 MR. FERNANDEZ: All right. If you would, please go to
7 Exhibit 24. I think it is, like, two or three slides.
8 There you go. Thank you.

9 Q All right, and, again, this is the interior of the
10 house at Moselle. Is that correct?

11 A Yes.

12 Q And I believe you already testified to it, but what
13 was the ambient decibel reading inside that house?

14 A 35 decibels, pretty much steady state.

15 Q Is that -- I guess -- we heard a audio clip, right?

16 A Yes.

17 Q That we played for the jury. Does the ability to hear
18 something, is it affected by the ambient noise?

19 A Yes, that's what -- yes.

20 Q Do you have -- did you do a test on what the ambient
21 noise is in this courtroom?

22 A No. I can do it right now if you want me to.

23 Q Did you do it before -- well, does the ambient noise
24 have an effect on how we hear something?

25 A Yes, that's what I explained. So, in order for you to

1 be able to clearly hear something, it's got to be 10
2 decibels above background.

3 Q And we heard --

4 A If it's 10 decibels below background, you're not going
5 to be able to hear it. And when you're in between, it
6 depends on if you're listening for it. Like if you're
7 really listening for something, like if you're at a train
8 crossing and you were listening for the train horn, it
9 could be right at the background level. Like you've got
10 the radio on a little bit, the train horn can be right at
11 the background level, but since you're listening for it,
12 you might be able to hear it. If you're not paying
13 attention, then you might not. But if it's 10 decibels
14 above your background, you will hear it. 10 decibels
15 below, you're not going to hear it. Because, again, that's
16 twice as loud or twice as soft.

17 Q And it sounds relative, and you, I know you gave an
18 example of a concert. How did you decide, or how did
19 anyone decide what volume to play that sound clip? Would
20 volume affect your ability to hear something?

21 A It does, but it really wouldn't matter because, again,
22 the shot from the kennels was only 1 to 3 DB above
23 background. So, it was about, you know, 36, 37, 38
24 decibels. And even if you rustle a piece of paper, that
25 could be in the 50s, and so there's just -- it doesn't

1 really -- in this case the volume of the TV, it really
2 didn't matter just because the sound of the gun inside that
3 house is so faint, it wouldn't make a difference.

4 Q All right, and I know this is beyond -- this may be
5 outside of your expertise, but just asking your common
6 sense. Are you aware that trees generally grow?

7 A Yes.

8 Q So, remind me, again, what days did you go out and
9 perform these sound tests?

10 A The sound tests were January 5th of this year, so '23.

11 Q And I know we have some pictures.

12 MR. FERNANDEZ: If you wouldn't mind backing it up to
13 Exhibit 14? That's the closest representation I can find.
14 Okay. Right there is fine, sorry.

15 Q Would this tree line on the back of the picture,
16 Exhibit 10, be consistent with what you saw in January?

17 A Yes, that is January.

18 Q Okay, and the -- are you aware of what the date of the
19 murder was?

20 A Well, it's -- that's June the 7th of '21. So,
21 basically this picture is taken, let's say, what, eighteen
22 months later, nineteen months later?

23 Q And I think you did testify that sound speed travels
24 in a straight line. Sound would be affected by the tree
25 line. Is that correct?

1 A It will be on the other side of the tree line. It's
2 also going straight up, too. It's like I said before, it's
3 like a big half bubble getting bigger. The tree is
4 probably -- obviously did grow in the year and a half when
5 it happened, and I did make correction for the trees, but
6 it was only -- I think it was 1.7 DB, if I recall. But --
7 so the trees made a difference, but not that big of a
8 difference.

9 Q Well, without being there and whatever the tree height
10 were, would that have an affect on the sound level? I
11 mean, I think you said you accommodated 1.7 DB, but will
12 you agree that the height of a tree or a forest would have
13 an affect on the sound?

14 A Oh, it will have an affect, but in this case it -- you
15 know, it's -- let's just call it 2 decibels. And what I'm
16 talking about is, you know, background inside the house, if
17 you had the TV on, is, like, 70 decibels, right? So, we're
18 comparing 35 or 40 decibels. Whether we add or subtract 2
19 it makes no difference because you've got 70 versus 30 or
20 40. And remember, just 10 decibels is twice as loud, so 70
21 decibels is many, many times louder.

22 So, I went through the process of making sure that the
23 numbers were correct, but minor variables such as wind,
24 humidity, wind speed, the trees, all of those, even if you,
25 in fact, factored all of those in, it really doesn't make a

1 difference just because the gunshot inside the house was so
2 faint that you're just not going to hear it.

3 MR. FERNANDEZ: All right. If you would, sir, if you
4 wouldn't mind turning to Exhibit 25, please.

5 SPEAKER: Is that forward or backwards?

6 MR. FERNANDEZ: It would be toward the end, forward.

7 (Break in proceedings.)

8 MR. FERNANDEZ: It's a chart. Yeah, the next one.

9 The next one, if you wouldn't mind. Okay.

10 Q What's the decibels of a vacuum cleaner at 3 meters
11 and a gas lawnmower at 30 meters? What's the decibel
12 rating on that?

13 A 70.

14 Q It would be 70?

15 A Yes.

16 Q And you said the TV was at 70?

17 A 68 to 70.

18 Q So, the same as a vacuum cleaner running and a gas
19 lawnmower.

20 A Well, the lawnmower is, what, at 30 meters, which
21 is -- that's, you know, 100 feet. That must be a pretty
22 quiet vacuum cleaner because in my experience, a vacuum
23 cleaner is a lot louder than 70 decibels.

24 Q What is the decibel reading that you measured for the
25 shotgun blast again?

1 A Around 155, I believe. It's on the next slide.

2 Q And what was the reading for the rifle?

3 A 165.

4 Q I think you talked about extrapolation. You know what
5 I'm referring to, extrapolating the sound over distance?

6 A Yes.

7 Q Okay, and I think you said, but the sound dissipates 6
8 decibels for every twice the distance. Is that fair to
9 say?

10 A Yes.

11 Q Is that accurate?

12 A Yes.

13 Q And that's what you testified to.

14 A Yes.

15 Q So, if you wouldn't mind, could you extrapolate for
16 me? So at 165, which is what the rifle tested at, could
17 you reverse extrapolate that to 1,024 feet? Did you do the
18 math?

19 A Yes, I have that. Well, it's actually a slide, but I
20 have got the chart if you'll give me a second. So, what I
21 did was when you add in the attenuation -- what distance do
22 you want to know?

23 Q 1,024 feet.

24 A So, basically just, like, outside the house?

25 Q Yeah, just basically.

1 A Yeah. Okay. So, because of the weather conditions, I
2 adjusted the number up for -- I'm assuming we want to talk
3 about the night of the murders, right?

4 Q I just want to know if you could reverse -- if you
5 could extrapolate -- I don't want to know about weather
6 conditions or anything right now. I just want to
7 extrapolate 165 decibels beginning at, you know, 3 feet,
8 beginning at 3 feet, and then I want to extrapolate it to
9 1,024 feet. And those are even numbers.

10 A It's 89.5 decibels.

11 Q Could you repeat that, please?

12 A Yes, 89.5 decibels. Let's just say you're just right
13 outside the house.

14 Q What are you saying? Right outside the house?

15 A Yes. Inside the house it was -- it's in my other
16 report. Inside the house it was maybe 35 to 38 decibels
17 inside the house.

18 Q I'll come back do that. I don't want to know inside
19 the house, outside the house. I just want to know in a lab
20 setting you have a 165 decibel blast measured at 3 feet, so
21 165 decibels at 3 feet, if you extrapolated that out for
22 distance, what would the decibel be just pure -- just lab
23 setting?

24 A Lab setting?

25 Q What would the mathematical equation be?

1 A Well, it would be a little bit different in the lab
2 setting. This is not a lab setting. But if you did, you
3 would go -- I don't have that written out. You may have
4 already done it, but if you take 3 feet --

5 Q Would you disagree -- let me ask you this, and I'm
6 not -- it's not a trick question, lab setting. We can put
7 all of the qualifications in, but would it be at
8 1,024 feet, would you have any reason to doubt that it
9 would be at 105 decibels?

10 A That sounds about right. I think I did that at one
11 point in time and got about the same number you did.

12 Q All right, and if you wouldn't mind, what is your
13 chart indicating is 105 decibels?

14 A Let's see.

15 Q Just what the chart says.

16 A It says jet flight at 300 meters, which is basically a
17 thousand feet.

18 Q Thank you. Would you agree that a cat's meowing -- or
19 a cat is fairly low on the decibel meter?

20 A Yes.

21 Q Certainly if a cat was outside and you're inside,
22 fairly hard to hear. Would that be fair to say?

23 A Yeah, unless the window is open.

24 Q I'm going to reverse and now going to --

25 MR. FERNANDEZ: If you wouldn't mind starting at

1 page -- or Exhibit 57. You'll have to go backwards. Yeah,
2 keep going. It's the first part of this. There we go.
3 Thank you.

4 Q All right, referring to your Exhibit 57 on your
5 PowerPoint, I know you testified to it, but are you
6 familiar with what this image shows?

7 A Yes.

8 Q All right, and this is the feed room with a view of
9 the window. Is that correct?

10 A That's correct.

11 Q And this is not a picture you took. Is that fair to
12 say?

13 A No. This is the night -- the crime scene pictures
14 from June 7th.

15 Q All right. Do you -- just visually looking at it, do
16 you see holes in the window?

17 A Yes.

18 Q Okay. Do you see a whole lot of other stuff in that
19 picture on the shelves in front of it, behind it, below it,
20 above it?

21 A Yes.

22 MR. FERNANDEZ: All right. If you would, please,
23 continue on to the next slides.

24 Q I'm going to go to your Exhibit 45.

25 MR. FERNANDEZ: It's going the other way towards the

1 end of it. Break right there. 44 is fine.

2 Q All right. So, I think you testified that you kind of
3 visually looked through the hole in the window and kind of
4 aligned your eye with a tree outside. Is that kind of how
5 it went?

6 A No.

7 Q You said you -- correct me if I'm wrong, you can tell
8 me in a second, but didn't you say you lowered your head to
9 where you perceived a chest wound would be and looked out
10 the window and tried to align it with that defect?

11 A Yes.

12 Q Okay. So, the only thing I missed was lowering my --
13 your head, right?

14 A Right, and I didn't do it in the window. I did it in
15 the middle of the room.

16 Q Now, we've already established you have no training,
17 experience, or expertise in shotguns. Is that correct?

18 A Well, maybe you need to explain a little bit more.

19 Q Well, what, what -- do you have any formal training,
20 formal expertise, formal education in how shotguns work,
21 how shotgun projectiles work, and what they do after
22 leaving the end of that barrel? Do you have any formal
23 training, expertise, certifications, anything?

24 A Not formal training. But I've done a lot of study,
25 and I've also tested shotguns, and I've fired many shotguns

1 before. I understand what happens to the pellets, and this
2 particular pellet is one of the pellets that would have
3 passed through Paul.

4 Q All right. What's the spread of a shotgun pellet
5 exiting a shotgun barrel? What's the spread every 1 inch?

6 A Well, it's going to vary based on the choke and the
7 ammunition. But for this one, it's pretty clear that the
8 spread is about the side of a window because the muzzle of
9 the shotgun was maybe -- let's call it 3 feet inside the
10 door. It's a 10 foot long room. So, at 7 feet the spread
11 of these pellets after passing through a person, the spread
12 of them is probably -- that window may be 26 inches wide,
13 so that's going to be the spread. Obviously there can be
14 some deflection of the bullets as they pass through the
15 body of the victim.

16 Q Would that be a variable?

17 A Sure.

18 Q Okay. So, do you know the spread of a shotgun every
19 yard, how much it spreads, the cone? Do you know how much
20 it spreads per yard?

21 A What kind of choke?

22 Q Any choke, any gauge.

23 A I don't know the number --

24 Q Do you know?

25 A I don't know number off the top --

1 Q Okay.

2 A -- of my head.

3 Q You don't know. Do you even know it not even off the
4 top of your head without looking it up?

5 A I would have to look it up.

6 Q Okay, and do you know the range of fire for 10 feet,
7 what that spread is in centimeters? Do you know? Or
8 inches? Either.

9 A I don't have this committed to memory. I would look
10 it up.

11 Q Is that even something you've ever known, or is that
12 something you would have to look up?

13 A Like I said before, I have tested such things before,
14 and I have certainly read --

15 Q I'm asking if you tested.

16 MR. HARPOOTLIAN: Objection, Your Honor. Let him
17 answer his question.

18 A But again, it's not something that I have committed to
19 memory. Again, this -- you know, if, if you wanted to know
20 something like that, if that was helpful in this particular
21 case, then what you would do is you would go to the
22 literature and find those answers. But I don't have that
23 memorized.

24 Q Well, aren't you rendering an opinion by drawing a
25 line by saying somehow that that exited the shotgun? I

1 mean, we saw the pictures with you standing there with your
2 shotgun, and we see this line. Are you not giving an
3 opinion of its exit?

4 A I'm giving an opinion that a pellet from that shotgun
5 followed that line and struck the tree.

6 Q And yet you don't even know the cone and the rate of
7 expansion of a shotgun. How can you give that opinion?

8 A You don't need to know that. So, because what you
9 have here, you've got a hole in the window, and we have a
10 slide for it. There's a hole in the window. There's a
11 impact mark on the tree. That pellet traveled the straight
12 distance between those two points, and two points forms a
13 line. You don't need to know the spread. I mean, that's
14 actually what happened was a pellet came out of that gun,
15 it passed through the victim, it went through a hole in the
16 window, and it hit the tree.

17 Q How do you know that -- are you -- how do you know it
18 passed through victim? How do you know that?

19 A Well, it has nine pellets in a shotgun. Paul had one
20 pellet in his shoulder, SLED recovered seven, I recovered
21 nine, so I recovered the last pellet.

22 Q All right. So, how do you know that? How do you know
23 that? What are you basing that on? What you just
24 testified to, what are you basing that on?

25 A Well, when I looked at the SLED records, they found

1 seven pellets, or -- that went through his body. They
2 didn't find all of the pellets, but he had eight entrance
3 wounds, he had seven exit wounds. They found one pellet in
4 his body, so that's eight, but we know the manufacturer
5 puts nine. When I went to the crime scene in October 19 of
6 2021, the ninth buckshot pellet was in the window frame.

7 Q How do you know that was the ninth buckshot pellet
8 that went through him? Did you analyze it?

9 A Well --

10 Q Did you analyze it?

11 A I didn't analyze it, but --

12 Q Are you assuming --

13 MR. HARPOOTLIAN: Objection, Your Honor. He's not
14 allowing him to answer the question. He said I didn't
15 analyze it but, and then he interrupted him.

16 THE COURT: I didn't hear the but, but go ahead.

17 A So, the window got shot, right? Most of the pellets
18 went through the window. Some of the pellets went through
19 the little white parts of the window. There was one pellet
20 that SLED didn't recover, and the reason is it was under
21 kind of a lip. You know how where you pick up on a window,
22 there's the thing where you put your fingers? It was under
23 that but still there. So, you have a pattern of buckshot
24 pellets like this big, and so you got nine holes basically,
25 or eight, because there was one pellet left in the victim,

1 right? So nine --

2 Q How much -- sorry?

3 A Nine minus the one, so you have eight. There were
4 eight holes in that window. In my world, that's a very
5 high probability that those are the pellets that came from
6 the buckshot that injured Paul Murdaugh.

7 Q What is this big thing here at the bottom, that big
8 opening? Exhibit 47.

9 A You're talking about the missing glass?

10 Q Yeah. What is that?

11 A It's missing glass.

12 Q All right. How many pellets went through there?

13 A I would have to go back and look at my notes. But I
14 accounted for every pellet except for the one that was
15 missed by the crime scene investigators, which is under
16 the --

17 Q Let's, let's talk about that. How many grains was the
18 pellet you located on the window sill?

19 A I never weighed it.

20 Q Again, how do you know it came from there? Do you
21 really know that it came from there, or are you assuming it
22 came from there?

23 A Well, the window got shot with buckshot and there's
24 one missing pellet. Again, in my world there's a very high
25 confidence level that that missing pellet is there.

1 Q Is that the same confidence level that you're using
2 for all of these other opinions? That? That you found the
3 pellet?

4 A Yeah. All of my opinions are at a very high
5 confidence level, yes.

6 Q Well, we're going to go through them.

7 MR. HARPOOTLIAN: I'm sorry, Your Honor, was that a
8 question?

9 Q The line here --

10 THE COURT: I didn't hear it.

11 MR. HARPOOTLIAN: I object to that question. We're
12 going to get to them, that's what he said.

13 THE COURT: All right. Well, the Court sustains the
14 objection to the comment.

15 Q The rope here, this orange rope, is that the one that
16 continues back to the tree?

17 A Yes.

18 Q All right. Do you have any formal training in what
19 an -- what a projectile does if it strikes anything, be it
20 human flesh or glass or any of the other items that would
21 have been located? Do you have any training in that?

22 A Again, not formal training, but it obeys the laws of
23 physics. And I tested it myself, and I've studied impacts.
24 It's a big part of what I do, so --

25 Q Have you done a test where you shot shotguns through

1 glass, through wood, and through a human body, and then
2 measured where they ended up? Have you done those tests?

3 A No. You don't need to test it because you can just
4 look and see what happened to it.

5 Q So, is the answer no?

6 A I didn't do any testing with the shotgun here, but why
7 would you need to test? Because I think we got the same
8 slide up there. Would you agree with me -- well, I can't
9 ask you a question. But that pellet, that pellet right
10 there went through that window and it lodged in a tree, or
11 damaged the tree. I don't need to test that because that's
12 just what happened. I mean, it's --

13 Q All right. Is it your opinion that it can only be
14 that pellet, there's no other possibility? No other
15 possibility? Is that your opinion?

16 A Well, I'm not saying that there might be some highly
17 lower probability. But if you stand in that room and we
18 have holes, and just like you've shown, they're scattered
19 all over that window, and you look in the direction of the
20 damage to the tree where Paul was injured, that is the only
21 one. And it's, it's just a -- I don't think it really
22 matters one way or the other. All I can say is, is that I
23 think the shot went through Paul in the manner that I
24 presented it today. It really doesn't matter to me all
25 that much which pellet went through which hole.

1 Q And I just want to be clear. You have no formal
2 training in this, no pathological training, correct?

3 A I am not a pathologist.

4 Q But you opine that you believe it went through Paul,
5 and then exited the window, and struck that tree, but you
6 have no formal training in any of that, correct? No
7 pathology, no firearms, no shotgun specific training other
8 than anecdotal shooting a shotgun, none of that. No formal
9 training. Is that correct?

10 A I would disagree with all of that because, again, you
11 know, it doesn't take a pathologist -- there's a small
12 entry wound into Paul's chest. So, all nine pellets enter.
13 One remains in his body, eight leave his body, right, and
14 so --

15 Q You are sitting here opining about pathology. Is that
16 correct?

17 A I don't see how that's pathology. That's simple math.

18 Q Okay.

19 A It's nine minus one is eight.

20 Q Exhibit -- I don't know what page this is, Exhibit 81
21 or 80?

22 MR. FERNANDEZ: All right. Reverse it, we'll start
23 there. Go back, if you wouldn't mind, a couple. Yeah.

24 Q Did you take this picture?

25 A No.

1 Q How many inches does that look like he is tall?

2 A Well, you can't tell how tall he is because the way
3 this picture is taken.

4 Q Well, what does it look like?

5 A This shows his shoulder 64 inches.

6 Q What about his head?

7 A You can't tell.

8 Q You can't see it at the top of there?

9 A No. Because you would have to be a -- above the top
10 of his head, or right in line with the top of his head.
11 The only thing you can glean from this picture is that his
12 shoulder is 64 inches above the floor.

13 Q All right. I'm going to ask you about use of FARO.

14 Are you the one who actually operates the FARO equipment?

15 A I do, but in this particular time somebody else did.

16 Q And did your equipment, was it -- has it been
17 calibrated recently?

18 A Yes. We calibrate every year.

19 Q Every what? Sorry.

20 A Every year.

21 Q Did you actually operate it this night?

22 A No. I believe Michael Whitley, who is a biomedical
23 engineer in my office, I believe he was the one that day
24 that was doing the scanning.

25 Q You described FARO as the time -- as sort of the time

1 of flight laser. Is that your testimony?

2 A Yes. It uses a laser and it creates points. It
3 creates a point cloud.

4 Q Is it fair to say, though, it's not actually a time of
5 flight laser, it's a phase base laser? Would that be more
6 accurate?

7 A I have no idea.

8 Q So, you don't know.

9 A I don't know.

10 MR. FERNANDEZ: All right. Beginning at just toward -
11 - just the very beginning of the slide. No, the first
12 slide the beginning of the -- yeah, like slide one.

13 (Break in proceedings.)

14 Q Did you do the addition -- I know we're going to get
15 to it, but there's some individuals you put in the FARO
16 report. Did you -- were you the one who actually added
17 that 3D render, or was someone else -- did someone else do
18 it?

19 A No. I had several engineers help me on this project.
20 So, Aaron Kiefer is an engineer in my office. He did a lot
21 of the work on the point cloud. And Matt Kiefer, actually
22 his brother, did work with taking those scanned people and
23 turning them into shooters. So, I would say five or six
24 engineers in my office have worked on this particular
25 project.

1 Q All right. The -- what we're seeing here is a
2 quail -- what's called the quail pen. Is that your
3 understanding?

4 A Yes.

5 Q And, again, this is not your picture. This was the
6 one taken from the night of the incident?

7 A This is a crime scene picture the night of the
8 murders.

9 MR. FERNANDEZ: And the next exhibit, please,
10 Exhibit 63.

11 Q Would this be a close-up of that?

12 A Yes.

13 Q And the handle here, is that -- that's a paper
14 product? I think you already testified to it, but that's a
15 paper type product?

16 A Yes.

17 Q You can actually see it's, like, bending, warped
18 because it got wet.

19 A Yes.

20 Q So, it's pretty bent.

21 A Yes.

22 MR. FERNANDEZ: All right, the next slide, please.

23 Q Now, this is what's purported to be a projectile hole.
24 Is that your understanding as well?

25 A Yes. That is a projectile hole.

1 Q And you testified -- I think you testified about the
2 what -- well, you tell me. What did you call this
3 indentation on the right side of that hole?

4 A I called it a white mark. The bullet is coming in at
5 41 degrees kind of from the right, so that represents where
6 the tip of the bullet first touched the cardboard, or the
7 fiber board.

8 Q Do you -- and I think you already testified to this,
9 but you have no formal training or experience or
10 certifications in crime scene investigations. Is that
11 correct?

12 A I've answered that. It all comes from experience and
13 my education.

14 Q And are you aware that there is a margin of error for
15 the angles that may be measured in a projectile, especially
16 if it's a soft and paper product?

17 A Sure, there can be. And it also depends on how you
18 measurement -- measure it. So, I took what Special Agent
19 Worley measured. Like I said before, it looked like her
20 angle varied a little bit based on it didn't match up with
21 the other physical evidence. That's why I picked a range.
22 I picked a range of 1 and a half to 3 degrees.

23 MR. FERNANDEZ: The next one, please.

24 Q And right here we're seeing a metal dowel. Is that
25 your understanding what that is?

1 A I don't know if it's metal or fiberglass, but it's
2 some type of material like that that's going to be
3 straight.

4 Q And on top of it is an angle measurer --

5 A Yes.

6 Q -- is that fair to say? And they're sitting on top of
7 that pole, which is essentially a paper product. Is that
8 right?

9 A Yes.

10 Q And no projectile was actually recovered from this
11 project -- from this direction of shot. Is that correct?
12 Is that your understanding?

13 A That's right. That is my understanding.

14 Q All right.

15 MR. FERNANDEZ: If you wouldn't mind skipping forward
16 to Exhibit 35.

17 Q How tall is that dog house at its highest point?

18 (Break in proceedings.)

19 A It's probably going to be about 4 feet tall.

20 Q What were you relying on when you say that?

21 A This is Special Agent Worley's notes.

22 Q Does your FARO scan make measurements of items? I
23 think you testified to that.

24 A It does. You know, if you wanted me to give you my
25 measurement of it I would, you know, have to open it up.

1 It might take awhile if you want to take a break.

2 Q So, you don't know off the top of your head?

3 A I do not have the dog house height memorized.

4 Q All right. Moving forward. And I think we saw here
5 this is the project -- this is the entry spot of the
6 projectile into the dog house is that your understanding?

7 A Yes.

8 Q Okay.

9 MR. FERNANDEZ: Moving forward. Moving forward.

10 Q And this, again, would be the same thing, a rod, but
11 this time in a more firm -- you would agree the wood in
12 this -- in this case is much more firm than the quail pen
13 paper product, right?

14 A Yes, it's thicker.

15 Q And the -- a bullet which appeared to have gone
16 through the dog house and was recovered from inside, is
17 that your understanding having reviewed the crime scene?

18 A Yes.

19 Q Or crime scene reports?

20 A Yes.

21 Q And do you have any formal study -- study, experience,
22 training, or otherwise on what a bullet might do when it
23 strikes wood or whatever the interior of the dog pen held,
24 including urine?

25 A Well, again, it's the same line of questioning. It

1 would be based on my experience. I can't say that I've
2 ever done any specific testing for wood. I've certainly
3 reviewed papers and literature concerning such, but
4 typically I don't go into that area of ballistics. I look
5 more at impact marks than just the flight path of the
6 bullet because that's physics.

7 Q And then I'm going to fast forward to some of your
8 FARO, FARO images.

9 MR. FERNANDEZ: If you wouldn't mind skipping forward
10 a little bit more.

11 (Break in proceedings.)

12 Q All right. Here in these -- the body that's laying
13 there covered in a sheet, that was added after the fact?
14 That's not part of the FARO scan. Is that right?

15 A That is correct. That was added, as well as the
16 evidence markers.

17 Q All right, and I note the markers we see on this
18 picture is just representative, the placards. And is this
19 the one where you tried to merge kind of what the placards
20 were with the FARO scan?

21 A Yes.

22 Q And the little circular Xs, is that computer assisted
23 drawing that you made based on the measurements performed
24 by Special Agent Worley?

25 A That's correct.

1 Q All right.

2 MR. FERNANDEZ: All right. If you wouldn't mind
3 skipping forward with these green lines.

4 Q We're looking at exhibit -- it doesn't even say, but
5 the exhibit with the two lines spread out. Is that the --
6 representative of the two different angles that were noted
7 on this -- on the quail pen?

8 A Yes.

9 Q So, one -- do you know which one is which? Which one
10 is the 1 degree and which one is the 3?

11 A Well, the 3 degree is going to slope towards the
12 ground quicker, so that would be the bottom line. And then
13 the 1 and a half slopes less. You know, it's a more
14 gradual slope, so it would be the top line.

15 MR. FERNANDEZ: Going forward one.

16 Q And here is where you inserted a 3D person as -- a 5-2
17 person. Is that who you inserted there?

18 A Yes.

19 Q Okay, and you chose to insert a 5-2 individual
20 shooting from the hip in that manner that aligns with that
21 green line. Is that what you did?

22 A Yes.

23 Q And nowhere on here is any other individual on that
24 green line. Is that correct? You didn't put any other
25 images here. You only chose to put a 5-2 individual

1 slinging a gun on his hip.

2 A Well, that's what matches. If the person was any
3 taller, then they would have to be towards the quail pen.
4 If they were any shorter, then they would be behind the
5 shooter, or the shooter would be in a different posture.

6 Q And do you have any idea if a bullet can ricochet?

7 A Of course.

8 Q They can, right?

9 A Yes.

10 Q If they hit something.

11 A Yes.

12 Q And you don't know because we didn't recover that
13 bullet, but you don't know if that was a ricochet. Is it
14 possible?

15 A It could be possible, but I don't see any evidence
16 from the crime scene investigation that it was a ricochet.

17 Q Okay, but it is possible, right?

18 A I think it's very unlikely because of the hole in the
19 side of the quail pen. Usually when a bullet ricochets it
20 will get upset, so the hole in the quail pen should have
21 been bigger.

22 Q So the shooter, according to your lines here, the
23 shooter could have been anywhere on that line. Is that
24 correct?

25 A Yeah.

1 Q Anywhere on that line.

2 A Yes.

3 Q Okay. If we keep going, this is just another one
4 showing the same posture just on different points of those
5 lines. Is that accurate?

6 A Yes.

7 Q So, as that's done -- and we'll not worry about the
8 5-2, eleven year old, but if anyone is on that line, it
9 could have been accurate, right? If any -- that gun is
10 anywhere on that line, according to you, it could have been
11 accurate. Is that right? It could have been that shot.

12 A Yes. And --

13 Q Anywhere?

14 A That's what I explained is, is that the line, by
15 definition, establishes where the weapon is. Then the next
16 step would be to figure out where the person is, or where
17 the shooter is.

18 Q I just want to be clear. Anywhere from this point all
19 the way, I guess, until it hits the -- it will eventually
20 hit the ground, right?

21 A Correct.

22 Q Anywhere until it hits the ground, somewhere back
23 behind where the bodies were located, it's your testimony
24 that it is -- that is consistent with what you're seeing.

25 A Yes.

1 Q As long as that gun is on that line.

2 A Yes.

3 Q So, we can just remove the eleven year olds from the
4 equation. As long as that gun is on that line, it fits
5 with what you're saying, your mathematics is saying, this
6 lines up. Is that correct?

7 A That's correct.

8 Q And you didn't do any -- you didn't provide any
9 renders of any other adult sized human beings perhaps
10 kneeling, did you?

11 A I'm -- repeat that.

12 Q You didn't do any other renders along these lines of
13 an adult sized human being kneeling on the ground while
14 shooting, did you?

15 A No. What I did do is consider that because -- I mean,
16 obviously from your question you kind of can see that in
17 your mind, okay --

18 Q I'm just asking for a yes or no.

19 A Well, I did.

20 MR. HARPOOTLIAN: Objection, Your Honor.

21 A I did. Let me explain.

22 MR. HARPOOTLIAN: He attempted to answer the question
23 and he interrupted again.

24 A Okay. So, what I did for that question, because I
25 figured that you would ask me it, but what I did was at 1

1 foot increments from the quail pen all the way out to
2 60 feet -- and at 60 feet you're getting pretty close to
3 where that line goes under ground. It actually goes under
4 ground about 73 feet. Okay? So, what I did was I looked
5 at the height of the shooter's hand, just like we did this
6 morning in front of the jury. And the other thing I looked
7 at was where the center of the shell casings, the empty
8 casings were. Okay? And I looked in a 12 foot circle
9 around the shell casings, like the center of those shell
10 casings, figuring that everything that I've seen --
11 typically these rifles are going to be 8, 10, 12 feet, a
12 big variable, and it's just, you know, just a rough number.

13 This is what I did, though. The first thing you look
14 at is that Alex is 76 inches tall. I measured to his knee
15 as 25 inches. So, that means that if he went down on one
16 knee, his shoulder is still 51 inches above the ground.
17 And if he shouldered the rifle in a kneeling position, he
18 still can't make the quail shot because the muzzle would be
19 above where the hole is. So, that's number one. So, the
20 you move you back them up, then it just gets more and more
21 improbable.

22 So, then what I said was this. So, I looked at this
23 and the height of the shooter's hand, whoever the shooter
24 was in whatever posture they were in, was between --
25 assuming a 12 feet -- big 12 foot radius circle, so what --

1 however big that is, 24 feet circle around the shell
2 casings, the shooter's hand is 16.2 to 27.6 inches above
3 the ground. So, that's basically 2 feet above the ground.
4 So, that's why it only fits.

5 You said eleven year old kid, but it only fits with a
6 short person, or with some bizarre shooting posture that
7 doesn't match an aiming position, or a normal shooting
8 position, or just an abnormal shooting position. That's
9 where I'm coming from is -- and invite you, I mean, with
10 the Blackout here, if you want to, try to put this gun 27.6
11 to 16.2 inches, and tell me that that's not somebody that's
12 very low to the ground.

13 Q All right. Well, I think -- answer me this. How far
14 off the ground is that gun right there in the twelve year
15 old's hand?

16 MR. HARPOOTLIAN: Objection, Your Honor. He's never
17 said twelve year old.

18 THE COURT: The objection is overruled.

19 A Which shooter?

20 MR. HARPOOTLIAN: Your Honor.

21 Q It doesn't matter. Doesn't matter.

22 MR. HARPOOTLIAN: There's nothing in the record about
23 a twelve year old shooting this gun.

24 THE COURT: The objection is overruled.

25 A Let's go with -- see the back guy? I'll call him the

1 far shooter.

2 Q All right. The rear twelve year old, how high is that
3 gun?

4 A So, he is 33 feet from the quail pen, and if you look
5 at that, which is the 1 and a half at 33. Yep. He's going
6 to -- the bottom of his hand is going to be, like, right
7 there at that 28 inch mark.

8 Q Where is the line located right there, the line to
9 where the barrel towards you is?

10 A At 33 feet, the muzzle.

11 Q The muzzle.

12 A 33 feet for the rear shooter. 39-6.

13 Q 39 inches?

14 A 39-6.

15 Q 39 inches.

16 A Yeah.

17 Q Do you have a tape measures? Oh, here we go.

18 (Break in proceedings.)

19 Q 39 inches right there?

20 A Yeah.

21 Q If we back it up 10 feet, back it up 10 feet, what's
22 the distance -- what's the green line at 10 feet back? So
23 40 feet.

24 (Break in proceedings.)

25 A It would be 36.5.

1 Q 36.5. That's 3 feet, 3 and -- 3 feet 5 inches. Is
2 that right?

3 A That's correct.

4 Q My finger, does look about right?

5 A Yes.

6 Q Right there?

7 A Yes.

8 Q Right there.

9 A Yes.

10 Q But we've got this. We've got -- your renders that
11 you went with are these two, right?

12 A Yes.

13 MR. FERNANDEZ: Okay. If you would, fast forward a
14 little bit. Right here. Okay.

15 Q So, now we've have got -- what's the angle of this dog
16 house that you've calculated?

17 A It's 14 degrees.

18 Q All right, and the shooter, the little youth there,
19 the youth is how far away from that?

20 A 8.4 feet.

21 Q And how high off the ground is that green line where
22 he's standing, the little guy?

23 A The muzzle is 29 inches above the ground.

24 Q 29 inches?

25 A Maybe 30.

1 Q 30 inches. So, right here? 30?

2 A Yes.

3 Q So, 30 inches when you're up close right next to that
4 dog house. So, what happens then when you back -- I see
5 the line, it's going upwards, so what happens when you back
6 up? I mean, soon it's going to be over the little guy's
7 head, right?

8 A Yes.

9 Q Okay. Well, what happens if you're not such a little
10 guy? If you back up, I don't know, let's back us up 5,
11 5 feet. What happens?

12 A Let's see, so that would be about 47.4.

13 Q 47.4. Let's see, is that about right?

14 A Yes.

15 Q Let me bring it little closer.

16 A Yes.

17 Q Do you see it better?

18 A Yes.

19 Q Okay. 47.4. It's right there.

20 A Yes.

21 Q I'm glad we could demonstrate those heights to the
22 jury. Thank you.

23 MR. FERNANDEZ: If you would fast forward a little bit
24 more about -- it doesn't have an exhibit number but, like,
25 five slides. Yeah, about right --

1 SPEAKER: This one, Counsel?

2 MR. FERNANDEZ: That's good.

3 Q Now, and I just want to be clear. You're talking
4 about casings, it's cartridge casings. And you're aware
5 that shotguns have shells and rifles have cartridges. Is
6 that correct? Is that correct? Is that your
7 understanding?

8 A I just -- I call it a rifle cartridge, but a rifle
9 cartridge would be the bullet, and the casing, and the
10 charge, the charge is the gun powder inside the casings.
11 But I call them rifle casings.

12 Q Well, I mean, before you just called it a shell
13 casing. Just wanted to be real clear. All right. So,
14 the -- and you talked about -- I know you spent some time
15 talking about the ejection of cartridge casings from a
16 rifle, or an AR style rifle. But you have no training or
17 experience in that other than the studies you've personally
18 conducted. Is that right?

19 A That's correct, and the literature, which, again, for
20 this rifle it's supposed to be 3:00 to 4:30, which is
21 45 degrees behind, but it can be forward, it can be -- and
22 it can be straight out to the side.

23 Q And I'm just tapping into common sense here, but you
24 weren't at the scene the night of the murders. Is that
25 right?

1 A I was not there.

2 Q And so is it possible that cartridge casings were
3 moved?

4 A Yes.

5 Q Is it possible that cartridge casings were ejected in
6 an unorthodox manner?

7 A Yes.

8 Q Is it possible that cartridge casings were -- ricochet
9 off of something, hit something and ricochet?

10 A Yes.

11 Q Okay. So, where they lay -- and this is just, again,
12 tapping into common sense, not your engineering background,
13 but where they lay may not necessarily be where they fell
14 that night. Is that fair to say?

15 A Yes. You're looking for just the area. For instance,
16 if you're thinking about a shooting position 60 feet away,
17 it makes no sense. But anywhere in that 24 feet that I'm
18 talking about, yes, because there's casings there.

19 Q And here, what are we -- what are we showing here?
20 Tell -- remind me again what this, and I think there's
21 one -- there's one before it, too, an exhibit before. What
22 are we seeing here with the intersection of the three
23 lines? What are you saying?

24 A I'm saying that the two shots made in two different
25 directions can be made from approximately the same spot.

1 Q Okay. Does that assume, though, that someone is
2 shooting from approximately the same spot? Does that
3 assume that right there? This is assuming someone is in
4 the general same area when they shoot.

5 A Well, I used a constant height shooter, put them on
6 the trajectories, and they end up in the same spot.

7 Q Is it possible that someone shoots from one position,
8 and then moves to another position before they shoot again?
9 Is that possible?

10 A Sure.

11 Q Okay, and along your lines, it's still -- it's very
12 possible that someone could have shot over here, and again
13 they were maybe a bigger person than the twelve year old,
14 and someone could have then moved before they shot again.
15 Is that a possibility? Is that possible?

16 A Of course. Well, I mean, that's what this slide
17 depicts is the shooter moving.

18 Q But is it possible that they were back here, and back
19 here, and moved maybe just a little bit more than the 2
20 feet you put on your drawing?

21 A No. They -- well, they would have to change their
22 shooting posture. That's kind of the whole point is. It's
23 like, for instance, you know, if you want to -- like with
24 your line of questioning, let's say the shooter is laying
25 down or on one knee and then stands up and shoots from the

1 hip. I don't know if that's really consistent with a
2 moving shooter. But it's my understanding from what people
3 have determined and what I've heard in expert reports from
4 the State is, is that they think the shooter was moving.
5 So, I was thinking that -- it doesn't have to be, but
6 what's most likely is, is somebody is walking around
7 shooting a gun.

8 Q Okay. Again, you weren't there. You have no firearms
9 training, is that right, or certifications, or crime scene
10 training or certifications. Is that right?

11 A I was not there.

12 Q So, this is your best guess. Is that just -- is that
13 what it is?

14 A No, that is not a guess. That is based --

15 Q So, it could be --

16 A Let me finish.

17 Q Go ahead.

18 A That is based on all of the engineering principles,
19 the physical evidence that was collected by both myself and
20 Special Agent Worley. That is the physical evidence. Now,
21 as you've done today, you can think about alternatives, and
22 there very well can be alternatives, but you have to look
23 at how likely the alternatives are, and that's what I'm
24 doing here. There's always going to be variables. You can
25 move things around. But I think, as I've tried to get

1 across today, is that you draw a conclusion when you look
2 at the evidence.

3 Q And you're here to say -- to testify to these jurors
4 that your mostly likely answer is that it was a twelve year
5 old -- two twelve year olds at 5-2 --

6 MR. HARPOOTLIAN: Objection, Your Honor.

7 Q -- standing right here --

8 MR. HARPOOTLIAN: There's been no testimony that two
9 twelve year olds are involved in this in any way.
10 Misstating the facts.

11 THE COURT: I sustain the objection.

12 MR. HARPOOTLIAN: Thank you.

13 Q You're saying, though, that two 5-2, which we can all
14 guess approximates what size individual, age of
15 individuals, that's your best -- that's your best guess of
16 what went on that night?

17 A It's not a guess. And, again, it's not two
18 individuals. It could be one person moving slightly there.

19 Q Right.

20 A But that is not a guess. That is my opinion, and I've
21 tried to explain it to the Court as best as I possibly can.

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

23 (Break in proceedings.)

24 Q And just to be clear, and I'm going to move to
25 Exhibit -- I believe it's 53, right there. Did this line

1 account for the trajectory of the bullet either going
2 through glass, other objects, or a human being?

3 A Well, the -- as we've discussed before, I would not
4 anticipate any deflection through the glass, but there
5 could have been some deflection through the body. So, what
6 that would account for is, is that where I'm standing, or
7 where that string is could have moved a little bit going
8 through the body. But I think everybody has agreed that
9 the shotgun is inside the door, so that would limit how far
10 you could move the shotgun side to side based on
11 deflection, due to contacting something solid inside the
12 body.

13 Q All right. So, I didn't hear a yes or no. Did it
14 account for any -- the projectile traveling through a human
15 body, glass, or any other objects that were then located in
16 that room that night? Does it account for that? Yes or
17 no.

18 A No, it doesn't account for it. But you could see, you
19 know, how that has to change, or could change, because the
20 amount that you could move the shotgun around from that
21 position is limited by the opening in the doorway.

22 Q And the same thing for the laser, the green laser
23 lines we saw earlier. Does that account for the projectile
24 passing through human body, wood, any other object that it
25 passed through? Does your calculations account for that,

1 that trajectory?

2 A Well, that path is a straight line path. It could
3 have passed through a human body. You know, it passed
4 through the layers of the quail pen, but it's traveling
5 straight at that point.

6 Q Did your calculations -- and I'm going to ask it again
7 because I need a yes or no answer. Did your calculations
8 account for the projectiles in the other examinations, the
9 green line ones, did it account for the projectiles passing
10 through an item such as wood or human body? Did it account
11 for that?

12 A No. I did not put there that the projectile somehow
13 interacted with anything else and was deflected.

14 Q All right. Let me go over a few variables, if you
15 wouldn't mind. So, variables in doing all of these
16 calculations are, would you agree it's where the gun was
17 held? That's a variable.

18 A Not for the trajectories.

19 Q So, you won't admit -- you won't concede that where
20 the gun was held is a variable in a calculation such as
21 yours?

22 A Which calculation?

23 Q Doesn't matter. Either your -- we're talking about
24 either your shotgun calculation or your rifle one, was
25 where the gun was held a variable that you have to account

1 for in making this determination, where the gun was held
2 physically?

3 A Not for the shot trajectories.

4 Q All right. Will you concede, then, that it was a
5 variable in the AR 300 Blackout scenario?

6 A No. The shot trajectories, it doesn't matter where
7 the gun is being held.

8 Q So, where the gun is, held in your mind, makes no
9 difference.

10 A No. The gun is on the shot trajectory. I think I've
11 explained that.

12 Q All right. Is it a variable in how the gun was held?

13 A No.

14 Q Not a variable. Is it a variable if the moving -- if
15 the party shooting was moving?

16 A Again, no. The barrel of the gun was on that shot
17 line, in my opinion.

18 Q Is it a variable if the party that the bullet would
19 have potentially passed through was moving? Is that a
20 variable?

21 A No.

22 Q Is it a variable to you if the party was jumping or
23 ducking? Is that a variable to you?

24 A No.

25 Q Is it a variable if the party was maybe turning side

1 to side? Is that even a variable?

2 A Not for what I've done.

3 Q Okay. So, you're saying no to everything that I just
4 asked, and all of those -- you would agree, all of those
5 variables that I listed include motion. Is that right?

6 A Yes. Those would all be if you were trying to figure
7 out the orientation of the person that was shot, which is
8 something that I did not do, and that's something I don't
9 do. It's not my field of expertise.

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

11 (Break in proceedings.)

12 THE COURT: Anything further?

13 MR. FERNANDEZ: I'm sorry. Beg the Court's
14 indulgence.

15 THE COURT: All right. Well, let's stand while we're
16 indulging.

17 (Break in proceedings.)

18 THE COURT: Okay.

19 Q All right, and you further have said the variables
20 that you just said is not -- is it a -- is it not a
21 variable to use -- I'm trying to ask this as slow as
22 possible, sorry. Strike that. Is it a variable if the
23 person that is being shot is moving? Is that a variable to
24 you?

25 A That is not a variable to me.

1 Q And is it a variable to you if the person who's doing
2 the shooting is moving?

3 A That is not a variable to me.

4 Q Would you agree, though, in general people do move?

5 A Yes. In my experience people do move.

6 MR. FERNANDEZ: That's it. No further questions.

7 THE COURT: Redirect?

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

9 REDIRECT EXAMINATION

10 BY MR. HARPOOTLIAN:

11 Q So --

12 MR. FERNANDEZ: This is a defense exhibit. I'll put
13 it here.

14 Q So much to straighten out. Let's deal with his last
15 questions about these variables. You're an expert. I'm
16 going to give you a hypothetical real quick. Bullet hole
17 10 feet up, bullet hole 5 feet up. What does that tell
18 you?

19 A That the bullet is descending.

20 Q Right, and if you put a dial through that, will you
21 see where it possibly came from and where it possible went?

22 A Yes.

23 Q Okay. Basically it's a line, correct?

24 A Yes.

25 Q So, what does knowing where the gun was being held

1 have to do with any of that?

2 A It has no bearing on the physics of the flight of the
3 bullet, bullet. It may have something to do with maybe
4 where the shooter was positioned relative to the weapon,
5 right? Or, you know, if -- you know, some other variable.
6 But I'm not testifying about those subject matters.

7 Q Right. So, all -- you know, where -- well, let me ask
8 you this. The data you relied on for this trajectory, that
9 trajectory, was that generated by SLED?

10 A Yes.

11 Q And so did they indicate any evidence of ricochet?

12 A No.

13 Q Did they indicate any evidence of a bullet passing
14 through a person?

15 A No.

16 Q Did they -- didn't they test the one bullet they found
17 in the dog shed for DNA and tissue or some sort of organic
18 matter?

19 A Yes.

20 Q Didn't find anything.

21 A No.

22 Q So, you're basically just saying this is the line
23 based on the SLED -- the -- Agent Worley putting a dial
24 through and then figuring out the angles, correct?

25 A Yes.

1 Q The two people you put here are based on the angle
2 from the dog -- from the quail pen going down -- it was
3 upward shot, correct?

4 THE COURT: All right, this is redirect,
5 Mr. Harpootlian. You cannot lead the witness, though
6 there -- I've heard no objections to it.

7 MR. HARPOOTLIAN: I haven't heard any objections
8 either, Your Honor.

9 THE COURT: Well, the Court is objecting. You cannot
10 lead the witness.

11 MR. HARPOOTLIAN: I'm trying to cut to the chase, I
12 apologize.

13 THE COURT: Yes, sir.

14 Q You were asked a question about the number of pellets.
15 Did you review Agent Worley's report of her notes based on
16 her visit to the location on July 16, 2021?

17 A Yes.

18 Q Let me hand you these to see if it refreshes your
19 memory. Would you look through those for just a moment,
20 please?

21 (Break in proceedings.)

22 A Okay.

23 Q Okay. Let me see it, please. All right.

24 MR. HARPOOTLIAN: Any objection to putting this into
25 evidence?

1 (Break in proceedings.)

2 MR. FERNANDEZ: No objection.

3 MR. HARPOOTLIAN: Can I have the ELMO? Offer this
4 into evidence, Your Honor.

5 THE COURT: It's admitted without objection.

6 (SLED CRIME SCENE NOTES MARKED AS DEFENDANT'S EXHIBIT
7 NUMBER 144 WAS RECEIVED INTO EVIDENCE.)

8 MR. HARPOOTLIAN: All right, how about take it down a
9 little bit. No, no, that's fine.

10 Q Okay. So, what is being recorded in this document and
11 by who? It's a SLED report, right?

12 A Yes. It's just the listing of the observations that
13 Special Agent Worley was observing at the crime scene.

14 Q Okay. So, let's go down at the bottom of this page.
15 Okay? Okay. So, tell me what that says. What does that
16 mean?

17 A Those are the following bullet defects in feed room,
18 the dog house, the small animal cage, and the workshop were
19 scaled, labeled, and photographed.

20 Q Okay. So, what is defect A, B, C, D, and E?

21 A Those are five projectiles from the -- in the feed
22 room window.

23 Q And I think we've previously heard those are buckshot
24 pellets?

25 MR. FERNANDEZ: Objection to leading.

1 THE COURT: You can't lead the witness.

2 MR. HARPOOTLIAN: Go to the next page, please.

3 Q So, how many is that?

4 A Five.

5 Q Okay.

6 MR. HARPOOTLIAN: Keep going. Top of the page,
7 please. Okay.

8 Q And so what happens here in defect F, G, and M?

9 A F and G are projectile entered the interior side of
10 the window. Defect K is a possible defect in the exterior
11 side of window screen.

12 Q And that accounts for how many pellets?

13 A You've got seven.

14 Q Okay. How many pellets were there?

15 A Nine.

16 Q Okay. Is this where you got your information you were
17 asked about by the State?

18 A Yes. And, I mean, there was a report by Tom Bevel.
19 He talked about the evidence -- the evidence been listed.
20 So, there were several documents that you could go to to
21 find the stuff that was collected at the site.

22 Q Okay, and then going down the dog house, this would
23 be -- what does that -- what does that cover?

24 A Maybe push it down --

25 MR. HARPOOTLIAN: Push it down just a little bit.

1 A -- just a little bit. Yeah. The dog house was --
2 there was the entrance defect, and then there was a
3 possible entrance defect. It was, like, a really small
4 hole. No projectile recovered. And then there was -- a
5 projectile entered the lower middle area of the southeast
6 exterior side, exited the interior side, and entered the
7 bedding. And the projectile was previously collected from
8 the bedding.

9 Q Okay. So, it says: Flight path rod was placed through
10 defects one and --

11 A I think that's I and I-1.

12 Q I and I-1.

13 A Yes.

14 Q Okay: And was documented with photographs. Have you
15 seen those photographs?

16 A I have.

17 Q And angle finder determined the vertical angle --

18 MR. FERNANDEZ: Objection to the leading.

19 MR. HARPOOTLIAN: Your Honor, I'm just reading -- I'm
20 not leading him. I'm reading the documents in evidence.
21 I'm publishing them.

22 THE COURT: All right.

23 MR. HARPOOTLIAN: Thank you.

24 Q And angle finder determined the vertical angle of
25 the flight path to be approximately 76 degrees,

1 and a protractor --

2 I'm sorry, protractor.

3 -- protractor, and a thumba determine the
4 horizontal angle to be approximately 84 degrees.

5 Is that right?

6 A Yes.

7 Q Is that -- was that, or was that inconsistent with the
8 photographs you look -- you saw taken by Agent Worley of
9 her performing those tests?

10 A I think it's off. The horizontal angle, I think, was
11 off a degree.

12 Q A degree.

13 A Right.

14 Q Based on the photograph.

15 A Right.

16 Q But you weren't there.

17 A No.

18 Q So, you're look at a photograph and saying it's off a
19 degree, but maybe she had a better --

20 MR. HARPOOTLIAN: Objection to the commentary.

21 Q Could she have had a better perspective than you did
22 than what you saw in the photograph?

23 A Yes.

24 Q Okay. Small animal cage, it says:

25 Defect J for the projectiles entered the exterior

1 side of cardboard on the southwest end of the
2 cage, exited the interior sides of the cardboard
3 and the chicken wire. Defect J-1 traveled
4 through chicken wire on the back wall of the cage
5 and entered the southeast wall of the workshop.
6 Defect J-2 exited the interior side of the
7 workshop wall defect J and struck a vertical
8 shelf being -- that was perpendicular to the
9 wall. The flight path rod was placed through
10 defects J to J-2 was documented in the
11 photographs. The angle finder determined the
12 vertical angle of the flight path to be
13 approximately 7 degrees, and the horizontal
14 approximately 41 degrees.

15 And is that consistent with the photographs you saw?

16 A Yes. Except for the one -- that's 3 degrees, and then
17 --

18 Q Right. That's 3 degrees in itself.

19 A And then there was one with 1 and a half, and again,
20 for the reasons I've stated.

21 Q And that's why we see the two paths, you do at 1 and a
22 half, and 3. Now, in any of this did you read anything
23 about a --

24 MR. HARPOOTLIAN: I'm not quite done yet. I'm done
25 with that one.

1 Q But about the ricochet, or any biologic material on
2 anything, or anything that would indicate it passed through
3 a person or a wall or anything? Was there anything
4 recorded by their agent that would indicate any of that?
5 That was collected by their agents that would indicate any
6 of that?

7 A No.

8 Q Okay. Now, what -- do you know what this is?

9 A This is Agent Worley's drawing of the window.

10 Q Okay, and what does this indicate?

11 A It indicates the seven buckshot pellets that passed
12 through the window.

13 Q Okay.

14 MR. HARPOOTLIAN: How about let's see the other one.

15 Q What is this?

16 A It's another drawing showing where the seven buckshot
17 pellets went through the window.

18 Q And one is from inside and one is from the outside?

19 A Yes. Yes.

20 Q Okay. So, there are seven buckshot -- and which one
21 of these is the one you measured first?

22 A If that's the outside?

23 Q I think it is.

24 A I measured through a defect B-1, which would be the
25 upper left -- upper left most --

1 Q Exterior side, yeah.

2 A Yes. So, I went through B-1.

3 Q Okay, and is this consistent with what you saw?

4 A Yes.

5 Q Okay. So, you didn't get to look at this until
6 October, correct?

7 A Of twenty --

8 Q '22.

9 A '22.

10 Q Right. Now these drawings, their examination was done
11 in June and July of '21, within a month of the murders,
12 correct?

13 A Yes.

14 Q And what you had to go on basically was photographs,
15 right?

16 MR. FERNANDEZ: Objection to the leading, Your Honor.

17 Q What, if anything, did you have to rely on to do the
18 analysis?

19 A Well, the information and data that SLED collected
20 because --

21 Q I'm sorry, who collected it?

22 A SLED.

23 Q Okay, and --

24 A Right, because they were there very early on and I was
25 not. And then also went and took a look at the physical

1 evidence, and I found some stuff there that was helpful to
2 my investigation itself. So, it wasn't 100 percent based
3 on SLED, but a lot of this information came directly from
4 SLED.

5 Q Okay. Do you know when Alex Murdaugh was charged with
6 murder? Was it July of '22?

7 A I don't remember.

8 Q But at some point over a year after the murders.

9 A Yes.

10 Q Okay, and you were retained and got out there within
11 ninety days of his arrest, correct?

12 A Yes.

13 Q But they waited over a year to arrest him, correct?

14 A Yes.

15 Q So, my question is -- I mean, the issue was raised.
16 Would the ammo that you used for your sound testing,
17 whether you were using the same brand or some different
18 brand, did it make any difference?

19 A No.

20 MR. FERNANDEZ: Objection. No basis in his expertise.

21 Q What, if any, difference would it have made in the
22 acoustical issues you were testing? Different ammo?

23 MR. FERNANDEZ: Same objection.

24 A None.

25 THE WITNESS: I'm sorry.

1 MR. HARPOOTLIAN: I'm sorry, Your Honor. Was he able
2 to -- I'm sorry, was he able to answer that?

3 THE COURT: Yes. The objection is overruled.
4 You can answer.

5 MR. HARPOOTLIAN: Thank you, sir.

6 A It makes no difference. All of the shotguns are right
7 in the same range. It doesn't matter. The rifles are in
8 the same range. Weapons of this type are not loud enough
9 to be heard inside the house from that distance with all of
10 the variables.

11 Q Okay. You were also asked a question about the --
12 about how loud the sound was if you went in a laboratory.
13 The length of the distance you said was between the kennels
14 and the house, outside the house, and I think you said --
15 was it 100 decibels?

16 A Yes. It's about like 103, 104.

17 Q Okay, and he went to a chart saying that would be like
18 an airplane at 300 meters?

19 A Yes.

20 Q Would you be able to hear that inside the house?

21 A Depends on what's going on inside the house. But, you
22 know, at that level you would just -- I don't want to --
23 it's been a long day, but it depends on where the energy of
24 the sound is and what's called octave bands and one-third
25 octave bands. In other words, the sound of a gunshot is

1 different than the sound of a jet airplane because it's not
2 the same noise. So, it's -- there's more to the question.
3 But even if you -- basically if you -- it's apples to
4 apples if you had that level of noise outside, which it
5 wasn't because it wasn't a laboratory setting. It was only
6 about 85 decibels outside the house, which would have been
7 audible if you're outside. You could be a couple of miles
8 away and hear these gunshots if you were outside.

9 Q So, if you were a couple of miles away and you were
10 outside, not inside a house, you could hear those shots?

11 A You could, yes. You know, as long as there's not a
12 lot of traffic or you're not cutting the grass. If it was
13 quiet and you're outside you can hear those gunshots. You
14 just can't hear them in the house.

15 Q You can't hear them in the house. Now, did you find
16 any data, any reports, anything you looked at from SLED
17 that they did any of the trajectory calculations that you
18 did?

19 A No.

20 Q They did a computer simulation, right?

21 A Or a scan. They scanned the same way I did.

22 Q And then when you look at it -- we saw it four weeks
23 ago -- there's sort of a --

24 MR. FERNANDEZ: Objection to the leading.

25 THE COURT: The objection is sustained.

1 Q Did they do -- what, if any, FARO did they do, FARO
2 computer generated? Did they do one?

3 A All I know is that they did scan the scene in July
4 just like I did, but I have not yet seen anything from them
5 using their scan.

6 Q And did they again -- not again, but I want to make
7 sure I understand this. They got the, the information --
8 strike that. What, if any, information -- what, if any,
9 trajectory computations did they do, SLED, the State,
10 any -- FBI, anybody hired by these guys over here do on
11 trajectory? Did you see anything?

12 A No.

13 Q So, the first time anybody has done any trajectory
14 calculations is you, and as you indicated, we were going
15 through that PowerPoint last night trying to make sure it
16 was understand --

17 MR. FERNANDEZ: Objection to the leading, Your Honor.

18 THE COURT: Sustained.

19 Q Sort of one last question. Was there anything to
20 prevent SLED, FBI, anybody from doing the same calculations
21 you did -- well, two last questions -- that you did?
22 Anything preventing them? Did they have any -- what, if
23 any, obstacles were there to SLED or FBI or one of these
24 private people they hired doing the same thing you did?

25 A None.

1 Q And let me get this straight. He kept talking about
2 children, 5-foot-2.

3 MR. HARPOOTLIAN: Young lady, stand up.

4 Q That's a clerk in my office. She's 5-foot-3.

5 MR. FERNANDEZ: Objection to the leading.

6 THE COURT: Objection is sustained.

7 MR. FERNANDEZ: And it's outside the record.

8 Q She's not a child. That's all I'm trying to point
9 out. She's twenty-two.

10 MR. FERNANDEZ: Objection to the commentary.

11 THE COURT: Objection is sustained.

12 MR. HARPOOTLIAN: Apologize to the Court, Your Honor.

13 Q Based on your calculations, and based on the
14 assumption that somebody would be holding rifle either at
15 their hip or at their shoulder in a way in which you could
16 operate that weapon, what, if any, opinion do you have as
17 to whether that person could be Alex Murdaugh shooting into
18 that quail pen?

19 A It can't be.

20 MR. HARPOOTLIAN: Thank you.

21 (Break in proceedings.)

22 RECROSS-EXAMINATION

23 BY MR. FERNANDEZ:

24 Q I know you just answered that question, but it can be
25 anyone on those green lines. Is that right? Your green

1 lines that you drew could be anyone along that green line?

2 A That is correct.

3 Q It could be anyone that would fit along that green
4 line. Is that true?

5 A The weapon is on the green line. And then so, as I've
6 tried to explain before, the next thought process is, is
7 that, okay, for people with different sizes, what did they
8 have to do to put their hands on the weapon to fire it
9 while it's sitting on that green line?

10 Q So to be clear, is that a yes, anyone on that green
11 line, as long as the gun travels on that green line, it
12 would fit anyone on that green line?

13 A That is correct.

14 Q Thank you. And if you were down at the kennels when a
15 shotgun was shot and a 300 Blackout was shot, if you were
16 down at the kennels, would you have heard them?

17 A Yes.

18 MR. FERNANDEZ: No further questions.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you.

21 THE COURT: Ladies and gentlemen, that will be it for
22 this day. We'll resume at 5:30 -- 9:30 tomorrow morning.
23 Looking at -- it's almost 5:30 now. We'll resume at 9:30
24 tomorrow morning. Please do not discuss the case. Have a
25 good evening.

1 If you'll just hold still while the jurors leave. It
2 takes them a while to get out.

3 (The jury left the courtroom.)

4 (The witness exited the stand.)

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

6 (Whereupon, the case was at ease.)

7 *WEDNESDAY, FEBRUARY 22, 2023*

8 (Court Resumed at 9:39 a.m.)

9 THE COURT: Are we ready for the jury?

10 MR. HARPOOTLIAN: No, Your Honor. Mr. Griffin has a
11 matter he wishes to address with the Court.

12 THE COURT: Yes, sir.

13 MR. GRIFFIN: Good morning, Your Honor. We are
14 discussing with Mr. Murdaugh his right to testify or not
15 testify, and one of the issues that has come up is the
16 scope of cross-examination that the State would be
17 permitted to go into should he testify, and the rule, basic
18 rule is when a defendant takes the stand, he waives his
19 Fifth Amendment privilege as to matters to which he
20 testifies on direct and relevant matters subject to cross-
21 examination.

22 Your Honor has let in, over our objection, evidence
23 under 404B of financial misconduct. And what we're asking
24 is for an order excluding the State from being able to
25 question Mr. Murdaugh on cross-examination matters related

1 to the financial crimes that have been put before the Court
2 under Rule 404B if we don't testify about those on direct
3 examination. We need a ruling from the Court at some point
4 in time today before tomorrow. We're not putting him up
5 today, but we're asking that we be able to advise him of
6 what the State will be permitted to go into on cross-
7 examination should he choose to testify in order for us to
8 adequately advise him, and for him to adequately waive his
9 right and the Fifth Amendment privilege and testify or not.
10 And that's what we're asking.

11 THE COURT: Would you like for me to review with him
12 at this time his right to testify or not testify?

13 MR. GRIFFIN: Not at this point in time, Your Honor.
14 We have to -- trying to get an understanding from the Court
15 as to the parameters of the waiver of privilege. Is it --
16 is he waiving -- if he testifies about the murders, is he
17 then subject to cross-examination about the financial
18 crimes? That's what we're asking.

19 THE COURT: All right. Mr. Waters.

20 MR. WATERS: Thank you, Your Honor. May it please the
21 Court? First of all, obviously the general rule is, is
22 that cross is generally wide open, and that goes for a
23 defendant who testifies. Your Honor, Rule 611B on the
24 scope of cross-examination expressly says that a witness
25 may be cross-examined on any matter relevant to any issue

1 in the case. And, of course, Your Honor has ruled in 404
2 and 403 the finance matter is independently relevant, but
3 the rule goes on to further say including credibility. So,
4 even if that had not happened, these matters, which go
5 right to the heart of credibility -- and, frankly, the
6 extensive dishonesty of this defendant would be relevant if
7 he took the stand anyway, regardless of the 404. So,
8 independently under that rule of the credibility aspect, it
9 would be admissible under rule 611B. But, again, Your
10 Honor has ruled these matters as relevant in the case, and
11 so it's clearly within the scope of cross.

12 Your Honor, citing *State v. Gilbert and Gleaton*, 273
13 SC 690, they said right there, as I think the defense
14 recognized, when the accused takes the stand on his own
15 behalf, he waives his privilege against compulsory self-
16 incrimination and must answer also proper questions. Your
17 Honor, *Taylor v. State*, which I believe may have been
18 overruled on other grounds, but 258 SC 369, when an
19 appellant elected to testify, he waived his right against
20 self-incrimination and became subject to cross-examination
21 like any other witness. And then finally citing U.S.
22 Supreme Court *Brown v. U.S.*, 356, U.S. 148, it says -- in
23 talking about a defendant in a criminal case, it says if he
24 takes the stand and testifies as an own -- in his own
25 defense, his credibility may be impeached, and his

1 testimony is sealed like any other witness, and the breadth
2 of his waiver is determined by scope of relevant cross-
3 examination.

4 He has no right to set forth to the jury all facts
5 which tend in his favor without laying himself open to a
6 cross-examination on those facts. Those are the general
7 and well established rules, Your Honor, and they're
8 particularly relevant in this case, and so we believe that
9 those financial matters would be well within the scope of
10 this particular matter and authorized by the rules and case
11 law.

12 THE COURT: Mr. Griffin?

13 MR. GRIFFIN: Yeah, just briefly, Your Honor. With
14 regard to credibility, the rules are pretty strict as to
15 what evidence of criminal conduct can be used to impeach a
16 witness's credibility, and they are limited to convictions,
17 and that is Rule 609.

18 Your Honor has let the financial evidence in under
19 theory of motive, and you've done a 403 weighing test.
20 And, Your Honor, I think when you get to cross-examination
21 of the defendant, I think Your Honor has a discretion under
22 Rule 403 to prohibit the State from further inquiry in this
23 case on the financial evidence, which they contend is a
24 motivating factor for the crimes. And that is -- and so
25 that *Brown v U.S.* and all the -- I don't disagree that

1 that's the black letter law, but the question is, you know,
2 what's the scope of cross-examination? And here he's
3 charged with murder. He's not charged with financial
4 crimes. He's charged with murder. We're asking that the
5 Court limit, you know, the waiver of his Fifth Amendment
6 privilege to the murder charges.

7 THE COURT: Yes, sir?

8 MR. WATERS: You know, again, moving back to 607. Of
9 course, the credibility of the witness may be attacked by
10 any party. 608B allows examination -- a cross-examination
11 of a witness concerning their aspect of truthfulness and
12 untruthfulness, which this clearly goes to, as well as 608C
13 which talks about bias, prejudice, and any motive to
14 misrepresent. And, again, we're not just talking about
15 purely dishonesty and credibility, which I think is alone
16 more than enough. We're also talking about examination on
17 issues that are specifically relevant to this particular
18 case based on the 404 rule.

19 THE COURT: Rule 607, Rule 608, particularly the
20 portion of 608C, evidence of bias, prejudice, or any motive
21 to misrepresent, may be shown to impeach the witness either
22 by examination of the witness or by evidence otherwise
23 deduced. Rule 611 and 609 also addresses the issue. I'm
24 not going to issue an order in advance limiting the scope
25 of this cross-examination. Any objectionable matter must

1 be addressed on -- as the evidence is presented and not
2 based on any advance ruling by the Court.

3 MR. GRIFFIN: Your Honor, the -- I fear that the
4 request for ruling is not an evidentiary ruling. It's the
5 scope of his privilege, and so would he be permitted to
6 assert the Fifth, for example, if they are permitted to ask
7 questions such as they intend to on cross, and that --

8 THE COURT: I can't give you any advisory opinions
9 about the evidence and scope of cross-examination and scope
10 of his privilege. That's -- I'm willing to review with him
11 the scope of his privilege against self-incrimination if
12 that's what you're referring to.

13 MR. GRIFFIN: Well, we will certainly -- we will
14 certainly need to have that colloquy at some point at the
15 end of the day perhaps, but --

16 THE COURT: But for the Court to issue some blanket
17 order limiting the scope of cross-examination, that is
18 unheard of to me.

19 MR. GRIFFIN: Again, Your Honor, I'm not -- the
20 question is the scope of the waiver of his privilege when
21 he gets on that witness stand. That's what we're asking
22 for, not on an evidentiary ruling.

23 THE COURT: Mr. Waters has the cases there I assume he
24 would like for me to look at and --

25 MR. WATERS: Yes, sir, I'd be happy --

1 THE COURT: -- if you do, I'll be happy to look at
2 what you have as well.

3 MR. GRIFFIN: Thank you, Your Honor.

4 THE COURT: Anything else?

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

6 MR. HARPOOTLIAN: Nothing from the defense, Your
7 Honor.

8 THE COURT: Let's bring the jury.

9 (The jury returned to the courtroom.)

10 THE BAILIFF: The jury is present, sir.

11 THE COURT: Thank you.

12 Good morning.

13 (The jurors responded good morning.)

14 THE COURT: Madame Forelady.

15 THE JUROR: Yes, sir.

16 THE COURT: How is the jury doing?

17 THE JUROR: They're doing great.

18 THE COURT: Doing great, that's great news. Well,
19 we're now in day number twenty-two, the defense's case.

20 You may call your next witness.

21 MR. GRIFFIN: Thank you, Your Honor. Defense calls
22 Mark Ball.

23 The witness, MARK BALL, was first duly sworn and
24 testified as follows:

25 THE CLERK: Have a seat on the stand. Please adjust

1 that microphone so you can speak into it. If you'll state
2 your full name and spell your last name.

3 THE WITNESS: Mark Ball, B-a-l-l.

4 DIRECT EXAMINATION

5 BY MR. GRIFFIN:

6 Q Mr. Ball, will you tell the jury a little bit about
7 yourself, where you're from, what do you do?

8 A I'm a lawyer in Hampton. I practice with the Parker
9 Law Group now. I've lived in Hampton for twenty plus
10 years. I'm now live in Rum Gully here in Colleton County,
11 have for about eight years or nine years. I practice --

12 Q How long have you been a lawyer?

13 A Thirty-three years.

14 Q And where were you born and in raised?

15 A In Ballentine, South Carolina, up above Columbia about
16 20 miles.

17 Q And when did you move down to this part of the state?

18 A I started with the law firm thirty-four years ago. I
19 moved down -- I was a law clerk at first and have never
20 left since 1988.

21 Q Do you know the defendant, Alex Murdaugh?

22 A I do.

23 Q How long have you known him?

24 A Thirty-four years.

25 Q And did you practice law together?

1 A We did, about twenty something.

2 Q Did you become personal friends of his?

3 A Yes. I mean --

4 Q And were your family friends with his family?

5 A Yes. Our children grew up together, as did everybody
6 in the firm.

7 Q And your wife, Lisa, did she become good friends with
8 Maggie?

9 A Yes, sir.

10 Q Okay. On the -- do you remember the evening of
11 June 7th --

12 A I do, very well.

13 Q -- 2021?

14 A Yes, sir.

15 Q How did you learn about the tragic murders of Maggie
16 and Paul?

17 A It was about 10:30, and one of my partners, Ronnie
18 Crosby, tried to call my phone, and before I could get to
19 it, he called my wife's with phone, and the only --
20 she handed it and he said give me -- hand Mark the phone
21 and I -- he said that Maggie and Paul had been shot and get
22 over there, and so I scrambled and got over there. I live
23 about 8 or 10 miles from there. I live over in the Rum
24 Gully, and that's Moselle.

25 Q And why did you go over there?

1 A To find out what was going on. To, you know, see
2 what -- I mean, we're out in the middle of, you know,
3 nowhere, and when somebody calls you and says your law
4 partner's wife and child have been shot, you go. I mean --

5 Q And who did you go with?

6 A I went with my wife, Lisa.

7 Q And when you got there, who was on the scene? Do you
8 recall?

9 A Yeah. I came in by the cabin, what's referred to as
10 the cabin side of it, and there was a -- an ambulance was
11 pulled up next to the -- what I would call the hangar
12 building. It was pulled up there, and then Barry McRoy's,
13 vehicle. He drives a SUV of some type, and then there was
14 a police car pulled off to the right-hand side probably
15 50 yards before you get to them, and I pulled in right
16 behind them on the left-hand -- or the right-hand side of
17 the driveway coming in and then walked over.

18 Q Will you remind the jury who Barry McRoy is?

19 A Barry McRoy is the chief of the Fire and Rescue here
20 in Colleton County.

21 Q And when you arrived, I think you said Bobby McRoy was
22 present?

23 A He was there and he was standing there speaking with a
24 deputy, and there were two EMT paramedics standing over
25 near their ambulance, or --

1 Q And when you pulled into the -- I guess the lower
2 driveway by the cabin, had any roadblocks or barriers been
3 put up to stop cars from coming in there?

4 A None. I got there about 10:50, 10:52, something like
5 that.

6 Q Did you have a conversation with any law enforcement
7 officers about the need to block the entrance?

8 A I did eventually. I was talking to Barry about -- I
9 had found out just before I got there -- somebody had
10 called me, and they work with sort of the maintenance side
11 of fire and rescue, and they had heard it come across the
12 radio that there were two dead. So, I suspected that Paul
13 and Maggie had passed away. They -- so when I got there, I
14 was talking to Barry and asking him some questions. I
15 could see Randy kind of through the alleyway between the
16 dog kennel and the sort of winged shed that comes off of
17 the hangar, and then Buddy Hill, the sheriff, came over,
18 and then I spoke with him.

19 Q And did you talk about the need to block the entrance
20 into the Moselle property off Moselle Road?

21 A We did, just briefly. He said I need to get this
22 blocked off, and I don't -- I think he took a phone call or
23 something, and I walked back to tell my wife what was going
24 on, and I saw another deputy coming in. So, I walked out
25 to the road -- head of the road there and I said I think

1 the sheriff wants this blocked off, and then I walked back
2 to where Merritt Boyd was and then --

3 Q Did that entrance get blocked off?

4 A No.

5 Q What happened?

6 A People just kept piling in. I mean, just -- I mean,
7 it was -- just more and more people kept showing up.

8 Q Roughly how many cars do you think piled in?

9 A I don't know because shortly thereafter I walked
10 around to the other side, but there were a good many. When
11 I walked back over there an hour and a half later, there
12 were a good many cars over there.

13 Q And when you say you walked around to the other side,
14 I don't think we need a diagram, but just tell the jury
15 what you're talking about.

16 A Well, there's a dog pen. From where I was standing,
17 the dog pen would be to the left. The aircraft hangar with
18 the two wing sheds coming off it would be directly in front
19 of me. There's a skinning shed that would be to the far
20 right, and then directly across from the hangar shed,
21 probably 50 or 60, 75 yards, would be another storage shed,
22 equipment shed, and so I walked down almost to where the
23 skin shed was, and then back around in front of the far
24 shed, the equipment shed.

25 Q So, you did not walk directly between the shed and the

1 kennels?

2 A No, sir.

3 Q You walked around the shed.

4 A Correct.

5 Q Before you walked around the shed, did you stand and
6 observe what was happening within the taped off area?

7 A I did. I mean, people were walking between the dog
8 pen and the -- law enforcement and responders had walked
9 between the two areas, the wing shed and the dog kennels,
10 and I could see where Paul was but he was covered up.
11 Barry had covered him up.

12 Q And what was the weather?

13 A It was misty. It hadn't -- it wasn't really raining,
14 but it was one of those kind of foggy days that -- or
15 nights that it's more than just a fog. You get wet, and
16 eventually it got to where it would drizzle off and on, and
17 later on it didn't rain hard, but it just -- it was
18 intermittently sprinkle and that kind of floating, heavy
19 fog.

20 Q Did you make any observations about water coming off
21 the roof of the kennels?

22 A I did later on when I got around to that side.

23 Q Okay. What observations did you make?

24 A Eventually the water was running off. The dog kennel
25 was built with a small cantilever kennel on the front of

1 it, and then a longer part off the back, and water was
2 dripping off of the front of the shed where Paul was.

3 Q Was water landing on Paul?

4 A It was.

5 Q And could you see where the water would then
6 accumulate after it landed on Paul?

7 A It would drain off. There's a cement apron right
8 there in the front of the feed room, and there was water
9 there. There was water in the gravel to some degree.

10 Q Did --

11 A The grass was wet. I mean, you could -- it wasn't
12 raining so hard that you couldn't just stand there without
13 an umbrella, but it was drizzling enough that you were
14 getting wet.

15 Q And the fact that you --

16 A And the grass was wet.

17 Q -- observed water dripping off the roof onto Paul's
18 body, did that concern you?

19 A It did. It did.

20 Q Why?

21 A Well, one, I didn't think that -- you know, at the
22 crime scene you don't want just water dripping all over the
23 place, but more importantly I thought it was pretty
24 disrespectful. I mean, Paul was a good young man and I --
25 it, quite frankly, just pissed me off.

1 Q I understand. Did you have a conversation with anyone
2 about trying to prevent that?

3 A I don't think I did about that aspect of it, but it
4 was -- I just thought that they should have done -- put a
5 tarp or something, I mean, just out of respect.

6 Q Right.

7 A They eventually did with Maggie put what I would call
8 a tailgating tent, very similar to the media tents that are
9 out front, those little light-weight, and they put that
10 over Maggie.

11 Q Right.

12 A To my knowledge they never did over Paul, at least
13 while I was there.

14 Q When you walked around the shed to get on the other
15 side, who was on the other side?

16 A Well, I could see through the alleyway between the dog
17 kennels and that wing shed coming off of -- if you were
18 standing in front of the aircraft hangar it would be the
19 right-hand side where Maggie was, I could see Randy over
20 there and Alex. Alex much more infrequently, but Randy was
21 on the phone walking and I could see him, and I think he
22 and I got there about the same time. He had come through
23 the main gate.

24 Q When you got up -- what -- did you get up to greet
25 Alex?

1 A I did. When I walked around, Alex met me about
2 halfway where that equipment shed is. Alex came -- as soon
3 as he saw me coming up through there, he met me about
4 halfway in front of that shed and just went to pieces. He,
5 Alex, is 6-4, 6-5, whatever he is, and I am 5-9. He pretty
6 well smothers you when he hugs you, and he was --

7 Q What was his demeanor?

8 A He was devastated. I mean, he was crying, he was -- I
9 mean, he was just, just beside himself, and I told him we
10 would get through it.

11 Q Did --

12 A And he -- go ahead.

13 Q Yeah. Eventually did SLED arrive on the scene?

14 A It did, but while Alex was --

15 Q Oh, I'm sorry, go ahead.

16 A -- kind of -- you know, I'm trying to console him and
17 patting him on the back, you know, and he said look at what
18 they did. Look at what they did to them, just right off
19 the bat.

20 Q So, during that initial encounter with Alex, he
21 referred to they. Look what they did. Is that correct?

22 A Yeah, they, which I didn't really think about at the
23 time until I was taking my wife home. I just thought it
24 was an odd comment.

25 Q The -- SLED arrived some time later?

1 A They did.

2 Q Do you remember about how long after your initial
3 arrival SLED got on the scene?

4 A I think they got -- they came kind of in, you know,
5 because I'm sure they were coming from various locations,
6 but they were there probably within an hour, hour and a
7 half of me being there.

8 Q And by the time SLED arrived, were there other members
9 from your law firm and family members on the -- out on the
10 property where you were standing?

11 A There were, but that -- but by the time SLED got
12 there, pretty much all of the lawyers in the firm, with the
13 exception of maybe two or three. One of them had small
14 children, and one got forgotten, and pretty much everybody
15 that was a lawyer was there, and family members. All of
16 Alex's family was there.

17 Q Were you directed to leave the area when SLED started
18 processing the crime scene?

19 A Eventually we were. The coroner came over. Rich
20 Harvey came over and said SLED was there. They were ready
21 to start processing the scene. We -- he said y'all need
22 to, you know, go over to the house, or -- and I said are
23 you sure about that? And he said yeah. I said are you
24 sure it's okay for us to go to the house? And he walked
25 back over and asked somebody, came back and said yeah, and

1 I said --

2 Q Well, did you have any concerns going to the house?

3 A I did.

4 Q What was your concerns?

5 A Well, it was two-fold. One, you know, this is a
6 pretty big farm and I don't know who's over there. Two
7 people have been gunned down, and, you know, is it safe?
8 You know, so safety is one concern. The other is, is that
9 part of what went on here? And so it's -- you know, is
10 it -- where does the crime scene start and stop?

11 Q And when you got to the house, did it appear that the
12 house had been searched and cleared in any form or fashion?

13 A I didn't see any signs of that, but I'm not a
14 criminologist, I'm not a prosecutor, I'm not a defense
15 lawyer, but it looked like just a regular house.

16 Q Okay, but before you go to the house, did you have any
17 conversations with law enforcement about, you know, your
18 knowledge of Paul receiving threats?

19 A Yeah. I had asked -- or I had -- when I was standing
20 where I had driven up, Buddy Hill had come over there, and
21 he asked me if I knew -- because I know Sheriff Hill, and
22 he asked if I had any idea of who might want to do this,
23 and I said not really. And he said do you know of any
24 threats? And I said I know Paul had gotten -- since the
25 boat wreck, that he had gotten several, you know, threats,

1 and just people cranking off from all over the place, not
2 necessarily locally, but from everywhere, and I would hear
3 it from, you know, Alex from time to time and different --
4 just different stuff, and so I told him that.

5 Q When you had that conversation with Sheriff Hill, had
6 you spoken to Alex?

7 A I had not at that point; I hadn't gotten over to him.

8 Q When you had that conversation with Sheriff Hill, had
9 you listened to the 911 call?

10 A No, sir.

11 Q That thought of threats, was that an independent
12 thought of yours?

13 A Well, it was a response to a question --

14 Q Right.

15 A -- from Sheriff Hill.

16 Q And your thought process was about the boating
17 accident?

18 A Well, that was the only threat that I knew of that
19 Paul had ever encountered.

20 Q When -- do you remember who went to the house when you
21 went into the Moselle residence?

22 A Yeah.

23 Q Who was with you?

24 A Well, I probably can't name them. I'll leave somebody
25 off. It was myself, Ronnie Crosby, Lee Cope, Austin

1 Crosby, Neill Alger, Randy Murdaugh, Alex.

2 Q Had Buster gotten there yet?

3 A Buster had gotten there, I believe, but I'm not sure.
4 He and Brooklynn, I remember when they came up, but I can't
5 tell you whether it was before we left over there. It
6 seems to me that they drove up at the house, but I can't
7 tell you for certain, and then there was Cory Fleming and
8 Chris Wilson showed up, Lynn, John Marvin, just a host of
9 people. Greg Alexander, chief of police in Yemassee who
10 was a friend of theirs, showed up.

11 Q A lot of people in the house.

12 A A lot of people.

13 Q What did you observe of the condition of the house?

14 A Well, when we came in the door, we obviously went to
15 the den and were standing around. The den and the kitchen
16 in that house are connected, and there were pots on the
17 stove. So, Lee Cope and myself and, I think, Austin got
18 the pots. I think I sat something in the sink, and they
19 stuck some in the refrigerator.

20 Q When you entered the house, it looked like there was
21 food out that had been prepared for dinner?

22 A There was food on the stove, yeah. I don't recall
23 seeing any plates, but somebody else could have picked them
24 up.

25 Q But were folks cleaning up?

1 A Sure.

2 Q And what time of day was this?

3 A It was probably 1:30 or 2:00 in the morning.

4 Q Do you remember what time you left that -- the Moselle
5 residence on that night/early morning?

6 A I probably left at 3:30 or 4:00. I left when Alex was
7 leaving.

8 Q When did you go back to the property?

9 A I had a deposition the next morning and I ended up
10 having to take it, and I got out there about 11:00, I
11 guess.

12 Q And was Alex there when you got there?

13 A I went over to the dog pen over that way. I had
14 gotten a call that morning about 8:00 from Randy, 8:00 or
15 8:15, and John had gone over there trying to clean up and
16 couldn't, just couldn't do it, I mean, emotionally. And
17 Randy had asked me if I could see about finding somebody to
18 come clean it up, or did I know anybody, and I called the
19 coroner's office to find out if they had people that did
20 that type of work, or knew of people that did that type of
21 work. And ultimately the coroner called me back and gave
22 me the names of two companies, and I gave those to Lee and
23 he started trying to run them down.

24 Q Okay, I have inadvertently skipped over something on
25 my outline. When you were at the house, before you left --

1 so, you left about 3:30 in the morning or so. Were you
2 there when SLED agents came up and took custody of Alex's
3 clothes that he was wearing?

4 A I was. They knocked -- they knocked on the door.
5 Somebody answered the door. For some reason I got up and
6 walked over there, and they said they needed his clothes
7 and to, I think, swab his hands. I walked back over. Alex
8 had been sitting next to me on the couch. There's two
9 couches in the den that sort of face each other and then
10 two chairs that are heading towards the kitchen. He was
11 sitting on the far couch, and I walked back over and said
12 Alex, they need your clothes. Can you step back here with
13 these folks? It was a male and a female.

14 Q Okay. Well, before we go any further, let me ask you.
15 Were your clothes wet or dry when you were sitting on the
16 couch?

17 A They were pretty -- well, they were pretty wet. They
18 weren't soaked but they were uncomfortably damp.

19 Q And do you recall whether Alex's clothes were damp as
20 well?

21 A I would assume they are. I didn't reach over and --

22 Q And did you see how the clothes were, I guess,
23 collected? Were they put on a hanger, wrapped up
24 carefully, or what happened?

25 A The male went in and took what -- Alex's bedroom, at

1 least I'm assuming that was Alex's bedroom, and he came
2 back out, and then I saw Alex just kind of -- the female
3 agent, or officer, was holding the bag and Alex dropped
4 them in.

5 Q It was one bag or multiple bags?

6 A I thought it was one, but I couldn't tell you whether
7 it was one or two or three.

8 Q Went down -- and I'm jumping back to where we were on
9 the morning of June 8th after you got out of your
10 deposition. Did you go to the property?

11 A I did.

12 Q And you went down to the kennels?

13 A I did. I drove over there.

14 Q Had the crime scene been released?

15 A It had been released, and -- because I asked Randy
16 that morning and he said yeah, they've released it when
17 John was down there.

18 Q And what did you do?

19 A Well, I just wandered around. There was a SLED agent
20 there. I think at some point Duffy Stone and Sean, his
21 deputy, Thornton, was there, and I think one of their
22 investigators, but they were over inside the hangar, and
23 there was a SLED agent, at least I'm presuming he was a
24 SLED agent, and I don't know who he was. It wasn't any of
25 the ones that were working the case. Then I came to find

1 out they were working the case later on. That I can
2 remember. I looked around at different things.

3 Q Did you look in the feed room?

4 A I did.

5 Q What did you see in the feed room?

6 A Well, by that time, I think Ronnie had either come up
7 or was over there.

8 Q Ronnie who?

9 A Crosby.

10 Q Your law partner?

11 A And I think Lee Cope was there as well but I'm not
12 sure about that. I'm pretty sure, and I was looking in the
13 feed room and you could see, you know, obviously there
14 still -- it was still a pretty raw scene, and there were --

15 Q Were there still remains of Paul in the feed room that
16 had not been collected?

17 A At first I didn't see it. I saw shot, you know, on
18 the floor, steel shot on the floor --

19 Q Steel shot, you mean pellets from a --

20 A Yeah. Like birdshot except it was number two steel.

21 Q Okay. Where -- and you saw that in the feed room.

22 A It was all over everything. It was on the floor. It
23 was on the shelves. It was various places.

24 Q Okay.

25 A And then I got to looking around and there was a --

1 you could see where a piece of buckshot had gone through,
2 and you could see where it had knocked out, you know, or
3 shot through twice where the window was, or is. Two had
4 gone through that. There was some plastic crates or
5 something, and you could see where one of the shot had gone
6 through and had embedded in the window frame right there,
7 the molding, and then there was a piece of buckshot laying
8 on the ledge of the window seal.

9 Q Did -- what did you do when you observed the shots?

10 A I walked back out and asked what I thought was the
11 agent and --

12 Q What was the --

13 A -- he said we've got all we need, and so I walked back
14 over there and looked around, and then, you know, looking
15 around down around the floor and all that, it just -- there
16 was a piece of Paul's skull about the size a baseball
17 laying there.

18 Q Did that upset you?

19 A It did very much. I mean, it just really infuriated
20 me, and I don't know who I was supposed to be mad at, but
21 it just infuriated me that this young man had been murdered
22 and there were still his remains there, and there was a
23 large blood spot and tissue out right off of the apron of
24 that area right outside the feed room that was there, and
25 it was kind of like walking across a grave. It's just --

1 it's one of those things you just don't do.

2 Q All right. After you spent time down at the kennel
3 area, what did you do next?

4 A I ended up going back to the house, and I remember
5 Terry Branstetter, Maggie's daddy, was there, and several
6 other people, and I spoke to them and went in the house and
7 eventually went towards where the gun room was that
8 afternoon.

9 Q Did SLED agents come up to search the house while you
10 were present?

11 A They did. They --

12 Q I think the jury has seen a video of it. We don't
13 need to play it, but were you present in the gun room?

14 A I was. I think they -- probably 2:30 or 3:00,
15 something like this, they showed up, and I had had a
16 discussion with that same agent, and I'm assuming it's a
17 SLED agent, it could have been a sheriff's deputy, but I
18 made the assumption it was a SLED agent over at the kennels
19 and the hangar, about -- I had asked if they had figured
20 out what kind of gun it was, and at that time I, you know,
21 didn't -- I assumed it was a 223 based on the night before.
22 Barry McRoy had said he thought it was some type of assault
23 rifle and I just immediately kind of went there. That
24 agent had said that it was a three something, and I said a
25 300 Blackout, and he said yeah. And I said, well, there's

1 one over there in the gun rack, and he said no, there's
2 not, and apparently SLED had been there some time that
3 morning or whatever. He said they already checked.
4 There's not one over there, and I said yes, there is,
5 and -- so, later on when they got there, there was one
6 there.

7 Q So -- and you located it for SLED?

8 A Yeah.

9 Q The night/early morning hours, 2:00 or 3:00, before
10 you left, had you seen the gun room?

11 A I had.

12 Q Were there guns on the pool table and whatnot?

13 A I walked in there. The door was shut, I think. I
14 think the door was shut between it and the -- it's sort of
15 a transition hall. You go through there, and then there's
16 a bathroom, and then where the freezers were, and then it
17 exits out on the porch, and then straight ahead would be --
18 I guess in the original house plans would have been a
19 garage, but it was kind of a den/game room that Alex had
20 turned into a recreation/gun room and a large room. And I
21 walked in there, and there were three shotguns on the
22 table, pool table.

23 Q Right.

24 A And some other stuff, some shells and stuff, and --

25 Q And when you went back the next day, the 8th, daylight

1 hours, early afternoon, were -- did it look like things had
2 been put up?

3 A They had been put up. There were no guns on the
4 table, there were no shells, no nothing there, and so I
5 asked what happened to that and was told that the maid had
6 put them up, so I went and asked her.

7 Q Was it Blanca?

8 A Yeah. I went to Blanca and she said yeah, I was told
9 to clean up the room, so I put them up and put them in the
10 rack.

11 Q And did you point out to the SLED agents the guns that
12 were on the table that you thought you had seen the night
13 before?

14 A I didn't point out the guns. I told them that there
15 had been guns there.

16 Q When you're on the property on the -- I guess the --
17 the morning of -- on the 8th at some point in time, did you
18 observe an employee that had been working on the property
19 for Alex, an individual by the name of C.B. Rowe?

20 A I did.

21 Q And did you take pictures of his vehicle for some
22 reason?

23 A I took pictures of a vehicle. I didn't know whose
24 vehicle it was. There was a vehicle that had pulled up
25 underneath -- again, if you're standing in front of the

1 hangar where the big door -- it would have been to the
2 right, and there was a truck that had pulled up in there
3 and didn't have a license tag on it, and when I walked by
4 it there was a jug of Clorox, and I can't remember what
5 else was in the there, but it was a jug of Clorox in there,
6 and I just thought that was odd, so I --

7 Q Where was the Clorox?

8 A It was in the bed of the truck, and I took a couple of
9 pictures of it and turned it over to SLED.

10 Q And why did -- why did you take pictures?

11 A It just looked odd. You know, two people had gotten
12 killed and, you know, there's Clorox around.

13 Q Okay. There's been some -- I won't make a statement.
14 Did you see any coolers on the property down there?

15 A I did. There was --

16 Q Where did you see a cooler?

17 A When I walked around the bottom part near the --
18 between the skinning shed, and hangars, and the other shed,
19 there was an open cooler there, or looked like a Yeti style
20 cooler, and I can't tell you whether it was a Yeti or not,
21 but it was one of those thicker coolers, and there was
22 probably a dozen beer cans around it that night, and the
23 next day when I walked by it, it was still there. I just
24 thought it -- with all the people and the hoopla that had
25 gone on that it didn't look very good.

1 Q Did you -- I mean, was that the only thing that stood
2 out by the cooler, the beer cans around it?

3 A The beer cans, yeah. It looked like somebody had
4 unloaded a boat or something and just kind of thrown them
5 out of the boat and forgot about them and left them.

6 Q Did -- what kind of law do you practice?

7 A Civil.

8 Q Plaintiff's? Defense?

9 A Mostly plaintiff's. Occasionally I'll defend a small
10 business or a farmer or something like that, but --

11 Q Okay.

12 A -- for the most part it's all plaintiff's.

13 Q During the course of your practice, have you had
14 experience with getting cell phone records of, you know,
15 parties to find out information?

16 A I have. It's pretty regular now. I mean, just about
17 every defense lawyer asks and every plaintiff's lawyer asks
18 because so many people are texting or talking on the phone
19 when they rear-end somebody or crash into somebody or
20 whatever, and you want to know if you ask them were you on
21 the phone and they said no, and, you know, it shows up on
22 the bill, then they probably are on the phone.

23 Q And as part of your, I guess, concern about Maggie,
24 and Paul, and Alex, did you pull his cell phone records?

25 A Well, I was asked to pull them, and yeah, we provided

1 them to both SLED and to your office, I believe, for Alex's
2 cell phone records.

3 Q And if you're trying to get information from an
4 opposing party or something about cell phone records, is
5 it -- are the records more reliable than the actual
6 handheld phone device --

7 MR. WATERS: Objection, Your Honor.

8 Q -- in your experience?

9 MR. WATERS: 401, 402, beyond the scope of this
10 person's knowledge.

11 A I --

12 THE COURT: Did you hear the objection? Since you're
13 a lawyer, as you know, you don't respond until the Court
14 rules.

15 Response to the objection?

16 MR. GRIFFIN: There's been testimony about deleted
17 call logs, Your Honor, and this addresses that issue.

18 THE COURT: Anything further?

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

20 THE COURT: The objection is overruled.

21 A I don't know that aspect of it. That's a technical --
22 I get the records because they're more accessible than
23 getting the download and going through the -- there are
24 cases that you may want to get a download, but the run of
25 the mill cases, truck wrecks and stuff, the records of the

1 cell phone call records tend to answer the question that
2 I'm asking.

3 Q You've known Alex for thirty-plus years?

4 A Yes, sir.

5 Q Do you recognize his voice?

6 A Yes, sir.

7 Q And I think at one point in time, were you asked to
8 identify his voice on a video down at the kennel?

9 A Yes, sir.

10 Q And did you do so?

11 A Yes, sir.

12 Q And did you determine it was Alex's voice?

13 A Alex, and Maggie, and Paul.

14 Q And you told that to SLED.

15 A Yes, sir.

16 Q Have you listened to a tape that's been played in this
17 courtroom about whether Alex said I did them so bad or they
18 did them so bad?

19 MR. WATERS: Objection. 401 and 402 and beyond the
20 scope of this witness's knowledge.

21 THE COURT: The objection is overruled.

22 A I was sent a snippet and asked the question what it
23 was and --

24 Q Hang on, I'm not getting your response. So, let's --

25 MR. GRIFFIN: Your Honor, we would like to play the

1 snippet from State's Exhibit 153 for this witness.

2 THE COURT: Your witness.

3 MR. GRIFFIN: Thank you, Your Honor.

4 MR. WATERS: And, Your Honor, I would object. I
5 believe that this witness was not present for this
6 conversation. And again, I would object under 401 and 402
7 and relevance to his commentary on that particular exhibit.

8 THE COURT: The objection is overruled.

9 (The audio was played. Audio not transcribed.)

10 A It sounds like they to me.

11 Q Right.

12 A I played the snippet multiple times, and --

13 Q And is it consistent with what he told you the night
14 of the murders?

15 A It is.

16 Q Do you remember in, I think, February 2019, that Paul
17 Murdaugh was involved in a boating accident?

18 A I do.

19 Q And are you aware that he was criminally charged?

20 A I am.

21 Q And then Alex and, I believe, Buster were civilly
22 sued?

23 A Yes, sir.

24 Q And did you work on the case formally?

25 A Not formally, no. I was about to get in after the

1 murders, along with several other partners.

2 Q Did -- leading up to the murders, did you have
3 conversations with Alex about the civil case and the
4 criminal case?

5 A I did about the civil case to begin with, and then
6 when the charges came out, I talked with he and Randolph.

7 Q What was Alex, if you know, with what he expressed to
8 you, his priority between the two matters was?

9 A Well, obviously the criminal matter was much more
10 pressing for him.

11 Q And in your conversations with him, did you gain an
12 understanding of his concern about the civil case?

13 A Yeah, somewhat, but --

14 Q How concerning was the civil case?

15 A Well, I mean, obviously any time you get sued, you'd
16 better be concerned about it. And, you know, it was -- the
17 whole boating accident as a whole was very negative towards
18 him, towards Paul, and the entire family, or his entire
19 family, and so, you know, it was obviously a -- it wasn't a
20 nothing, but at the same time I read the complaint, several
21 partners in my -- lawyers in my firm read the complaint,
22 and at the time that he was sued the causes of action
23 against Alex were drafted probably to try to get as much
24 insurance coverage as they could, which is what you do as a
25 plaintiff's lawyer. You're looking for coverage. It

1 doesn't -- you don't want to make allegations that get you
2 out of coverage.

3 And it was very vanilla against him. The allegations
4 again Alex were that -- I sort of referred to them, and
5 others did as well, as sort of bad parenting. You had an
6 adult child that the allegation was that you allowed him to
7 go out and drink, and when you're eighteen you pretty much
8 get to do what you want, and you've reached your majority,
9 and so I didn't really -- I thought it was very defensible
10 as to that, those causes of action at that time, or that
11 cause of action, and I think he did, too, but I don't know
12 what he thought.

13 Q Right. Did at some point in time Alex, was he forced
14 to resign from the firm?

15 A He was, September the 3rd.

16 Q What day was it?

17 A September the 3rd.

18 Q And after that, did you have an opportunity to look
19 into his office?

20 A I did. He resigned on the 3rd, then there was the
21 incident on the 4th, and I left the scene over there on Old
22 Salkehatchie and went by the office, and I had also been in
23 his office on Friday after he resigned.

24 Q Did -- when you were in his office, did you find any
25 paperwork that looked like he had been working on for the

1 boating case?

2 A Not until the 5th.

3 Q Okay. What paperwork did you find on the 5th?

4 A The 5th I went in and started really -- because we
5 have an obligation to those clients he was representing,
6 and I didn't want files just laying around. It was Labor
7 Day weekend, all of this hoopla and emotion of, you know,
8 the murders, the issues with Alex leaving the firm, and
9 then that Saturday. And so that Sunday I went into the
10 office, and went to his office and started going through to
11 make sure that any client files were put over and stacked,
12 you know, over there. And as I was going through, I found
13 checks that he had deposited with his telephone that were
14 some of the funds that sort of started all of this mess
15 with the *Faris* case. They were laying -- one was on top of
16 his desk; one was in a drawer. I pulled out one the
17 drawers and there was a tablet, a legal tablet, that had
18 numbers written down on it as far as debts and assets, and,
19 you know, just kind of the scribblings of kind of what you
20 owe and what you've got.

21 Q I mean, would it be something that you would normally
22 see on a net worth statement?

23 A It would be the same information. When I think of a
24 net worth statement, I think of the form that a bank sends
25 you, but, yeah, it obviously -- he was listing what he had

1 and what he owed.

2 Q And is it something -- the type of format you've seen
3 in civil litigation where a defendant is required to
4 produce net worth?

5 A Not in the same form, but in the same information.

6 Q I skipped another topic. After Maggie and Paul's
7 death, did you collect her jewelry?

8 A I did. I got a call on the Wednesday, I believe,
9 after the murders on Monday from the coroner. His wife and
10 my wife had worked as surgical nurses at Hampton Hospital
11 together, and then my wife ended up being the supervisor
12 over that area, and I then -- so, I knew them very well,
13 and I've known Rich for thirty years. He called and said
14 that Lorie had cleaned up the jewelry and, you know,
15 whenever Alex wanted it. And I said, well, I'll come get
16 it, and so I met him. Ronnie Crosby and I came over to his
17 office, picked it up, signed for it, and I carried it back
18 to the house.

19 Q And within the jewelry, do you remember the wedding
20 ring and the wedding bands and other jewelry?

21 A There were rings. I can't tell you. I didn't --
22 there was -- the thing that sticks out to me was she had a
23 diamond bracelet on and it was in pieces, and he said he
24 had tried to find all the pieces, but there was still some
25 missing, but I wasn't paying attention so much to -- just

1 didn't -- it didn't feel right looking around and snooping
2 around in somebody else's stuff.

3 Q Knowing Alex for thirty years, did you develop an
4 assessment of his relationship with his family, Maggie,
5 Paul, and Buster?

6 A Well, I'll tell you this. The person I thought I knew
7 loved his family, or appeared to love his family very much,
8 he would take their calls, he would do all of those things.
9 After, you know, September the 3rd, I'm not sure I know
10 that person, and so -- but he always seemed to be devoted
11 to everything, their ballgames, their -- he would aggravate
12 the hell out of me when you would be in a deposition and
13 they would call and he would answer it. And, you know, you
14 would be in a meeting or whatever and he always took their
15 calls, whereas my wife and my children never called me
16 unless it was a true emergency. And Alex took their calls,
17 whether it was they needed a gallon of milk or, you know,
18 they had something important to tell him, and then he
19 always took their calls.

20 Q And did you see them together frequently?

21 A I did. They went places; you would see pictures of
22 them. I think Maggie was a pretty prolific Facebook, text,
23 whatever. I'm not on any social media, but my daughter or
24 my wife would show me pictures of where they'd been, or
25 ballgames, different things like that. They -- I never saw

1 anything that indicated to me that there was anything out
2 of way with any of the relationships, including the drug
3 stuff. I had no --

4 Q Yeah. Let me ask you. Were you aware that he had an
5 opioid addiction?

6 A None.

7 Q Were any of the partners aware that he had an opioid
8 addiction?

9 A None to my knowledge. I mean, that was not a subject
10 matter that ever came up.

11 I mean, it was -- and, you know, Paul, I think, has
12 been sort of demonized by this whole affair and it's just
13 not fair. I mean, Paul is like a lot of young people I
14 know. You know, they're kind of trying to find where the
15 fence is, and sometimes they get, you know, going a little
16 fast and, you know, blow through some things.

17 But Paul was a good kid. He was always polite to me.
18 I never had any -- I never had one single solitary issue
19 with him at all, and I knew he had done some things, you
20 know, that most kids can -- you know, are mischievous do.

21 And on at least one occasion I went to Alex and told
22 him that I thought that Paul needed to be throttled back a
23 little bit. I saw some videos of him driving fast, and I
24 don't know what Alex did, but that was -- our firm was very
25 much of a family.

1 I mean, if you were a member of our firm, and it
2 didn't matter whether you were a lawyer or one of our
3 folks. I mean, our staff is family as well, and if they
4 have a problem, we all have a problem, and so if -- we look
5 out for each other, and we did.

6 Unfortunately, Alex betrayed that when he stole the
7 money, and -- but, you know, the outward things that you
8 saw of Alex with his kids and his wife were just that. I
9 mean, they were what I observed, not -- nobody knows what
10 goes on behind closed doors --

11 Q Sure.

12 A -- but they were -- seemed to enjoy each other's
13 company.

14 Q Right.

15 MR. GRIFFIN: Begging the Court's indulgence.

16 (Break in proceedings.)

17 MR. GRIFFIN: I have no further questions.

18 THE COURT: All right.

19 Mr. Waters?

20 MR. WATERS: May it please the Court?

21 THE COURT: Yes, sir.

22 THE WITNESS: Mr. Waters, can I steal one of your
23 waters there?

24 MR. WATERS: Absolutely.

25 THE WITNESS: Thank you.

1 MR. WATERS: There you go.

2 CROSS-EXAMINATION

3 BY MR. WATERS:

4 Q He was pretty good at hiding who he really was, wasn't
5 he?

6 A Obviously.

7 Q You've known him for thirty-four years?

8 A I knew him for thirty-four -- or I have known him for
9 thirty-four years, and --

10 Q Thought y'all were pretty good friends?

11 A Thought so.

12 Q Interacted many times a week?

13 A We had -- his son Buster and my daughter were in
14 school all the way from kindergarten on, and I would see
15 him at work, you know, early on. He didn't work for us
16 immediately when he came out of law school. He worked for
17 Jim Moss and Moss and Kuhn, and then he came to us about
18 five or six years after that.

19 Q But you've shared a business with him for how long?

20 A Probably twenty some-odd years.

21 Q He was your partner?

22 A He was a partner.

23 Q You trusted him?

24 A You have to, and I did.

25 Q And outwardly through your experience, he was a good

1 lawyer. He was a partner to you. He was someone you could
2 trust and rely on, wasn't he?

3 A I'm sorry, I didn't hear the first --

4 Q Outwardly from what you observed --

5 A Yes, sir.

6 Q -- he was a good partner. He was a good lawyer. He
7 was someone in part of your business, someone that you
8 could trust and rely on. Is that true?

9 A Yes, he was.

10 Q And outwardly you thought that he had a good
11 relationship with his family. Is that correct?

12 A That is correct.

13 Q But you have just testified that you didn't really
14 know this man, did you?

15 A Obviously I did not. I mean, had we known the things
16 he was doing, we wouldn't have been law partners.

17 Q You were asked about the kennel video.

18 A Yes, sir.

19 Q And you've had a chance to review that kennel video?

20 A A couple of times.

21 Q And you and I have talked quite a few times. Is that
22 correct?

23 A We have. I didn't see the kennel video until probably
24 a month or two ago.

25 Q All right, and -- but you've reviewed it here

1 recently. Is that correct?

2 A I have several times.

3 Q All right, and any doubt in your mind that Alex
4 Murdaugh, Maggie, and Paul were on that kennel video at
5 8:44 p.m. on June 7, 2021?

6 A None.

7 Q No doubt in your mind.

8 A No doubt.

9 Q Do I need to play for you again or no doubt in your
10 mind?

11 A I played it all I want to hear it.

12 Q Well, let's talk about that just a little bit, and
13 we'll talk more in detail, but I want to go ahead and cover
14 this. You saw Alex the night of the murders?

15 A I did.

16 Q And you knew Maggie very well and you knew Paul very
17 well.

18 A I did.

19 Q And you went to the scene where Alex was. Is that
20 right?

21 A I did.

22 Q And did you even ride with Alex or take Alex back over
23 to the house?

24 A I'm pretty sure he rode back over to the house, he
25 and -- I think he and Randy because their vehicles were

1 impounded over there.

2 Q And did you eventually, as things started to move
3 forward, sit down on the couch with him back at the house?

4 A I did.

5 Q Fix yourself a liquor drink?

6 A Probably a heavy one.

7 Q I get it, and did you talk to Alex about what he did
8 that night?

9 A I don't know whether it was -- I know on the couch we
10 talked, but I talked to him several times, including before
11 the masses got there as to trying to figure out do you know
12 anything. Do you have any idea who did this.

13 Q Because you were very concerned. You wanted to get to
14 the bottom of this, right?

15 A For a lot of reasons.

16 Q For a lot of reasons. For the family, for what
17 happened to Maggie and Paul, for the law firm, for all of
18 the people involved?

19 A All of it, and the safety of -- you know, if it was
20 something to do with him and the law practice, we didn't
21 want somebody to show back up at the front door and harm
22 our folks. We didn't want them to harm any of the other
23 lawyers' families if it was some person that was deranged.
24 We just didn't know. I mean, this isn't an ordinary
25 occurrence in your practice of law.

1 Q Your thought -- you were his buddy, been partners for
2 thirty-four years. Y'all were sitting on the couch. Is
3 that right?

4 A Like family.

5 Q And you start talking to him. Is he responding to
6 your questions appropriately?

7 A He was.

8 Q Answering the correct subject matter?

9 A He was. He was very upset obviously. I mean --

10 Q Sure, but he was answering your questions. He wasn't
11 unable to make sentences and blubbering.

12 A He was, yeah.

13 Q And did you talk to him about what he did that night?

14 A Yeah.

15 Q And did he deny ever going down to those kennels to
16 his buddy and law partner of thirty-four years?

17 A He said that he ate dinner, laid down on the couch,
18 took a nap, and then left to check on M.

19 Q And now you know that's not true from seeing the
20 kennel video, right?

21 A I do.

22 Q And that wasn't the only time he told you that either,
23 is it?

24 A No, at least three times.

25 Q At least three times, and this would be over the

1 subsequent days?

2 A Yes, sir.

3 Q Subsequent conversations that you had with him?

4 A Yes, sir.

5 Q And he was always clear that he never went down to
6 those kennels after he -- after they ate dinner?

7 A It was the same version of it, but it wasn't always
8 just me.

9 Q Okay, and we'll talk about that. What -- who else was
10 present in some of those conversations?

11 A I mean, there were other law partners, and I can't
12 tell you exactly who all was there, but, I mean, I know
13 that on that Thursday following this there was -- I heard
14 him say it then.

15 Q Okay, and there were other law partners there?

16 A Yes.

17 Q Were there family there?

18 A I don't know whether they were in the room at the time
19 or not. I just know there were law partners there.

20 Q Was Jim Griffin there?

21 A I can't speak as to what -- he was present on the
22 property, but I don't know whether he was there.

23 Q And did Alex tell the same version of events, that he
24 never went down to those kennels?

25 A Yeah, he did, but I don't know whether Mr. Griffin was

1 there. We were there before Mr. Griffin was there.

2 Q Did -- in his conversations with you, did he ever
3 change his story about who he checked first at the scene
4 supposedly?

5 A I've heard it both ways, and I don't know whether it's
6 just a -- I don't know whether it's just because of the
7 trauma of the situation, but one time it was -- the first
8 time I remember he checked Maggie first and then went to
9 Paul, and then I heard him say at one point it was Paul and
10 then it was Maggie. It didn't really matter to me. It
11 wasn't something I really was picking up on because it was
12 horrendous either way. I mean, I can't imagine seeing my
13 wife dead and my son dead in such a brutal manner, so I
14 never put any real stock in that, but it did oscillate.

15 Q Is did oscillate from what he was saying?

16 A From the first time I heard it.

17 Q The story changed.

18 A Well, yeah, as to which was which.

19 Q Okay. Over the days following this event, this law
20 firm, as you've said, was like a family, right?

21 A It was.

22 Q You thought you were very close to this man, just like
23 you feel close to your other law partners and their
24 families and the staff and everybody else.

25 A It wasn't just the lawyers that felt that way. It

1 was -- I mean --

2 Q The paralegals --

3 A At the funeral the paralegals were there. The law
4 firm shut down. They were also on -- we had to go on a
5 heightened alert. I contacted SLED about what we should be
6 doing because there was a statement that came out about
7 there was no -- they didn't know of any danger to the
8 public, and I -- we were left with trying to make sure that
9 sixty or seventy-five people that work with us are all safe
10 when they go home to their families, and SLED responded.

11 I called the lieutenant over here, and he called me
12 back that evening and, you know, was very helpful as far as
13 trying to tell us -- you know, he said I don't know of any
14 specific threats, but, you know, here are some precautions,
15 and I think what y'all are doing is the right thing. And
16 they were helpful and -- but there's still that undertow
17 of, you know, who did this and are they going to -- and it
18 just -- people were just on edge all the time.

19 Q And you're not a criminal lawyer or a prosecutor I
20 think you said?

21 A I'm not.

22 Q But still a lawyer, and so you and your partners,
23 including his brother Randy, were very focused on trying to
24 figure out what happened here, what is wrong here, correct?
25 What happened on June 7, 2021, right?

1 A Sure.

2 Q Very focused on that, were you not?

3 A We were. I mean, it was taking a lot of time off.

4 Q But he was not, was he? You've said that before, have
5 you not?

6 A I have said that, but I don't know, Mr. Waters, how I
7 would respond if I had lost -- and I've told you the same
8 thing. I don't know how you're supposed to react when you
9 lose your wife and your child in such a brutal manner, but,
10 no, to answer your question. I didn't see him on the phone
11 like I was trying to call clients and did you hear
12 anything, did you see anything, those kinds of things. So,
13 I mean, the answer is no, I didn't see him doing that. I
14 wasn't around him all the time, but no, I did not.

15 Q And you've already testified that you and other law
16 partners and family and the staff were very concerned about
17 potential threats because of what happened on June 7th. Is
18 that right?

19 A Very concerned.

20 Q And you thought it odd, though, that he was not
21 concerned about any threats even to Buster, correct?

22 A Well, I wouldn't put it that way. The night that this
23 happened, I asked Alex about where Buster was and he said
24 we've gotten ahold of him. Brooklynn is bringing him, and
25 I said are you sure he's all right? And he said yeah, he's

1 riding with Brooklynn, and that's -- I said do you think he
2 needs any protection or something along those lines. I
3 don't know that it was exactly those words, and he said
4 he'll be here in a little while. He'll be fine, but he was
5 so addled I didn't -- I didn't hang anything on anything
6 Alex was saying.

7 Q But after that in the days that followed, you
8 continued to interact with him. He never asked for any
9 protection or expressed any concern about protection for
10 Buster, did he?

11 A Not to me he did not.

12 Q Not to you.

13 A You know, the only thing I can tell you is that the
14 4th of July he came to Ronnie's -- Ronnie Crosby's house
15 and he had a pistol in his bag, which was, to me, was
16 unusual. Of course, in classic Alex, Buster, and Paul's
17 style, he ended up leaving the bag there when he left.

18 Q This law firm has been in existence for how long?

19 A 1910.

20 Q 1910?

21 A Was. We're no longer.

22 Q I'm sorry?

23 A We're no longer. We're no longer --

24 Q It was until he came along, right? Until all of this
25 happened, right?

1 A Until September of 2021.

2 Q September of 2021, and was a relative of Alex, his
3 great grandfather, was part of that initial law firm. Is
4 that right?

5 A His great grandfather was the beginning of that law
6 firm.

7 Q And was he also the solicitor for the 14th Circuit for
8 this area of the state?

9 A He was from, I believe, 1920 until 1940 when he was
10 killed in a train accident.

11 Q And then did the defendant's grandfather become
12 solicitor?

13 A Buster --

14 Q The chief prosecutor for this area?

15 A Buster took over in 1940 and was the solicitor until
16 1946, and then Randolph was appointed by the governor, and
17 then was until he was seventy-two.

18 Q And his father became solicitor is what you just said.
19 Is that right?

20 A Randolph.

21 Q Until about when?

22 A Randolph was eighty-two when he passed away, so ten
23 years ago maybe around there, and Buster became -- Buster
24 left the solicitor's office in '86 when he became seventy-
25 two, at the end of '86. Beginning of '87, I think,

1 Randolph took over, and Buster became the assistant
2 solicitor.

3 Q All right, and how long was Randolph solicitor?

4 A Until about ten years ago, and was still an assistant
5 when he passed, I believe.

6 Q Do what?

7 A I believe he was still an assistant solicitor --

8 Q Mr. Randolph was?

9 A Was.

10 Q And so was the defendant, too, wasn't he?

11 A He was in some form or fashion.

12 Q He had a badge. Did you ever see a badge that he had?

13 A I did.

14 Q Where did he keep that badge that you saw?

15 A Usually it was on the corner of his dashboard.

16 Q Driving around with it in the front of his dashboard?

17 A A lot of times, yeah.

18 Q This family is very, very powerful, are they not, and
19 very influential in this community?

20 A I mean, they had a very good name. They had -- I
21 mean, they were -- you know, they were known to help you
22 with your problems.

23 Q How important was that family legacy to the defendant?

24 A Very. It would seem to be very important.

25 Q I think you've said that it was more important to him

1 than anybody else that you observed.

2 A It seemed that way. I mean, whenever there would be
3 discussions of name changes or anything, he would be very
4 involved in that, much more involved in that than he would
5 be in other business matters.

6 Q And he even talked to you about wanting -- that being
7 the defendant -- wanting to be solicitor as well.

8 A At one time, yeah.

9 Q You talked a little bit about the scene, and there
10 were -- when you arrived, there were other law partners
11 there as well. Is that right?

12 A Not when I arrived. Randy was there.

13 Q Randy was there. Other law partners showed up.

14 A Showed up over the next hour and a half or so from
15 Jasper County, from Beaufort, and all over.

16 Q And there were a lot of powerful attorneys at that
17 scene as it was being processed, including the defendant.
18 Is that right?

19 A Well, obviously Alex was there and the rest of us, and
20 then -- I don't know of any other lawyers at the scene
21 other than us, us being our firm members.

22 Q And was law enforcement always polite and respectful
23 during this entire process?

24 A Absolutely.

25 Q And when they came to the house that day, the video

1 where the -- Jeff Croft came in and searched for those
2 guns, were they polite and respectful?

3 A They very polite.

4 Q Did they have a long conversation, because they knew
5 family were in the house, about trying to do this as
6 delicately as they can without upsetting everybody and
7 doing some big search and running everybody out of the
8 house and all of that stuff.

9 A Katie and I -- I apologize. I can't remember her last
10 name. She offered to take off all of her identification,
11 her gun, and all of that, and we told her that wasn't
12 necessary --

13 THE COURT: The chair will move to microphone, if you
14 speak a little louder.

15 THE WITNESS: Okay. Sure. That's usually not a
16 problem.

17 Q If you scoot up a little bit, that might help, too, so
18 you don't have to lean forward.

19 A Yeah. Yeah, they -- I mean, Katie offered to really,
20 you know, be very behind the scenes so to speak, and
21 everybody -- I've not had -- you know, the vast majority of
22 them had been extremely polite and very, very responsive to
23 anything that we asked.

24 Q Because of all of the family there and the tragedy
25 that happened, they were very delicate and respectful of

1 that when they came to the house that day. Is that
2 correct?

3 A In looking back, they probably were too much.

4 Q But they were.

5 A They were very.

6 Q You said that Alex would always ride in his Suburban
7 with that badge up in the front dashboard to your
8 observation, right?

9 A I don't know that he always did, but a --

10 Q A lot of time?

11 A -- lot of the time.

12 Q And he also carried -- generally carried a pistol in
13 the car, too, didn't he?

14 A I didn't know that. I can't testify --

15 Q But you've heard that now, haven't you?

16 A I've heard that, but I didn't know that.

17 Q What was Alex like with his cell phone? He was on it
18 all of the time, wasn't he?

19 A He was on the cell phone all the time.

20 Q He would constantly be using it, constantly responding
21 to calls in the middle of conversations, always had it with
22 him, to your observation, being his law partner for thirty
23 some-odd years. Is that correct?

24 A He was an obnoxious user of his cell phone.

25 Q And would it have been unusual for him to go down to

1 those kennels without his cell phone with him?

2 A I mean --

3 Q You've said that, haven't you?

4 A I don't know whether I've said that or not said it,
5 but I would think it would be unusual for Alex to go
6 anywhere without his phone.

7 Q What was his -- what was he like as a lawyer? What
8 were his -- was he a very academic or -- type lawyer, or
9 was he -- were his skills elsewhere?

10 A Well, I mean, Alex was a very good lawyer. He was --
11 he got good results for his clients. He got -- you know,
12 he could look at a set of facts and really do well with
13 them, figuring out where the -- where to go with the issue,
14 where to push and where to not push and pull, and he was
15 very good tactically, you know.

16 I wouldn't say that I'm a great academic lawyer. I
17 think I'm pretty good at figuring out where the seams are
18 to figure out the solution, and I think Alex was much more
19 like I am in that respect as far as looking at the facts
20 and talking with people. Alex never met anybody that he
21 didn't -- he couldn't talk to. He could talk to a fence
22 post.

23 Q Talk to a fence post. I think you've said that people
24 were his trade.

25 A They were.

1 Q And he understood the emotion of cases very well, did
2 he not?

3 A He did.

4 Q And he could be very convincing with people, as you've
5 come to find out from what all that you've uncovered. Is
6 that correct?

7 A Absolutely. He convinced us for -- since 2006.

8 Q Effortlessly and easily lied to you for years and you
9 didn't know it.

10 A Didn't know it --

11 Q Is that correct?

12 A Didn't know it and didn't catch it. In fact, you
13 know, it just -- the way he was doing it was very, very
14 cunning.

15 Q Cunning. Who is -- remind the jury. Jeannie
16 Seckinger is -- it's been a long trial, but remind the jury
17 who she is.

18 A She is the in-house accountant, CFO. She's the money
19 person, but she goes beyond that. She did the management
20 stuff. She would be the person that -- at one time she was
21 kind of managing the non-lawyer staff, but she could still
22 rein in the lawyers as well.

23 Q And in the wake of all of this financial stuff that
24 came up on September 4th, she was one of ones tasked with
25 going through and figuring out the extent of what he had

1 done. Is that correct?

2 A She and I were went through a lot.

3 Q And you worked on that as well. Is that correct?

4 A Right. One of the things that has come up, and there
5 was this issue that happened back in 2017 where we had --
6 at the beginning of the year, the law firm depletes all of
7 the money, and then you have to start off the year where
8 money is coming in, and you may not have enough to cover
9 your bills in January and February. So, we do a loan, and
10 generally the partners, the ones that want to participate,
11 would put money in, and then they would get paid back as
12 soon as we got on the cash positive in the new year.

13 And there was an issue in 2017 where Alex was paid --
14 he didn't put the money in, but the check was written to
15 him by mistake, and I've gone back and looked at it and
16 made sure, but his name and Randy's name appeared one over
17 the other, and it was just a fat finger or just a missed
18 thing with the mouse, and the check was generated to Alex.
19 And then there was a second check generated, one in March,
20 one in April, the one check was negotiated in May, I think.
21 The other check stayed on his desk and was negotiated the
22 next October.

23 Well, what that did was that threw out our -- and this
24 is in our operating account. It -- not -- it wasn't client
25 money, so it threw our operating account out of balance,

1 and when we started looking at it, then we realized that he
2 wasn't the one that was supposed to have gotten paid. We
3 had basically a pow-wow. Our president, Danny Henderson,
4 went to him, talked to him about it, and Alex swore it was
5 just a mistake and he paid back the money with interest
6 because Randy had been out his money, was --

7 Q Paid it back with stolen money, correct?

8 A Well, I don't -- I didn't know that. I mean, he paid
9 it back, and I think there had been testimony that somehow
10 that got swept under the rug. It did not get swept under
11 the rug at all. It was investigated, but everything seemed
12 to make sense because the check was written to him. He
13 cashed a check that was written to him. And while I might
14 know whether or not I had an extra 123,000 or whatever it
15 was, or 21, Alex always seemed just sort of disheveled with
16 his own funds. So, it made enough sense and it, it --
17 there wasn't enough there to get in a brouhaha and, you
18 know, terminate somebody or create more of a fuss than it
19 was, but it wasn't swept under the rug. Everything seemed
20 to fall into place at the time. Now, obviously had we
21 known any of the other stuff at the time that we found out
22 in September, then it would have been a different story.

23 Q But bottom line is he got -- it got discovered: Oops,
24 it was a big mistake, he says. He pays it back, and people
25 move on, right?

1 A And that was in 2018.

2 Q That was in 2018, and we're talking about the check
3 written that was supposed to go to his brother that went to
4 him instead.

5 A Right.

6 Q And he was never one to loan money for those operating
7 expenses generally. Is that right?

8 A I think he had loaned once or twice, but not --

9 Q Once or twice.

10 A -- but it wasn't regular.

11 Q Right, and not around this time period, correct?

12 A I didn't go back and look at that part of it. I was
13 more --

14 Q It was \$125,000 roughly, or something like that?

15 A 121 or 125.

16 Q All right.

17 A I was more concerned about how it happened to begin
18 with. Randy's initial are R.M. and Alex's initials in our
19 system is R.A.M., so that was --

20 Q And what he did was, was he gets that check and
21 instead of saying this isn't 120 some-odd thousand dollars
22 for me, he actually goes to staff a couple of days later
23 and says I lost that check. Cut me another one, right?

24 A Yes, sir.

25 Q He then he cashes that one, right?

1 A He eventually cashes --

2 Q He cashes the second one?

3 A -- the first one, yeah.

4 Q -- in pretty short order, correct?

5 A He cashes the first one in October the next year.

6 Q And then sits on the other one for an extended period
7 of time and then cashes that one, right?

8 A He did.

9 Q Steals the same money twice, right?

10 A Yes, sir.

11 Q What was the word you used before, cunning?

12 A Very cunning.

13 Q And you mentioned that it wasn't swept under the rug,
14 but he said, oh, it was a big mistake, and he pays the
15 money back and then people move on even though they --
16 because, okay, it's just Alex, that sort of thing, correct?

17 A Correct.

18 Q But there were other instances like that, too, over
19 the years. For example, using private planes for personal
20 use and billing that to the firm. Is that right?

21 A Uh --

22 Q Or to --

23 A Well --

24 Q Or explain that.

25 A Some of that, but the biggest thing was the credit

1 cards, using -- he just wasn't a very good rule follower at
2 all.

3 Q With other people's money, right?

4 A Well, yeah. I mean, any time during the law firm --
5 or you're working for somebody and you've got a card or a
6 check that's got their name on it, then you owe them a
7 responsibility to spend it properly, and --

8 Q It's other people's money, right?

9 A It's other people's money.

10 Q And he would spend personal use on credit cards and
11 y'all would have to talk to him about that, right?

12 A Yes, sir.

13 Q And that was going on repeatedly, correct?

14 A Up until the end.

15 Q Put tuition on firm credit cards for one of his
16 children, correct?

17 A He did.

18 Q Had to talk to him about that, right?

19 A Yes, sir.

20 Q And he would pay it back and then people would move
21 on, right? And that had been going on for years, had it
22 not?

23 A It had, but there were other people that would --

24 Q But not like him, right?

25 A Not to that degree.

1 Q Not like him.

2 A Not to that degree.

3 Q Now, you talked a little bit about the boat case, but
4 back in May of 2021, Jeannie came to you and told you about
5 what Annette and discovered about them receiving the
6 expense check in the *Faris* case but not the fee check,
7 right?

8 A Sometime in that frame -- timeframe, yes.

9 Q Okay, and your initial concern was -- and you were
10 concerned. You were concerned that he was going to try to
11 hide assets because of the boat case. That was part of
12 your concern, and the firm was not going to participate in
13 that if that's not -- if that was what was going on.

14 A That's correct. That he was either going to structure
15 them or leave them in somebody else's trust account until
16 it had passed. I mean, we weren't going to -- we weren't
17 going to fudge our books for that benefit.

18 Q And you were aware that in the boat case they were
19 seeking a personal recovery against Alex, correct?

20 A Yes, sir.

21 Q And that caused you concern because this firm was not
22 going to participate in helping him hide assets because of
23 this boat case, correct? That was your concern.

24 A He or anybody else.

25 Q Or anybody else, and you had continued conversations

1 with Jeannie over the next few weeks about that because she
2 couldn't get a straight answer as to what he had done with
3 those fees, correct?

4 A Myself and Jeannie and at least two other partners.

5 Q Lee Cope --

6 A Lee Cope.

7 Q -- another partner?

8 A And Ronnie Crosby.

9 Q And Ronnie Crosby, and you couldn't get a straight
10 answer, could you?

11 A Well, we weren't getting a straight answer, so we
12 continued -- but we didn't want to make it a big deal if it
13 wasn't a big deal, but because we didn't have the
14 information, we couldn't make a decision.

15 Q And then on June 7, 2021, Jeannie went in there to
16 demand that straight answer, correct?

17 A Yes, sir. I didn't know that until June the 8th.

18 Q But you knew it was coming to a head, didn't you?

19 A Yeah. I mean, Jeannie is tenacious. I mean, she's
20 going to get to the answer. She's not going to let it go
21 until -- and it wouldn't be just this. It would be
22 anything.

23 Q But unlike the other times, Alex didn't have the money
24 to pay it back and make it all go away, did he, this time?

25 A I didn't know that --

1 Q But you know that now, don't you?

2 A Well, yeah, obviously, every -- the whole world does.

3 Q Maggie was your friend?

4 A Who?

5 Q Maggie was your friend?

6 A She was all of our friends, yes. Paul was --

7 Q Paul was your friend?

8 A Sure. He was dear friends with my -- particularly my
9 youngest daughter.

10 Q He was a good kid.

11 A He was a good kid. I mean, he had his issues like
12 everybody else, you know. I don't know anybody who has
13 raised children -- if they say they're perfect, then they
14 need to write a book, but, I mean --

15 Q I don't think any of us want to be judged by what we
16 did when we were eighteen or nineteen, do we?

17 A I don't want to be judged about what I did. I really
18 don't want to be judged how I raised my children, but, you
19 know, they -- those are individual decisions, but, you
20 know, Paul was a good kid. He was always polite. He -- I
21 could have picked up the phone and called Paul and said
22 hey, I need some help over here on my farm. That kid would
23 have come in in a heartbeat. He was just a good kid.

24 Now, did he do some devilish things? Absolutely. I
25 hear about them, and, you know, occasionally if I saw him I

1 would say something to him about it, but he was a good kid.
2 I mean, he was a great outdoorsman. He grew a garden. I
3 mean, Randolph, who they called Handsome, I mean, he would
4 do anything in the world, and any -- after the boat wreck,
5 the two of them were almost glued together, and, I mean,
6 it's just a total waste of a kid that hadn't ever found his
7 potential yet but would have I'm quite confident.

8 Q And after this tragedy happened to the family that was
9 this law firm, everybody was focused solely on that, coming
10 to support one another and coming to support Alex Murdaugh.
11 Is that right?

12 A Absolutely.

13 Q And the last thing on anyone's mind at that time was
14 those dadgum Faris fees when this happened. Isn't that
15 right? And you've said that.

16 A We actually, at least myself and one or two others,
17 said, well, we'll have to put that on hold. I mean, it was
18 a conscious -- it wasn't just we're not going to
19 subconsciously, but we consciously said that we're going
20 to. The man just lost his wife and child. There's no way
21 we're going to be cruel. We'll get back to it later, and
22 we did.

23 Q Got back to it later. A couple of months later,
24 right, or a month later?

25 A A month later.

1 Q You're advised that, oh, wait a minute. Chris Wilson
2 says he has those fees all along, right?

3 A That's what I was told.

4 Q All right, because in the wake of those murders, he
5 had managed to borrow some money from Johnny Parker, right?

6 A I found that out later.

7 Q And he had managed to have Palmetto State Bank through
8 Russell Laffitte give him \$350,000 in undocumented funds,
9 correct?

10 A I found that out later as well after --

11 Q And just like before you get an email saying yeah, I'm
12 Chris Wilson and I've got the fees, and that kind of put
13 the matter to bed at that point in time, right?

14 A That was in July, yes.

15 Q Paid it back again and -- or at least you think, and
16 just like before people move on because you're still
17 dealing with the tragedy of this terrible set of murders,
18 correct?

19 A By July we were dealing with that and still this idea
20 of the boat wreck, you know, and what he was going through.
21 I mean, you rally around your family and your friends.

22 Q You rallied around him, right?

23 A Yeah, and that's not to any way throw cold water on
24 any of the claims of the people in the boat wreck, but
25 everybody deserves a defense, and, you know, you defend

1 your friends and your family.

2 Q Sure.

3 A But you do it morally and honestly.

4 Q That's what people who think they're friends do,
5 right?

6 A You hope they do.

7 Q September 3rd or thereabouts, Annette finds this Chris
8 Wilson check in Alex's office, right?

9 A September the 2nd, I believe.

10 Q September 2nd, thank you. State's 313, I'll show it
11 to you.

12 A I can't see that far.

13 Q Sorry.

14 THE COURT: Ladies and gentlemen, I think we'll take a
15 short recess at this time. Please go to the jury room.
16 Please do not discuss the case.

17 (The jury left the courtroom.)

18 THE COURT: We'll take about 10 minutes. Please do
19 not discuss your testimony.

20 MR. HARPOOTLIAN: Your Honor, may I say something?

21 THE COURT: Yes, sir.

22 MR. HARPOOTLIAN: I've been coming and going through
23 the courtroom. I want you to understand it's not
24 disrespect to the Court. We have our next -- we have our
25 two witnesses. We wanted to make sure we were ready to go

1 as soon as this witness comes down. So, if you see me
2 coming and going, I'm just ensuring the witness is let in
3 the front door and put somewhere.

4 THE COURT: Yes, sir.

5 MR. HARPOOTLIAN: I apologize. It's not disrespect to
6 the Court.

7 THE COURT: No problem.

8 How much more do you have for this witness, do you
9 think?

10 MR. WATERS: 20 minutes, Your Honor.

11 THE COURT: 20 minutes, and then you don't know, so we
12 don't know. Okay.

13 MR. HARPOOTLIAN: Thank you, Your Honor.

14 THE COURT: It will be 10 minutes.

15 (A break was taken.)

16 THE COURT: If you would bring the jury.

17 (The jury returned to the courtroom.)

18 THE BAILIFF: The jury is present, sir.

19 THE COURT: Yes, sir, thank you.

20 You may proceed.

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

22 THE COURT: Yes, sir.

23 CONTINUED CROSS-EXAMINATION

24 BY MR. WATERS:

25 Q All right. I think when we left off I was showing you

1 State's, what is that, 313, I believe?

2 A 313.

3 Q And that's the Faris check that was found in the
4 defendant's office that he had lied to everyone and told
5 that he never received?

6 A This is the first one.

7 Q One of them at least, correct?

8 A One of them. The first one that we knew of.

9 Q And then we're around September 2nd or something like
10 that, and around that same time Jeannie starts spreading --
11 researching in y'all's system Forge and then finds all of
12 the fake Forge checks. Is that right?

13 A She used the query Forge to see whether anything had
14 been put into an annuity, any fees had been moved or put
15 into an annuity, and a list came out of ten or twelve
16 different cases.

17 Q And y'all called the real Forge and said do y'all have
18 any of these clients? And they said no. Have y'all ever
19 banked at Bank of America? They said no.

20 A We did, but in that list, about the four or fifth one
21 was a client that I was representing, and the money was to
22 be held in trust, and when we pulled up the documents,
23 supporting documents, it had a notation on it that it was
24 invested for three years, which I knew couldn't be. So, I
25 went and called the client, and the client verified that he

1 hadn't authorized anything, hadn't done anything, and I
2 immediately told him that his funds would be put back in
3 there, and I walked back across the street to Jeannie's
4 office and told them we had a big problem.

5 Q And that was Thomas Moore, correct?

6 A That was Tommy Moore.

7 Q And that was a highway patrolman that had been
8 injured, correct?

9 A Correct.

10 Q And Alex stole his money?

11 A He did.

12 Q And they had been friends, to your knowledge?

13 A As far as I -- acquaintances or friends. I'm not sure
14 of their relationship.

15 Q And I'm not going to go through in great detail
16 because it's already been done, but generally you and
17 Jeannie were probably the main drivers of the investigation
18 into all of this stuff in State's 314, this spreadsheet?

19 A All of us were involved, but I was with Jeannie the
20 vast amount of time.

21 Q I'm sorry?

22 A I was with her the vast amount of the time going
23 through the auditing and checking to see.

24 Q All right, and ultimately you had to reach out and
25 talk to a lot of these clients, clients of Alex Murdaugh's,