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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM COLLETON COUNTY
Court of General Sessions

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. XIII**

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1 right?

2 A I did.

3 Q And you had to tell them what had happened.

4 A I did, including two weeks ago, or three weeks ago,
5 another one.

6 Q And you had to tell them that Alex had lied to them,
7 right?

8 A I did.

9 Q And they said Alex lied to me. He never told me that,
10 correct?

11 MR. GRIFFIN: Objection. Hearsay.

12 THE COURT: Response?

13 MR. WATERS: I'll move on.

14 THE COURT: All right.

15 Q You had conversations with all those clients, the
16 clients that you dealt with, right?

17 A I dealt with the majority of them, yes.

18 Q All right. I want to show you what's been marked as
19 Exhibit 314, and just real quick, go through and just --
20 you don't have to go through anything more, but just list
21 the names of people that you had to deal with personally
22 over what he had done.

23 A Well, I was involved with the one for Barrett Boulware
24 with Ronnie.

25 Q All right. Let's talk about Barrett for a second.

1 That was one of his close friends, right?

2 A He was.

3 Q And can you describe the money that he stole from
4 Barrett?

5 A Barrett had had a fire on a piece of property that he
6 had that burned down the house, and there were proceeds for
7 cleaning up, and then there were proceeds for various and
8 sundry things that were associated as well as the
9 structure. And we started looking at it and figured out
10 that \$75,000 had been stolen, and then later on that it was
11 an additional amount that never went through there.

12 Q How much was that additional amount?

13 A 279,000 according to this exhibit number.

14 Q And that was a close friend of his, correct, to your
15 understanding?

16 A I would say that was one of his closest friends.

17 Q One of his closest friends.

18 A That's who he ended up getting Moselle from.

19 Q And when he stole that \$75,000 from Barrett Boulware,
20 Barrett was sick and needed that money to put his wife up
21 in a hotel near the hospital he was at, didn't he?

22 A And Barrett was dying of colon cancer, yes.

23 Q And needed that money and Alex stole it anyway, right?

24 A I assume he needed the money.

25 Q All right. Keep going. Again, just --

1 A The next one down is the estate of Jacob Hershberger,
2 and at first --

3 Q We don't need to get into each one, but that's one of
4 them that you had to deal with?

5 A That's one that I just dealt with two weeks ago, and
6 we're still straightening it out.

7 Q But you had -- the firm had to straighten it out and
8 deal with the money because he took it, correct?

9 A We are now -- we're in the process of it.

10 Q After talking with the clients and everybody else
11 involved, correct?

12 A Correct.

13 Q All right. Go on to the next one, please.

14 A You want me to give the names or --

15 Q Yeah, just give the names.

16 A Christopher Anderson I dealt with. Deon Martin and
17 his family I dealt with.

18 Q All right, let me slow you down. So Christopher
19 Anderson, you said that's somebody you had to talk to
20 yourself?

21 A Yes, sir.

22 Q And y'all had to -- the firm had to pay money for what
23 he did, correct?

24 A Yes, sir.

25 Q Deon Martin was someone you talked to yourself?

1 A I didn't and --

2 Q Horribly injured in an accident?

3 A He had a brain injury, correct.

4 Q And had a brain injury.

5 A Yes, sir.

6 Q And had you talked to him about the defendant lying to
7 him with his brain injury, correct?

8 A And his parents.

9 Q And his parents, and taking his money, correct?

10 A Correct.

11 Q All right. Keep going.

12 A Elease Mallory.

13 Q Elease Mallory, and she had a relative who died,
14 correct?

15 A She did, and I had represented her --

16 Q Very sweet old lady. Have you met her?

17 A Well, Elease --

18 Q That's who I mean.

19 A She's not really --

20 Q I'm sorry. The person that you dealt with, the
21 personal representative.

22 A And then --

23 Q Is she a very sweet nice lady, the PR in that case?

24 A Yeah. All -- I haven't had a single one of these
25 clients that weren't nice people.

1 Q Very nice people.

2 A Super nice people.

3 Q And he took advantage of each of them and lied to
4 them, correct?

5 A Yes, sir.

6 Q Tell me some more names.

7 A The *Risher* case, I wasn't involved in it. Johnny
8 Bush, I dealt with him. I talked with J.J. Jinks.

9 Q To your knowledge, Johnny Bush considered himself a
10 friend of Alex Murdaugh?

11 A I don't know whether they were friends, but they were
12 good a acquaintances. Johnny was a little bit different.
13 He overcharged him on -- or gave him the impression that
14 the \$95,000 was for expenses, and it was not.

15 Q Correct. So, he lied and told him there were expenses
16 that had to be paid, and instead Alex Murdaugh stole that
17 money from his good acquaintance, Johnny Bush, correct?

18 A That's correct.

19 Q Keep going if you would, please.

20 A J.J. Jinks. He -- I talked with J.J. but I didn't
21 deal with the paying him back part of it.

22 Q But y'all -- the firm still had to pay him back for
23 the lies that Alex Murdaugh told, correct, for the theft?

24 A Correct.

25 Q Keep going if you would, please.

1 A The Cristiani matter is still ongoing.

2 Q All right. Keep going if you would, please.

3 A And then Randy Drawdy, that matter is over. Tommy
4 Moore, I've dealt with him, and his money is back in trust
5 where it's supposed to be.

6 Q All right, and Tommy Moore was a highway patrolman
7 that got injured in the line of duty, correct?

8 A He was.

9 Q And Alex lied to him took his money, correct?

10 A Correct. This is not all of them either.

11 Q But that's the ones for now, correct? That's the ones
12 that are on that list that's been admitted into evidence
13 here, correct?

14 A Correct, but there's a good bit many more than this.

15 Q Are you aware in your conversations with the defendant
16 that back around the time of the recession, that he had
17 gotten into some land deals that had gotten into some
18 financial issues?

19 A I think it was squeezing him, yes.

20 Q And then not long after that he had some big cases,
21 such as the *Arthur Badger* case and the *Pinckney/UPS* case,
22 and the *Plyler* case, in which he got a large amount of fees
23 for very large recoveries, correct?

24 A Badger was the UPS, Pinckney was the tire case, but,
25 yeah, he got very big fees.

1 Q And you thought that with all of those fees that you
2 knew he'd gotten because he's your partner and you get to
3 see the books -- you're the treasurer of the firm, or have
4 been for an extended period. Is that correct?

5 A The old firm, yes.

6 Q And you thought that the money that he got,
7 legitimately got from those cases had solved those problems
8 because it was a lot, wasn't it?

9 A I think I, along with everybody else, thought that he
10 was totally out of any debt to speak of.

11 Q But on top -- but you've come to find out on top of
12 the fees that he got, he also stole millions from those
13 clients, correct?

14 A Yes, sir.

15 Q There wasn't enough for him, was it?

16 A Clearly not.

17 Q I'm almost done. Going back to that scene that you
18 went to, you didn't see any blood on Alex Murdaugh that
19 night, did you?

20 A No, sir.

21 Q And when you went back the next day, you went back
22 because y'all had attempted to call -- y'all had called the
23 coroner to get the names, and he had given you the names of
24 some companies that their job is to come out and help clean
25 up scenes like this, correct?

1 A That's correct.

2 Q And y'all had called them but nobody called back, and
3 you just felt like you had to do something, so you went to
4 the scene. Is that right?

5 A Well, we were trying to also see what we could find
6 out, if there was anything that we could do to lend
7 assistance. I mean, this was something that was -- I mean,
8 everything stopped.

9 Q Everything stopped.

10 A The whole world did.

11 Q And being a friend like people would be and just
12 trying to do whatever you could, correct?

13 A Friend and, you know, we're lawyers. We, you know, we
14 try to figure out what happened to things.

15 Q And you went in that feed room and observed the things
16 that you saw.

17 A I did.

18 Q And you also ended up getting blood on your sleeves,
19 correct?

20 A I did. I didn't know --

21 Q Up high, correct?

22 A On my shoulder areas, and on my pants.

23 Q I asked you a little bit about the defendant's cell
24 phone use. Was it like him to have very short phone calls,
25 or was he one to talk for awhile?

1 A I mean, he would cut you off with one phone call
2 coming in on top of another one. He would call you about
3 something and say, oh, I'll call you back, and click it off
4 and, you know --

5 Q But he would start talking about something, right?

6 A Yeah, but, I mean, he would -- it was regular.

7 Q It was regular. He would typically talk for more than
8 a minute, though.

9 A I mean --

10 Q You've said that, correct?

11 A I would assume so. To most people, a minute is not
12 much of a conversation.

13 Q It's not much of a conversation just for a minute, is
14 it?

15 A No.

16 Q The night of the murders, did you see a golf cart up
17 at the Moselle residence?

18 A I saw one in front of the house.

19 Q In front of the house?

20 A Yeah. If you drove up to the driveway, it was over to
21 the left.

22 Q It was parked in front of the house?

23 A It was parked off to the left side of the house.

24 Q Going back to September and y'all find out about the
25 Faris fees, and y'all find out about fake Forge, and y'all

1 have a meeting of the partners without Alex there and
2 without Randy there, correct?

3 A Well, first of all, on the 2nd, which was a
4 Thursday --

5 Q Right.

6 A -- when the stuff with Forge came up and we started
7 looking down, when I made the phone call to Tommy Moore and
8 we -- the first thing Jeannie did was start grabbing our
9 check. All we could see was our end of it, so if a check
10 was written off of our trust account or our operating
11 account -- but these were mostly trust accounts. If it was
12 written off the trust account, we could get a copy of our
13 check. We didn't know where it had gone from there, and we
14 could see the disbursement sheets, and we could tell where
15 they were deposited by looking at the back of the checks,
16 which you don't normally do. I mean, it's just not -- and
17 when you started seeing commonality to it -- and then the
18 Moore thing was concrete. I mean, there was just no way --
19 that money couldn't have been written out because it was
20 being held. He had an ongoing workers' comp claim. That
21 was a statutory lien. You couldn't give him the money.

22 Q The bottom line is, without rehashing the whole story
23 for the jury again, y'all knew he'd been stealing at that
24 point.

25 A That's when we found out, and then I met them.

1 Q Didn't know how much. In fact, you found out a whole
2 lot later, right?

3 A A whole lot. We had about six at the time. I met
4 with our president that night and Ronnie Crosby and set up
5 a meeting for the next morning, and we met. And then Randy
6 was tied up and then came, and at that point it was
7 unanimous, and then Randy and Danny went and talked to him.

8 Q All right, and then when confronted --

9 A He admitted it.

10 Q -- with that -- and he was forced to resign. Is that
11 correct? Or y'all terminated him?

12 A Well, he could either resign or be terminated, but it
13 was a 30 second decision.

14 Q And what day was that when that happened?

15 A That was Friday.

16 Q What day? Do you remember?

17 A It would have been September the 3rd.

18 Q 3rd?

19 A And then we immediately started into all of the things
20 you have to do when you found out that a lawyer has been
21 stealing from the firm, which has been an absolute tee
22 total pure hell since then.

23 Q So, everything was coming home to roost. The storm
24 was arriving again for Alex on September 3rd when y'all
25 confronted him. Is that correct?

1 A Yes, sir. I mean, it was over.

2 Q And then on September 4th, what happened? What did
3 you hear about?

4 A I had spoken to Mr. Griffin just to let him know that
5 we had terminated him. He already knew. And about
6 11:30 or 12:00, whatever time it was, I was on a tractor,
7 and he called me and said you're not going to believe what
8 happened, and I thought -- my first response was don't tell
9 me that jackass killed himself.

10 Q Right.

11 A And he said no. Somebody shot him, and I just said I
12 don't believe that. That's bullshit.

13 Q You don't believe that. A lot of people thought right
14 away oh my gosh, the real killers are back, correct? The
15 chickens were home to roost again for Alex, and all of a
16 sudden he's a victim again, correct?

17 MR. GRIFFIN: Objection, Your Honor, as to what other
18 people think.

19 THE COURT: The objection is overruled.

20 A I went to the scene. I went straight to the scene,
21 but I didn't believe it.

22 Q You didn't believe it.

23 A No.

24 Q Because you have training as a lawyer, right?

25 A I don't know whether it was intuition, training,

1 whatever. I just didn't believe it.

2 Q And what did you see at the scene that confirmed that
3 this time --

4 A I got out --

5 Q -- when it didn't work?

6 A -- and Danny and Ronnie were there standing there, and
7 I said I don't buy it, and we walked up towards the car,
8 and I think I said it's got run flat tires and the tire is
9 not flat. Before we got to it, Ronnie said it doesn't even
10 have a spare, and then when we got up to it, you could see
11 it at 9:00 where somebody had stabbed the tire, and we hung
12 around there.

13 And then when SLED showed up. I think it was actually
14 David Owen showed up, or Ryan Kelly showed up, one of them,
15 and that's when we told them we had fired him the day
16 before and what had happened. We were in consultation with
17 a lawyer we had to hire on Friday to figure out what to do
18 and how to do it, and when this happened, we thought they
19 needed to know.

20 Q And you were told that Alex claimed at the scene that
21 he was shot by some unknown assailant, correct?

22 A That was the story.

23 Q But you knew this scene had been manufactured by Alex,
24 correct, when you arrived there?

25 A I didn't know that. I just -- I suspected it. It

1 just didn't look like -- I mean, it was a shiny Mercedes
2 black car with no holes in it, a single shot. The back
3 hatch isn't open. There's no -- nothing. It just doesn't
4 look right.

5 Q And just when accountability is arriving again, the
6 defendant manufacturers himself being a victim, correct?

7 A That's what it turned out to be.

8 MR. WATERS: Thank you, Mr. Ball.

9 THE COURT: Redirect?

10 MR. GRIFFIN: Briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. GRIFFIN:

13 Q I promise, briefly. Mr. Ball, to your knowledge, has
14 the law firm, PMPED, repaid all of the money to the clients
15 that's owed, as well as the insurance company have pitched
16 in?

17 A To this point we still have -- we're holding some
18 money as of a week -- two weeks ago, and in one of the
19 matters we're still -- we're trying to get that money
20 returned. We're having to go through a PR.

21 Q And the list of names that you read off, those folks,
22 if they're entitled to the money, now they have received
23 it. Is that right?

24 A The people on that list have, yes, and there's
25 plenty -- a bunch more that have as well.

1 Q And the law firm is currently out a lot of money. Is
2 that correct?

3 A We are.

4 Q As a result of Alex --

5 A Well, the law firm and the partners in the law firm.

6 Q Yeah.

7 A We've had to pony it out of our pocket.

8 Q You personally have had to pony up.

9 A Yes, sir, along with my partners.

10 Q And when Alex was -- resigned or terminated in
11 September, he had some cash flow coming into the firm that
12 the firm was able to keep and use that to pay some of the
13 clients back.

14 A No, sir. All of our funds -- it doesn't matter what I
15 earn. Until it's declared at the end of year, it's law
16 firm money.

17 Q I understand that. So, law firm money earned off
18 Alex's cases, that was the firm money when he left. We're
19 talking a couple of million dollars?

20 A First of all, all the cases are owned by the law firm.
21 They're not Mark's cases, they're not Alex's cases, they're
22 law firm cases. Cases that Alex was working on generated
23 monies, and we internally decided how we -- a formula that
24 we were going to use because people had to complete those
25 cases, and we've allocated much, much more than --

1 ordinarily our expenses are taken out in a different way,
2 but we allocated a bunch of money to paying those, yes.

3 Q I understand, but the income from those cases is north
4 of 2 million, correct?

5 A Yes, sir.

6 Q And your firm and Jeannie Seckinger and others have
7 cooperated with SLED and the Attorney General's Office in
8 their investigation of Alex's misdeeds in relation to those
9 client matters, have you not?

10 A We have.

11 Q And as a result of -- I mean, you're aware that Alex
12 has ninety-plus pending charges against him for financial
13 -- the stuff you just testified about, correct?

14 A Yes, sir.

15 Q And you've been subpoenaed here today to testify in
16 the murder case, correct?

17 A I've been subpoenaed since this trial started.

18 Q And you know this is a murder case.

19 A Yes, sir.

20 Q Now, immediately after the murder of Maggie and Paul
21 -- and you've talked about Alex's demeanor -- did he come
22 to work? Was he able to work on cases?

23 A No, sir. He came -- he was out for awhile. He -- I
24 think he went to his in-laws and stayed. He didn't --
25 after the funeral, the funeral was either Friday or

1 Saturday, I can't remember, and then Randolph's was --
2 Randolph died on Thursday after this, and then Randolph's
3 was on Sunday, and Alex sort of -- he was staying between
4 Randy, John Marvin, and whoever else, his mother's house.
5 I think he went to his in-laws. I know he went down to
6 visit with his brother-in-law and sister-in-law.

7 Q Sure, and --

8 A But, no, he was not -- there was a period of time he
9 wasn't doing anything. He might come by and he would be in
10 his office generally looking at sympathy notes.

11 Q And from your observation, was he in any frame of mind
12 to do any productive legal work the month of June?

13 A No.

14 Q The month of July?

15 A We sat down and talked about it as partners and -- not
16 with Alex -- about what we were going to do because there's
17 deadlines and things that have to be done, and so we were
18 trying to figure out how we were going to delicately kind
19 of start stepping in on some of his cases and making sure
20 things was being done according to what needed to be.

21 Q And I think you testified about how the firm --
22 partners in the firm, lawyers in the firm were reaching out
23 and using your resources to try to find out perhaps who
24 played a role in killing Maggie and Paul.

25 A We absolutely were.

1 Q And -- but were you careful not to go out and do the
2 investigation yourself and just relay the information back
3 to SLED?

4 A Right. I mean, we weren't trying to be private eyes
5 or any of that. We were just trying to see -- and we
6 relayed -- I relayed numerous things to the various
7 officers, and I would preface it by I don't know whether
8 this means anything, but you never know. I mean --

9 Q To your knowledge, was information being relayed
10 through Alex's attorneys to pass on as well?

11 A Well, I know I dealt with you on various things up
12 until the stealing.

13 Q Sure, and to your knowledge, was Alex consenting and
14 cooperating with SLED in their investigation?

15 A As far as I know, yes. I mean, I wasn't with him
16 during those interviews or anything else, but as far as I
17 knew he was, and I would ask him, you know, where do we
18 stand? Have you heard anything? You know --

19 Q And were you aware that Alex and Buster put up a
20 reward?

21 A I was.

22 Q And are you also aware that when Paul was criminally
23 charged in the boating case, Alex came under criticism for
24 interfering in the investigation? Do you remember that?

25 A I was.

1 Q And, in fact, there's been some pretty public
2 allegations about that, about Alex, that were -- surfaced
3 before Maggie and Paul had been murdered.

4 A Absolutely. I mean, they were criticizing him for
5 advising people of stuff, but I'm a lawyer. I'm a parent,
6 daddy. If one of my kids has a problem and gets accused of
7 something or one of my friend's kids, I'm going to put my
8 lawyer hat on and advise them to be quiet until their
9 parents get there and get counsel if I think it's a serious
10 matter.

11 Q Sure. You were asked about Alex's cell phone use and,
12 and whether he would take the kennels without it. Have you
13 ever been to the kennels with Alex?

14 A Yeah.

15 Q Have you been around the property of Moselle with
16 Alex?

17 A I have, not a whole lot. I mean, as time went on, you
18 know, our families got older and you just -- when you don't
19 have children, it's -- you're doing a lot more things
20 together on the weekends and stuff. Once your children get
21 older and they're in college and he was going to Wofford
22 and different places where Buster was, and, you know, your
23 interests are different as well, but, yeah, I would
24 occasionally. Or if he was building something, he might
25 ask me what I thought about it or show me something, and I

1 saw his duck pond and, you know, rode around the property
2 several times.

3 Q Was cell phone coverage spotty down at the shed and
4 kennels?

5 A It can be. It varies. I mean, it can be. I don't
6 remember specifically where and what, you know. Out where
7 I live, if I go in my house with a metal roof -- this
8 morning somebody was trying to talk to me and I had to walk
9 out on the porch. Other days I can talk just fine in my
10 house. I live 8 miles, 9 miles from where this place is,
11 and I don't whether it's a metal roof or whether I'm just
12 at the end of where a cell tower is, but out in my area,
13 which is Rum Gully, it can be spotty.

14 Q And you mentioned about spending time at Moselle
15 and -- when kids were younger. Did -- before Alex got
16 Moselle, you had a farm.

17 A I do.

18 Q And would Alex bring the boys over to hunt on your
19 property?

20 A Mostly Paul.

21 Q Mostly Paul.

22 A Yeah. I mean, Buster would come some, but Buster was
23 older, and then obviously when Buster started college he
24 wasn't around as much, but Paul was a very avid hunter and
25 was over either my place or Ronnie's place a lot.

1 Q And he and Alex were together a lot doing that?

2 A Paul?

3 Q He and Alex -- I mean, excuse, he and Paul -- were
4 Alex and Paul together a lot?

5 A Yeah, and Paul was with his grandfather a lot.

6 Q And I think you mentioned that Paul would leave stuff
7 over there.

8 A All three of them would. You know, they would just --
9 they would leave a gun, they would leave a coat, they would
10 leave a flashlight, maybe all three, and it was just sort
11 of a running joke that they -- you had to kind of go around
12 and gather up their stuff after they left, and that was
13 just them.

14 Q And do you remember one time Paul left a gun over
15 there for a couple of months?

16 A He did, and I -- Alex left one one time, I believe,
17 and I cleaned it and put it up, and he started asking
18 around where his gun was, and, you know, we just sort of
19 played with him a little bit and then gave it back to him.

20 Q Right. I think you testified, moving to
21 September 4th, you had gotten word about a shooting
22 involving Alex, and I think your words were that jackass
23 had killed himself.

24 A That was what I thought immediately.

25 Q And why did you think that?

1 A Because all that had gone on. We'd terminated him, or
2 he'd resigned the day before. This financial stuff was
3 starting to come out, and, you know, I thought -- you know,
4 he'd lost two family members and now he's got no job. It
5 seemed feasible. I mean, I had been concerned about him,
6 his mental health from the time of the murders up until
7 then. In fact, I had suggested that he go see somebody for
8 grief counseling. I mean, we were all grieving their loss
9 and, you know, it's one of those deals that you just -- you
10 can tell when somebody is not hitting on all cylinders.

11 And he obviously was -- I would come by his office and
12 he would be crying, I mean, or I would ask him something.
13 I remember asking him one time when he was going through
14 his -- he had a stack of sympathy cards and he said should
15 I send them all back a note? And I said Alex, people don't
16 send you sympathy cards to, you know, get a note back from
17 you. There's no way in the world you can do that.

18 Q When --

19 A He said he missed them.

20 Q When he was terminated from the firm and you were
21 concerned about perhaps what he may do, did you ever think
22 maybe he'll go kill a family member? Did that ever cross
23 your mind?

24 A Are you talking about when we terminated him?

25 Q Yes, sir.

1 A By then Maggie and Paul had been killed --

2 Q Well, he had family out there.

3 A He did. I never thought of any of that. Listen, when
4 September the 2nd hit, it changed everything that I knew
5 about Alex. I would have never believed that a guy that,
6 you know, that was like family would have ever stolen from
7 me, would have stolen from his family, would have stolen
8 from his clients, or any of that, and so immediately
9 you're -- you've got this rage, this emotion that you've
10 got.

11 And then on the 3rd we go through this whole ordeal of
12 the termination, and then the 4th it hits and you're like,
13 you know, did the jackass kill himself because of anything
14 else? And then as time progressed on and you see the scope
15 of it, I mean, I don't know the guy that -- after September
16 the 3rd and leading out, I don't know who that guy is. I
17 mean, that's not Alex that I knew, and Alex that I loved,
18 and the Alex that all of us loved.

19 You know, did he have imperfections? You bet. Did he
20 do things that aggravated the hell out of me? You bet, but
21 you don't -- you don't kick your brother out the door
22 because, you know, they snore at night or, you know,
23 they've done things that aggravate you. You get past it.

24 But when they do things that are criminal, and they do
25 things that affect not only him -- but he's torn down an

1 entire legacy, a law firm. I've spent thirty-four years,
2 or thirty-three years, I guess, in this one place. It's
3 the only law firm that I've ever worked at. I put
4 everything in it. It's all my children know, my family has
5 known. It's gone. We had to change the name, we've had to
6 do all of these things because of his acts on this
7 financial stuff, and when it comes to that, I'm mad as
8 hell, I mean. You just don't know how mad I am.

9 But, on the other hand, I'm not saying that because
10 he did that, he's done what he's accused of, and so
11 that's --

12 Q I understand.

13 A -- that's sort of the bottom line of it is his actions
14 that have -- I mean, he was doing that way back, but we
15 never knew it.

16 Q Sure.

17 A And when we found out about it, it makes you doubt
18 everything, and it's just human nature, but I don't have
19 one shred of anything. All I can do is just point to what
20 I saw.

21 Q And you pointed to the roadside shooting and what you
22 saw, and you thought that jackass tried to kill himself.

23 A Absolutely, and I may not have said jackass, but
24 that's about as non-church as I want to get.

25 Q And logically to you, it made sense why he would want

1 to kill himself in that moment.

2 A Sure. I mean, he lost -- as far as I was concerned,
3 he'd lost everything. He'd lost his job and he'd lost --
4 forget the job, forget the money, forget what's going to
5 happen to him. He lost his wife and his child, and --

6 Q Are you aware that he had 12 million dollars of life
7 insurance?

8 A I didn't know what he had. I assumed he had some life
9 insurance, but no. I mean, I didn't -- I never had that
10 conversation with him and I -- quite frankly, I would have
11 to see it to really believe it.

12 MR. GRIFFIN: Thank you. That's all of the questions
13 I have.

14 THE COURT: Recross?

15 RECROSS-EXAMINATION

16 BY MR. WATERS:

17 Q I think you just said that what you know now about
18 this man who'd been your partner and friend for thirty-four
19 years causes you to question everything you thought you
20 knew about him. Isn't that right?

21 A It does.

22 Q You were asked about all of those clients that had
23 to be repaid money, and none that money came from him, did
24 it?

25 A No, sir.

1 Q Y'all had to pay that money, right?

2 A We did.

3 Q How much?

4 A I would say at this point probably north of 10 or
5 11 million dollars. Now, insurance paid for some of that,
6 I mean, but there's been a substantial chunk of that that
7 came out of our pocket.

8 Q You were asked about Alex having some cases that were
9 coming in, but you explained, though, that this is June,
10 and that disbursement is not going to come to him until
11 December. He's not going to be able to get that money
12 until December, correct, any of what he's entitled to,
13 which isn't all of it, correct, because it belongs to the
14 firm?

15 A Right. Everything belongs to the firm until the end
16 of the year when you meet, and then you divide up money
17 and --

18 Q And that's why he stole the Faris fees in March:
19 because he needed the money right then.

20 A I would assume so. I mean, the money was gone, and it
21 was paid in three checks.

22 Q You said that in the month after the murders, he
23 wasn't really working on cases, but he sure managed to
24 arrange to cover those Faris fees to pay them back so that
25 everyone would forget about it, didn't he? Or all of it.

1 He managed to do that, didn't he?

2 A Yeah. Well, part of it. I mean, I think there was
3 \$192,000 that --

4 Q That he convinced Chris Wilson to cover for him.

5 A Convinced or Chris had to cover, one of the two.

6 Q You were asked about him cooperating with law
7 enforcement in the murders, but he never told law
8 enforcement that he was down at the kennels just minutes
9 with the victims before they died. He never told law
10 enforcement that, did he?

11 MR. GRIFFIN: Objection. Foundation.

12 MR. WATERS: I think it's responsive to redirect, Your
13 Honor.

14 THE COURT: You can testify if you know.

15 A I don't know what he told law enforcement other than
16 what's been out there in the public.

17 Q Well, let me ask you this. He denied to you three
18 times that he ever went to those kennels, did he not?

19 A He did.

20 Q His buddy, friend, law partner of thirty-four years
21 told you three times: I was never there.

22 A That's correct.

23 Q And you know now that's a lie.

24 A When I saw the video a month or so ago.

25 MR. WATERS: Thank you, Mr. Ball.

1 THE COURT: You may step down.

2 (The witness exited the stand.)

3 THE COURT: You may call your next witness.

4 MS. FOX: Your Honor, the defense calls Dawes Cooke.

5 The witness, MORRIS D. COOKE, JR., was first duly
6 sworn and testified as follows:

7 THE CLERK: Take a seat on the witness stand. Please
8 pull that microphone to you and adjust it so that it's your
9 height and you can talk into it. If you'll state your name
10 and spell your last name, please.

11 THE WITNESS: It's Morris Dawes Cooke, Jr., and Cooke
12 is C-o-o-k-e.

13 DIRECT EXAMINATION

14 BY MS. FOX:

15 Q Would you please tell the jury a little bit about
16 yourself?

17 A I'm a lawyer. I practice in Charleston, South
18 Carolina, with the firm Barnwell, Whaley, Patterson, and
19 Helms. I've been doing since -- I graduated from law
20 school in 1979. I clerked for a judge for a year, and I've
21 been with the same law firm since 1980, and I practice
22 mainly civil litigation.

23 Q And do you primarily represent plaintiffs or
24 defendants?

25 A I don't mind representing plaintiffs, but most of the

1 time I'm representing defendants.

2 Q All right, and do you know Alex Murdaugh?

3 A I do.

4 Q How do you know him?

5 A Through practice of law. I've had cases against him
6 over the years.

7 Q Okay, and have you represented him before?

8 A No. Well, I mean, now I do, but I did not previously
9 to this, right.

10 Q Right, and what was the scope of your representation
11 for Alex?

12 A I'm defending him in the boat accident case.

13 Q Okay, and when were you asked to join his team?

14 A In December of 2020, I got a call from Danny Henderson
15 and asked me if I would become involved. The case was
16 already -- had already been going on for a year and a half
17 or so at that time.

18 Q Okay, and did he have other attorneys representing him
19 at that time?

20 A Yes. The Haynesworth Firm, John Tiller in particular,
21 was representing him.

22 Q And what, if any, understanding did you have as to why
23 you were asked to join the defense team?

24 A Well, John was sick, as I think everybody knows now,
25 and would be undergoing treatment from time to time, and he

1 was unsure as to whether he would be able to cover
2 everything by himself. And so I was asked, one, to help
3 him, sort of be a second chair for him, and also be a
4 backup for times when he would not be able to participate.

5 Q And would you please describe for the jury your
6 assessment of the merits of the claim against Alex in June
7 of 2021?

8 A Well, I think I was the one that coined the phrase
9 negligent parenting that Mark mentioned during his
10 testimony. The claim at that time was that Alex was
11 responsible for the boat accident because he knew that Paul
12 was using his brother's ID, and I didn't think that there
13 was a claim in South Carolina law for that, so I sort of
14 facetiously called it negligent parenting. So, we felt
15 that it was a defensible claim.

16 I always sort of felt that lurking out there was going
17 to be what's now negligent entrustment, that eventually
18 they would allege negligence for having -- let him use the
19 boat, which is the substance of the claim now, but even
20 then we always felt like it was a defensible claim. I
21 think the big picture that occurred to me was to hold him
22 liable for that, would be to hold him to a higher standard
23 than any of the other parents of the other folks that were
24 in the boat, which anybody who's raised kids knows that
25 that can be difficult.

1 Q Okay, and what was your assessment as to Alex's
2 financial exposure as a result of this case in June of
3 2021?

4 A Well, it was -- it was -- it was unknown. And I'll
5 have to say that was -- I didn't even really pay attention
6 to that issue at the time. I think there was still a
7 declaratory judgment action pending that was going to
8 decide whether there was some additional insurance. I knew
9 that the one policy was relatively limited. So, I wouldn't
10 have said that he had no personal exposure, but that was
11 certainly not the focus of our attention at that time.

12 Q Right, and were there motions pending when you joined
13 the case?

14 A Yes, several motions pending. For some time there had
15 been a motion by Parker's to change venue. They wanted it
16 out of Hampton and in to Beaufort County. And there was
17 also -- they had made a motion to amend their answer to
18 plead admiralty law, which would have some benefits over
19 South Carolina law for the defense. And then there was
20 this -- there may have been some motions to compel
21 discovery with Parker's. I don't really remember
22 specifically. And I think in October of 2020 there had
23 been a motion to compel the answers to interrogatories and
24 motion -- request to produce to Alex.

25 Q And have you reviewed that motion to compel?

1 A Yes.

2 Q I'm going to --

3 MS. FOX: Is ELMO on?

4 (Break in proceedings.)

5 MS. FOX: Plaintiff's Exhibit -- not Plaintiff's,
6 sorry -- State's Exhibit 402.

7 Q All right, can you see that?

8 A Yes.

9 Q Okay. Great, and do you -- this is just the first
10 page, but do you recognize this as the motion?

11 A That's the motion, and then I think attached to that
12 were two sets of interrogatories and a set of requests to
13 produce.

14 Q These are interrogatories. Would you just briefly
15 explain to the jury what interrogatories and requests for
16 production are?

17 A Well, we call it discovery. The Rules of Civil
18 Procedure provide various means of obtaining information
19 from the other side, so interrogatories is questions that
20 you can ask. And then requests to produce are documents
21 and other materials that you can require be provided.

22 Q And the supplemental ones that we're looking at right
23 here, were those seeking financial information from Mr.
24 Murdaugh?

25 A Yes.

1 Q Okay, and the objections, if you'll -- well, the
2 answers right here to the interrogatories and then the
3 objections right here, have you reviewed those?

4 A Yes.

5 Q Okay. In your practice, are those common objections?

6 A Right. That's -- this was done before I was involved
7 in the case, but those are the exact objections that I
8 would have made. This -- these financial -- discovery,
9 it's sort of plaintiff's lawyers way of saying I'm really
10 serious, and I'll call it intimidation, not in the
11 pejorative way, but it's meant to --

12 Q Right.

13 A -- really worry the defendants, and it's very common.
14 And the typical response from the defendant would be just
15 like that, and that is we object. It's not relevant. You
16 haven't gotten a judgment against us. You don't need to
17 know how much money we have until -- unless and until you
18 do get a judgment. Then come back to that as well if your
19 net worth could be relevant on punitive damages.

20 If it goes to the jury, a jury could consider your
21 wealth as a factor in awarding punitive damages, and so 95
22 percent of the time you work out some agreement to provide
23 a financial statement. But I would never have produced all
24 of these details at this stage of litigation as a defense
25 lawyer.

1 Q Okay. After joining -- after joining the defense
2 team, did you have meetings or communications with other
3 members of the defense team?

4 A Yes, regularly. I'll have to admit there's a lot I
5 didn't remember, so I've gone back and I've looked at my
6 emails, my time records. We defense lawyers, we measure
7 our lives in hour increments, and we have write everything
8 down, so it was helpful for me to go back and look through
9 my time records as well as emails to see who all was
10 included. But, yes.

11 Q Right, and was Alex often cc'd on the emails?

12 A Oh yeah, yeah.

13 Q All right. Did you ever participate in any zoom
14 meetings with the defense team?

15 A Yes. The one -- whether there was more than one, the
16 one I -- the first one I remember was April 15 of 2021. I
17 was just sort of getting involved. I don't think I'd made
18 a formal appearance in the case yet, but there was a zoom
19 conference. And I remember Alex was included on the zoom
20 invitation, but I honestly can't recall whether he was in
21 the meeting itself. I remember others who were in the
22 meeting.

23 Q Okay, and what was the purpose of that zoom meeting?

24 A It was really to kind of orient me, and also there was
25 some motions scheduled in May. So, it was just to get me

1 oriented, talk about what the important issues in the case
2 were and the things that we would be focusing on.

3 Q Okay, and having attended that meeting, what, if any,
4 understanding did you have as to the biggest issues facing
5 Alex with the upcoming motions hearing?

6 A Right. I had to go back and look at my notes to
7 refresh my memory on that, but it was the -- as far as I
8 was concerned, it was the venue issue, whether the case was
9 going to be transferred back to Beaufort, because we didn't
10 want it transferred back. We wanted it to stay in Hampton.
11 We thought that the plaintiff wanted it to stay there, too,
12 but he was wavering, and there was some thought that he
13 might consent and we didn't want him to consent. So, that
14 was a big issue. And then we spent a lot of time talking
15 about admiralty. You know, was it beneficial to have
16 admiralty as opposed to state common law. So, that was --
17 as far as the hearing, that was the important part of the
18 conversation. That was about a two hour meeting, and we
19 talked a lot about experts and depositions that needed to
20 be taken and so forth as well.

21 Q And after that meeting, based on those conversations,
22 what, if any, understanding did you have as to the level of
23 concern the defense team had regarding the motion to compel
24 the financial information?

25 A Really none. I wasn't dealing with Mark directly on

1 that, John Tiller was doing it, and as far as we were
2 concerned, that was something that they were going to work
3 out. But the focus on the hearings was going on these
4 other substantive issues.

5 Q Did you ever have a concern that the motion to compel
6 would be granted in total?

7 MR. WATERS: Objection. Speculative.

8 THE COURT: What was the question?

9 MS. FOX: I asked him if he personally had expected
10 the motion to compel to be granted.

11 MR. WATERS: Also 401 and 402.

12 THE COURT: I sustain the objection.

13 Q When were -- when was the motion to compel originally
14 scheduled to be heard?

15 A It was in May. I'm going to say May 10th, sometime in
16 that area.

17 Q And did that go forward?

18 A No. I think John -- some of his treatment had to be
19 rescheduled and so they agreed to continue the hearing.

20 Q And when was it rescheduled for?

21 A June, and I don't recall the exact date, but maybe the
22 10th or so.

23 Q Okay, and at any point prior to the motion to compel
24 hearing that was scheduled, did anything change in terms of
25 your understanding that would make you think the defense

1 team was concerned about the motion to compel?

2 A No. I filed my formal notice of appearance so that I
3 could be at the hearing. I think I actually did that in
4 May before the first hearing, and so I was prepared to be
5 there to argue whatever needed to be argued. But as I go
6 back and I look at my notes and my preparation, it was on
7 the venue issue and the admiralty issue.

8 Q What, if any, factors did you consider when you made
9 an assessment about Alex's personal financial exposure?

10 A I never take a case lightly. I mean, Mark certainly
11 is, you know, a very good lawyer, and obviously a very
12 emotional case, so I won't say that we weren't concerned
13 about it. But we knew that there had already been some
14 other settlements, which we would have gotten credit for
15 that. There was just a number of factors that made us feel
16 like this was a defensible case and that there was not an
17 existential threat to Alex.

18 Q Okay. Are you aware as to whether or not an order was
19 eventually issued regarding the motion to compel?

20 A Yes. We call it a Form 4 order. It was issued around
21 October 7th or 8th of 2021.

22 Q Okay. What is your understanding of that order?

23 A I got it right here. I mean, it said that John Tiller
24 had not been able to get the information and that -- it
25 says right here:

1 The Court had a hearing on plaintiff's motion to
2 compel filed October 16, 2020, was informed that
3 defendant's attorney Tiller, because of
4 circumstances beyond his control, is unable to
5 gather or provide the necessary information to
6 answer the requested interrogatories at this
7 time. Once this information is made available to
8 Attorney Tiller, the court will schedule a
9 hearing on this motion to compel if necessary.

10 Which means that John Tiller was going to get the
11 information, and then if he couldn't work it out with Mark,
12 then they would have a hearing on the motion to compel.

13 Q So, was it your understanding the Court was ordering
14 Alex to produce all of the financial information requested?

15 A No. No. That's not what it said.

16 MS. FOX: Give me one second.

17 (Break in proceedings.)

18 Q All right, just one or two more. Did you expect any
19 cataclysmic event on June 10th regarding Alex having to
20 give over financial documents?

21 A No.

22 Q Okay, and do you recognize Mr. Tinsley? Do you know
23 him?

24 A Yeah.

25 Q Do you see him here?

1 A Yeah.

2 MS. FOX: Mr. Tinsley, can you stand up?

3 SPEAKER: I'm right here.

4 MS. FOX: Oh, okay.

5 Q Did you ever speak with him during the case?

6 A Yes.

7 Q You did?

8 A A number of times, yeah.

9 Q At all about the motion to compel?

10 A No, not that I remember. If he says I did I couldn't
11 deny it, but I don't remember it.

12 MS. FOX: Okay. All right. Thank you.

13 THE WITNESS: Thank you.

14 THE COURT: By the State.

15 CROSS-EXAMINATION

16 BY MR. WATERS:

17 Q Now, you said the motion was meant to really worry the
18 defendants, right? Those were your exact words, wasn't it?

19 A Could you repeat that?

20 Q You just testified that the motion to get those
21 financial information is meant to really worry the
22 defendants.

23 A Right.

24 Q Those were your exact words, correct?

25 A Always, yeah.

1 Q Okay. All right, and were you present at the trial
2 lawyers conference when Alex Murdaugh came up and towered
3 over Mark Tinsley and said what's up, Bo? What are you
4 doing? Were you present for that?

5 A No. I don't get invited to that one.

6 Q Okay, but you weren't there when that happened, were
7 you?

8 A No.

9 Q You weren't present for when he did -- said that to
10 that man right there about that, about the boat case, what
11 you doing, Bo? What's up?

12 MS. FOX: Objection.

13 A I was not there.

14 THE COURT: The basis for the objection?

15 MS. FOX: Foundation.

16 THE COURT: The objection is overruled.

17 Q And you did not --

18 THE COURT: He said he wasn't there. He said he
19 wasn't there.

20 MR. WATERS: Okay. Thank you, Your Honor.

21 Q All right, and you did not get -- you didn't file your
22 notice of appearance until -- in this case until May of
23 2021. Is that right?

24 A I think that's about right, yeah.

25 Q Because you were actually representing other parties

1 and that had to be resolved before you could get involved
2 with Alex. Is that correct?

3 A That was part of the reason, our firm was, yeah.

4 Q Right. So, you weren't -- couldn't have been with the
5 conflict, heavily involved in any discussions that were
6 going on between Mark Tinsley and John Tiller and Amy Bower
7 prior to moving into May. Is that right?

8 A That wasn't exactly the reason. The conflict had been
9 waived, but I just wasn't involved in that. That was
10 something that John and Mark were handling.

11 Q Right, and when John in May of 2021 asked for a
12 continuance of that hearing on which the motion to compel
13 the financial information was part of, he didn't offer you
14 as any sort of backup because you weren't fully on the
15 defense team at that point. Is that correct?

16 A I think I had planned to notice my appearance before
17 that hearing. I just -- I can't recall whether I didn't do
18 it because the case was continued. But I would have
19 appeared at the hearing.

20 Q You were asked about insurance coverage, and you're
21 talking about the Philadelphia policy, right, that there
22 was a declaratory judgment action on?

23 A Right. Right.

24 Q Right, and the defense team knew that they weren't
25 going to have any obligation to cover Alex in this,

1 correct? I mean, it was very unlikely, and, in fact, it
2 ultimately -- Judge Sherri Lydon in the Federal District
3 Court denied that Philadelphia had to cover Alex one penny,
4 correct?

5 A Yeah. I'll have to say I wasn't following that, but
6 that's pretty much my understanding. It was a long shot
7 that there would be coverage.

8 Q When you were at this point in time in May or June of
9 2021 just getting on the defense team, you certainly didn't
10 know anything about his true financial condition, did you?

11 A No.

12 Q You didn't know he'd been stealing money for years and
13 years, did you?

14 A No.

15 Q You didn't know that he was broke, did you?

16 A No.

17 Q You didn't know he had misappropriated funds and was
18 scrambling to try to replace those before people found out,
19 did you?

20 A No.

21 Q You were asked about the hearing on June 10th that
22 ultimately was continued because of these terrible murders,
23 correct?

24 A Correct.

25 Q That's your understanding. The murders happened and

1 that hearing got continued because, of course, who's going
2 to have a hearing in the wake of these terrible deaths,
3 correct?

4 A Yeah. I think Mark agreed to continue the hearing.

5 Q Of course, yeah. That got continued, right?

6 A Right.

7 Q And even as a civil defense attorney, even if you
8 believed that a claim down the line may be defensible, that
9 still doesn't change the discovery process in a civil case.
10 That goes on, correct?

11 A That's true.

12 Q I mean, discovery still can happen and is going to
13 happen --

14 A Right.

15 Q -- regardless of whether or not the case settles or
16 goes to trial or whatever happens, correct?

17 A It's still going on.

18 Q And that's how civil cases -- typically how cases work
19 in court is that both parties have to share a lot of
20 information, and if one party doesn't want to share, the
21 other party can ask the Judge to order it, correct?

22 A That's right.

23 Q And that goes on regardless of -- or if the claim is
24 ultimately going to be successful. That's part of the
25 initial process.

1 A Right.

2 Q And that was on the table for June 10th. That was one
3 of the things that was on the table, correct?

4 A The financial?

5 Q Yes.

6 A Yeah, and then there was the other interrogatories,
7 too.

8 Q And there was a number of other things as well.

9 A Right.

10 Q All right, and if that hearing had gone forward, there
11 could have been an order issued compelling that process,
12 correct?

13 A Could have been.

14 Q Could have been.

15 A Yeah.

16 Q All right, and so once that happened, once that order
17 gets issued, that's going to set in motion a train that's
18 going to have to come to a conclusion in a court of law,
19 correct?

20 A If that happened, right. Ultimately the judge is
21 going to decide what has to be produced and what doesn't.

22 Q That's right.

23 A Uh-huh.

24 MR. WATERS: Thank you, Mr. Cooke.

25 THE WITNESS: Thanks.

1 MS. FOX: Just a few.

2 REDIRECT EXAMINATION

3 BY MS. FOX:

4 Q Mr. Waters just asked you for your opinion as to the
5 June 10th hearing. And based on your forty years of
6 experience --

7 MR. WATERS: Your Honor, objection. I did not ask for
8 her -- for the opinion. I just asked what potentially
9 could happen.

10 THE COURT: I didn't hear the question.

11 Q Based on your forty years of experience, what was your
12 opinion of the likelihood that the order to compel would be
13 granted?

14 MR. WATERS: Objection, Your Honor.

15 THE COURT: Sustained.

16 Q Let me ask you this. Just because it's possible that
17 the order could have been granted, does that make it
18 plausible?

19 MR. WATERS: Objection, Your Honor.

20 THE COURT: Sustained.

21 MS. FOX: Give me one second.

22 (Break in proceedings.)

23 Q If the Judge had ordered the documents to be produced
24 at the June 10th hearing, would Alex have had to turn them
25 over immediately?

1 A No.

2 MS. FOX: That's all I have. Thank you.

3 THE COURT: Anything further?

4 RECROSS-EXAMINATION

5 BY MR. WATERS:

6 Q If that would have happened, it would have set in a
7 process -- set in motion a process, though, would it not
8 have?

9 A You --

10 Q Let me rephrase that question.

11 A If he had ordered production of all of the documents
12 that were requested?

13 Q Right.

14 A Yeah, there would have -- that would have been part of
15 the process, right.

16 Q It would have started the process, an order of a
17 judge, correct?

18 A That's true.

19 Q And it would have happened eventually if the Judge
20 ordered that, correct?

21 A If he ordered production of all of the documents,
22 right.

23 MR. WATERS: Nothing further. Thank you.

24 THE COURT: You may step down.

25 THE WITNESS: Thank you, Your Honor.

1 (The witness exited the stand.)

2 THE COURT: You can call your next witness.

3 MR. HARPOOTLIAN: Please the Court, Your Honor? The
4 next witness is an expert that's going to take awhile to
5 begin and break for lunch and then -- I'll do whatever you
6 want to do.

7 THE COURT: We'll go for about a half hour and then
8 break. As we anticipate him, however, let's all stand.

9 (Break in proceedings.)

10 MR. HARPOOTLIAN: Your Honor, the defense would call
11 Kenneth Zercie.

12 The witness, KENNETH ZERCIE, was first duly sworn and
13 testified as follows:

14 THE CLERK: If you'll have seat right up there on the
15 witness stand. Have a seat and adjust that microphone to
16 where you can speak into it well. And if you would, please
17 state your name and spell your last name, please.

18 THE WITNESS: Yes, ma'am. Kenneth, last name Zercie,
19 Z like zebra, e-r-c-i-e.

20 VOIR DIRE EXAMINATION

21 BY MR. HARPOOTLIAN:

22 Q Mr. Zercie.

23 A Yes, sir.

24 Q Please tell the jury a little bit about yourself.

25 Where do you live?

1 A In Madison, Connecticut.

2 Q And what do you do in Madison, Connecticut?

3 A Currently I live with my wife and my son, who lives up
4 the street from us. I'm currently employed by the Henry C.
5 Lee Institute of Forensic Science at the University of New
6 Haven as the director of training. In addition to that,
7 I'm also on staff at the university --

8 Q I'm sorry, I can't hear you very well. Maybe it's
9 just me, but --

10 A I'm also on staff at the university as an adjunct
11 professor in various forensic science disciplines.

12 Q Okay. Let's talk a little bit about your background.
13 You have been involved in law enforcement in your life?

14 A Yes, sir, I have.

15 Q Tell the jury, please, where you began.

16 A Back in 1974 before I became an officer with the New
17 Haven Police Department, also in Connecticut I was promoted
18 to the rank of detective, most of my career there. For my
19 eleven year duration prior to retiring was with the
20 Identifications Unit responsible for crime scene
21 processing, evidence collection, photography, and
22 preliminary examination of physical evidence that's found
23 at a crime scene. After that, I retired based on a
24 disability. I was injured and was almost immediately hired
25 by the State of Connecticut at the Forensic Science

1 Laboratory located in Meridan.

2 Q I'm sorry, and tell me what that was again. What was
3 that position?

4 A The second career, if you will, was at the Department
5 of Public Safety, currently called the Division of
6 Scientific Services Forensic Science Laboratory.
7 Originally brought in as a latent fingerprint analyst, also
8 doing footwear and tire track examination, as well as
9 becoming the senior person as far as crime scene activity,
10 that the laboratory responded to assist investigative
11 agencies. Over a twenty-nine years career, I was promoted
12 through the ranks and eventually retired as the director of
13 the laboratory.

14 Q And that's director of the Division of Scientific
15 Services for the State of Connecticut?

16 A Yes, sir.

17 Q And in your duties there, you indicated you started
18 off not as a supervisor or as a supervisor?

19 A Not as a supervisor, as a criminalist with a specific
20 function.

21 Q And a criminalist doing what kind of forensic work?

22 A Starting primarily with fingerprints, latent
23 fingerprint identification, and all of the processing
24 techniques involved. Because I had also experience in
25 footwear and tire track from the police department, I was

1 given that task. And again, with a crime scene background,
2 also ended up as one of the senior people going to the
3 major crime scenes when the laboratory services would be
4 requested, and eventually ended up supervising the
5 photography section because of that type of background as
6 well.

7 Q So, photography is important in processing a crime
8 scene?

9 A Absolutely.

10 Q Is that just for fingerprints or footprints or tire
11 tracks or everything?

12 A It involves the entire scene. It's the only way to
13 bring the crime scene before a jury after the incident has
14 occurred and so it can be reviewed or seen --

15 Q We'll talk about this a little bit later once I've had
16 you qualified in these different areas. But after -- and
17 how long were you at the Division of Scientific Services?

18 A For twenty-nine years.

19 Q Now, also -- and you ultimately became the supervisor
20 of that department for the State of Connecticut.

21 A The director of the laboratory.

22 Q Okay. So, you were there from July of '84 to October
23 of 2012.

24 A Yes, sir.

25 Q And what did you do after 2012?

1 A I've been an adjunct professor at four different
2 universities off and on during that period, as well as
3 approximately twenty to twenty-five years prior to
4 retiring. I maintain that. I also have a private
5 consulting business that I've kind of let go by the wayside
6 a little.

7 Q So, what's the Henry C. Lee Institute of Forensic
8 Science?

9 A It's located at the University of New Haven; it's a
10 separate entity than the University. And we're involved in
11 doing scholarships, training and education, providing
12 consultant work in cases, whether it's for the defense or
13 the prosecution, but more to stay involved with the
14 community and to provide modern technologies.

15 Q Okay, and you're the owner and principal analyst for
16 Forensic Consultants of New England, LLC. What is that?

17 A Again, it's a private business that I had on the side
18 for doing consulting work.

19 Q Are you still doing that?

20 A Technically this case falls under that today.

21 Q Okay. Now, what's your educational background?

22 A As far as criminal justice and forensic science, I
23 have an Associates Degree in criminal justice
24 administration, a Bachelor of Science in what was called
25 police science, basically a hybrid between administration

1 and the forensic applications or sciences, and a Master's
2 -- Master's of Science in forensic science.

3 Q That's all from the University of New Haven?

4 A Yes, sir.

5 Q Okay. Now, you have a resume with several pages of
6 different teaching things you've done. I'm not going to go
7 into those in detail. Now, you have taught a number of
8 courses. Is that right?

9 A Yes, sir.

10 Q Everything from footprints, to blood stains, to tire
11 tracks, to crime scene supervision, to -- I mean, it just
12 goes on and on and on and on. Have you ever been qualified
13 by any court to testify about fingerprint identification,
14 that is in a federal or state court, in this country?

15 A Yes, sir, I have.

16 Q And how many times?

17 A Approximately 300.

18 Q 300 times, and can you remember all of the courts, or
19 several of the courts?

20 A I can remember the states that they were in, but the
21 specific ones probably not.

22 Q Connecticut, I suppose?

23 A Connecticut, Rhode Island, New York, Massachusetts,
24 Florida.

25 Q That's enough. Okay, and how many times have you been

1 qualified on footprints, or the more technical would be --
2 what would you call that?

3 A Footwear, tire track examination, or imprint analysis.

4 Q Imprint analysis. How times --

5 A Probably about 200.

6 Q 300 times you've been qualified by a state or federal
7 court to be an expert on that topic?

8 A About 200 as far as footwear and tire track.

9 Q Okay. Now, what about -- and maybe I'm getting this
10 term wrong, crime scene management or crime scene analysis,
11 you've taught courses on that, correct?

12 A I've taught -- been an active participant at crime
13 scenes, yes.

14 Q Okay. How many times have you been qualified, if you
15 have, by a federal or state court to testify on that topic?

16 A Qualified probably 400.

17 Q 400 times?

18 A Yes, sir.

19 Q And you've testified?

20 A Yes, sir.

21 Q And this is both state and federal courts?

22 A Yes, sir.

23 MR. HARPOOTLIAN: Your Honor, I would move to qualify
24 him as an expert in fingerprint analysis, footprint
25 analysis, tire print analysis, and crime scene analysis

1 management.

2 Q Sir, tell me what the term is, make sure I'm not
3 screwing this up. Crime scene?

4 A It would be crime scene examination as an overarching
5 title.

6 MR. HARPOOTLIAN: There you go, crime scene whatever
7 he just said.

8 THE COURT: What says the State?

9 MR. MEADORS: Your Honor, if he said it, I didn't hear
10 it. How many times have you been qualified in tire
11 impressions?

12 THE WITNESS: Approximately 200 --

13 MR. MEADORS: For tire impression. No --

14 THE WITNESS: For tire and footwear.

15 MR. MEADORS: No questions.

16 THE COURT: He is so qualified.

17 MR. HARPOOTLIAN: Thank you.

18 THE WITNESS: Thank you.

19 DIRECT EXAMINATION

20 BY MR. HARPOOTLIAN:

21 Q Now, let's talk about --

22 MR. HARPOOTLIAN: I have a PowerPoint here somewhere I
23 believe that I sent y'all --

24 MR. MEADORS: Last night.

25 MR. HARPOOTLIAN: Can we call that, please?

1 Q Have you prepared a PowerPoint for your testimony here
2 today, sir? Do you have a PowerPoint?

3 A Yes, sir.

4 Q Okay.

5 MR. HARPOOTLIAN: Can we put that on the screen,
6 please?

7 THE COURT: Can you raise your voice, sir?

8 THE WITNESS: I can, sir.

9 Q So, is this the PowerPoint?

10 A It's the first slide, yes.

11 Q Okay, and what is this showing us?

12 A Basically it was put together just to give the Court a
13 demonstration of what can be done with physical evidence at
14 a crime scene and some of the base requirements that are
15 involved.

16 Q Okay, and it says:

17 Recording of imprint impression evidence, seizure
18 of items, photography, lifting methods and
19 enhancement.

20 And that's sort of a guide about what we're about to
21 see, correct?

22 A Yes. It's also an outline of what could be done with
23 physical evidence at a crime scene and then later on at the
24 laboratory.

25 Q Okay.

1 MR. HARPOOTLIAN: Next slide, please.

2 Q Now, it says:

3 Photographic evidence, enhanced photographs of
4 the question imprint, impression for use, and
5 intercomparison examination of the known footwear
6 outsoles or transparency with known footwear
7 outsole.

8 Explain that. What does that mean?

9 A With all types of evidence, especially at a crime
10 scene as I mentioned before, photography is one of the keys
11 documenting the evidence in place. In many cases you can't
12 take the evidence back to a laboratory, so you have to rely
13 on the photographic images. If they're taken with quality
14 equipment, quality cameras, and in a proper format, a lot
15 of work can be done with it. They can be associated to a
16 known or a question. Photography is still the key for
17 bringing the scene either into the laboratory or into the
18 courtroom.

19 Q And are there certain -- and we're going to see this
20 in just a minute -- certain requirements, I guess is the
21 right word to use, on how those photographs are taken
22 depending on what you want to use it for?

23 A Correct. There are different types of photography.
24 Just as we have portrait photography here, the media that's
25 present, all of that is a form of documentation.

1 Q Okay. We'll talk about that in just a minute. And,
2 by the way, intercomparison examination with known footwear
3 outsoles, or transparency to known footwear outsoles, what
4 does that mean?

5 A There's a difference between taking a picture of
6 something and then taking a photograph for examination
7 quality where you do need the detail to find the individual
8 characteristics that might be present for a comparison.
9 And, again, it would be a known, whatever the known object
10 is, whether it's a shoe, a fingerprint. It could be a tool
11 mark. It could be any type of pattern, and the sample
12 that's found at the scene. Okay? Or against the
13 instrument that may have caused that mark. The more detail
14 with the images, the better the quality of the examination
15 and the more reliable the showing of the detail portion.
16 So, the side by side comparison is your known and your
17 question.

18 Q But most of these are basically eyeball examinations
19 even under a microscope, or looking at it just with your
20 naked eye, correct?

21 A All of the above.

22 Q Right.

23 MR. HARPOOTLIAN: Next, please.

24 Q Photographic techniques: FUSS. Tell us what that
25 means.

1 A It's just an acronym to help the photographer remember
2 to do certain things, especially when it comes to
3 analytical photographs. You want to take whatever the
4 image on a picture, or inside of the view finder of the
5 camera such as the gentleman has, and fill that entire
6 image that captures the picture. You're maximizing the
7 amount of detail that can be retained either in digital
8 format or a film format. The opposite would be taking a
9 medium closeup where you show an overview of multiple
10 items, or something as a wide angle shot of the entire
11 courtroom. So, there's a whole series of photographs that
12 go with this method.

13 Secondly, using a scale. If it's going to be used for
14 analysis, you want a known reference in there so you can
15 recreate the image later in a dark room or on a computer so
16 that the image is now on life-sized proportion. So, again,
17 if I have an article of footwear, I can place that or take
18 a sample from it. That would be one to one, or life size.
19 I can recreate the image. You either take it from the
20 crime scene or the standard photograph using that scale to
21 that same reference. I can also recreate that one to one
22 so that we get a size proportion as part of the analysis.

23 It would also be an illumination. If the sizes were
24 different, it couldn't be from the same source. Side
25 lighting is a lighting technique that's used. When the

1 photograph is taken, if it's an object of interest and if
2 you're using it for analysis, you may want a sidelight
3 coming at different angles to show the different detail
4 that might be there, especially in a three dimensional
5 picture. Two dimensional, it helps, but it's not as
6 critical.

7 And lastly, several shots. You want to take multiple
8 exposures of each image. Digital photography today, it's a
9 lot easier because the image pops up so you can see that
10 you've captured it. In past technologies, you have a
11 photograph on film and you couldn't see the result until
12 you process the film, which is usually long after you've
13 left the scene or the incident. So, there's several
14 advantages to the newer technologies.

15 Q So, this says: Special note, film plane must be level
16 parallel to the imprint impression.

17 A Yes, sir.

18 Q What does that mean?

19 A The film plane is actually the back of the camera.
20 It's where the image is actually captured. That film
21 plane, if my object is here, would have to be here. I want
22 those two images parallel. It avoids distortion and
23 vignetting, okay, the way the angles may come up. If you
24 think of a tall building, all right, and you look up at it,
25 the building tends to come together. The same thing

1 happens with angular photography. Okay. There's
2 distortion that occurs, and even in close-up images, all
3 right, by using the scales and making sure that your film
4 plane is parallel to the object that you're taking, all
5 right, you try to avoid that distortion as one of the
6 considerations. And again, it will give you a more
7 accurate rendering.

8 Q So when you take this photograph, you can compare it
9 to a footprint, a fingerprint, or tire track, you want the
10 photograph to be -- the camera's lens to be parallel to
11 that so you're looking straight down at it.

12 A Yes, sir.

13 Q That's one of the shots you should get, but that's the
14 most important shot.

15 A For analytical and quality imaging, yes.

16 Q Right. I mean, you're not taking it to send home to
17 Mom. It's for analytical purposes, correct?

18 A Yes, sir.

19 Q And then you have other shots from the side or
20 whatever, and that helps you, if you see a detail, get more
21 of a perspective on it, if you will.

22 A It could, but it also shows the orientation to the
23 surrounding area. And, again, that three shot sequence --
24 close-up, medium close-up, and then an overview -- you're
25 telling a story through the pictures.

1 Q So, let me stop and sort of go off script for a
2 second. You started with the -- what police department and
3 when?

4 A City of New Haven.

5 Q And what was your role or job when you started?

6 A Initially as a patrolman doing patrol activities.

7 Spent a year on the corporation counsel doing civil
8 investigation. Unfortunately I got hurt. After that --

9 Q How did you get hurt?

10 A On a burglar -- on a premises call, I fell through a
11 drywall and ended up destroying my left knee.

12 Q Okay. So, you had to leave the police department
13 after that.

14 A No. Well, it was about nine years later.

15 Q Okay. So, did you continue to be a patrolman after
16 you hurt --

17 A No. I was promoted and went to the Identification
18 Unit after leaving the corporation counsel and was
19 performing Crime Scene Unit activities, basic investigation
20 again.

21 Q So when you first started, I mean, you were a
22 detective at that point?

23 A When I started as a patrol officer, I was promoted to
24 detective.

25 Q Okay, and when you're doing crime -- responding to

1 murder scenes or housebreakings or whatever --

2 A Yes, sir.

3 Q -- you were a detective at that point, at some point?

4 A Plain clothes officer or detective, yes.

5 Q So, when you responded to the scene, did you take a
6 camera?

7 A Yes, sir, always.

8 Q Okay, and did you follow FUSS?

9 A Yes, sir.

10 Q And so, I mean, so this was required by procedure and
11 policy at your department, correct?

12 A Yes, and most of the teaching with specialized schools
13 that I had been to.

14 Q Okay, and you started that in the 80s?

15 A In the 70s.

16 Q 70s, I'm sorry. So, this is what you've done while
17 you were a police officer for the span of decades, correct?

18 A Yes, sir --

19 Q Starting in the 70s.

20 A Yes, sir.

21 Q So, this isn't some newfound procedure. This is
22 something you've done through four decades.

23 A Correct.

24 MR. HARPOOTLIAN: Next, please.

25 Q So, this is use of a tripod: When photographing

1 evidence with detail, a tripod must be used.

2 A It's recommended. It makes it more stable. You don't
3 have to worry about even the pulse in your fingers -- and
4 depending on the length of the exposure, that's necessary -
5 - causing any vibration or defocusing that might occur.

6 Q And this is a process and procedure, and this shows a
7 guy shooting out in front, not straight down. That would
8 be incorrect?

9 A For a documentation or an analytical photograph, yes.

10 Q Okay.

11 A What happens is this camera is at an angle, just doing
12 a flat object here. And, again, the distortion effects
13 that I explained earlier.

14 Q Okay, and this is also a procedure that you followed
15 for decades.

16 A Yes, sir.

17 Q And it's a procedure you taught when you taught it to
18 police officers?

19 A Yes, sir.

20 Q And is it a procedure you heard about when you
21 attended classes?

22 A Yes, sir.

23 MR. HARPOOTLIAN: Next, please.

24 Q What does this depict?

25 A Here we have two examples of the position of a camera,

1 like the line drawings on a tripod showing the proper
2 orientation to an object being photographed. All right.
3 The film plane, even if the item is on an angle, the camera
4 and the lens would also be on that same angle, all right,
5 again to avoid distortion.

6 Q So, you ought to have a tripod, and the lens ought to
7 be parallel to whatever it's shooting at.

8 A It makes it easier to have a tripod, yes.

9 Q Right.

10 MR. HARPOOTLIAN: Next.

11 Q Is this is a demonstration of the same thing?

12 A It's a demonstration showing what happens when you
13 don't do that. If you look at the object on the bottom of
14 the black dots, you'll notice that they're distorted, all
15 right? They're not in proper proportion and there's some
16 angularity to them.

17 Q Okay.

18 MR. HARPOOTLIAN: Next.

19 Q Okay. Now, tell us what these photographs are of --
20 but where do -- where did these come from?

21 A These are images that I took at a homicide scene in
22 the State of New York. All right. Essentially we were
23 asked to come and assist, mutual aid, similar to the
24 different agencies here helping one another. By going to
25 New York, we had certain things that maybe their laboratory

1 or their Crime Scene Unit didn't have access to.

2 Q So, what -- tell me what the difference is --

3 A Well, the two photographs show a kitchen area. On the
4 right-hand side you have what looks like a kitchen and a
5 sink, and if you look directly down on the floor, it's kind
6 of a reddish stain that you can barely see. By using
7 various chemical processing methods, as well as photo
8 documentation, all right, the picture on the left, I was
9 able to bring out a lot more fingerprints that were cold,
10 or latent. They were kind of invisible, just in very light
11 blood residue. And the screening tests that we used to try
12 to develop those reacts with the proteins that are in blood
13 and causes a color change so that now they're more visible
14 even if you couldn't see that area in the beginning.
15 Similar to a latent print, it's invisible when you touch a
16 surface.

17 Q What's a latent print?

18 A It could be a footprint, it could be a fingerprint,
19 but it's whatever residue that's there that's left on a
20 surface that you can't normally see without some type of
21 enhancement.

22 Q And so you put a -- you participated in putting the
23 chemical on the floor here?

24 A I put the chemical on the floor.

25 Q And what was it?

1 A It was Orthotolidine.

2 Q Say that again.

3 A Orthotolidine.

4 Q What year was this approximately?

5 A In the 80s.

6 Q In the 80s. So, this is not some newfound chemical,
7 it's been around for forty years?

8 A Yes, sir.

9 Q Okay, and this is what y'all were doing in the 80s.

10 A Yes, sir.

11 Q Okay, and so did you just spray it on the floor? How
12 do you apply it to the floor?

13 A It's sprayed with an aerosol very similar to misting
14 from a deodorant can or hairspray.

15 Q Okay, and how long does it take to raise these
16 previously invisible footprints?

17 A Almost instantaneous.

18 Q And so once those are raised, what's the next step?

19 A Can you go to the next slide?

20 MR. HARPOOTLIAN: Next slide.

21 A Basically setting up the tripod and the camera, right,
22 to do photo documentation. The other option is literally
23 to cut the sections out of the floor or counter or whatever
24 the imprint or impressions are on and to take that with
25 you.

1 Q Did you just take photographs or did you cut up the
2 floor?

3 A We relied on photographs in this case.

4 Q And this is a tripod we see, so you're shooting
5 straight down on the edge.

6 A Yes, sir.

7 Q Okay.

8 MR. HARPOOTLIAN: Next.

9 Q What is that?

10 A It's an example of what the footprint actually looked
11 like after enhancement. Any of the bluish/greenish areas
12 were not visible in the beginning.

13 Q So where we see blue or green here, you couldn't see
14 that on the print on the floor, but once you did this, what
15 had previously been invisible was now visible.

16 A Correct.

17 Q Okay.

18 A Photographs would have been taken before the spraying,
19 and then after.

20 MR. HARPOOTLIAN: Next.

21 Q What is this?

22 A Again, it's an example of a partial footprint or two.
23 In this case it's actually on plywood, and it appears to be
24 in a blood-like substance. The scale is there just for
25 size and measure.

1 Q Right. The scale is important. Right.

2 MR. HARPOOTLIAN: Next.

3 Q What is that?

4 A This is after enhancement after applying the same
5 chemical.

6 MR. HARPOOTLIAN: Okay. Go back.

7 Q So, again, you applied that same -- what was the name
8 of that chemical?

9 A Orthotolidine.

10 Q We've heard some testimony about something called LCV.
11 Is that the same thing or similar?

12 A It's similar. It's a protein dye stain, and there's
13 several others.

14 Q And would it raise -- if you sprayed it like this,
15 would it raise the --

16 A It could.

17 Q Would it do the same thing?

18 A Quite possibly. Each one of the agents has a
19 sensitivity level; some are more sensitive than others.

20 Q And you don't use LCV.

21 A We use LCV. We've used Amindo Black. We've used
22 Fenethyliline. And so there's any number of options, and a
23 lot of it has to do with the color. You might have some
24 different than the background color so you have contrast.
25 And that's the other part about photography: you need

1 contrast to see something.

2 Q So, like, LCV, I think, turns things --

3 A Purplish.

4 Q Purple. So, if you have a dark background you would
5 not want to use LCV.

6 A Most probably, yes.

7 MR. HARPOOTLIAN: Next.

8 SPEAKER: That's it, Counsel.

9 MR. HARPOOTLIAN: Is that it?

10 SPEAKER: That's the last item.

11 MR. HARPOOTLIAN: Your Honor, it's 4 minutes til 1:00.

12 This might be a good time to break.

13 THE COURT: All right, ladies and gentlemen, we will
14 recess until 2:15. Please do not discuss the case.

15 (The jury left the courtroom.)

16 THE COURT: All right, we're in recess until 2:15.

17 MR. WATERS: Your Honor.

18 THE COURT: Yes, sir.

19 MR. WATERS: Very quickly, I was going to hand up
20 those three cases I mentioned this morning.

21 THE COURT: Okay.

22 (A lunch break was taken.)

23 THE COURT: You may bring the jury.

24 THE BAILIFF: The jury is present, sir.

25 THE COURT: Thank you.

1 You may proceed.

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

3 CONTINUED DIRECT EXAMINATION

4 BY MR. HARPOOTLIAN:

5 Q So, Mr. Zercie, before we broke for lunch, we were
6 talking about how one would process so it would show a
7 floor you've sprayed some chemical -- I can't remember what
8 the name of it is -- which would bring out previously
9 invisible imprints of feet. It would do the same thing for
10 fingerprints?

11 A Yes, sir, or it would enhance what you could see
12 already.

13 Q I'm sorry?

14 A It would enhance what you could see already.

15 Q All right, but it would bring -- also bring out things
16 that you can't see.

17 A Yes.

18 Q Okay. Let's talk a little about crime scene
19 processing.

20 MR. HARPOOTLIAN: Let me -- if we could bring a video
21 up, please?

22 And y'all need to cover your screens, please.

23 (Break in proceedings.)

24 MR. HARPOOTLIAN: I think I want to do State's Number
25 1. Okay. All right. Can you play that for us, please?

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

2 MR. HARPOOTLIAN: Stop right there. Stop, please.

3 Q Okay. So, you recognize that as Paul Murdaugh's body
4 covered by a sheet?

5 A Yes, sir.

6 Q Okay. We just saw some officers apparently taking
7 that sheet off. This officer in particular stepped inside
8 the feed room --

9 MR. MEADORS: Objection.

10 Q Has that officer stepped inside the feed room?

11 A The one on the extreme right of the image, yes.

12 Q Okay, and did you notice any protective covering on
13 their feet?

14 A No, sir.

15 Q And I call them booties. What do you call them?

16 A Shoe cots or booties.

17 Q What?

18 A Shoes cots or booties.

19 Q Or booties. Okay, and is that -- what, if anything,
20 is -- under the procedures you understand is the purpose of
21 those?

22 A It's to keep your shoes from contaminating the scene
23 with any residue that may be on them. And secondly, also
24 not to allow the imprint pattern from your footwear to
25 contaminate the scene.

1 Q Okay. Is that procedure that you teach? Is that a
2 procedure that's accepted? Is that -- what is that?

3 A That's standard operating procedure.

4 Q It's standing operating procedure around the world.

5 A It should be, yes.

6 Q Okay. Now --

7 MR. HARPOOTLIAN: Go forward with it, please.

8 (The video was played.)

9 MR. HARPOOTLIAN: Stop that one second.

10 Q You could see that officer has two feet inside the
11 feed room?

12 A Yes, sir.

13 Q No booties?

14 A Correct.

15 Q Okay.

16 MR. HARPOOTLIAN: Keep going.

17 (The video was played.)

18 MR. HARPOOTLIAN: Okay. That's enough of that one.

19 Let's go to McDow's body cam, State's 6. And that was, for
20 the record, Green's body cam, State's 1.

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

22 MR. HARPOOTLIAN: Stop that for one second.

23 Q Is that the same shot but from -- a shot from inside
24 the feed room?

25 A It appears to be, yes.

1 Q Thank you.

2 MR. HARPOOTLIAN: You can turn it back off.

3 Q Okay. So, let me ask you a couple questions about
4 what we've just seen.

5 A Yes, sir.

6 Q You indicated just a moment ago that they should have
7 had booties on, and you've explained why.

8 A That is a basic precaution so that they don't
9 contaminate the scene, and also the scene doesn't
10 contaminate them.

11 Q Let's talk about that sheet that was on Paul's body.

12 A Yes, sir.

13 Q Tell us, first, would you use a sheet to cover a body?

14 A Depends on the circumstance.

15 Q Under these circumstances.

16 A Under these and that the victim is not in a public
17 access area?

18 Q Right.

19 A Possibly, if there were other signs of contamination.
20 In the last video you could see raindrops coming down, but
21 instead of a porous sheet, I would probably use a tarp of
22 some sort.

23 Q Something that's not absorbent?

24 A Correct, and as a last resort.

25 Q And why would you not want to use something that was

1 absorbent?

2 A Well, one, because it was porous. It absorbs both --
3 the water hitting on the sheet would go in the matrix and
4 material and anything that's under it, or in this case on
5 Paul's body, could also be absorbed up into the sheet,
6 whether it's blood or biological fluids that may be
7 present.

8 Q And if you would have used a sheet or any other
9 material, would you -- once you're done using it, would you
10 discard it, or would you save it and have it analyzed, and
11 why?

12 A It should be preserved and it should go with the
13 remains, presumably to the medical examiner's office, and
14 then returned over to whoever the investigating agencies
15 are, I mean, for further analysis.

16 Q And what, I mean, would you be looking for?

17 A Because it was physical contact between the sheet and
18 the victim's body, any trace evidence such as hairs,
19 fibers, or other materials that may be lose could be picked
20 up, especially when it becomes moist. All right. It now
21 becomes like a sponge and actually picks things up and
22 takes it away. You don't know it's not there.

23 Q So, let me understand this. If somebody had walked
24 by -- let's say the assailant had walked by that body, and
25 we're all losing hair all the time -- some of us more than

1 others -- but if you run your hand through your hair,
2 you'll lose hairs, right?

3 A Yes, sir.

4 Q And if the assailant walked by there, it looks like --
5 I mean, the assailant, I think everyone agrees, was
6 relatively close on that second shot anyway.

7 MR. MEADORS: Objection.

8 THE COURT: The objection is sustained.

9 Q In a hypothetical, if the assailant had -- was close
10 to somebody and walked by, is there a possibility,
11 probability that hair or other trace evidence from the
12 assailant would end up under that sheet in between the
13 sheet and Paul's body?

14 A It's possible, yes.

15 Q Okay. Now with a possibility, is that the reason you
16 say save the sheet and have it processed?

17 A Yes, sir.

18 Q Okay. Let's also talk about -- and to your -- well,
19 first of all, you've read all the records in this case.
20 You've looked at all the evidence that was taken from the
21 scene. Did you find any record that that sheet was saved?

22 A I saw no indication of it, no, sir.

23 Q Okay. Or processed.

24 A Correct.

25 Q Paul's clothes, what should be done with those?

1 A Again, once they're removed from the victim, whether
2 it's done at the medical examiner's office or in another
3 location, again, they should send it to the laboratory for
4 analysis. And, again, would be trace transfer evidence,
5 hairs, fibers, or other materials, as well as any of the
6 wound patterns that would appear on the outer garments
7 themselves. Looking for things like gunshot residue,
8 pattern analysis. It would be very helpful.

9 Q Do you see any evidence in any report of those clothes
10 being preserved, let alone examined?

11 A With the documents I've been provided, I have not seen
12 any.

13 Q Okay. Now, you just recommended doing some things in
14 your thirty years of doing crime scene -- twenty?

15 A Twenty.

16 Q I'm sorry, I don't want to get it -- twenty years of
17 doing crime scene work, going to crime scenes and
18 preserving evidence, are these the kind of things -- are
19 these things you've done on your crime scenes in the past?

20 A Depends on what stage the crime scene is being
21 examined. If it's at the very end and you finished all of
22 your documentation, and you finished your evidence
23 identification, you finished all of your photography, your
24 sketch maps, as long as there's not exigency, an emergency
25 that's present -- and i.e. that would be life saving -- if

1 it's been determined or the presumption of death, in this
2 case for both victims, you can slow the investigation down.
3 All right. There's no longer an emergency to rush through
4 everything, and you take everything through a very
5 systematic approach and try to be as detailed as possible.

6 Q Have you done that in the past?

7 A Yes, sir.

8 Q And if this had been your crime scene, would you have
9 saved that sheet and saved his clothes?

10 A Definitely.

11 Q I'm sorry?

12 A Definitely.

13 Q Okay. Now, let talk about Maggie, and I'm just going
14 to cut to the chase on this. Maggie had the same kind of
15 sheet over her. Would you have done the same thing?

16 A Yes, sir.

17 Q You would have saved the sheet, sent it for analysis,
18 saved her clothes, sent it for analysis?

19 A Bagging and tagging each thing separately so there's
20 no cross-contamination between items.

21 Q Each item that's bagged individually so there's no
22 cross-contamination.

23 A Correct.

24 Q Was that done in her case?

25 A Not to the best of my knowledge.

1 Q Okay. Now, let's talk a little bit about -- let me
2 see. I'm going to try to expedite this a little bit.
3 Okay.

4 MR. HARPOOTLIAN: Let's go to the ELMO, please. What
5 is the number on that?

6 SPEAKER: State's 39, Counsel.

7 MR. HARPOOTLIAN: This is State's 39 for the record.

8 Q Now, you understand -- what do you understand this to
9 be?

10 A It's a photograph, and it's from a report from Agent
11 Worley from SLED.

12 Q And this is of the feed room floor?

13 A Yes, sir, it is.

14 Q Now, earlier we saw you spray some things in a murder
15 scene in New York. We're going to get to that in just a
16 second. Have you -- I think Agent Worley identified or
17 testified that in her opinion, based on her experience in
18 footwear, that Paul's shoes were in there somewhere. Is
19 that correct?

20 A A pattern similar to the shoes that Paul was wearing
21 was present, yes.

22 Q Okay. Now, did she also indicate that she also found
23 patterns consistent with one of the law enforcement
24 officer's shoes?

25 A Yes, sir, she did.

1 Q That may very well have been the guy we saw step into
2 the feed room, right?

3 A Possible.

4 Q Okay. Now, if you had come on this crime scene and
5 saw this, would you have felt compelled to do more that
6 we've heard from Agent Worley?

7 A For several reasons, yes.

8 Q Okay. First of all, what would you have done, and why
9 would you have done it?

10 A I wouldn't have walked into the room. You stand back,
11 you make your observations, and you determine a course of
12 action, and everything that's done in the sequence of a
13 crime scene. Again, the first part is viewing it, using a
14 visual examination. Once you've identified areas of
15 interest, then you determine the methodology that you're
16 going to use to either collect, seize, document the type of
17 evidence that would be there.

18 Q So, what you would have done, you've looked in the
19 door and you see this. What do you do?

20 A I would have started from the doorway and walked
21 towards the back of the room, in that it's a small,
22 enclosed area. So, you're working front to back.

23 Q When you say working front to back, what do you mean
24 work? What would you do right inside the door or right
25 outside the door?

1 A You would start documenting close-ups and the --

2 Q Photograph?

3 A Yes, sir. That there's an imprint just to the right
4 of the door, that would be my first area to do detailed
5 photography and imaging and fully do comparison.

6 Q And as you work your way back, are you careful not to
7 step anywhere? You're wearing booties. What are you
8 doing?

9 A You're wearing the shot cots or booties. In addition
10 to that, we usually build a bridge. Basically take two,
11 two by four, lay them in an area where there were known
12 prints, put a piece of plywood, and actually stand on that,
13 that you're not standing on the surface that the imprints
14 are on. There are commercial products that are available
15 like Tupperware boxes that you can literally stand on and
16 do the same thing. So, it preserves and protects the area
17 that you're interested in doing the detailed work, that you
18 may be able to get more evidentiary information from.

19 Q And once you've done those photographs all of the way
20 back, what do you do next?

21 A In this case, once the initial photographs were taken,
22 determined if chemical processing is necessary, or could I
23 seize the item. In this case, it appears that these
24 imprints are on a concrete base. It's a little difficult
25 to take the entire concrete foundation and remove it but it

1 has been done before. In this case, again, now we work
2 from the back towards the front using some type of
3 enhancement reagent to try to increase the amount of
4 detail, and --

5 Q And that agent is what you sprayed in New York on the
6 floor that helps with --

7 A That would be one of them, yes.

8 Q -- images that aren't visible to the naked eye?

9 A Even when some of the image is visible, it can give
10 you additional detail peripherally or other area. It's
11 just trace amounts.

12 Q Okay, and you've worked your way to the front taking
13 pictures as you spray?

14 A Yes, sir.

15 Q Okay. Now, once you've finished that, are you done
16 with the floor?

17 A No, sir.

18 Q What now? What do you do now?

19 A You want to take overviews to show the work that you
20 have done and show any modifications that you made to the
21 scene and, again, make the determination: can I take the
22 area that print is on with me? If it was a tile floor, you
23 could pull the tiles up, but again, because it's on
24 concrete, you would have to rely on the documentation.

25 Q I mean, they're still 90 degree, straight-down shots?

1 A That would be the analysis part. You could still take
2 general photographs on an angle showing the relationship.

3 Q But as you work your way up and work your way back,
4 those would be vertical. I mean --

5 A Yes, sir, that would be --

6 Q Okay, and then you're taking general photos from
7 different angles.

8 A Yes, sir.

9 Q And then what?

10 A With digital we would make sure that the photos came
11 out, that you had an image captured, and that it was
12 sufficient for whose ever needs.

13 Q Now, let's --

14 A You would also take a sample of the blood from those
15 areas for a later typing or DNA analysis should it be
16 necessary.

17 Q Did you find any evidence that they took a sample of
18 this blood and analyzed it?

19 A No, sir.

20 Q So, I mean, we surmise it's Paul's blood, but could it
21 be somebody else's blood there, too?

22 A Possible.

23 Q And the only way you could rule that out is take
24 samples?

25 A Is to take a sample, do an analysis, and try to

1 identify the owner.

2 Q And that was never done.

3 A To the best of my knowledge, no, sir.

4 Q Okay. So, then we have a number of surfaces.

5 MR. HARPOOTLIAN: Let me have them put up 26, State's
6 26.

7 (Break in proceedings.)

8 Q Okay. So -- and just to cut to the chase, this is the
9 door to the --

10 MR. HARPOOTLIAN: There you go.

11 Q That's the door to the feed room?

12 A Yes, sir. The doorframe on the right, the door on the
13 left.

14 Q Okay. Did you see any evidence that they dusted --
15 not dusted. That's old timey language, that they processed
16 that door or any other surface in the feed room for
17 fingerprints?

18 A Not to the best of my knowledge.

19 Q Now, tell the jury, please, in a summary fashion what
20 you would have done -- well, first of all, do you have to
21 see a fingerprint before you lift it or whatever you call
22 that?

23 A No, sir.

24 Q So, how do you determine whether or not there are
25 fingerprints you can see? What do you do?

1 A The base processing methods, again depending on what
2 technologies the agency has, the simplest and the oldest is
3 dusting and contrasting with fingerprint powder and brush
4 by just applying it to the surface and dusting it through.

5 If a finger or a palm or a foot or a toe has come in
6 contact with those areas, the secretions from the ridge
7 detail, all right, leaves a pattern behind. Those latent
8 fingerprints become patent, or visible. They could be
9 lifted; they could be photographed. They also help tell
10 you what was touched and how things were handled, so it
11 would help in reconstruction as well.

12 Q That's the oldest technology there is, though, right?
13 The throwing dust down, fingerprint dust?

14 A At a crime scene, yeah.

15 Q Okay. Not talking about going into the lab and using
16 superglue or whatever. It's at the crime scene.

17 A Yes, sir.

18 Q What is the more modern? Do you use lights, or do you
19 use chemicals? What do you do at the scene?

20 A The first method would be to use an alternate light
21 source.

22 Q What does that mean, alternate light source?

23 A It could be anything from a flashlight. You hold it
24 at oblique angles and see if you can find any smudges or
25 smears. More sophisticated, portable laser units. All

1 right. Laser is an acronym for a light source that
2 produces a wave length light in a very specific number.
3 The more common today are called the alternate light
4 sources. These are various colored lights, and usually
5 they're light-emitting diodes, or LDs, and different wave
6 lengths of light. So, in concert with a pair of glasses
7 that are filtered, you can get a shift and you may be able
8 to pick up fluorescence or luminescence.

9 The problems is that our secretions, the oils, the
10 fats and the salts, don't reflect. They don't give off
11 light, so you would need to process those, if you
12 discovered one, with some type of chemical stain that would
13 act as a florescent, and essentially it would be similar to
14 my watch that when it's dark, it glows.

15 Q So, are these new technologies, or is this something,
16 space age stuff, or has it been around for awhile?

17 A The light source technology has become simpler and
18 simpler. It's now battery powered. Literally it's a very
19 simplified flashlight. They were also very sophisticated
20 once. The technology has been around for about twenty-
21 five, almost thirty years.

22 Q Okay, and not uncommon to be available to law
23 enforcement?

24 A No, sir. I would expect every laboratory to have some
25 type of alternate light source, and the oldest, traditional

1 is ultraviolet.

2 Q Ultraviolet is a black light?

3 A Yes, sir.

4 Q Okay. So, it's a simple mobile black light you can
5 look at and --

6 A Scanning a surface to see if it gives you any
7 information.

8 Q And what other -- if you didn't use the powder or the
9 light, what else could you do?

10 A Use chemical fuming stains, and that can be as simple
11 as the superglue or some monochloroacetic acid.

12 Q Can you do that on a scene?

13 A With a door like that, if I chose to do that,
14 literally you could bag the entire area, place a superglue
15 packet or superglue with an accelerant in it inside the
16 chamber, now inside the plastic bag, and fume the entire
17 door. The other would be to take the door with you and
18 process it.

19 Q But that takes awhile, doesn't it, the superglue
20 process?

21 A Not necessarily. You can in a half hour, 25 minutes.

22 Q Okay, and could you spray it with something else?

23 A Again, the same agent that we use on the footprints to
24 make those visible where there was limited amounts of
25 blood-like material could also be used there.

1 Q And you could do that on the door, you could do that
2 on the doorframe, you could do that on any object, methods
3 you've talked about on any object literally in that room.

4 A Yes, sir.

5 Q Okay. Did you see any evidence of anything,
6 fingerprints, any effort to lift fingerprints -- and when I
7 say lift, identify fingerprints in that room or anywhere
8 else on the property that night?

9 A Again, not to the best of my knowledge.

10 Q Let me talk just for a minute about --

11 MR. HARPOOTLIAN: How about put State's 195 up,
12 please. Maybe see if we can turn that in a little bit.
13 There we go. Now how about make it closer. Nope, the
14 other way. Okay.

15 Q Tell me what this is, please.

16 A It appears to be a photograph of multiple footwear
17 impressions, three dimensional renderings in a soft
18 surface.

19 Q Okay, and this picture was taken. Do you remember who
20 took it?

21 A No, sir, I don't.

22 Q Okay. Let me suggest this just to cut to the chase.
23 Do you remember reading a statement concerning Solicitor
24 Duffy Stone?

25 A Yes, sir.

1 Q Was that picture taken by the solicitor?

2 A I couldn't remember his name. I believe so.

3 Q Yes, and it was taken on the night of June 7th?

4 A That's the indication in the letter.

5 Q So, tell me what we're looking at here.

6 A Again, it's a soft sole surface. Someone or some
7 people have been walking through that area multiple times.

8 Q And did you attempt to identify any of those
9 footprints by comparing them?

10 A Just by looking at the basic patterns, the flat
11 surface ones that have relatively no detail, just the
12 outline of the footwear itself, could be consistent with
13 these sandals that Ms. Murdaugh was wearing.

14 Q Maggie Murdaugh was wearing. What about these other
15 shoes?

16 A There were no exemplars that I was made aware of taken
17 by SLED to do a comparison or try to eliminate them.

18 Q Could you tell whether Maggie's shoes were walking
19 over the other footprints, or were the other footprints
20 walking over her imprints?

21 A If those are from Maggie's sandals, they're on top of
22 the other ones, but they're also going in two direction,
23 and some are superimposed over the other.

24 Q When you say -- okay. Let me ask the question this
25 way. Are Maggie's imprints on top of the other imprints,

1 or are they on top of hers?

2 A In the area that they appear, yes.

3 Q I'm sorry?

4 A In the area in which they appear, the answer is yes.

5 Q Yes?

6 A They were. They were made there after by the heavy --

7 Q And are they on top of Maggie's?

8 A No, Maggie's are on top.

9 Q Okay. So, the other imprints were there and Maggie
10 walked on top of them.

11 A Apparently, yes.

12 Q Okay. Now -- well, you have also reviewed the SLED
13 procedures manual, correct, parts of it?

14 A In brief, yes, sir.

15 Q Okay, and let me ask you this. There's certain
16 certifications different labs receive, correct?

17 A Yes, sir.

18 Q And the certification SLED receives for their lab, is
19 there an acronym?

20 A The current acronym is ANAB, A-N-A-B. It's the
21 America Board of Accreditation. I forget the last word.
22 But it's a pickup from an older accreditation program that
23 was run under the ASCLD program, the American Society of
24 Crime Lab Directors.

25 Q And tell me just briefly how that accreditation

1 program works.

2 A A laboratory or a Crime Scene Unit can apply to this
3 organization for this national -- actually it's
4 international -- accreditation, which means that they're
5 meeting a minimum criteria and minimum expectations from
6 the parent body. All right. So, formal recognition
7 technically that you're doing a good job, or at least your
8 procedures are well written.

9 The operation manual that I started reviewing was very
10 thorough, was very well written, very easy to understand.
11 But it involves everything from how evidence is processed
12 in the agency, what the responsibilities of the different
13 people are, including the director of the laboratory, the
14 basic procedures and operations of the lab itself, or the
15 Crime Scene Unit. If it's involved in a police department
16 that may not have a formal laboratory, the accreditation is
17 well recognized across the country and --

18 Q And so you're, you're -- they certify that you're
19 meeting the standards basically?

20 A That you're following the guidelines that you put in
21 your guidelines, meet a minimum standard, yes.

22 Q Okay. So -- and have you ever performed these
23 analyses? Have you ever been appointed or assigned by this
24 group to do this to do this?

25 A Yes, sir. The ASCLD, the precursor to ANAB, I was one

1 of their auditors and we would go to different
2 laboratories. In fact, I did the Columbia sheriff's
3 department a number of years ago.

4 Q Richland County. I'm sorry, you said sheriff's
5 department.

6 A Yes, sir, I forget.

7 Q So, you're very familiar with what the standards are.

8 A Yes, sir.

9 Q In reviewing what -- this file and these pictures and
10 documents, was SLED following the procedures that are
11 required by that certification on this case?

12 A What I had for procedures were their operation manual,
13 how to run the laboratory, and the functionalities.
14 There's also a second set of documents called the technical
15 documents for each one of the sections that would further
16 in detail give you the information on how do to things.
17 And, as example, recipes for chemical processing and how to
18 put the chemicals together, how to apply them, and --

19 Q Well, they didn't apply any chemicals here.

20 A Again, I didn't see those technical --

21 Q -- according to their records. Okay. I guess what
22 I'm saying is, and maybe the easiest way to get this down
23 to the generic, did they do what they were supposed to do
24 under these standards at this crime scene for most things?
25 Maybe they did some things that we're not aware of. But,

1 for instance, you looked at a number of foot impressions,
2 correct?

3 A Yes, sir.

4 Q You're required to do the 90 degrees and then from
5 different directions, right?

6 A In the best case scenario, yes.

7 Q Did you see any footwear or foot impression that was
8 taken that way?

9 A No, sir.

10 Q Okay. All of them were from an angle?

11 A Yes, sir.

12 Q And once you do that, are they suitable? I think we
13 even saw --

14 MR. MEADORS: Objection. Leading.

15 THE COURT: Can't lead the witness.

16 Q Were any of those photographs -- no. Which, if any,
17 of those photographs met the standards required to do a
18 comparison?

19 A None of the ones from around the victims or in the
20 small shed area.

21 Q How many, if any, had that 90 degree on a tripod, if
22 you will, shot? How many?

23 A None of them.

24 Q Okay, and as a result of that, were any of them
25 suitable for forensic comparison?

1 A They were suitable for pattern identification, like
2 gross pattern, but not as far as the detailed,
3 individualizing, accidental characteristic that might be
4 present.

5 Q Okay, and based on the reports we have, how many --
6 what effort, if any, was made to take fingerprints at the
7 scene?

8 A None that I had observed.

9 Q Okay. Did those -- does that conduct, either for the
10 footprints or the fingerprints, meet the standards that you
11 use or anybody else has used when they try to evaluate --

12 MR. MEADORS: Objection.

13 MR. HARPOOTLIAN: I'm sorry, I don't understand the
14 objection.

15 MR. MEADORS: He said anybody else uses. Objection.

16 Q Any evaluating other department uses, any agency uses,
17 any evaluating agency uses.

18 A There was much more work that could have been done.

19 Q Okay. Did they do a terrible job here?

20 MR. HARPOOTLIAN: He's an expert. I can ask an
21 opinion.

22 A I don't know what their limitations were, and I don't
23 what the training of the people doing the crime scene
24 processing was, so to --

25 Q I'm not asking the limitations. Looking at it, did

1 they do a terrible job here? Did they do a less --
2 terrible is the wrong word. Let me get it more scientific.
3 An adequate job to show the absence of the -- the absence
4 of any other evidence? Did they do an adequate job?

5 A I do not believe so.

6 Q What?

7 A I don't believe so.

8 Q Okay, and that's your expert opinion.

9 A Correct. I think much more could have been done.

10 Q Okay, and much more being done might have uncovered
11 additional evidence that would have exculpated Alex
12 Murdaugh, help prove he's innocent, correct?

13 MR. MEADORS: Objection.

14 THE COURT: The basis for the objection.

15 MR. MEADORS: Speculation.

16 THE COURT: Any response?

17 MR. HARPOOTLIAN: Your Honor, it's what -- the key
18 here is the absence of evidence. And certainly the absence
19 of evidence -- if there was evidence they could have
20 uncovered and they had done the process right, it would
21 have helped at the minimum prove there was another person
22 that did this crime.

23 THE COURT: Okay. Your speaking response, if you have
24 one.

25 MR. MEADORS: He's testifying in addition to

1 speculation.

2 MR. HARPOOTLIAN: He is testifying --

3 MR. MEADORS: I'm talking --

4 THE COURT: The objection is sustained.

5 MR. HARPOOTLIAN: Thank you. Beg the Court's
6 indulgence one moment.

7 (Break in proceedings.)

8 MR. HARPOOTLIAN: No further questions.

9 THE COURT: All right. Cross-examination.

10 CROSS-EXAMINATION

11 BY MR. MEADORS:

12 Q Good afternoon.

13 A Good afternoon, sir.

14 Q Wouldn't you have loved to have been Laura Rutland?

15 A I'm not sure who Laura Rutland is.

16 Q You don't know who Laura Rutland is?

17 A No, sir.

18 MR. HARPOOTLIAN: Objection, Your Honor. He's already
19 indicated he doesn't know who Laura Rutland is. It's
20 repetitive. Say it one more time, please.

21 Q Mr. Harpootlian asked you if you can -- maybe -- I
22 think he told you you had read all the records in this case
23 and you said yes. Do you remember?

24 A No, sir. I've been qualifying that each time he
25 stated it.

1 Q I'm sorry, do what?

2 A I have been qualifying that question each time he said
3 that the records that were made available to me. The
4 entire case jacket was not made available.

5 Q So, tell these folks what was made available to you.

6 A Photographs from the coroner's office that were taken
7 apparently by a photographer representing them at the
8 scene. Photographs, I believe, that were taken by SLED, or
9 an investigative agency. Later I was the recipient of four
10 images now I know were taken by the state -- we call them
11 state's attorneys, district attorney. Copies of the
12 autopsy report. Some of SLED's investigative reports, such
13 as the fingerprint section, which actually also did the
14 footwear -- or the footwear examination. That's -- I was
15 given access to the operation manual for SLED. And the
16 letter that I just referred to as far as the origin of some
17 of the photographs.

18 Q So, you have not read all the records in this case.

19 A Correct.

20 Q Okay, and you don't know who Laura Rutland is.

21 A No, sir, I don't.

22 Q Would it be important for somebody -- well, let me ask
23 you this much. When did you get all of that, the reports
24 and the pictures from -- when did you receive those in your
25 possession?

1 A Some of them as long as two months ago, three months
2 ago. Others today.

3 Q And I spent the weekend looking through some of your
4 background.

5 A Yes, sir.

6 Q You provide reports in a lot of cases, don't you?

7 A Yes, sir, I do.

8 Q Written reports?

9 A Yes, sir.

10 Q What you do, what your findings were, correct?

11 A Yes, sir.

12 Q And, in fact, you do that in most cases, don't you?

13 A Yes, sir.

14 Q Did you do a report in this case?

15 A It was not requested.

16 Q Well, so are you taking notes or are you just doing
17 all of that from memory up there?

18 A Testimony so far has been more about procedural issues
19 and the specifics of things that I've already reviewed.

20 Q I understand that, but that wasn't answering my
21 question, respectfully. Have you done a report for
22 yourself? Have you --

23 A Do I have notes that I was taking? Yes.

24 Q Do you have those?

25 A Do I have them with me?

1 Q Yes, sir.

2 A Strictly what's on my computer.

3 Q Do you want to provide those to me?

4 MR. HARPOOTLIAN: Objection, Your Honor. He's
5 entitled to reports, not his notes. He's not entitled to
6 *Brady*. He's not entitled to anything but a report under
7 Rule 5, and there is no such thing.

8 MR. MEADORS: Your Honor, he just said if you wish.
9 He just told me I could have it.

10 THE COURT: I didn't ask for argument. The objection
11 is overruled.

12 Q You said I can look at them?

13 A They're not physically here, but whatever I have at
14 another location, you're more than welcome to.

15 Q You said you had them on your computer.

16 A Not all of the handwritten notes. Any of the
17 documentation that was given was by virtue of digital
18 copies.

19 Q But you have something on your computer up there. You
20 actually motioned toward it.

21 A Please.

22 Q You have some on your computer up there?

23 A Not the actual notes, no. I have the actual documents
24 I received to review. The handwritten notes or any of the
25 notations on images or photographs are at another location.

1 Q When did you prepare -- we got the PowerPoint last
2 night about 10:00. When did you prepare that?

3 A Which one?

4 Q The only -- is there more than one?

5 A There were two.

6 Q Where is the other one?

7 A They were both shown.

8 Q Those were two PowerPoints?

9 A They were two separate ones, yes. I take it back.
10 I'm mistaken.

11 Q You what? What did you just say?

12 A I said was mistaken. There was one PowerPoint; there
13 were two sections to it.

14 Q And when did you provide that?

15 A Probably a week ago.

16 Q You just said you were mistaken. You have made
17 mistakes in your life, haven't you?

18 A Yes, sir. I have an eraser on my pencil.

19 Q And I'm old school, you're old school, and I don't
20 mean that bad.

21 A Thank you.

22 Q And when you were around investigating a crime scene
23 years ago, you didn't wear booties every time you were on
24 the crime scene.

25 A When I started doing crime scenes, they weren't part

1 of the equipment.

2 Q So, my --

3 A As technology has come along, the fear of
4 contamination, they become standard operating procedures.

5 Q But you have not always wore foot protection when you
6 were on a crime scene, have you?

7 A Going back twenty, thirty, forty years ago, no, sir.

8 Q And you've made mistakes before.

9 A As everyone in this room, yes.

10 Q Yes, sir. Well, as you just did a minute ago, too?

11 MR. MEADORS: Can I pull up one whoever -- do you have
12 those? Do you mind? Would you pull up something for me?

13 SPEAKER: Of course.

14 MR. MEADORS: 195, please. If you're not --

15 (Break in proceedings.)

16 MR. MEADORS: Thank you. I didn't mean to --

17 (Break in proceedings.)

18 Q Now, do you remember a minute ago when Mr. Harpootlian
19 asked you about State's 195?

20 A Yes, sir.

21 Q And it's important when these footprints were put on
22 here, isn't it?

23 A Yes, sir.

24 Q And do you know who first saw those footprints?

25 A No, sir.

1 Q You don't? That's right. It's Laura Rutland. Would
2 it have been important to you to come in -- and you're
3 basically second guessing the Colleton County Sheriff's
4 Department, the South Carolina Law Enforcement Division --
5 well, you're being paid to come in and say they did a bad
6 job, aren't you?

7 A I even qualified that answer. Depending on the
8 limitations of their skill sets, depending on the
9 limitations of equipment that they have, and their
10 training, they may have done the best job they could have.

11 Q But you're second guessing the Colleton County
12 Sheriff's Department and SLED and saying they did a bad
13 job, isn't it?

14 A With that particular image --

15 Q Well, now, you've said it about the whole case --

16 MR. HARPOOTLIAN: Objection. He's not finished.

17 Have you finished your answer? I'm sorry.

18 Q Go ahead. I'm sorry.

19 A Are you referring to this image or the entire --

20 Q Right now, yes, sir.

21 A As far as that picture goes, it's a good general
22 overview documentation of an area. Without additional
23 photographs, which I know there were -- there were four in
24 the series, if I'm not mistake. It does show this area in
25 concert with the portion of the crime scene. That can be

1 equated back to one of the diagrams that was prepared.

2 This particular picture is a medium close-up showing a
3 particular area, as I tried to explain, with the
4 photography showing multiple images and how they relate to
5 one another. The other photograph would show how it
6 relates to the scene. The part that's missing are the
7 macro, or the close-up photographs, showing the detail of
8 the images so that should a pair of shoes or article of
9 footwear be available, they could then be directly compared
10 and analyzed and either included or excluded for
11 consideration in a case.

12 Q And if you had a witness -- let me just ask. If
13 you're giving an opinion up here and evaluating a crime
14 scene, wouldn't you want to know if there was a witness who
15 saw this image when they were just the sandals on it?
16 Wouldn't you want to know that if you were evaluating,
17 second guessing whether law enforcement did a good job?
18 Wouldn't you want to know that?

19 A It would be helpful, but that's not what I was
20 presented with.

21 Q You weren't even presented with that.

22 A I was presented with a photograph and asked to
23 interpret what's there.

24 Q But if there's a witness who said I saw those and they
25 were just those sandal prints and nothing else there, you

1 would want to know that.

2 A First off, I'm not an investigator. I don't do
3 interviews. I don't talk to people about what they did or
4 saw. As a scientist, you evaluate the information that
5 you're given to work with insofar as possible. These
6 images have very limited value for analysis. How they got
7 there, I don't know.

8 An article of footwear came in contact with that
9 surface, as I explained, and left an impression, a three
10 dimensional image. As far as who was there, how many
11 people walked through, I don't know. I was not at the
12 scene at the time of the incident, nor have I ever been to
13 the crime scene.

14 Q You've never been to the crime scene.

15 A Correct.

16 Q I mean, isn't that important if you're going to --

17 A Not for the limited purpose I was asked to look at the
18 evidence. And as the time had elapsed, there's no way to
19 go back to a scene that occurred two years and try to
20 interpret evidence that probably no longer exists.

21 Q Will you just please answer this one question?

22 A Yes, sir.

23 Q The -- if there was information from an individual who
24 saw this scene on June 7, '21, that when she saw it there
25 were nothing but sandal prints and nothing else, wouldn't

1 you want to know that?

2 A Again, as a scientist I can only deal with what it is
3 put in front of me. I avoid witness statements because of
4 their unreliability.

5 Q An eye witness who said I just saw sandals, you would
6 not want to know that.

7 A I would not care. I am looking --

8 Q Would you care back when you were this -- a beat cop
9 if you just saw sandals yourself?

10 A I was not a scientist at that point. I was not
11 subject to bias accusations, right, and undue influence
12 from others.

13 Q You're talk about Mr. Harpootlian or me?

14 A Both.

15 Q Okay, and the reason I'm following up on that, and I
16 wasn't clear. Mr. Harpootlian said were these over other
17 imprints or over -- they're actually over each other. The
18 sandals are over themselves, imprints, correct?

19 A I said that, yes.

20 Q Well, it wasn't clear. You're not saying they were
21 over these other.

22 MR. HARPOOTLIAN: Objection, Your Honor. It may not
23 have been clear to Mr. Meadors. It was clear to me; it was
24 clear to everybody else in the courtroom.

25 A I also stated --

1 THE COURT: The objection is sustained.

2 MR. HARPOOTLIAN: Objection.

3 THE COURT: The objection is sustained.

4 MR. HARPOOTLIAN: Thank you.

5 THE COURT: The examination by counsel is cross-
6 examination. It's not direct examination.

7 Q And finally on this topic, Mr. Harpootlian said that
8 these photos were taken on June 7th of 2021, and that's
9 what you thought, correct? That's what you were provided.

10 A The appearance from the letter that was, I believe,
11 attached to those images gave that indication, yes.

12 Q And did it say what --

13 MR. MEADORS: Beg the Court's indulgence.

14 (Break in proceedings.)

15 Q They were actually taken on June 8th of 2023 (sic)
16 later that day. Did you know that?

17 A Apparently the person who authored the letter
18 authenticating the photograph was inaccurate.

19 Q I'm going to show you what's marked as State's 55 --
20 excuse me, 565, Mr. Zercie.

21 A Yes, sir.

22 Q Do you recognize those?

23 A Yes, sir.

24 MR. MEADORS: Your Honor, without objection 565.

25 MR. HARPOOTLIAN: Oh, no objection, Your Honor.

1 THE COURT: Admitted without objection.

2 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 565 WAS
3 RECEIVED INTO EVIDENCE.)

4 Q Now, Mr. Zercie, looking at the -- I think it's
5 State's 139, and this now State's 565, using common sense,
6 are those consistent with this?

7 MR. HARPOOTLIAN: Objection, Your Honor.

8 THE COURT: What's the nature of the objection?

9 MR. HARPOOTLIAN: He's an expert.

10 THE COURT: Or legal basis for the objection?

11 MR. HARPOOTLIAN: The legal basis he's applying the
12 wrong standard, common sense. He's a scientist. He can
13 make a comparison scientifically.

14 THE COURT: The objection is overruled.

15 MR. HARPOOTLIAN: Thank you.

16 A In general pattern, design, these pair of sandals
17 possibly made the smooth imprints that appear in the
18 picture. However, I cannot tell you a size or individual
19 patterns as the images here, again, were not reported
20 properly, if that's what they were.

21 Q Okay.

22 A There are similarities to basic pattern design to
23 these shoes.

24 Q Okay, and you would have said that -- I'm sorry, you
25 would have said that as a beat cop forty years ago and the

1 same thing right now today, wouldn't you?

2 A Except now have I to do it now as an expert witness,
3 which is much different.

4 Q You're getting paid a lot more.

5 A Yes, sir.

6 Q How much are you getting paid an hour?

7 A The base fee was 350 an hour.

8 Q I'm sorry?

9 A \$350 an hour.

10 Q That's the base.

11 A Yes, sir.

12 Q Do you get paid for travel?

13 A Yes, sir.

14 Q How much?

15 A This time strictly the airfare.

16 Q Okay. You don't get paid while you're traveling?

17 A No, I'm not charging for time.

18 Q You usually do?

19 A Again, depends on the circumstance.

20 Q And you know I've got ask this.

21 A That's okay.

22 Q Do you get paid more for sitting in that chair than
23 you do for not being -- inside the courtroom testimony
24 costs more than outside?

25 A It's the same fee.

1 Q 350?

2 A It's a basic 10 hour charge for testimony.

3 Q And how many hours have you logged so far?

4 A Total 20 plus today, and, you know, the travel. I'm
5 charging for the travel time.

6 Q Is there an extra charge for the PowerPoint?

7 A No, sir. It's all part of the examination.

8 MR. MEADORS: Beg the Court's indulgence.

9 (Break in proceedings.)

10 Q I'm going to show you what's marked State's 559 and
11 558, Mr. Zercie. Do you recognize those?

12 A Yes, sir, I do.

13 MR. MEADORS: Your Honor, 558 and 559 without
14 objection.

15 MR. HARPOOTLIAN: Without objection, Your Honor.

16 THE COURT: They're admitted.

17 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 558 WAS
18 RECEIVED INTO EVIDENCE.)

19 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 559 WAS
20 RECEIVED INTO EVIDENCE.)

21 Q 560 and 561, Mr. Zercie? Do you recognize those?

22 A Yes, sir, I do.

23 MR. MEADORS: Your Honor, 560 and 561 without
24 objection.

25 MR. HARPOOTLIAN: No objection.

1 THE COURT: They're admitted.

2 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 560 WAS
3 RECEIVED INTO EVIDENCE.)

4 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 561 WAS
5 RECEIVED INTO EVIDENCE.)

6 Q 564?

7 A Yes, sir, I do.

8 MR. MEADORS: 564 without objection, Your Honor?.

9 MR. HARPOOTLIAN: Without objection, Your Honor.

10 THE COURT: They're admitted.

11 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 564 WAS
12 RECEIVED INTO EVIDENCE.)

13 Q 566?

14 A Yes, sir.

15 Q And you're saying yes, sir. That means you recognize
16 them and --

17 A Yes, sir.

18 MR. MEADORS: 566 without objection.

19 MR. HARPOOTLIAN: Without objection.

20 Q And 557?

21 A Yes, sir.

22 MR. MEADORS: 557 without objection, Your Honor.

23 MR. HARPOOTLIAN: Without objection.

24 THE COURT: They're admitted.

25 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 566 WAS

1 RECEIVED INTO EVIDENCE.)

2 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 557 WAS
3 RECEIVED INTO EVIDENCE.)

4 Q 562 and 563.

5 A Yes, sir. I'm familiar with this report and this one.

6 MR. MEADORS: Your Honor, 562 and 563 without
7 objection.

8 MR. HARPOOTLIAN: Without objection, Your Honor.

9 THE COURT: They're admitted.

10 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 562 WAS
11 RECEIVED INTO EVIDENCE.)

12 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 563 WAS
13 RECEIVED INTO EVIDENCE.)

14 Q And Doctor --

15 A Mister.

16 Q Apologize, Mister.

17 A No problem.

18 Q Mr. Zercie, 56 -- I'll stand back here so everybody
19 can here, sorry. 556 and 55 -- 564 are pictures of Paul's
20 shoes and Alex's shoes, correct?

21 A They are photographs taken at the laboratory of the
22 two articles that you mentioned by ownership apparently.

23 Q Who've been identified as Paul and Alex's shoes.

24 A Okay, yes.

25 Q And then what are these, 561 and 560?

1 A Depending on the methodology that was used, either
2 placing a slurry on the bottom of the shoe, rolling it onto
3 a contrasting surface, i.e., a piece of paper, of both you
4 have a set of the left and two sets of the right shoe, all
5 right, to try to record any of the detail that would show
6 in a two dimensional impression when the shoe comes in
7 contact with the surface.

8 Q And that's 589 (sic) and 559, I believe, are the right
9 shoe, and 560 and 561 are the left shoe of Alex Murdaugh.
10 Would you disagree with that?

11 A No.

12 Q And that's good to do, isn't it?

13 A Yes.

14 Q No question about that.

15 A It's part of the examination process.

16 Q Take a picture of the soles.

17 A Photograph the items.

18 Q Do an imprint.

19 A Life size, not as represented in those pictures, but
20 yes.

21 Q Because you're trying to see if there are
22 characteristics, correct?

23 A If you have something to compare them to, yes.

24 Q Class first.

25 A There's five criteria: size, shape, wear, pattern,

1 manufacturer. And the final one is individual, the
2 accidental cuts, scratches, gouges, or residue that may be
3 stuck in the bottom of the shoe that would leave a pattern
4 behind.

5 Q General class, and then see if you've got some kind of
6 individual defect -- I'm pronate, so that would show on my
7 shoes, wouldn't it?

8 A Yes, sir. And if you're supinated, it would, too.

9 Q Say what? Super -- I've got you, my bad. I didn't
10 hear you.

11 A It's the way the foot flexes at the ankle.

12 Q I understand. I didn't hear you. And 198 and 199 are
13 already in evidence. Would you dispute that these were the
14 right and left of Paul?

15 A They were shown to me as representative that, yes.

16 Q Okay, and that's good?

17 A Yes.

18 Q I mean, that's good law enforcement?

19 A That's part of the examination process, yes, sir.

20 Q And what's now been admitted into evidence, SLED's
21 report by Special Agent Worley -- two reports, one more
22 detailed than the other where she basically gave her
23 conclusions about looking at these footwear impressions,
24 correct?

25 A Yes, sir.

1 Q Okay, and you can't disagree with anything that she
2 came up with, can you?

3 A No. In fact, I agree with her comments about the
4 limitations that were placed on her to do the analysis.

5 Q Pretty good examination, wasn't it?

6 A I have no problem with it.

7 Q You have no problem with it.

8 A No, sir, in regards to the limitations that were
9 placed on her.

10 Q But she tried.

11 A Yes, sir.

12 Q And they tried.

13 A Yeah.

14 Q And they took pictures.

15 A And the pictures that were taken made it difficult, if
16 not impossible, as she states in her report to draw a
17 positive conclusion in one direction or another, to only be
18 able to give a class characteristic of basic pattern
19 design.

20 Q She wasn't basically 90 degrees over it, but the
21 picture was there -- still there, correct?

22 A Pardon?

23 Q She could still compare these to a picture, couldn't
24 she?

25 A As far as general pattern characteristics, yes.

1 Q And I think Mr. Harpootlian showed you some of these.
2 They're out of order.

3 MR. MEADORS: Beg the Court's indulgence.

4 (Break in proceedings.)

5 Q An ink impression and overlay of Item 103, shoes,
6 which I think you and I've identified were Paul's shoes,
7 correct?

8 A If that's the number that's on the shoe, yes.

9 Q Okay, and she compared those to the digital photos,
10 and I think -- were they in here where it's -- 38 has got a
11 1051. Do you remember looking at these?

12 A Yes, sir.

13 Q And 1052, and 1053, inside the feed room?

14 A Yes, sir.

15 Q And 1055. 1051, right here. And did she make that
16 mark and put it on there, 1055 -- 105.1?

17 A Yes.

18 Q Okay, and again, that's State's 38.

19 A Again, to the best of my knowledge she made that mark.

20 Q I understand. What did she conclude with that?

21 A If I could have the report, I would be happy to read
22 it, either her report or her work notes, either one.

23 Q How about if I hand you this? I haven't got enough
24 room in here. I'm sorry.

25 A This is from her examination worksheets under the --

1 Q 105.1.

2 A -- under the accreditation. These notes would have
3 been taken contemporaneous with the examination that she
4 was conducting. Now, there may be a typed transcript of
5 those. And could you repeat which section again?

6 Q You've got my marked copy.

7 A There's a mark on 103.2. You have an underlined
8 section on 105.1.

9 Q 105.1. Read my underlined section, please.

10 A Strictly that out of context?

11 Q No, read it all. I didn't mean that. You read all --
12 everything you want. Tell them about what she did. Tell
13 them everything.

14 A No, this is what Agent Worley did from her examination
15 worksheet dated 6/23/2021. All right, regarding liability
16 testing, not applied. All right, examination notes,
17 subsection -- section 105 for item 105.1: Unknown footwear
18 impression in photograph numbered 0139. Each photograph
19 that was taken has a specific number assigned to it by the
20 digital cameras so you can go back to that specific image.
21 Near the feed room door threshold, this would be, to me,
22 it's closest to the entry way itself. The Item 105,
23 unknown footwear impression:

24 Consists of partial impressions and suspected
25 blood on the cement floor. The outsole design

1 consists of at least four rows of parallel
2 rectangular blocks. One block is in a row by
3 itself and appears to be two blocks that are
4 joined together, forming more of a V or a U
5 shape. Due to the amount of suspected blood --

6 All right.

7 -- in the impression, it is difficult to
8 determine if those or any of the blocks that
9 appear to be joined together are actually joined
10 in the design, or if the volume of suspected
11 blood is masking the separation of the joints.

12 The sentence with the underlying section: Overall,
13 the Item 105.1, unknown footwear impression, is
14 consistent with the outsole design of the Item
15 103 right shoe.

16 Q That's consistent with Paul's shoe, correct? Assuming
17 Paul's shoes is 103.

18 A It's consistent with that one that's represented, yes.
19 Okay. Again, this is her opinion.

20 Q I understand.

21 A All right:

22 Specifically the unknown impressions appear to be
23 consistent with this second through the sixth
24 rows of the toe end of the outsole. There is
25 barely a noticeable difference between the design

1 on the left or the right shoe. However, there is
2 a slight variation in the slant of the blocks,
3 especially in the middle row of the impression.
4 Additionally, it's the photograph were -- if the
5 photographs were true to size, there is an
6 outline of the blocks that would align with the
7 fifth row of the toe end of the shoe, which is
8 obscured in Item 103, left shoe, but is clearly
9 visible on the right shoe due to the quantity --

10 Q Is that quality?

11 A Quality, excuse me:

12 --- of the impression, a more meaningful
13 conclusion cannot be rendered. The Item 21 and
14 95 --

15 All right.

16 -- have been eliminated based on the outsole
17 design.

18 Q So --

19 A Those would be Paul's shoes and Maggie's.

20 Q So, she found that that was consistent with Paul's
21 shoe, correct?

22 A Based on her opinion, yes.

23 Q I'm not going to go through every one of these, but I
24 just want to briefly go through -- did she also on the 1052
25 footwear impression say that Paul's shoes were consistent?

1 A And continues:

2 The lack of clarity in the impression makes it
3 difficult to determine if it was made by the left
4 or the right shoe. Therefore, more a meaningful
5 conclusion cannot be reached and they were
6 eliminated.

7 Q It's consistent, correct? The lack of clarity make it
8 difficult to determine a more meaningful but it's
9 consistent, right? They weren't eliminated. Why did you
10 say that?

11 A I read the next line.

12 Q Yeah, but that's Item 21 and 95, remember. You were
13 trying to imply --

14 A No, no, no, I wouldn't do that.

15 Q You made a mistake?

16 A No.

17 Q Well, you said they were eliminated --

18 MR. HARPOOTLIAN: Your Honor, I object to him standing
19 up badgering this witness next to him. He can read it. He
20 can comment from back here. He's in the doorway, but again
21 I object.

22 THE COURT: All right.

23 A For clarity --

24 MR. MEADORS: He's been standing up here the whole
25 time and aimed a gun at us yesterday from here. He aimed a

1 gun at us yesterday.

2 THE COURT: You're standing in the doorway.

3 MR. HARPOOTLIAN: Your Honor, I don't believe what's
4 good for the goose is good for the gander is the rule, and
5 I can't find it in my rule book.

6 THE COURT: When we're operating with limited space,
7 just as a matter of trial procedure, it's extremely unusual
8 for counsel to stand in the location where counsel has been
9 standing throughout the trial, but given the limited space
10 it's somewhat understandable. But he has moved to the
11 podium. Go right ahead.

12 Q Did you misspeak just then?

13 A I did. All right. The last sentence states the Items
14 21 and 95, the other two articles of footwear, are
15 eliminated based on their outsole design.

16 Q But Paul's wasn't eliminated.

17 A In very a basic way. Again, by her report, but what
18 she reports is a contamination issue, all right, blood
19 seeping into other areas. The detail is not there to be
20 definitive. Also there is no rendering of the size of the
21 image from any of the crime scene photographs. Could it be
22 this big, or could it be this big? I can't eliminate based
23 on size.

24 Q If we could go to 105.3, and I'll stay back here. I
25 left you a copy there and I've got a copy.

1 A Yes, sir.

2 Q That's an unknown footwear impression represented --
3 MR. HARPOOTLIAN: Your Honor, I wish he would tell us
4 what exhibit.

5 MR. MEADORS: I'm trying to find it right now. It's
6 the report that you didn't object to.

7 MR. HARPOOTLIAN: I don't object to it. I just want
8 to know what it is.

9 MR. MEADORS: It's one -- 562.

10 MR. HARPOOTLIAN: Thank you.

11 MR. MEADORS: I'm sorry.

12 Q I forgot where we were.

13 A 105.3.

14 Q Thank you. Under 105.3, can you tell me -- which is
15 comparing -- I'm looking now at State's 40, and do you see
16 105.3 in State's 40? And did you review that when you were
17 evaluating this case and --

18 A I read the reports and matched photographs up to the
19 scene, yeah. Sorry.

20 Q And did Agent Worley conclude that Item 105.3, unknown
21 footwear impression, is consistent with the outside outsole
22 design of Item 103 right shoe? Did she conclude that?

23 A I just --

24 (Break in proceedings.)

25 Q I would have picked it up if I was still up there.

1 I'm sorry. 105.3.

2 A It just says it cannot be excluded.

3 Q Did she say impression is consistent with the outside
4 design of 103, right shoe in the second paragraph?

5 A And continuing:

6 Although there was minimal amount of detail
7 observed, Item 103, right shoe, cannot be
8 excluded due to the basic design and structure.

9 Again, the limited amount of detail made a -- very
10 qualified findings. The other part, continuing on with
11 this document and her final report, they all indicate that
12 there had been no size comparison, and again, there's no
13 way to determine that.

14 Q But she tried.

15 A She tried the best she could, yes.

16 Q And going on down 105.4, there was an unknown
17 impression represented on the back of Maggie's leg.

18 A Yes, sir.

19 Q And I don't even know if he talked about it, but I'm
20 going to, 541.

21 A Yes, sir.

22 Q What did she say about that? What were her findings.

23 A I believe that she couldn't do anything with it.

24 Q Although there's a definite pattern visible, it cannot
25 be definitively termed -- determined if the impression is

1 a footwear impression, or if it was created by some other
2 object, right?

3 A Correct.

4 Q And you agree with that.

5 A Yes.

6 Q And the only thing she said, that it was kind of
7 consistent were the fabric portion of Item 95 sandals that
8 couldn't be excluded. And those are Maggie's sandals,
9 right? We don't know what it is, right?

10 A Correct.

11 Q Sandals?

12 A Could be that, could be anything.

13 Q Could be a tire of an ATV?

14 A Possible.

15 Q And let's keep going. We're almost through. 105.5,
16 and is that comparing the shoes with 557, which has been
17 offered?

18 A What is 557?

19 Q It's right here.

20 A Okay.

21 Q 105.5 and 105.6. You've looked at this.

22 A The area behind the door, yes, sir.

23 Q You've looked at that. Overall the Item 105.5,
24 unknown footwear corresponds with the outside -- outsole
25 design of item, what, right shoe?

1 A Item 103.

2 Q That's Paul.

3 A Again, these are class identification. There is very
4 limited detail.

5 Q And let's go to the final one here, 105.6:

6 Unknown footwear impression, too partial to
7 determine if it was made by the square diamond
8 pattern of one of the Item 21 shoes. Therefore,
9 no conclusion could be rendered. Item 105.6,
10 unknown footwear impression was not made by 95
11 and 103.

12 A Yes, sir.

13 Q She examined every footwear, every one of these,
14 correct? She being Agent Worley?

15 A According to her report, yes, sir.

16 Q Took pictures of them, imprints of them?

17 A Yes, sir.

18 Q Compared them?

19 A Yes, sir.

20 Q And --

21 A So, far as she could.

22 Q And came up with a report.

23 A Again, I was not requested to bring a report.

24 Q So, you don't have a report.

25 A Correct, sir. I've said that three times.

1 MR. MEADORS: Beg the Court's indulgence.

2 (Break in proceedings.)

3 Q So, you have no idea if everything else they didn't
4 provide you was done 100 percent correct, do you?

5 A No, sir.

6 MR. MEADORS: Thank you. That's all.

7 THE COURT: Any redirect?

8 MR. HARPOOTLIAN: Yes, sir, very, very, very brief.

9 REDIRECT EXAMINATION

10 BY MR. HARPOOTLIAN:

11 Q Let me see if I can do this in less than 5 minutes.
12 He asked you -- there's a photograph up here he asked you
13 about in the sand with impression -- shoes impressions,
14 right?

15 A Yes, sir.

16 Q So, if this Laura Rutland person that saw this earlier
17 said all she saw were sandals when she got to the crime
18 scene, and then there were impressions over those sandals,
19 would that indicate that somebody in some way spoiled or
20 affected the crime scene that arrived after the police did,
21 or with the police, or were the police?

22 A After the observation, yes.

23 Q Is that something encouraged in these policies and
24 procedures, to actually walk over footprints in the crime
25 scene?

1 A The primary redress at any scene is to protect the
2 evidence, whatever it might be.

3 Q Was that protected?

4 A I don't know.

5 Q It would appear if one officer saw just sandal
6 impressions and then after that there were footprints on
7 it, it's not protected, is it?

8 MR. MEADORS: Objection to leading.

9 THE COURT: Can't lead the witness.

10 Q We'll move on. So, you were asked if Agent Worley did
11 all she could do, and you said she tried.

12 A Yes, sir.

13 Q Okay. Now, she tried with -- she even says that the
14 impressions, the pictures of the impressions are
15 inadequate, correct?

16 A Yes, sir.

17 Q And that's because they didn't follow the simple
18 procedures you've been doing for the last two -- and most
19 police departments have done for the last two or three
20 decades, right?

21 A And has been taught for a number of years.

22 Q No tripod, no direct angle. And let me ask you this.
23 I believe we've asked this before, but if she had done what
24 you did in that New York crime scene and sprayed a
25 chemical --

1 MR. MEADORS: Objection, Your Honor.

2 THE COURT: I haven't heard the question.

3 MR. HARPOOTLIAN: I haven't finished.

4 Q So, if she had sprayed the chemical we saw in the
5 pictures that you had in your PowerPoint from New York,
6 what, if any, difference could that have made?

7 A If there was a blood-like substance present, and more
8 especially in and around the partial print that were
9 visible, it could give you additional detail and further
10 enhance the pattern design, and hopefully give you
11 individualizing characteristics for comparison at a later
12 date. The difficulty with this whole case is I can't tell
13 you when those prints were put there.

14 Q You can't tell me what?

15 A I cannot tell you when those prints were there. The
16 only comment that you can make is sometime prior to the
17 time the photographs were taken, the print was placed
18 there.

19 Q Okay, and this technology of using that spray is
20 decades old, also?

21 A Yes, sir, it is.

22 Q You said she tried. Could she have tried harder?
23 Could she have tried better? Could she have done -- used
24 the techniques that were around for twenty or thirty years
25 to make sure it wasn't the perpetrator's bloody footprint

1 in the feed room? Could she have done that?

2 A She or someone with her investigative group that would
3 be qualified to do that.

4 Q Okay, and he asked you a series of questions that went
5 on for 10 minutes about she compared this --

6 MR. MEADORS: Objection.

7 THE COURT: All right. The objection is sustained as
8 to the comment.

9 Q Were you asked about a series of -- a report with a
10 series of comparisons of pictures with different known shoe
11 impressions?

12 A Yes, sir.

13 Q And I believe you indicate that -- now, if there was a
14 match, what word would be used? Would it be consistent or
15 would it be something stronger?

16 A It depends on the type of analysis and the amount of
17 information that you could cull or get from it.

18 Q Do you ever say this shoe made that impression?

19 A In an all -- better world with proper individualizing
20 characteristic in the five criteria that I mentioned
21 before, you could reach that conclusion.

22 Q But she says consistent.

23 A Correct.

24 Q That's not that shoe made that impression, it is?
25 That shoe could have made that impression.

1 A That shoe or any other pattern similar to that could
2 have made it.

3 MR. HARPOOTLIAN: Okay. Thank you. No further
4 questions.

5 THE COURT: Mr. Meadors.

6 RECROSS-EXAMINATION

7 BY MR. MEADORS:

8 Q Did you do a second PowerPoint that said that mark on
9 Maggie was consistent with a shoe? Did you do another
10 PowerPoint?

11 A I've done several.

12 Q You've done several?

13 A Yes, sir.

14 Q Where is the other one?

15 A They chose not to use them.

16 Q They chose not to use them.

17 MR. MEADORS: That's all. Thank you.

18 THE COURT: You may step down.

19 (The witness exited the stand.)

20 THE COURT: We'll take a little break. If you'll go
21 to the jury room. Please do not discuss the case.

22 (The jury left the courtroom.)

23 MR. HARPOOTLIAN: Your Honor, I failed to put the
24 PowerPoint, Exhibit Number 145, into evidence. Mr.

25 Meadors --

1 MR. MEADORS: Graciously.

2 MR. HARPOOTLIAN: -- graciously has agreed to allow me
3 to put it in at this point. Thank you, thank you, thank
4 you.

5 MR. MEADORS: No objection.

6 MR. HARPOOTLIAN: Offered 145 into --

7 THE COURT: It's admitted without objection.

8 (POWERPOINT MARKED AS DEFENDANT'S EXHIBIT NUMBER 145
9 WAS RECEIVED INTO EVIDENCE.)

10 (A break was taken.)

11 THE COURT: Are we ready for the jury?

12 MR. HARPOOTLIAN: Yes, sir.

13 THE COURT: Bring them in.

14 (The jury returned to the courtroom.)

15 THE BAILIFF: The jury is present, sir.

16 THE COURT: Thank you.

17 Your next witness.

18 MR. GRIFFIN: Thank you, Your Honor. Defense calls
19 Barbara Ann Mixson.

20 The witness, BARBARA ANN MIXSON, was first duly sworn
21 and testified as follows:

22 THE CLERK: Take a seat in the witness stand. You can
23 adjust the mic if you need to. State your name again for
24 the record, please, ma'am.

25 THE WITNESS: Barbara Ann Mixson.

1 THE CLERK: And spell your last name.

2 THE WITNESS: M-i-x-s-o-n.

3 DIRECT EXAMINATION

4 BY MR. GRIFFIN:

5 Q You can have a seat, please. Will you pull that mic
6 close to you? Ms. Mixson, will you tell the jury a little
7 bit about yourself, where you're from, how old are you, and
8 what do you do?

9 A My name is Barbara Mixson, and I'm from Varnville,
10 South Carolina, and I'm a widow. I have four daughters,
11 five grands, two great grands, and I do housekeeping and
12 care for Ms. Elizabeth Murdaugh, and I'm seventy-one years
13 old.

14 Q Seventy-one years, and how long have you been doing
15 housekeeping for Ms. Libby Murdaugh?

16 A Forty-two years.

17 Q Forty-two years, and you did housekeeping for Mr.
18 Randolph Murdaugh when he was alive, I take it?

19 A Yes, sir.

20 Q Do you know all of Murdaugh children, Randy and Lynn
21 and John Marvin and Alex?

22 A Know them just as good as I know my kids. They are my
23 kids, also.

24 Q They're part of your family.

25 A That's right.

1 Q And are you part of their family?

2 A Yes, sir.

3 Q How well do you know Alex sitting here in the
4 courtroom?

5 A Just like I know one of my kids.

6 Q And you love him like one of yours?

7 A I sure do.

8 Q Did you know Maggie?

9 A I knowed her real well. She was like a daughter and a
10 friend.

11 Q Did you talk to her frequently?

12 A Every day.

13 Q And did you know Paul?

14 A I sure did.

15 Q How often would you see Paul?

16 A I would see Paul practically every week. He would
17 call down and see M and Handsome, and then I would be there
18 during the day. And some days he would come by my house
19 and see me.

20 Q Right, and you know Buster.

21 A I sure do.

22 Q And he's sitting in the courtroom today?

23 A Yes, sir.

24 Q You've had a chance to see him?

25 A Yes, sir.

1 Q I'm not going to take a whole lot of time, Ms. Mixson,
2 but will you just give the jury a little bit of an
3 understanding of how frequently Alex would go by and check
4 on his mom and dad over, say, the last ten years?

5 A Probably every day when I'm there. I see him every
6 day, and I'm there Monday, Tuesday, Wednesday, and Friday.
7 Sometimes I have to work on Saturday and Sunday and he
8 would come by.

9 Q And what time of day -- I guess the hours that you
10 worked over at -- did you call the place Almeda? Did you
11 call it Almeda?

12 A Yes, sir.

13 Q And what are your normal hours there at Almeda?

14 A 8:00 to 3:00.

15 Q And has it always been 8:00 to 3:00 for --

16 A 8:00 to 3:00, always.

17 Q And you took some time off when your husband was sick,
18 and then you went back to work. Do you remember when you
19 went back to work?

20 A My husband passed on January 2nd of 2019, and I went
21 back to work in August of 2019.

22 Q And during that period of time, you were working 8:00
23 to 3:00?

24 A 8:00 to 3:00.

25 Q Okay, and I think you said Alex would come by

1 frequently to check on his mom and dad.

2 A Yes, sir.

3 Q Would Maggie come with him?

4 A Well, not through the week. I would mostly see Maggie
5 on Fridays, or she might stop by like that, but Alex would
6 come through the week by himself.

7 Q And I think you mentioned Paul would visit.

8 A Yes, sir.

9 Q I just want to go to June 7th. Do you remember that
10 awful day, Ms. Mixson?

11 A Yes, sir.

12 Q Did you talk to Maggie that day?

13 A I talked to her on June -- I talked to her on June the
14 9th. I think it was between 7:00 and maybe 7:30.

15 Q June the 7th is when she was murdered.

16 A That's right, June the 7th.

17 Q And you talked to her that evening?

18 A Yes, sir.

19 Q And do you remember what y'all talked about?

20 A Yes, sir.

21 Q What did you talk about?

22 A She said, Barbara, I was trying to reach you before I
23 left to go to Summerville. I had to take my mama to the
24 doctor and I couldn't get ahold of you, but I am going to
25 fix supper for the Murdaughs and for your family for

1 Wednesday night because Thursday I've got to go take my
2 daddy to the doctor. And she said, oh, Barbara, I'm going
3 to call you back. She said no, hold on a minute, that it's
4 either Alex or Buster calling me. She said I tell you
5 what. I'll call you back when I unload the car. And I
6 never got the call back.

7 Q Is that the last time you talked to her?

8 A Yes, sir.

9 Q And the last conversation you had with her she was
10 planning to make you dinner. Is that right?

11 A Dinner for me and her in-laws, yes, sir.

12 Q What was happening on June the 7th? Do you remember
13 Mr. Randolph, what his situation was?

14 A Well, John Marvin came to take Mr. Randolph to the
15 doctor, and then I remember that part because he was real
16 sick.

17 Q And, and after John Marvin took Mr. Randolph to the
18 doctor, do you remember that Mr. Randolph got checked into
19 the hospital that day?

20 A Yes, sir.

21 Q Okay. Do you remember calling Alex --

22 A Yes, sir.

23 Q -- on the afternoon of June 7th?

24 A Yes, sir.

25 Q And what did you talk about?

1 MR. MEADORS: Objection to hearsay.

2 Q What did you talk about?

3 THE COURT: Objection is overruled.

4 Q What did you talk about, Ms. Mixson?

5 A I called Alex. Well, first I always called Christy.
6 First I couldn't get Christy, so then I said, well, let me
7 call Alex. So, I called Alex. I said Alex, your mama is
8 very agitated; she is crying. I give her her medicine, and
9 I want you to come check on her later on during the day.
10 And he said okay, I will.

11 Q Was Ms. Libby agitated?

12 A Because Mr. Randolph had done gone to the hospital.

13 Q And she was, in fact, agitated. Is that right?

14 A Yes, sir.

15 Q And what do you mean by agitated?

16 A Well, she was crying a lot, and I couldn't get her to
17 eat, and she just, you know, she was just agitated. She
18 wasn't --

19 Q And I'm going to show an exhibit that's in evidence.

20 MR. GRIFFIN: Doug, if you could pull up State's
21 Exhibit 520 and go to page 21, which is the Rudofski
22 extraction, the long version.

23 (Break in proceedings.)

24 Q Ms. Mixson, can you see there's an entry on this
25 timeline at 3:58:39, Alex Murdaugh received an incoming

1 call from Barbara Mixson. Do you see that?

2 A Yes, sir.

3 Q Do you think that's when you called Alex?

4 A Yes, sir.

5 MR. GRIFFIN: And that was on June 7th, for the
6 record.

7 All right, you can take that down, Doug.

8 Q How did you learn about Maggie and Paul?

9 A Well, I was sitting on my porch and my daughter -- and
10 she's in the courtroom, Shirley, Officer Stacy Loadholt --
11 came and pulled up. Shirley, my daughter that's in the
12 courtroom, she jumped out of the car and told me, said Alex
13 found Maggie and Paul dead.

14 Q So, a police officer came to your house?

15 A Two of them. It was Stacy Loadholt and then another
16 one, and I said could I go out there? And they said no,
17 you can't go out there.

18 Q And, Ms. Mixson, that was a Monday night. Do you
19 remember Mr. Randolph dying on a Thursday, passing on a
20 Thursday?

21 A Yes, sir.

22 Q Okay. That was June 10th.

23 A Yes, sir.

24 Q And do you remember that Mr. Randolph -- well, the
25 funeral for Maggie and Paul was that Saturday. Do you

1 remember the funeral services at the graveyard for Maggie
2 and Paul on that Saturday?

3 A Yes, sir.

4 Q And Mr. Randolph's funeral was on that Sunday. Do you
5 remember that?

6 A Yes, sir.

7 Q And the next day was a Monday. Did you work that day?

8 A Yes, sir.

9 Q And what time did you come to work?

10 A 8:00 -- well, about -- excuse me, 5 minutes to 8:00.

11 Q And who did you relieve?

12 A Shelley Smith.

13 Q Okay. So, Shelley worked the night shift, and you
14 came on at 5 til 8:00?

15 A Yes, sir, released her.

16 Q Did you work that Tuesday?

17 A Yes, sir.

18 Q And what time did you get to work?

19 A 5 minutes until 8:00.

20 Q And were you relieving Ms. Shelley Smith?

21 A Yes, sir.

22 Q What about that Wednesday?

23 A I relieved Shelley Smith 5 minutes to 8:00.

24 Q All right, and then, Ms. Mixson, on any of those days,
25 Monday, Tuesday, or Wednesday when you relieved Ms. Shelley

1 Smith, did you see a tarp opened up anywhere in Ms. Libby's
2 house?

3 A No, sir.

4 Q Any -- no blue tarp. You didn't see no blue tarp --

5 MR. MEADORS: Objection to the leading.

6 Q -- on a rocking chair?

7 A No, sir.

8 Q Have you ever seen a blue tarp laid out in the house?

9 A I never seen a blue tarp laid out in the house, never.

10 Q And you relieved Ms. Shelley every day, Monday,
11 Tuesday, Wednesday, of that week?

12 A Yes, sir.

13 Q All right.

14 MR. GRIFFIN: Thank you. That's all of the questions
15 I have, Your Honor.

16 THE COURT: By the State?

17 MR. MEADORS: Very briefly.

18 CROSS-EXAMINATION

19 BY MR. MEADORS:

20 Q Good afternoon Ms. Mixson. How are you doing?

21 A I'm doing good. And you, sir?

22 Q Been better, been worse. We met a few weeks ago.

23 A Yes, sir.

24 Q Do you remember down at the --

25 A Yes, sir.

1 Q -- not far from here.

2 A Yes, sir.

3 Q You love Alex.

4 A I love all of them; they're like my children.

5 Q They're like your family.

6 A Yes, sir.

7 Q And we talked about that day before briefly, or that
8 day the 7th like he just asked you. We talked about what
9 you did that day and who you talked to, right?

10 A Yes, sir.

11 Q And you didn't tell us about that conversation you had
12 with Alex that day, did you?

13 A No, sir.

14 Q Okay. When -- have they talked to you about that
15 recently? When is the first time you told anybody about
16 that?

17 A I can't remember, but it has been -- I can't remember.
18 It's been a little while. I can't remember.

19 MR. MEADORS: That's all. Thank you.

20 THE COURT: Anything further?

21 MR. GRIFFIN: No, Your Honor.

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

23 MR. GRIFFIN: Your Honor, may this witness be excused?

24 THE COURT: Yes.

25 MR. GRIFFIN: Thank you.

1 THE COURT: Every witness who steps down is excused.

2 MR. GRIFFIN: Thank you.

3 (The witness exited the stand.)

4 THE COURT: Next witness.

5 MR. BARBER: Your Honor, the defense calls Micah
6 Sturgis.

7 The witness, MICAH STURGIS, was first duly sworn and
8 testified as follows:

9 THE CLERK: Take a seat in the witness stand. You can
10 adjust the mic at the front when you're seated. State your
11 name again for the record, please, sir. Spell your last
12 name.

13 THE WITNESS: Micah Sturgis, last name S-t-u-r-g-i-s.

14 VOIR DIRE EXAMINATION

15 BY MR. BARBER:

16 Q Good afternoon, Mr. Sturgis.

17 A Good afternoon.

18 Q Let's start with can you just tell us about yourself,
19 where you're from?

20 A Sure. My name a Micah Sturgis. I'm from Charlotte,
21 North Carolina. I am the director of Digital Forensics for
22 Barefoot Professional Investigations.

23 Q Pull the mic a little closer.

24 A Sorry. Better? I'm the director of Digital Forensics
25 for Barefoot Investigations.

1 Q Tell us about your experience in law enforcement and
2 then cell phone forensics.

3 A So, from 2004 until 2009 -- excuse me, 2016 I was
4 employed by the Cleveland County Sheriff's Office. It's a
5 full service sheriff's office located in Cleveland County,
6 North Carolina. They're on the border of North and South
7 Carolina. During that time period from 2004 to 2006, I was
8 a patrol deputy. In 2006 I was promoted to a corporal, or
9 a training officer, where I trained new hires. In 2009 I
10 was promoted to detective, and in that capacity I handled
11 everything from larcenies to murders. And then I took on
12 the role of the digital forensic examiner for the sheriff's
13 office. I was the first one that we had, and I formed the
14 digital forensics lab at the Cleveland County Sheriff's
15 Office.

16 Q And before we get more into digital forensics, have
17 you been involved in murder investigations before?

18 A I have, yes.

19 Q As a lead detective?

20 A As a lead detective, yes.

21 Q And then as you go into digital forensics, tell us
22 about your experience with digital forensics in law
23 enforcement, and then afterwards -- and then after that
24 we'll get to your certifications and training.

25 A Sure. As the digital forensics examiner for the

1 sheriff's office, it was my responsibility to handle all of
2 the digital evidence that came into the lab and was also --
3 I was also in charge of ordering things that needed to be
4 ordered and stocked up on for digital forensic purposes.
5 And during that time period, I was sponsored by the United
6 States Secret Service to attend a National Computer
7 Forensics Institute in Hoover, Alabama, where I was trained
8 in multiple device examination, multiple tools: Cellebrite,
9 Blackthorn, which is a form of Berla, XRY was another
10 forensics tool. Paragon was another tool that we used.
11 And so I received that training from the MCFI.

12 They also sent me back with several things, one of
13 which being a laptop computer, or a Mac Book, in order to
14 do examinations on, and also a Ramsey's box, or a Faraday
15 box that I used to use whenever we had phones that came in.

16 Q And since we're kind of on it, could you go through
17 the training you've had in digital evidence?

18 A Sure. So, I've had the basic intermediate cell phone
19 forensics course; introduction, intermediate, advanced
20 computer forensics; internet investigations; introduction
21 to wireless investigations. I was a Lantern Certified
22 Examiner, attended Lantern cell phone training. Lantern is
23 a forensics tool for Apple devices, primarily Apple
24 devices. There's some Androids. Apple IOS forensic. I
25 attended the American Academy of Applied Forensics in

1 Charlotte. Cyber investigations. I was -- like I said, I
2 was nominated and sent to the National Computer Forensics
3 Institute by the United States Secret Service where I
4 received my Mobile Device Examiners Certification. I also
5 received Cellebrite certifications while there at the NCFI.
6 And Paraben's mobile forensic training. Cellebrite
7 Certified Physical Analyst. I received XRY training at the
8 Tennessee Bureau of Investigations and took the XRY
9 intermediate courses. In 2017 I attended the Infuse
10 Conference in Las Vegas, Nevada, where I sat for my ENC
11 written examination. Later came back to Charlotte and I
12 did the practical examination where I was certified as an
13 EnCase Certified Examiner in 2017. And attended the Magnet
14 User's Submit a couple of times and received some training
15 on their tool there at -- in the -- one in Las Vegas, the
16 other in Nashville. And received introduction to alternate
17 data acquisition training, wireless analysis training. I
18 was -- received my Lantern Certified Examiner from Katana
19 Forensics, my XRY certified examiner from MSAV, the
20 Cellebrite Mobile Forensics Certification Fundamental
21 certification, the Cellebrite Certified Operator
22 certification, Cellebrite Physical Analyst certification,
23 and the Cellebrite Certified Mobile Examiner's
24 certification. And also my EnCase Certified Examiners
25 certification.

1 Q And can you tell us about how many extractions or
2 acquisitions of digital evidence you've performed?

3 A Sure. Well over 500 logical physical acquisitions and
4 extractions using Lantern, the Apple device forensic tool,
5 Cellebrite, Blackthorn, XRI, Paraben. And over 750 -- well
6 over 750 images of hard disc drives, or solid state drives
7 of computers and analyzing that data within either FTK, or
8 EnCase Forensics Toolkit. It's a forensic sweep. Examined
9 it in EnCase. Magnet IEF, which is Internet Evidence
10 Finder, that's what they started out as. They're now
11 Magnet. Axiom is the product they produced and put out.
12 So, I've used Axiom to do multiple examinations with that.
13 Imaged with Hardware Forensic Images like the Forensic
14 Falcon. I've used Paraben to get live acquisitions,
15 MacQuisition for Macs and Recon ITR for Mac Books. Also
16 had to collect checkpoint encrypted devices with my time at
17 the bank.

18 Q And that leads into when did you leave law
19 enforcement, and what have you done since you left?

20 A Sure. In 2016 I received a phone call from an
21 individual who owned a private firm in Charlotte, and I
22 went to work for him as a digital forensic examiner in the
23 SouthPark area of Charlotte.

24 Q And after?

25 A After that, I worked from him -- for him from 2016

1 until roughly 2019, and then I went to Wells Fargo, where I
2 was one of twenty-four examiners for the Wells Fargo and
3 Company. After leaving Wells Fargo in 2021, I went and
4 formed this lab at Barefoot Professional Investigations.

5 Q And have you ever been qualified as an expert by a
6 court to testify before?

7 A Yes, I have, in both criminal and defense work.

8 Q Okay. Criminal work and civil?

9 A And civil as well, yes.

10 Q In the criminal cases, have you been on the defense
11 side and the prosecution side, both sides?

12 A I've been on both.

13 Q Have you ever been qualified as an expert in digital
14 forensics in a murder case before?

15 A I have, yes, in 2015.

16 Q And was that for the prosecution?

17 A It was for the prosecution.

18 MR. BARBER: Your Honor, at this time I would offer
19 the witness as an expert in cell phone forensics.

20 MR. CONRAD: No objection from the State.

21 THE COURT: He's so qualified.

22 DIRECT EXAMINATION

23 BY MR. BARBER:

24 Q Mr. Sturgis, before we get into the -- what we're here
25 to talk about, are you paid by the defense to be here?

1 A I am.

2 Q How much?

3 A My rate is \$300 an hour for any type of examination
4 work or consultation, and then \$600 an hour to be on the
5 stand.

6 Q And does that go to the company that employees you?

7 A It does.

8 Q And in your experience, are you aware of anyone who
9 does this work for free for the defense?

10 A No, I'm not. In fact, I do IDS work and --

11 Q What is that?

12 A IDS work is Indigina (sic) Service, so people who
13 can't afford defense experts, and I do that work and the
14 state pays me.

15 Q Turning to this case, have you -- what information
16 have you reviewed regarding cell phones in this case?

17 A Everything that I've been able to look and review has
18 been provided by the State.

19 Q And specifically the extractions with -- where the --

20 A Right. Specifically extractions of the mobile devices
21 and reports that they produced.

22 Q So, you haven't done anything independent of what the
23 State has provided.

24 A No, only the State's data.

25 Q Okay, and have you had a chance to review the timeline

1 that's been introduced into evidence in this case? I
2 believe it was -- I don't have the exhibit number on, on
3 me, but the large timeline of events that --

4 A The one provided by the State?

5 Q Yes.

6 A Yes.

7 Q And as far as the cell phone information goes, is that
8 timeline accurate?

9 A It is. There -- with the exception of a couple of
10 things based off interpretation of the data, but for the
11 most part, yes, it is accurate.

12 Q Is anything missing?

13 A There are two instances where there's some things from
14 the Knowledge data -- KnowledgeC database that aren't in
15 the report that I've been able to locate and identify.

16 Q Okay. We'll later on get to that, but we don't have
17 to belabor it because it will just be filling in those
18 gaps. The three phones here, you know, Paul, Alex, and
19 Maggie Murdaugh, did you -- what did you do with Paul's
20 phone, if anything?

21 A With Paul's phone, the extraction reports that I
22 received, there wasn't much data after 8:49, somewhere in
23 that time, on 6/7. So, I didn't really focus much on that
24 one. With Alex's phone, that one I reviewed the steps that
25 were there in the Apple Health sections, and with Maggie I

1 really focused my attention on Maggie's.

2 Q And all -- so, we'll focus on her phone. Was there
3 any GPS data on her phone?

4 A There was GPS data, but there was nothing from 6/7.

5 Q And do you remember when the GPS data started?

6 A It was 6/9.

7 Q And you mentioned when talking about I think your
8 qualifications with Faraday bags or boxes, what are those?

9 A So, if Faraday bag, or a Faraday shield, is something
10 that completely takes the device off the network. It also
11 prevents a GPS signal from breaching the device and
12 changing data to the device.

13 Q If you could, describe your experience working with
14 those in law enforcement.

15 A Sure. Part of my responsibility as the -- when I
16 worked at the sheriff's office as head of the digital
17 forensics lab was to make purchases. So, I would purchase
18 these Faraday bags for our patrol officers so when they
19 came out on a scene and came across -- if we had an
20 instance of a crime where a phone was used and any of us
21 seized that phone, they had access to those bags, either in
22 their cars or back at the office in the shared vault room
23 where they could go in and put their evidence up. And if
24 it's a good bag, which, you know, if you buy the right bag
25 and the phone is put in there the proper way, then it, it

1 prevents signal from reaching the phone.

2 Q And then did you mention a box?

3 A Yeah. It's -- so, it's a Ramsey's box is what I
4 called it. The Secret Service provided that to me when I
5 left their training, and with that box what I would -- I
6 would take the box from the Faraday -- from evidence that
7 was in the Faraday bag wrapped up, put it inside the
8 Faraday box, or the Ramsey's box. It has two gloves that I
9 would shove my hands into. My computer and the forensic
10 software would be plugged into the side of the Ramsey's
11 box. It was a powered box. There's a light on the inside,
12 so it had a window I could look into, and then I could
13 manipulate the bag and open it up and pull the phone out
14 and keep everything in that Faraday shield.

15 Q In your opinion, if Maggie Murdaugh's phone had been
16 secured in the way you just described, would it have GPS
17 data from 6/7?

18 A It likely would have.

19 Q Let me show what's been admitted as State's Exhibit
20 278.

21 MR. BARBER: Can we show what's been admitted as
22 State's Exhibit 278, please? Can we see the top of the --
23 (Break in proceedings.)

24 Q Now, sir, do you know what the little arrow in the top
25 left of the phone screen is?

1 A That's the locations --

2 THE COURT: You have to speak louder, please.

3 THE WITNESS: I'm sorry.

4 A That's a location services arrow.

5 Q Okay. I probably should have asked first. This was
6 admitted as a photo of Maggie Murdaugh's phone in the lab
7 before the extraction. Have you seen this before and do
8 you recognize it?

9 A Yes, I have.

10 Q And, again, that arrow indicates --

11 A Yes. The location services are active on the device
12 even though the phone is in airplane mode.

13 Q Does that mean right there in the lab it's writing GPS
14 data?

15 A Yes.

16 MR. BARBER: You can take that down.

17 Q I show you what's been marked as Defendant's
18 Exhibit 156 and ask you if you recognize that.

19 A I do. This is Alex Murdaugh's steps and Maggie
20 Murdaugh's steps from the Apple Health data.

21 MR. CONRAD: No objection.

22 MR. BARBER: Your Honor, I would offer, I believe
23 without objection, Defendant's Exhibit 156 into evidence.

24 MR. CONRAD: No objection.

25 THE COURT: It's admitted.

1 (REPORT MARKED AS DEFENDANT'S EXHIBIT NUMBER 156 WAS
2 RECEIVED INTO EVIDENCE.)

3 MR. BARBER: Will you pull up -- it's the Apple --

4 Q I'm going to just ask you to explain what some of
5 these terms are. How does -- and obviously from the title
6 this is Alex Murdaugh's phone. How does the phone come up
7 with that steps number?

8 A There are accelerometers --

9 Q Pull the mic a little closer, please.

10 A I'm sorry. It will help if I sit up a little further.
11 There's accelerometers inside the device. So, whenever the
12 phone is jostled or moved and the accelerometer is moved,
13 then that accelerometer data logs a step, so -- and
14 depending upon where the device is on you, if it's on your
15 waist or in your pocket or you're holding it in your hand
16 when you're walking, that movement of the accelerometer
17 indicates those steps.

18 Q And what can -- how does it come up with the distance
19 that goes -- that corresponds with those steps?

20 A It uses the satellite's GPS.

21 Q Okay, and what does the start and stop times, what do
22 they mean?

23 A So, in the Apple Steps or Apple Health data here, you
24 see, for instance, entry 26 that the -- between the times
25 of 7:55:32 and 8:05:07 that 5 -- excuse me, 270 steps were

1 taken during that time period.

2 Q Okay. Now, does that -- do we know when in that time
3 period the steps occurred?

4 A We know that the steps, or the logging of those steps
5 started at 7:55 and 32 seconds, but whether -- we don't
6 know each individual step, when each individual step took
7 place. We just know that some time during that timeframe
8 those 270 steps were taken.

9 Q Between the steps numbers and the distance, do you
10 have an opinion on which one is maybe more accurate?

11 A In my opinion, the steps are going to be more
12 accurate.

13 Q Why is that?

14 A Because the accelerometer in the hardware in the
15 phone, they're more accurate.

16 Q Does that mean that the distance is not useful
17 information?

18 A It doesn't mean that the distance isn't useful
19 information. I think the totality of everything altogether
20 is what we have to look at here.

21 MR. BARBER: The second page.

22 Q And is this the same thing for Maggie Murdaugh's
23 phone?

24 A It is.

25 Q Before we get into time, just some other things to

1 cover. There's been a lot of talk so far about orientation
2 changes --

3 MR. BARBER: Can take that down.

4 Q What is an orientation change on an iPhone?

5 A So, an iPhone has two orientations. It has a
6 portrait, or up and down, or landscape, which is horizontal
7 or sideways. And whenever a -- whenever the device is
8 backlit, that's when the orientation change will log and
9 show. Now, we're not specifically talking about like a
10 phone, if you physically take the phone and you turn it
11 like this, we're not talking about the physical --

12 Q And I'm just going to interrupt a second. I know they
13 don't let you have a phone, but since you're gesturing --

14 A All right, thank you.

15 Q -- there's a phone that might help.

16 A So, what we're talking about is not the physical
17 positioning of the phone but the orientation of the data
18 that you're reading on that device, the orientation change.

19 Q And what do the start and end times mean for
20 orientation change?

21 A So, when a orientation change is made, a start time is
22 logged, that's the start time of the orientation change
23 that you're seeing on the device itself.

24 Q For Maggie's phone, what was the last orientation
25 change? When was that?

1 A I believe that was 9:06 and 12 seconds p.m. on 6/7.

2 Q And when did that one end or complete?

3 A I believe that was 9:06 and 20 seconds.

4 Q And at -- when it completed, what was the orientation
5 of the phone for the rest of the night?

6 A It was in portrait mode.

7 Q If the screen is off, can an orientation change occur?

8 A If the screen is off, no, the orientation change can't
9 occur.

10 Q If the orientation change happens in the database at
11 the exact moment the screen comes on, does that tell you
12 anything?

13 A When I see that, when I see a orientation change at
14 the exact time the screen is lit up, if the device was in
15 horizontal or landscape mode and then moved into portrait
16 mode and the screen comes on, and then all of the sudden
17 the exact same time it changes into portrait mode, to me
18 that indicates that the phone was in a portrait mode
19 position, and then the screen comes on and the orientation
20 change takes place inside.

21 Q So, does that mean that movement when the screen is
22 off can appear as an orientation change when the screen
23 comes on?

24 A When the screen comes on, yes. When the screen is
25 backlit, that's when the orientation change -- it cannot

1 make an orientation change unless the back screen is lit.

2 Q So, kind of moving on then to -- we've talked about
3 orientation changes and they don't happen when the screen
4 is off, you said. Can motion of the phone turn on the
5 screen?

6 A Yes. Very little motion can turn on the screen.

7 Q And what is the Raise to Wake feature of an iPhone?

8 A So, the -- Apple has a Raise to Wake feature that's
9 set by default. Currently this phone -- unfortunately you
10 can't see there, but --

11 Q Well, could you -- with the Court's permission, can
12 you come down to show the jury?

13 A Currently the phone is off. Now it's on. See that
14 small movement? Can I put it right here? Okay. A slight
15 raising of the phone will indicate slightly. So, when the
16 phone is here, if you raise the phone, it raises to wake.
17 So, if you raise the phone like that, if the phone is
18 flipped over, you can flip the phone back over, it wakes
19 up. If you move the phone from -- it's this mode -- to
20 here, the phone comes on. So, that's the Raise to Wake
21 function.

22 Q And was this feature turned on on Maggie Murdaugh's
23 phone on June 7th?

24 A By all indications on the database there were -- that
25 it was there, yes.

1 Q Okay. Are you familiar with the location of Maggie
2 Murdaugh's phone when it was covered -- by law enforcement
3 on 6/8?

4 A I am.

5 Q And have you reviewed the recently received GPS data
6 for Alex Murdaugh's Suburban when it was passing that
7 location?

8 A I did.

9 Q Okay. So, do you know when the Suburban passed the
10 location of the phone?

11 A When it was leaving the house where the crimes took
12 place, it was around 9:08 when it was passing the location
13 where that phone was located. And then on the return trip
14 back, it was 9:59 and, I believe, 19 seconds.

15 Q Was Maggie Murdaugh's phone screen off during those
16 times?

17 A Yes.

18 Q Now, you're just here as a cell phone expert, right?

19 A That's correct.

20 Q So, can you offer any expert opinion on how a phone
21 would tumble or bounce or move when thrown from a car going
22 40 plus miles an hour into the brush on the side of a
23 country road?

24 A No. There's too many variables and I'm not an expert
25 on physics.

1 Q Can you tell us how much motion would be required for
2 the screen to come on on a phone?

3 A Very little. Just, you know, just reaching and
4 picking this phone up like I just did there, the phone
5 comes on, so it can be very little.

6 Q Okay, and, again, in the times that Alex Murdaugh's
7 car was passing, the screen never came on.

8 A That's correct. The database indicated it was off.

9 Q If we can turn to Maggie Murdaugh's phone, I show you
10 what's been marked as Defendant's 158. Do you recognize
11 this?

12 A I do.

13 Q What is it?

14 A This is a PowerPoint presentation printed off that you
15 put together, but it's based off of the KnowledgeC
16 database data.

17 Q And to be clear, I typed it into PowerPoint. Have you
18 reviewed every slide in that presentation?

19 A I have.

20 Q Have you verified the data on every slide?

21 A I have.

22 Q And you have confirmed independently the data on every
23 slide?

24 A Yes.

25 MR. CONRAD: No objection.

1 MR. BARBER: Your Honor, I would offer what's been
2 marked as Defendant's 158 into evidence.

3 THE COURT: It's admitted without objection.

4 (REPORT MARKED AS DEFENDANT'S EXHIBIT NUMBER 158 WAS
5 RECEIVED INTO EVIDENCE.)

6 Q So, let me go through this.

7 MR. BARBER: No, don't zoom the screen.

8 Q So, we're looking at just a very short period of time,
9 right? If you would, describe the time period you're
10 looking at.

11 A Yes. This is on June 7th from 8:49 p.m. until
12 9:07 p.m.

13 Q All right. So, we're going to go through here and
14 just see exactly what was happening with her phone on that
15 time.

16 MR. BARBER: So, the next slide, please.

17 Q What's happening here?

18 A At 8:49 and 26 seconds --

19 Q If you could pull the mic closer.

20 A Sorry. At 8:49 and 26 seconds, that's the last text
21 message that was read by Maggie. It was indicated read on
22 the device.

23 Q Next?

24 A At 8:49 and 28 seconds, the backlight goes off.

25 Q And what does that mean?

1 A That means that --

2 Q The screen is --

3 A -- the screen is dark, sorry.

4 Q Next?

5 A At 8:49 and 31 seconds, the phone locks, and it
6 remains locked until it's recovered by law enforcement the
7 next day.

8 Q Next?

9 A At 8:53 and eight seconds, the backlight comes back
10 on. The phone is illuminated.

11 Q And next?

12 A At 8:53 and 12 seconds, orientation to portrait
13 starts.

14 Q Next?

15 A At 8:53 and 15 seconds, that's when the phone began
16 logging the 59 steps.

17 Q Next?

18 A And --

19 Q And it's on the screen by you, sorry.

20 A And at 8:53 and 20 seconds there's Siri usage. This
21 was indicated in the KnowledgeC Database, and that can be
22 done by squeezing the side button on the phone and holding
23 onto it for a short amount of time and Siri activates at
24 that point.

25 Q So, this is a user interface --

1 A Yeah. This is -- it actually shows up at Siri in the
2 device, so it's Siri user interface.

3 Q Next?

4 A At 8:53 and 24 seconds, the orientation to portrait
5 completes.

6 Q Next?

7 A At 8:53 and 28 seconds, the backlight goes off again,
8 so the phone is dark.

9 Q Next?

10 A At 8:53 and 32 seconds, the backlight comes back on
11 and the phone illuminates.

12 Q Next?

13 A At 8:53 and 44 seconds, the backlight goes off again.

14 Q Do you have any opinion about why it just popped on
15 and off like that?

16 A I mean, there were no indications in the KnowledgeC
17 database that any notifications came in or anything of that
18 nature. The only thing I could think would be that the
19 phone would jostle or, or, or lifted or somehow the light
20 came on.

21 Q Next?

22 A At 8:54 and 32 seconds, the backlight comes on.

23 Q Next?

24 A At 8:54 and 34 seconds there's an entry in the
25 KnowledgeC database about the camera usage and the camera

1 starts. So, in that there are -- in that database -- and
2 if you don't mind, I'll kind of expand on this. In that
3 database, the KnowledgeC database is comprised of tables
4 and rows and columns. And in that database, on that
5 specific item where the camera was, there is another column
6 that is called the Z structure metadata. And so if I
7 followed the camera under the value stream there indicating
8 that the camera was activated, if I follow that line all
9 the way across to where that structured database -- excuse
10 me, structured metadata is in that table, I'll get a PK
11 number, or a primary key number. That number was 571.

12 In the KnowledgeC database, there's another table
13 within the KnowledgeC database called Z structured
14 metadata. So, if I to go that table, because I found that
15 number under the Z structured metadata column, if I go to
16 that specific table in the database and look for that
17 primary key 571, and I scroll all the way out to the end,
18 I'll see a description of what that 571 is. And in that
19 case it was com.apple.springboard.lockscreen.scroll, which
20 would indicate it was a camera function on the lock screen,
21 and that when you press that button in the bottom right
22 corner of the phone, it has a little camera indication.
23 It'll scroll over to the camera, or you can swipe over to
24 the left, and it indicates that there's a camera there.

25 Q So, was this some sort of attempt by the phone on its

1 own at face ID?

2 A It didn't indicate that it was a face ID at all. It
3 indicated that it was a camera.

4 Q Is by indicating camera, did it indicate that
5 someone -- some person using the phone activated the
6 camera?

7 A Yes.

8 Q Okay. Next?

9 A At 8:54 and 35 seconds, the camera use ends.

10 Q Okay, and keeping in mind the timestamp, go to the
11 next slide.

12 A And at 8:54 and 40 seconds, orientation to landscape
13 starts.

14 Q So, how long was that since the camera usage?

15 A About 5 seconds since it ended.

16 Q And the next slide?

17 A And then at 8:54 and 44 seconds, the orientation to
18 landscape ends.

19 Q And next?

20 A At 8:55 and 4 seconds, the backlight turns off and the
21 orientation to portrait starts.

22 Q And a lot is happening on this one. What's happening
23 here?

24 A Yeah. So, right here the phone was previously in
25 landscape mode, and it settled in at that landscape mode at

1 44 seconds. The backlight went off at 8:55 and 4 seconds.
2 At that same time, the orientation of portrait starts and
3 that's -- this is indicative of what I was talking about
4 earlier when you rotate the phone while it's -- the screen
5 is not lit. And when the screen comes on, the orientation
6 changes. Once the screen pops off, it will flip over to
7 wherever the camera -- or wherever the phone was turned to.
8 And at this time it -- orientation to portrait ends at that
9 time, and the orientation to the landscape stops at that
10 time, so that's exactly what I was talking about. And then
11 the phone stops logging those 59 steps at that time as
12 well.

13 Q Let me kind of emphasize this.

14 MR. BARBER: Can we go back four slides?

15 (Break in proceedings.)

16 Q All right. So, when the camera use ends here,
17 8:54:35, going forward one slide we have an orientation
18 change.

19 A That's correct, the landscape starts, yes.
20 Orientation to the landscape ends at 44 seconds after.

21 MR. BARBER: And then the next slide.

22 Q So, now that the screen has gone off, how long has it
23 been since the camera use?

24 A So, it's 8:55 and 04 since the camera use. The camera
25 use ended at 8:54 and 35, and then the backlight goes off

1 at 8:55 and 4 seconds. What is that, a minute?

2 Q Is that 29 seconds?

3 A Wait, hang on a second. Yes, 29 seconds, I apologize.
4 My math was terrible, wasn't it? Yes.

5 Q And then going forward. So, what we had in that 29
6 seconds was an orientation change, and then the screen goes
7 off.

8 A Right, that's correct. Where are we going with it
9 now?

10 Q All right. So, let's go back to the slide that's
11 timestamped 8:55:32. Is this where we left off?

12 A That's where we left off, yes. So, here the backlight
13 is on, the orientation to portrait ends, and then the
14 orientation to landscape starts immediately when the
15 light -- the backlight comes back up on, and then we -- the
16 phone stops logging those 59 steps at that time as well.

17 Q And the next slide 4 seconds later?

18 A And 4 seconds later the backlight is back off again.

19 Q We'll go kind of quickly here. The next slide comes
20 on --

21 A At 9:03 the backlight is on. At 9:04:23 we have a
22 missed call from Alex that starts. At 9:04:23 the
23 backlight goes off.

24 Q Now let's go back to the previous slide.

25 A One more.

1 Q The backlight went off at the exact same time that the
2 call came in from Alex Murdaugh.

3 A That's correct, yes.

4 Q And now the next slide.

5 A And then we have a missed call from Alex that ends
6 at --

7 Q That's the call that we just saw, right?

8 A Yes.

9 Q Do you have an opinion on why the screen light would
10 go off pretty much right when a call comes in?

11 A The only thing that I can figure is when the phone
12 come -- or, excuse me, the call came in, that the person
13 hit the side button to turn it off and put it down and
14 flipped the phone over and the backlight comes on.

15 Q Do you know of anything on the phone that would cause
16 the screen to go off right when a call comes in and stay
17 off during the call that does not involve human
18 interactions?

19 A No, I don't.

20 Q Go to the next slide.

21 A 9:50 and 44 seconds, the backlight comes back on.
22 Then in 9:06 and 12 seconds, the orientation changed to
23 portrait again.

24 Q Okay, and then the next one? And we'll stop on that.

25 A At 9:06 and 14 seconds, there's an incoming call from

1 Alex that starts at that time.

2 Q And then the next one?

3 A And then the incoming call from Alex ends at 9:06 and
4 18 seconds.

5 Q And the next slide?

6 A And then we have an orientation change to portrait
7 ends at 9:06 and 20.

8 Q And stopping here. That call we just saw coming in
9 from Alex, that was sandwiched within this orientation
10 change.

11 A That's correct, yes, it was in between them.

12 Q And the next slide?

13 A 9:06:52, we have another incoming call from Alex that
14 starts.

15 Q And the next one?

16 A And then it ends. The incoming call from Alex ends at
17 9:06 and 59 seconds.

18 Q And now to the last slide.

19 A At 9:07 the backlight goes off and it remains off
20 until 9:31 and 44 seconds.

21 Q Do you know from your review of the GM GPS data where
22 the -- Alex Murdaugh's Suburban was at 9:07?

23 A Yes. At 9:07 -- right. He was, it looks like,
24 traveling from the house -- or from his home to the house
25 in -- I forget the name of the city.

1 Q Right at -- precisely at 9:07 where was he at that
2 moment?

3 A 9:07 would be the driveway, I believe.

4 Q The driveway.

5 A Yes.

6 Q And Maggie's phone, the screen did not come on again
7 until 9:31?

8 A That's correct.

9 Q And just one more time, how much motion does it take
10 to turn the screen?

11 A Very little. Just the slightest lift of the phone
12 turns the screen on.

13 MR. BARBER: Beg the Court's indulgence.

14 (Break in proceedings.)

15 MR. BARBER: Please answer any questions from the
16 State. I have no further questions.

17 (Break in proceedings.)

18 THE COURT: Mr. Conrad?

19 MR. CONRAD: Thank you, your Honor. May it please the
20 Court?

21 CROSS-EXAMINATION

22 BY MR. CONRAD:

23 Q Mr. Sturgis, how are you doing today?

24 A Good afternoon, Mr. Conrad. I'm well. Thank you.

25 Q I believe at the beginning of your testimony you

1 testified that you felt likely there was some location data
2 stored on Maggie's phone from June 7th that potentially was
3 overwritten. Did I understand that correctly?

4 A I said there was data that was on the phone from
5 June 8th, and that -- correction, June 9th, and that data
6 likely could have been on there had it been preserved
7 properly.

8 Q And explain to the jury just real quick. How does an
9 iPhone store that GPS information in generic terms? Then
10 if I need to get more specific, I will.

11 A Sure. So, the iPhone -- the iPhone keeps that data
12 and it uses the GPS location. The GPS satellite
13 triangulates with the GPS satellites and stores that data.

14 Q And does it store it a in sort of cache?

15 A It does, there's a cache.

16 Q When it comes to IOS as opposed to, say, a standard
17 hard drive, IOS keeps certain databases' caches fairly
18 limited, correct?

19 A That's correct.

20 Q It doesn't allow them to access the entire memory
21 available on the device at any given point. Is that
22 correct?

23 A That's correct, yes.

24 Q Okay, and do you know, or at least in your training or
25 your investigation, have you been able to determine just

1 how big a typical cache is, at least would have been for
2 Maggie's phone during this time?

3 A No, I didn't research that.

4 THE COURT: Speak up, sir.

5 A No, I didn't research that, no.

6 Q Okay. So, you don't know how long Maggie's phone
7 would have potentially stored GPS information at this --
8 during 2021, correct?

9 A That's correct.

10 Q Okay, and just so I understand correctly, you agree
11 that a iPhone will not record an orientation change if the
12 screen is off, correct?

13 A That is correct, yes.

14 Q All right. So, I believe Mr. Barber handed you his
15 phone to kind of demonstrate this lift to wake thing,
16 correct?

17 A That's correct, yes.

18 Q And do you know what model iPhone Mr. Barber has? Did
19 you look at it?

20 A I don't know exactly which iPhone he has.

21 Q Okay, and do you know what model -- version of IOS is
22 on Mr. Barber's phone?

23 A I do not know.

24 Q And Apple updates its IOS fairly frequently, correct?

25 A They do, yes.

1 Q Do you know at least -- we don't know what's on Mr.
2 Barber's phone, but do you know what the current release
3 version is today offhand?

4 A It's 16 point something, yeah.

5 Q Do you know in your review of Maggie's phone what
6 version was on Maggie's phone on June 7th of 2021?

7 A I believe that was 14 point something.

8 Q I'm sorry?

9 A I think it was 14.6, if I'm not mistaken. It was
10 somewhere in the 14 range.

11 Q And are you aware that in some of these update -- IOS
12 updates, some of these sensitivities and some of these
13 settings can change, correct?

14 A Depending on bug fixes and things, yes.

15 Q And are you aware of a change that occurred in IOS 15
16 that changed it to how iPhones record orientation changes,
17 or when they record orientation changes?

18 A No. I'm not aware of that.

19 Q Okay. Okay.

20 MR. CONRAD: Can we go back to the -- I forget, let's
21 see, to the PowerPoint. What exhibit was that? I believe
22 it was -- was it 158?

23 (Break in proceedings.)

24 MR. CONRAD: For this witness.

25 (Break in proceedings.)

1 Q This doesn't have slide numbers, so bear with me,
2 but -- first of all, before we talk about Maggie real
3 quick, you did review Paul's phone to a certain degree,
4 correct?

5 A To a certain extent, yes.

6 Q All right, and do you recall from your review of
7 Paul's phone when the last time his phone was unlocked on
8 June 7th of 2021?

9 A I don't recall, no, I'm sorry.

10 Q And we can find the State's Exhibit if we need to, but
11 would you disagree if I told you it was 8:49 p.m. or
12 shortly thereafter, 8:49 p.m.?

13 A If that's -- if that's -- if that's what's in the
14 State's exhibit, I don't disagree with that.

15 Q Okay, and I believe one of your first slides here is
16 that Maggie's phone locked?

17 MR. CONRAD: Let's see, got one, two, three slides.
18 one more. Back one, I'm sorry.

19 Q 8:49:31, and your review of Maggie's phone found that
20 her phone was locked at 8:49:31, correct?

21 A That's correct, yes.

22 Q And was not unlocked until when, the next day?

23 A The next day, that's correct.

24 Q All right, and that's when it was recovered by law
25 enforcement?

1 A By law enforcement, yes, sir.

2 Q Okay, and did you review Alex's? You said you
3 reviewed Alex's phone to a certain degree, too. I think
4 you said the steps, right?

5 A The steps, yes.

6 Q And in your review, did you find any steps on his
7 phone between 8:09 and 9:02 p.m.?

8 A I'll go back and take a look at that. 8:09 and
9 9:02 p.m., correct?

10 Q Correct.

11 A I don't recall seeing that, seeing the stuff on the
12 KnowledgeC here.

13 Q Okay. All right, but Maggie's phone is locked at
14 8:49:31 and then does not unlock until the next day,
15 correct?

16 A That's correct, yes, sir.

17 Q Paul's locks for the last time around the same time,
18 correct?

19 A That is correct, yes, sir.

20 Q And Paul's phone, in your review, do you recall what
21 time the battery died on his phone?

22 A I don't recall, no, sir.

23 Q Would you dispute if I said -- and we can find the
24 exhibit if we need to -- his phone shut down at about
25 10:34 p.m.?

1 A If that's what's in the report, I don't dispute it,
2 no, sir.

3 Q All right, and would you agree with me if I said that
4 Paul's phone locking at 8:49 and remaining on until 10:34
5 -- first of all, that's about, what, a hour and a half or
6 so?

7 A That's correct, yes.

8 Q And do you know his battery state when his phone
9 locked at 8:49 p.m.?

10 A It was in low power mode.

11 Q All right, and so it was less than 10 percent, 2
12 percent, something like that?

13 A Yes, that's correct.

14 Q All right, and would you agree with me that when --
15 the fact that his phone remained on until 10:34 would be
16 indicative that it wasn't really handled much at all or
17 used at all?

18 A Yes.

19 Q Okay, and did you find any other evidence of any usage
20 on Paul's phone after 8:49 that you can recall?

21 A No, I didn't.

22 Q And when I say use, just so it's clear between us, I
23 mean either answering a call, making a call, reading a
24 text, sending a text --

25 A Right.

1 Q -- orientation change.

2 A No user interaction.

3 Q Okay. All right, and so let's talk a little bit about
4 the orientation change for a minute.

5 A Uh-huh.

6 Q So, would you agree that most -- the most likely
7 reason for an orientation change is human interaction,
8 meaning humans using the phone?

9 A Yes.

10 Q All right. Are there any other possible explanations?
11 When you see an orientation change, are there any other
12 explanations that you -- in your opinion that could explain
13 an orientation change?

14 A Only if a phone, you know, was in one position, lit
15 up, fell off, and landed in another position.

16 Q Okay.

17 A But no.

18 Q And when you see a series of orientation changes, you
19 know, 30 seconds or a minute between each orientation
20 change, it would be difficult to explain that by a phone
21 just kept falling on its own, correct?

22 A Repeat the question again. I'm sorry.

23 Q If you see a series of three orientation changes, just
24 speaking hypothetically for a moment, if you see a series
25 of three orientation changes, you know, say 30 seconds

1 separate them or thereabouts or a minute separate them,
2 would that be able -- would that -- could you explain
3 that -- would it be very likely that a series of falls
4 caused those orientation changes?

5 A It depends on how many falls it was making. But, you
6 know, being jostled around in a pocket with the light on,
7 being turned, if it's in a person's hand being turned back
8 and forth, and that would be the only thing that could
9 indicate with an orientation change.

10 Q Okay. All right.

11 MR. CONRAD: Can we pull that slide show back up,
12 please? Let's go forward one, two. Okay. 8:53:15. There
13 you go.

14 Q And this is when Maggie's phone starts showing some
15 steps, correct?

16 A That's correct, yes.

17 Q And you would agree that the most likely explanation
18 for this is the phone is moving in some manner, correct?

19 A That's correct, yes.

20 Q And shows accelerometers are reporting -- or the
21 bounces and jostling, that would be -- most likely be
22 explained by steps, correct?

23 A That's correct, yes.

24 Q You can't tell us who is carrying that phone at this
25 time, can you?

1 A No.

2 MR. CONRAD: All right, next slide.

3 Q All right, and so at this 8:53:20, you say there's
4 some Siri usage and the squeezing of the side button, and
5 let's just -- is that the only explanation of why you would
6 see Siri pop up on a phone is squeezing a side button, or
7 are there other possibilities?

8 A There's another possibility of her saying, you know,
9 hey, Siri. That happens because it's a Siri user
10 interface.

11 Q Okay. So, there could be another explanation, but
12 it's most likely someone squeezing a side button saying,
13 hey, Siri?

14 A Could be the someone saying, hey, Siri. But it's a
15 user interface to it.

16 Q Okay. All right.

17 MR. CONRAD: Go to 8 -- next slide, please. Actually,
18 let's go to 8:54:34, please. There should be one more.
19 One more. There we go.

20 Q All right, and here you say that the camera gets
21 activated, correct?

22 A That's correct.

23 Q And you, you think the most likely explanation is
24 somebody swiped the camera symbol on a locked phone,
25 correct?

1 A Right. Either swiped camera or touched the bottom
2 button because it's coming from the springboard lock
3 screen.

4 Q Okay. When you say bottom button, which button is
5 that?

6 A If you're looking at an iPhone -- and my most recent
7 I-List, I think it's 16 point something. In the bottom
8 right corner, there's a button that you can touch and hold
9 and the camera comes on. When that happens, it comes over
10 from the left and the camera just scrolls over.

11 Q Okay.

12 MR. CONRAD: And then the next slide?

13 Q And at 8:54:35 -- this is 1 second later -- the camera
14 use ends, correct?

15 A That's correct, yeah.

16 Q And so in your opinion, based off the fact that that
17 was used for a total of 1 second, do you think that was
18 someone intending to actually use the camera and take a
19 picture?

20 A I wouldn't know, but I wouldn't think so. That's just
21 a --

22 Q The camera was only open for a second, correct?

23 A Right. They couldn't have taken a picture in a
24 second.

25 Q All right.

1 MR. CONRAD: 8:55:32.

2 Q Okay, and we see the orientation change here at
3 8:55:32.

4 MR. CONRAD: Next slide.

5 Q And the backlight goes off at 8:55:36, correct?

6 A That's correct, yes, sir.

7 Q And we go to the next slide, and the backlight is back
8 on the 9:03:52. So, that's roughly how long? Is that 8
9 minutes? I'm not -- I don't know if I'm going to make you
10 do math, but --

11 A Yeah. About that, yes.

12 Q And so the screen is off for that 8 minutes, correct?

13 A That's correct.

14 Q And so would you agree with me that it does seem
15 likely someone is handling that phone between -- Maggie's
16 phone between 8:53 and 8:55, correct?

17 A Yes.

18 Q All right, and we see orientation changes. We see the
19 potential button being pushed. Someone has got that phone
20 in their hand, correct?

21 A That's correct.

22 Q You can't tell us who, correct?

23 A No, I can't.

24 Q And then at 8:55:32, we see kind of an 8 minute gap in
25 activity, correct?

1 A Yes.

2 Q Between 8:55 and 9:03, correct?

3 A Yes.

4 Q Almost as if somebody put that phone down.

5 A Yes, that's a possibility.

6 Q Whoever had it, correct?

7 A Correct.

8 Q And you can't tell us where they put that phone down,
9 right?

10 A No, sir, I can't.

11 Q Could they have put it in a vehicle?

12 A That's very possible. I don't know.

13 Q A golf cart?

14 A I don't know.

15 Q Okay. Okay. Let's go to 9:04:23. All right, and we
16 see this incoming call from Alex.

17 A Yes.

18 Q And you say the screen turns off almost immediately,
19 correct?

20 A That's correct, yes.

21 Q In your opinion, you think somebody actually hit the
22 button and turned the screen off.

23 A Somebody shut the screen off, yes.

24 Q Okay, but the screen comes back on at 9:05:44.

25 MR. CONRAD: If we can go to that slide.

1 Q Correct?

2 A Yes.

3 Q And then at 9:06:12, we see an orientation change,
4 correct?

5 A That's correct, yes.

6 Q And 2 seconds later we see a what?

7 MR. CONRAD: Next slide, please?

8 Q What is this? What is this indicating?

9 A That's an incoming call from Alex.

10 Q Okay. 2 seconds after the orientation change starts,
11 correct?

12 A That's correct, yes.

13 MR. CONRAD: Okay, and then go to 9:07.

14 Q Okay, and the screen goes off at 9:07, correct?

15 A That's correct.

16 Q All right, and stays off for what, 23, roughly 23
17 minutes?

18 A Yes.

19 Q And you just testified with Mr. Barber that Alex's car
20 was sitting just outside his house, correct?

21 A That's according to the document that I reviewed, yes.

22 Q And a -- I don't know if you have this information in
23 front of you, but did you determine when that GPS data
24 shows his start -- car -- his vehicle start to move?

25 A Yes. It --

1 Q After 9:07?

2 A Oh, after 9:07?

3 Q Well, first of all, is his vehicle stationary at 9:07?

4 A No, it's in the driveway at 9:07, but it starts at the
5 house at 9:06 and 52 seconds p.m.

6 Q When do you start to see motion?

7 A 9:06 and 52 seconds is when I start to see the motion
8 there.

9 Q And 8 seconds later is when Maggie's screen turns off?

10 A Yes.

11 Q For 23 minutes?

12 A Yes.

13 Q And you agree that a phone, iPhone, at least with
14 version 14.6, when the screen is off, it will not record an
15 orientation change, correct?

16 A That's correct.

17 Q And you agree with me that you don't know what version
18 IOS that Mr. Barber had on his phone that you just did the
19 demonstration.

20 A That's correct.

21 Q Okay. Did you conduct any test with the phone of 14.6
22 to see what movement can cause it -- or what can cause that
23 screen to come on?

24 A I don't have any 14.6 phones.

25 Q Okay. All right.

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

2 (Break in proceedings.)

3 MR. CONRAD: Nothing further from the State.

4 REDIRECT EXAMINATION

5 BY MR. BARBER:

6 Q Mr. Sturgis, you were asked about IOS Version 15 and a
7 change in orientation behavior. Is the Raise to Wake
8 feature something distinct from orientation behavior?

9 A No. The Raise to Wake is a -- separate from
10 orientation behavior. Raised to Wake is a separate
11 application within --

12 Q Is Raise the Wake the feature that is supposed to come
13 on with slight movement?

14 A Yes.

15 Q Do you have any reason to believe that the Raise to
16 Wake feature that you've already testified was active on
17 Maggie Murdaugh's phone works any different than any iPhone
18 today?

19 A I have no evidence to prove that, no.

20 Q And, again, you can refer to your notes. When Alex
21 Murdaugh's SUV passed the location where Maggie Murdaugh's
22 phone was recovered on the side of road, was the screen
23 off?

24 A The screen was off, yes.

25 Q It was off as he approached it?

1 A Yes.

2 Q And, again, how much movement does it take to turn the
3 screen on?

4 A Very little movement.

5 Q And this is a separate issue from orientation changes.

6 A That's correct.

7 Q But we're talking about -- are we talking about
8 movement activating the screen?

9 A That's correct, yes.

10 Q Are we talking about the screen being sideways or up?

11 A No, we're not talking about the orientation. We're
12 talking about the actual Raise to Wake function on the
13 phone.

14 Q The camera usage -- and, in fact, no picture was taken
15 that you're aware of.

16 A Right, that's correct. I didn't see any photographs
17 there at that time.

18 Q But your -- is it your opinion -- what is your opinion
19 about whether someone deliberately activated that camera?

20 A I mean, they could have. They could -- it could have
21 been accident. I don't know. I don't know what the person
22 could have been doing, but it was a user interaction with
23 the device.

24 Q And there was talk about phones falling to change
25 orientation. Can a phone change orientation without

1 actually falling?

2 A No. I mean, it's -- it -- there has to be some type
3 of movement for the phone from portrait to landscape.

4 Q Right, but you don't have to drop the phone?

5 A No.

6 Q So --

7 A So, if it's sitting upright -- I mean, if it's sitting
8 on its side, I can flip it this way and the orientation
9 changes.

10 Q If somebody is running with the phone, can it change
11 orientation?

12 A Yes. Those are user events that can cause that.

13 MR. BARBER: Pull up what has been previously admitted
14 as Defense Exhibit 45.

15 Q This is, as I just said, previously admitted. Do you
16 recognize this as GPS data in a cache database?

17 A Yes. This looks like a -- it's a cache for the ZRT
18 cell location database, yes.

19 Q And what's the timestamp for the first entry?

20 A It's 6/9/21 at 2:51 and 21 seconds p.m.

21 Q In your opinion, would it be fair to say that if this
22 phone had been extracted, or put in a Faraday bag a couple
23 of days earlier, we would have GPS data from 6/7?

24 A In my opinion, it's likely that we could.

25 MR. BARBER: Will you pull up the step data exhibit,

1 Apple step data exhibit?

2 (Break in proceedings.)

3 Q And we previously talked about this, Alex Murdaugh's
4 steps. Between entries 27 and 28, you see those time
5 periods? I just want you to remember that.

6 MR. BARBER: And go to the next page.

7 Q Here we have Maggie's steps. Are there any steps --
8 periods of steps that between -- that correspond between
9 Maggie Murdaugh and Alex Murdaugh?

10 A No, I don't see any.

11 Q So, there's no -- there's no period where both phones
12 are stepping in the same period.

13 A None.

14 Q Okay, and if we stay on this one, if we look at
15 entries 5 and 6, the distance is almost identical, 31
16 meters.

17 A Yes, it is.

18 Q Are the steps different?

19 A The steps are different.

20 Q Is that a significant difference?

21 A Not a significant difference for the 5 and 6, no.

22 Q So, 59 versus 43, so is that 16 -- it took 16 more
23 steps to go the same distance?

24 A Yes.

25 Q So, does that indicate shorter steps?

1 A Shorter steps, yes.

2 Q And the final question is -- you know, emphasize here
3 you can't tell us what the phone -- a phone would do tossed
4 out in the woods. That's not your expertise.

5 A No, I can't.

6 Q But you can tell us how much motion it takes to turn
7 on the screen.

8 A Yes, very little motion.

9 Q And you've demonstrated that.

10 A Several times, yes.

11 Q And that feature on the iPhone was active on her
12 phone.

13 A Yes.

14 Q And it's totally separate from orientation.

15 A That's correct, it is.

16 MR. BARBER: No further questions.

17 THE COURT: Anything further?

18 MR. CONRAD: Just a couple things, Your Honor.

19 RECROSS-EXAMINATION

20 BY MR. CONRAD:

21 Q You did -- you said you reviewed Paul's phone. Did
22 you review the video that's been called the kennel video in
23 this case?

24 A Yes, I have seen the video.

25 Q And did you have any information that would lead you

1 to disagree that that video was recorded at 8:44 and about
2 55 seconds on June 7th?

3 A No, I don't have anything.

4 Q And the location data, did you know the location data
5 for that video was recorded at the kennels on the Murdaugh
6 property at Moselle?

7 A Yes.

8 Q Okay. All right, and Mr. Barber was talking to you
9 about steps data. And just so it's clear to the jury, and
10 I'm going to speak in hypotheticals here for a second, but
11 if you see the iPhone record steps over an interval of
12 about 5 minutes, for example, it records a certain number
13 of steps over that 5 minutes.

14 A Okay.

15 Q Does that mean -- is that phone trying to tell you
16 that someone's uniformly walking at an exact pace that
17 keeps them moving over that entire 5 minutes?

18 A No, not necessary.

19 Q Okay. They could stop at some point in the middle of
20 that, correct?

21 A That is correct, yes.

22 Q All right, and so they could stop and pick something
23 up in the middle of a period showing steps, correct?

24 A That correct. It's just the steps between those two
25 times.

1 Q All right. So, you can't testify, and you can't tell
2 us if between --

3 MR. CONRAD: Pull up the steps exhibit real quick.
4 Next slide. All right.

5 Q And looking at entry 28 on Alex's --

6 A Entry what? I'm sorry, I couldn't hear you.

7 Q 28.

8 A 28?

9 Q Yeah, and between 9:02 and 9:06, we see, what, 283
10 steps. Is that correct?

11 A That's correct, yes.

12 Q All right, and you can't tell us if his phone stopped
13 at any point between those --

14 A No, it's just --

15 Q -- what's that, roughly 4 minutes or a little over 4
16 minutes.

17 A No. Just 283 steps between those two times.

18 Q So, he could have walked 200 of those steps in the
19 first 2 minutes and then only walked -- slowed down for the
20 rest of the 2 minutes, correct?

21 A Right.

22 Q Or it could have been vice versa.

23 A Yes.

24 Q Or he could have stopped for an entire minute
25 somewhere in there. You can't tell us any different,

1 correct?

2 A It would be unlikely to stop for an entire minute. I
3 think if you stop for that long of a period of time, a new
4 entry would be made.

5 Q And do you know, is there a cutoff for IOS?

6 A No. I think just based off of what I'm seeing here,
7 for instance, entry 29 and 30, you have about a 3 minute
8 gap there, and -- yeah.

9 Q So, maybe if he stopped for a minute, it would have
10 started a new entry. Is that what you're saying?

11 A It could have.

12 Q If he was stopped for a shorter period of time, it
13 wouldn't necessary have, correct?

14 A Right.

15 Q Okay, and finally, Mr. Barber was asking you about a
16 distance, and I think I wanted to make sure I understand --
17 make sure I understood you correctly. I think you
18 testified that you would consider the actual steps count to
19 be more accurate than the distance. Is that correct?

20 A I would, yes.

21 Q Have you found any research or studies that has
22 measured for the accuracy of steps or distance in IOS
23 devices?

24 A I have, yeah. And, for instance, I've had cases where
25 the step count and the GPS data is different sometimes.

1 Q Okay, and in your opinion, the steps count is probably
2 more of the most accurate?

3 A In my opinion, yeah, the steps count is more accurate.

4 Q Okay.

5 MR. CONRAD: Nothing further from the State.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you, Your Honor.

8 (The witness exited the stand.)

9 THE COURT: Ladies and gentlemen, that is it for
10 today. We'll resume at 9:30 tomorrow. Please do not
11 discuss the case.

12 (The jury left the courtroom.)

13 THE COURT: Anything further on this day?

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

15 MR. HARPOOTLIAN: Nothing from the defense, Your
16 Honor.

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

18 (Whereupon, the case was at ease.)

19 *THURSDAY, FEBRUARY 23, 2023*

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

21 THE COURT: Good morning.

22 (Some members of the audience responded good morning.)

23 THE COURT: Anything before we bring the jury?

24 MR. HARPOOTLIAN: Yes, sir.

25 THE COURT: Yes, sir.

1 MR. HARPOOTLIAN: A couple of things. First of all,
2 we're going to ask you in a minute to advise Alex Murdaugh
3 and his rights concerning testimony. Before we do that,
4 though, I would like to renew all previously made motions
5 concerning the financial crimes that were allowed in by
6 Your Honor's ruling under 403, *res gestae*, and maybe 401,
7 and advise the Court that we would renew our motion to
8 exclude that testimony. And now because it was included,
9 our advice to Mr. Murdaugh would have been different in
10 terms of taking the stand had that material not been
11 allowed under motive, and since it was allowed in under 608
12 we would object to it. And I just want to put on the
13 record that our advice, had that not been allowed, our
14 advice as to whether to take the stand or not would have
15 been different. I wanted to put that on the record.

16 THE COURT: All right.

17 MR. HARPOOTLIAN: And I'm asking you to strike the
18 financial information, and if perhaps we could recess then
19 could give different advice on what to do. Thank you.

20 THE COURT: Yes, Mr. Waters.

21 MR. WATERS: Your Honor, obviously we've addressed
22 this issue extensively and addressed it yesterday. I don't
23 know that -- I'm happy to go into further detail with the
24 Court, but obviously Your Honor has considered all of this
25 and admitted it, and we've stayed within those boundaries,

1 and I'm not aware of any reason why in the middle of this
2 trial we would need to change the rules. I'm happy to go
3 into more detail, but I would just be reiterating the
4 arguments I made to Your Honor before.

5 THE COURT: All right. Anything further, Mr.
6 Harpootlian?

7 MR. HARPOOTLIAN: No, Your Honor.

8 THE COURT: Well, the Court has previously determined
9 that the so-called financial crimes and other crimes and/or
10 bad acts, have determined them to be relevant and material
11 and admissible, having given the 403/404 analysis, as well
12 as the *res gestae* analysis, and the trial has proceeded
13 with many witnesses testifying regarding these issues. And
14 the Court will not change course during the trial and
15 provide any special exception to Mr. Murdaugh with regard
16 to testimony regarding the matters that the Court has
17 already determined to be admissible.

18 With regard to the advice of counsel, Mr. Harpootlian,
19 you stated for the record the basis for your advice. Of
20 course, a defendant's -- yes, sir?

21 MR. HARPOOTLIAN: Your Honor, under -- first all, all
22 of the financial information, misdeeds are in the record
23 basically. I mean, the amounts are very specific. So, at
24 this juncture two things happen. One, he has not been
25 convicted of anything in regards to financial crimes, so

1 normally they couldn't ask him about those crimes because
2 he hadn't been -- they're not -- he hasn't been convicted,
3 it's got to be a crime which carries a year or more, those
4 kinds of things. It meets none of that. So, then you go
5 under 608, and it's character evidence, and it's going to
6 be fair game.

7 We disagree. There's a Fourth Circuit case that seems
8 to restrict it a little bit. But we disagree with the
9 process whereby that it could come in unless he was
10 convicted. If he takes the stand, they're going to ask him
11 extensively about each and every one of these events in an
12 effort to, you know, to commit character assassination.
13 This is what we warned about.

14 You told the jury it only goes to motive, and this
15 obviously goes well beyond that, and vitiates Your Honor's
16 earlier ruling, or at least gives them two grounds now to
17 argue why it's relevant. And our advice was had that
18 information not already come out, we would be sitting here
19 with no financial misdeeds in the record, and we believe
20 that the jury -- there's a high likelihood of the jury
21 acquitting him because they haven't proved motive. They
22 haven't proved -- there's no forensic evidence whatsoever,
23 no confession, no eye witness. It's all, as you say in
24 denying our motion for a directed verdict, it's
25 circumstantial.

1 This is just a naked effort of character assassination
2 to influence the jury, that he has committed these
3 financial misdeeds or represented other things, and the
4 result, no matter what charge you give the jury, we're
5 fearful that he -- if he hasn't explained any of that, that
6 they will hold it against him.

7 And, again, it all goes back to your original ruling
8 as to motive. I'm not sure they're even arguing motive
9 after Mr. Tinsley's testimony and after Dawes Cooke's
10 testimony, both of whom say there wasn't a storm coming on
11 Thursday, that there -- so, again, our advice would have
12 been different had Your Honor not allowed -- I mean, if you
13 would strike all of that testimony and tell them to
14 disregard it, we in all likelihood would not put him on the
15 stand or not advise him to take the stand.

16 THE COURT: You've just restated what you've
17 previously put on the record and what you have argued
18 throughout the trial and --

19 MR. HARPOOTLIAN: Yes, sir.

20 THE COURT: And I certainly understand and appreciate
21 that.

22 MR. HARPOOTLIAN: Well, and this -- it's compounded
23 this new problem, if he takes the stand. And we think,
24 with all due respect -- and I'm not arguing again what we
25 argued a month ago. That what's going to happen is we're

1 going to spend the next day or two or three with the State
2 going through these minute details of each one of these
3 offenses. We've already went -- in my opinion, this is,
4 you know, a Bernie Madoff trial. This is no murder trial.
5 This is all about financial misdeeds, not about --

6 THE COURT: And all of that sounds like a good jury
7 argument if you are the one to make the argument.

8 MR. HARPOOTLIAN: But I'm not convincing you?

9 THE COURT: It's an argument that you can make to the
10 jury. I've ruled on the issue --

11 MR. HARPOOTLIAN: Yes, sir.

12 THE COURT: -- and I do not know what -- the questions
13 that the State intends to ask. I cannot forecast the next
14 three days as you have just done as to every minute detail
15 the State would seek to introduce, and all rights are
16 preserved as to any and all testimony, and anything that is
17 objectionable that you all wish to object to, and the Court
18 will rule when those objection are made.

19 MR. HARPOOTLIAN: And, Your Honor, I appreciate that.
20 All we're saying is if they had cart blanche to go in the
21 minute -- talk about who the victims were and do all of
22 that, and do that, it's going to take a week or more,
23 especially with our objection, and then have to redirect on
24 that. And haven't we wasted enough time on financial
25 matters?

1 THE COURT: All right.

2 MR. HARPOOTLIAN: Thank you.

3 THE COURT: I'll give you an opportunity to respond if
4 you desire.

5 MR. WATERS: Your Honor, again, the Court has ruled.
6 I don't think I need to go into anything further.

7 THE COURT: Yeah. When a defendant takes the stand
8 and testifies, he has no right to set forth to the jury all
9 facts which may be favorable without exposing himself to
10 cross-examination, whether or not -- a defendant testifying
11 is solely the right of that defendant. The Court makes no
12 recommendation pro or con. I have no role other than
13 advising the defendant of his rights and to ensure that he
14 understands his rights so that he will make an informed
15 decision with regard to testifying after consultation with
16 counsel and anyone else he might want to testify -- consult
17 with.

18 Do you wish me to engage in that colloquy at this time
19 with Mr. Murdaugh?

20 MR. HARPOOTLIAN: Your Honor, I think it would be good
21 for you to engage in that colloquy now. We have one short
22 witness before he would testify, if he continues to want to
23 testify.

24 THE COURT: All right.

25 Mr. Murdaugh, if you would come forward and stand in

1 front of me.

2 And, Madame Clerk, if you will swear him.

3 (The defendant was sworn.)

4 THE COURT: Mr. Murdaugh.

5 THE DEFENDANT: Yes, sir. Good morning.

6 THE COURT: Good morning. At this time I'm going to
7 explain to you certain of your rights. If you do not
8 understand anything I say, please let me know --

9 THE DEFENDANT: Yes, sir.

10 THE COURT: -- and I will explain it in greater
11 detail. Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now, we have now reached the stage of the
14 trial in which you are presenting your defense, and you
15 have the right to claim the protections given to you by the
16 Fifth Amendment to the Constitution of the United States.
17 This amendment states in part that no person shall be
18 compelled in any criminal case to be a witness against
19 himself, and this means that you cannot be required to
20 testify. You do, however, have the right to testify on
21 your own behalf. However, no one can make you testify.
22 Whether or not you testify is a personal right, and no one
23 can waive this right except you.

24 If you decide to testify, you will be subject to the
25 same rules that govern other witnesses, and you may be

1 examined and cross-examined on any relevant issue in this
2 case. If you decide to testify, the decision on your part
3 must be freely, voluntarily, and intelligently made with
4 knowledge of the protections given to you by the Fifth
5 Amendment and the consequences of your decision to testify.

6 As I understand it, you have no convictions involving
7 dishonesty or false statements or any -- for any crimes
8 punishable by more than one year imprisonment. But as it
9 relates to any other relevant issues as determined by the
10 Court, you may be examined or cross-examined on any
11 relevant issue. Do you understand?

12 THE DEFENDANT: I do, yes, sir.

13 THE COURT: If you decide not to testify, I will
14 instruct the jurors that they cannot give the fact that you
15 did not testify any consideration whatsoever, and that
16 there is to be absolutely no prejudice to you because you
17 did not testify. It is left entirely up to you whether or
18 not you testify. You may talk with your attorneys, Mr.
19 Harpootlian, Mr. Griffin, Mr. Barber, Ms. Fox, family,
20 friends, or anyone else, but the final decision will be
21 left entirely up to you. Do you understand what I have
22 explained?

23 THE DEFENDANT: Yes, sir, I do.

24 THE COURT: Do you have any questions whatsoever as to
25 what I've explained?

1 THE DEFENDANT: No, sir. Thank you.

2 THE COURT: Yes, sir, and you've talked with your
3 lawyers about whether or not you've testified. Mr.
4 Harpootlian just suggested advice he's given to you. The
5 Court has no comment whatsoever as to whether you should or
6 should not testify, but do you wish to confer with lawyers
7 some more about whether or not you should testify?

8 THE DEFENDANT: No, sir. I don't need to talk with
9 them anymore.

10 THE COURT: Have you made a decision as to whether
11 you're going to testify?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right, and what is your decision?

14 THE DEFENDANT: I am going to testify. I want to
15 testify.

16 THE COURT: All right. Very well. Thank you.

17 THE DEFENDANT: Thank you, Your Honor.

18 MR. HARPOOTLIAN: Thank you, Your Honor. Your Honor,
19 we'll have one short witness before Mr. Murdaugh.

20 THE COURT: Very well.

21 If you'll bring the jury.

22 (The jury returned to the courtroom.)

23 THE BAILIFF: The jury is present, sir.

24 THE COURT: Thank you.

25 Good morning.

1 (The jurors responded good morning.)

2 THE COURT: Day number twenty-three, the defense's
3 case.

4 You may call your next witness.

5 MS. FOX: Your Honor, the defense calls Nolen Tuten.

6 The witness, NOLEN TUTEN, was first duly sworn and
7 testified as follows:

8 THE CLERK: If you will come to the witness stand and
9 have a seat, please. The microphone is very sensitive, and
10 you have to get, like, right up on it, but if you would
11 state your full name again, and please spell your last name
12 for us.

13 THE WITNESS: Nolen Tuten, T-u-t-e-n.

14 DIRECT EXAMINATION

15 BY MS. FOX:

16 Q Good morning.

17 A Good morning.

18 Q Would you please tell the jury a little bit about
19 yourself?

20 A I grew up in Hampton County. I grew up around Paul
21 and Maggie and went to school at Wade Hampton. Played
22 sports with Buster growing up and just -- we're lifelong
23 friends.

24 Q What do you do?

25 A I work in the timber business.

1 Q And do you know Alex?

2 A I do.

3 Q Okay. How long have you known Alex?

4 A Pretty much my whole life.

5 Q Did you spend a lot of time with Alex and his family?

6 A I did.

7 Q Okay, and how would you describe your relationship
8 with Paul?

9 A He was one of my best friends. I mean, I considered
10 him like a little brother to me. We were really close.

11 Q How about -- tell the jury a little bit about Paul.

12 A Paul was one of those guys that would -- I mean, you
13 could call him at the drop of a hat and he would come. I
14 mean, he was, you know, there for you always. He would
15 call you nonstop all throughout the day every day. And, I
16 mean, he would do, you know, whatever he could for you
17 whenever he could for you. And --

18 Q How often would you talk with Paul?

19 A Every day.

20 Q How often would you see him?

21 A A couple of times a week most weeks.

22 Q And when you saw him, where would y'all be?

23 A I mean, it depended. He would come to my house; I
24 would go to Moselle. You know, I would see him on the
25 boat. I mean, we would just go hunt together, fish

1 together. Just do whatever we really felt like doing.

2 Q Right, and other than hunting and fishing, what else
3 did y'all guys do together?

4 A We hung around Moselle; we farmed at Moselle. You
5 know, whatever we felt like doing really.

6 Q And when you were with Paul outside doing these
7 activities, did he have his phone with him normally?

8 A Most times, yes.

9 Q Okay. Did he ever put it down?

10 A He did sometimes, not a whole lot. I mean, it was in
11 his hand or in his pocket. But if he had something in his
12 hand he would, you know, set it down either in the truck or
13 somewhere close to him. I mean, it would be within
14 reaching distance.

15 Q What was your impression from the time you spent with
16 the family as to how they got along?

17 A I mean, they all had a really good relationship, I
18 felt like. I mean, when I was around, there was always
19 kind of laughing and, you know, a good relationship, good
20 family relationship.

21 Q Did you have a nickname for Alex?

22 A Big Red.

23 Q Okay, and how would you describe the relationship
24 between Paul and Alex?

25 A They had a good relationship.

1 Q Would you say that Alex was patient with Paul?

2 A He was.

3 Q Now, you mention that you guys hunted together. Are
4 you familiar with the type guns that Paul had?

5 A I was.

6 Q Okay, and did he ever use a 300 Blackout?

7 A He did.

8 Q Okay, and what's your understanding of where he got
9 that?

10 A Buster and Paul got two for Christmas one year.
11 One -- Buster had a black one, Paul had a tan one, and they
12 were at Moselle. And then Paul's went missing, or, you
13 know, got stolen or whatever happened to it, and then there
14 was just a black one at Moselle that we used more or less.

15 Q Okay. When you were at Moselle, what did you do with
16 Paul?

17 A Rode around, you know, played around at the house,
18 messed around at the sheds. You know, we would go ride the
19 buggies, ride in the truck, you know, go fish, go hunt, go
20 farm.

21 Q When you rode around at Moselle, what vehicles would
22 you ride in?

23 A It really depended honestly what was closest to get
24 into from the house. It was, you know, sometimes my truck,
25 sometimes Paul's truck, sometimes golf cart, Ranger,

1 whatever we felt like riding in.

2 Q Did you ever ride in a black Ford F150?

3 A I did.

4 Q Okay, and are you familiar with where the kennels are
5 located --

6 A Yes.

7 Q -- at Moselle? Okay, and if you were with Paul at the
8 house, would you guys typically walk to the kennels or
9 would you drive down there?

10 A We would never walk. We would drive or ride
11 something.

12 Q Okay, and were there ever times where you noticed Paul
13 with guns in his truck on Moselle?

14 A All of the time.

15 Q Did he have a 300 Blackout with him in his truck?

16 A A lot of times, yes.

17 Q Okay, and were there ever guns left in the shed by the
18 dog kennels?

19 A There were sometimes -- not a whole lot, but there,
20 there were, you know, sometimes left there and then picked
21 up later.

22 Q Okay. What about the hangar?

23 A Same.

24 Q Now Maggie, tell me about Maggie.

25 A She was a very sweet woman. She would, you know, do

1 whatever. She treated me like I was one of her own. She
2 was just a really, really sweet woman.

3 Q And would she go down to the dog kennels?

4 A She would.

5 Q And how would she get there?

6 A It just depended really. She would drive her car
7 sometimes. She would walk sometimes. She would ride her
8 bicycle. She would ride a Ranger, golf cart, you know,
9 however she felt like getting down there.

10 Q Okay. Let's go to the day of June 7th.

11 A Okay.

12 Q Walk me through that day.

13 A That morning I got up. I talked to Paul either over
14 the weekend or Friday or one of those days when we had
15 talked about C.B. had sprayed the sunflowers. So, I had
16 gone out to Moselle that morning and rode by the sunflowers
17 to see if they were actually dead yet or not, and I noticed
18 that they were dead. So then, you know, Paul and I talked,
19 I don't know, around 10:00 or 11:00 that morning about kind
20 of coming up with a plan about how to get them plowed up
21 under and replanted. So, then I went to work and stayed at
22 work all day pretty much.

23 I got -- we were supposed to go out that afternoon and
24 start plowing the sunflowers under, and I got stuck at work
25 late and talked to Paul throughout the day, and I wasn't

1 going to make it that night, and so I went home after work.
2 And then I got the call around 10:30 or so, 11:00, sometime
3 around there, and came back to Moselle and, you know,
4 everything had happened.

5 Q When you talked to Paul that morning what, if any,
6 understanding did you have as to where he was?

7 A He was in Okatie. He was working for John Marvin at
8 the time.

9 Q Okay, and then you guys made plans to meet at Moselle
10 that afternoon.

11 A That's right, yes.

12 Q Okay. When you called him on the way home what, if
13 any, understanding did you have as to where he was?

14 A When I talked to him on the way home, he was driving
15 from Okatie to Moselle when I spoke to him.

16 Q Where were you when you got the news about Maggie and
17 Paul?

18 A I was at home.

19 Q Okay, and did you go to Moselle?

20 A I did.

21 Q Did you see Alex?

22 A I did.

23 Q How would you describe him?

24 A He was pretty distraught. He was -- you know, when I
25 got there he and I saw each other and we both kind of

1 walked towards each other, and he gave me a hug and just
2 started crying and told me they were gone.

3 MS. FOX: That may be all I have. Beg the Court's
4 indulgence.

5 (Break in proceedings.)

6 Q One last question just for clarification. Your plans
7 to meet up with Paul on June 7th.

8 A Right.

9 Q Was that plan to address the issue you had seen with
10 the sunflowers?

11 A That's right.

12 Q Okay.

13 MS. FOX: No further questions.

14 THE COURT: By the State?

15 CROSS-EXAMINATION

16 BY MR. FERNANDEZ:

17 Q Nolen, good morning. How are you?

18 A Good. How about you?

19 Q Doing well. Nolen, we've met a bunch of times, right?

20 A Yes.

21 Q Prior to trial, we've met in Colleton; we've met
22 elsewhere. We've had quite a few conversation. Is that
23 fair to say?

24 A We have.

25 Q And you've had a lot of conversation with law

1 enforcement also sometimes there in.

2 A I have, yes.

3 Q You were as close a friend to Paul as there could be.

4 Is that fair to say?

5 A I feel like that, yes.

6 Q And I just want you to say again. He was the kind of
7 guy that if you needed something in the middle of the
8 night, you could call him.

9 A Yes.

10 Q He -- was he going to be there for you?

11 A He was going to come.

12 Q Flat tire side of the road, Paul is there.

13 A He was there.

14 Q You also, I think -- and Maggie, I think you referred
15 to her as a second mom.

16 A I did.

17 Q Kind of they adopted you into the family. You were
18 treated like one of the -- one of the group. Is that fair
19 to say?

20 A That's right.

21 Q And what year did you graduate high school?

22 A 2014.

23 Q And what year did -- was Paul at Wade Hampton?

24 A He didn't go to Wade Hampton.

25 Q What year did he graduate high school?

1 A I want to say '17 maybe, '17 or '18.

2 Q So, you were a little older than Paul.

3 A That's right. He was the same age was my younger
4 brother, Nate.

5 Q And your younger brother, I know we already heard --
6 it was Nathan Tuten, right?

7 A That's right, yes.

8 Q And he testified previously in this trial.

9 A That's right.

10 Q So, your years in high school would actually align
11 with --

12 A Buster's.

13 Q -- more of Buster's, and Paul was a little younger.

14 A That's right.

15 Q I think you mentioned that Paul was an avid cell phone
16 user. Is that fair to say?

17 A That's fair.

18 Q He used it all the time.

19 A Yeah.

20 Q Which may be part of the reason why he was so
21 responsive when you needed something: because he always was
22 there to answer the call and respond to a text. Is that
23 fair to say?

24 A That's right, yeah.

25 Q Do you -- do you consider yourself someone that has a

1 fair amount of knowledge about firearms?

2 A I feel like it, yes.

3 Q Are you an avid hunter?

4 A I am.

5 Q And you've had a lot of experience with firearms
6 yourself?

7 A I have.

8 Q And a lot of experience with the family's firearms?

9 A Yes, sir.

10 Q And gained kind of a knowledge of what people tend to
11 use or favor?

12 A Yes, sir.

13 Q And is it fair to say that -- well, first let's --
14 before we go there, let's talk about the 300 Blackout,
15 Paul's 300 Blackout that he just testified to that they
16 received as a Christmas gift.

17 A Right.

18 Q Now, Buster's -- when they received it, Buster's 300
19 Blackout was, was what color?

20 A It was black.

21 Q And Paul's 300 Blackout was what color?

22 A It was like a sand color.

23 Q And you're hanging out with Paul, and I want to talk
24 about somewhere in, like, 2017 or 2018. Did you go to a
25 Halloween party with Paul?

1 A We did.

2 Q Did you actually ride with him?

3 A From my recollection, yes.

4 Q And it wasn't uncommon for Paul to have his kind of
5 favorite guns in the car with him. Is that fair to say?

6 A That's fair.

7 Q And on this occasion when you went to this party, did
8 Paul have that 300 -- his tan 300 Blackout with him?

9 A He did.

10 Q This is back in, like, 2017, 2018.

11 A It was awhile ago, yes, sir.

12 Q Before Covid?

13 A That's right.

14 Q The new designation: before Covid, after Covid.

15 A That's right.

16 Q And tell us what happened, what happened that night.

17 A I mean, we were at a Halloween party, and we had been
18 around Moselle most of the day, and, you know, we left.
19 And then later on the gun was gone. The gun was missing.
20 Whether -- you know, whatever happened to it, you know, it
21 was -- we no longer had it.

22 Q So, it was there before you went to the party, and
23 then y'all come back and it's out of the car.

24 A That's right.

25 Q Now, this was a really nice rifle, right?

1 A It was.

2 Q It was a fairly expensive rifle, and the scope on it
3 is a very expensive scope.

4 A That's right.

5 Q So, it wasn't like it was misplaced. It was -- do you
6 believe it was stolen?

7 A I believe so, yes.

8 Q And then going to guns, did Paul have a shotgun that
9 he favored?

10 A He did.

11 Q Was it the -- and have you paid attention to any of
12 the trial?

13 A I've watched some, yes.

14 Q And is it -- without going ahead and rooting through
15 the guns, is that camo, camo in color Benelli Super Black
16 Eagle 3 that, that the State has in evidence --

17 A That's right.

18 Q -- that's, that's Paul's shotgun?

19 A That was his, the one he favored the most, yes.

20 Q And then did Paul also have a 300 Blackout on him at
21 all times?

22 A He did most times.

23 Q So, what did -- what did Paul do after his rifle was
24 stolen? What did he use then?

25 A When his rifle was stolen, he more or less took

1 Buster's as his own, so --

2 Q He start using Buster's. Is that because Buster
3 really didn't use that very much?

4 A Buster was in school, you know, either in Wofford or
5 in Columbia. So, he was -- Buster came to Moselle a fair
6 amount, but Paul was there more and so Paul just, you know,
7 used it as his own.

8 Q And then Buster had a shotgun he favored. I think
9 we'd already heard about it, but is it a -- is it a Benelli
10 Super Black Eagle Model 2?

11 A That's right.

12 Q And do you know the differences between the Super
13 Black Eagle models?

14 A I do.

15 Q And I think your brother already testified to that,
16 but there's markings on the shotguns that you can look at
17 and tell, if you know what you're looking for.

18 A That's right.

19 Q And then I believe Alex favored a Super Black Eagle
20 Model 1.

21 A That's right. He either shot the 1 or the 2.

22 Q So, we have 1, 2, and 3 models.

23 A Right.

24 Q For the same -- they're all Super Black Eagle, but
25 models 1, 2, and 3.

1 A That's right.

2 Q And those were all 12 gauges typically that was
3 used --

4 A That's right.

5 Q -- as kind of a general use?

6 A Uh-huh.

7 Q I think you also mentioned that -- about guns being
8 left down at the kennel area, and you said it was
9 occasional. Is that fair to say?

10 A That's fair to say.

11 Q They weren't stored down there, right?

12 A That's right.

13 Q Permanently. Nothing was stored down there.

14 A No, nothing was stored down there.

15 Q And it was -- usually if guns were left, would it be
16 mostly in just the hunting seasons?

17 A That's right. It would either be during, you know,
18 the hunting seasons, or, you know, if Paul was cleaning out
19 his truck, you know, he would --

20 Q And what are the hunting seasons for, like, deer and
21 dove and turkey? When are those hunting seasons?

22 A Deer season is typically in the fall sometime, August
23 to January. Duck season is, you know, around Thanksgiving
24 until the end of January. And turkey season is March 22nd
25 to May 1st, somewhere around there.

1 Q Were you -- and you spent a lot of time at Moselle. I
2 think --

3 A I have.

4 Q -- we already talked about that. Were you around
5 before the -- how many entrances and exits are there at
6 Moselle, the property?

7 A There are two.

8 Q Were you around before when there was only one
9 entrance and exit?

10 A I was.

11 Q So, when there was only entrance and exit, the main
12 exit -- entrance and exit, where was that one?

13 A That was by the kennels.

14 Q And is that actually where the mailbox is?

15 A That's right.

16 Q And I think packages are sent that way.

17 A They would typically go to the shed, to the hangar.

18 Q And then at some point in the future, a second exit
19 was created where some brick work was done sort of leading
20 from the house --

21 A That's right.

22 Q -- is that accurate as well?

23 A That is.

24 Q And you all spent a lot of time at the kennel area,
25 kind of the hangar/kennel area?

1 A We did.

2 Q It's kind of a good collection point for whatever
3 y'all were doing, whether it was working on the heavy
4 equipment there, or hunting and getting ready for things.
5 Is that --

6 A That's correct.

7 Q -- a fair thing to say? It was a good collection
8 point for y'all?

9 A Yes, sir.

10 Q But I think out there there's also a processing shed
11 for --

12 A There is.

13 Q -- if you killed anything?

14 A Yes, sir.

15 Q And if you all were down there and, you know, say
16 Maggie or Alex were at the house and they, you know,
17 obviously knew you were down there, would they tend to come
18 drop by before they would leave just to see if y'all needed
19 anything?

20 A More often than not, yeah.

21 Q And knowing Paul as well as you do, is it -- and we've
22 heard a lot about him. Is it fair to say that he was a --
23 he had a lifestyle that was just fairly unpredictable?

24 A Absolutely.

25 Q I mean, he lived -- he was traveling the state,

1 whether it was Columbia, Charleston, the Lowcountry,
2 wherever. He was everywhere, right?

3 A That's correct.

4 Q And he actually kept clothes in many different places
5 just for that reason because he was such a traveler.

6 A He did.

7 Q So, you talked to him almost every day, right?

8 A That's right.

9 Q But for those that maybe weren't so close to him, it
10 would be fairly hard to even know where he was going to be
11 on any given day.

12 A That's, that's right.

13 Q Unless you kept in frequent contact with him, right?

14 A That's fair to say, yes.

15 Q He was everywhere. Any given day during the week, who
16 knows where he could be.

17 A Uh-huh. Yes, sir.

18 Q Fair to say? All right. So, I'm going to -- I'm
19 going to talk to you about June 7, 2021.

20 A Okay.

21 Q And that's a day -- that's the day you lost your best
22 friend.

23 A That's right.

24 Q And that's a tough day for you. Is that right?

25 A It is.

1 Q You talked to Paul that day on the phone.

2 A I did.

3 Q In the morning and afternoon times. Is that accurate?

4 A Yes, sir.

5 Q And I know you just testified to it, but walk us
6 through. Walk me through again, if you wouldn't mind. I
7 believe y'all were talking about the sunflowers, they'd
8 died.

9 A We were.

10 Q And you often helped out on the farm. Is that also
11 fair to say?

12 A I did, yes.

13 Q Meaning farm related stuff, tilling the ground and
14 planting seeds and all of that stuff.

15 A That's right.

16 Q You were pretty active in the maintaining of the duck
17 ponds and the corn fields for the hunting purposes, too,
18 right?

19 A That's right.

20 Q So, if Paul needed something he'd typically -- he
21 would call on you.

22 A That's right.

23 Q He would call on you to help out.

24 A Yes.

25 Q And is that what happened on -- leading up to and on

1 June 7th?

2 A Yes, it was. You know, he knew that I was riding by
3 because typically when you spray something, it takes a
4 couple of days before it actually takes effect. So, it
5 happened -- C.B. sprayed them, I want to say, Thursday or
6 Friday. So, we really couldn't get a good idea what was
7 actually done, the harm that was actually done until a few
8 days later. And I was going to be riding by Moselle that
9 morning to go to work, so I just swung in there to check on
10 them and see what it was, where we could come up with a
11 game plan on what to do.

12 Q And you had pretty free use of the property, meaning
13 you could show up and come and go as you please. That
14 wasn't weird, right?

15 A That's right.

16 Q So, the fact that you went there that morning to check
17 on stuff, that's actually pretty normal for you?

18 A That's right.

19 Q And so you show up on that morning and check the
20 sunflowers and they're dying. Is that right?

21 A Right, yes, sir.

22 Q So, the decision was made that y'all would have to --
23 and why do you need sunflowers? What's the purpose of
24 those?

25 A They attract doves, you know. We plant them, you

1 know, kind of corn sunflowers, corn sunflowers in the dove
2 field, you know, to have dove hunts.

3 Q So, it's important to -- for hunting purposes, it's
4 important to maintain a dove field. You call it a dove
5 field --

6 A That's right.

7 Q -- or the sunflower field?

8 A Yeah. It is a good attractant.

9 Q So, the decision -- was the decision made then to till
10 the field and replant the sunflowers?

11 A That's correct.

12 Q It wasn't too late in the year in the season. You
13 could still get some good growth out of it.

14 A That's right.

15 Q And this is something you're pretty familiar with and
16 you've done a number of times before with Paul?

17 A Yes, sir.

18 Q All right. So, what do you relay to Paul then?

19 A I talked to Paul and told him they were, in fact,
20 dying and we had to restart. So, he and I had talked about
21 coming up with a game plan, meeting up that afternoon at
22 Moselle to go ahead and get the tractor hooked up and begin
23 plowing them under.

24 Q And ultimately you weren't able to make it that day.
25 Is that correct?

1 A That's correct.

2 Q Okay. What did you have going on?

3 A I got hung up at work around the Columbia area.

4 Q So, the plan then became we're going to -- we're just
5 going to do it later, right?

6 A That's right.

7 Q We'll do it sometime later in the week.

8 A Yes.

9 Q Now, leading up to these events, you received a
10 Snapchat from Paul around 7:00 p.m. Is that right?

11 A Sometime around there, yes.

12 Q Sometime in the evening time.

13 A That's right.

14 Q And tell us what that Snapchat -- and Snapchat is like
15 a video image that someone can send you?

16 A That's correct, yes.

17 Q And tell us about what that Snapchat was.

18 A It was a video of the John Deer Highboy sprayer. One
19 of the cylinders on the back to spread -- the boom to spray
20 was leaking pretty bad, so he was sending me a video to
21 show me how bad it was leaking.

22 Q And a tiller is a piece of farm equipment. Is that
23 correct?

24 A What is it?

25 Q Sorry?

1 A Repeat your question.

2 Q Was it -- is it -- you said a tiller. Is that --

3 A No, a Highboy.

4 Q Highboy. Is that a piece of farm equipment?

5 A It is.

6 Q And is that the thing you would use then to drag
7 the -- plow the fields?

8 A That's what we would use to spray.

9 Q Spray. Sorry, thank you. Okay, and it was leaking
10 some sort of fluid, meaning it was maybe broken.

11 A That's right.

12 Q Now, you have -- in all of the times we've met, a
13 number of times, did you have a chance to listen to that --
14 what we -- we call it the kennel -- the kennel video.

15 A I did.

16 Q And did you, when, when listening to it, did you
17 identify the voices on that video?

18 A I did.

19 Q Having known the family, what voices did you hear on
20 that video?

21 A Paul, Ms. Maggie, and Mr. Alex.

22 Q All right. Down at the kennel area, too, if you're
23 down there at nighttime -- I assume you've been down there
24 around the nighttime in the hangar/kennel area.

25 A Right.

1 Q It's actually a pretty fairly well lit area if the
2 lights are all turned on. Is that true?

3 A That's correct.

4 Q So, not only is there the hangar lights inside the
5 hangar, but then there's lights on the outside of the
6 hangar as well.

7 A That's right.

8 Q Is that true?

9 A Yes.

10 Q And is it true, then, also that the kennels have good
11 lights, both fan lights and overhead lights?

12 A That's correct.

13 Q So, if you're down there in the middle of the night,
14 even though there may not be any, you know, street lighting
15 or anything like that, the kennel area and the hangar are
16 all brightly lit with, like, florescent lighting.

17 A Yes, sir.

18 Q And you would -- would you be able to see the lighting
19 if you were at the Moselle house? Would you be able to
20 look down -- it's nighttime. Would you be able to look
21 down and see the well lit area?

22 A You could, yes.

23 Q So on June 7th, what's the last communication you had
24 with Paul?

25 A That phone call. The phone call --

1 Q And did you go to bed think --

2 A -- and the Snapchat.

3 Q I'm sorry. Go ahead.

4 A The phone call and the Snapchat.

5 Q And you then go to bed that night thinking it's just
6 any other night. Is that right?

7 A That's correct.

8 Q And I think you testified to it, but you were woken up
9 at what time?

10 A It was around 10:30, between 10:30 and 11:00. My mom
11 had called me and she had heard something had happened at
12 Moselle, so I tried to call Paul and text Paul and didn't
13 get a response. So, I got in the truck and rode over there
14 as fast as I could.

15 Q And at the time, were you living fairly close by?

16 A I was living -- I was living closer to Alameda. It was
17 probably a 20 to 25 minute drive to Moselle.

18 Q When you arrived at the scene, what entrance did you
19 go to initially?

20 A Initially I was coming down Moselle Road, and I
21 noticed all the first responders over towards the kennel
22 area, and so I pulled in there and they wouldn't let me in.
23 So, then I backed up and came in through the brick columns
24 and made my way around.

25 Q And when you arrived, what did you -- what did you

1 observe?

2 A When I got there, there were a lot of first responders
3 out, and I could see two bodies laying -- one by the corner
4 of the shed and one by the feed room door, and they had
5 sheets over them.

6 Q And by the time you arrived, law enforcement had
7 already cordoned off the area?

8 A They had.

9 Q But you could -- where the tractor equipment was
10 housed, you could kind of stand around back there?

11 A That's correct.

12 Q And even though it sat further back, you could still
13 see sort of the scene.

14 A Yes.

15 Q Who was there with you when you arrived?

16 A When I arrived it was myself, Alex, Randy, Ronnie
17 Crosby, Mark Ball, and it's -- I think that's it at the
18 time. People started coming -- when I got there, a lot of
19 people started coming, showing up.

20 Q And I know you testified to it and it's obviously
21 understandable, but everyone is pretty upset, right?

22 A Yes.

23 Q And when you -- did you have a chance then to interact
24 with Alex?

25 A I did.

1 Q And is he here today?

2 A He is.

3 Q Is he sitting at counsel table right there between his
4 lawyers?

5 A He is.

6 Q And I think you said you hugged. Is that right?

7 A We did.

8 Q And what thing did he repeat to you twice?

9 A The boat wreck. The boat wreck. The boat wreck.

10 Q That's the thing he said to you?

11 A That's right.

12 Q And did he also ask you to get in touch with Rogan?

13 A He did.

14 Q And you know Rogan Gibson?

15 A I do.

16 Q Friends with him as well?

17 A Yes, sir.

18 Q So, the two things he says to you there is -- two of
19 the things he says is boat wreck. I think he says the
20 F'ing boat wreck. Is that right?

21 A He did.

22 Q And get in touch with Rogan.

23 A Yeah. It was a little while later, but yes, he asked
24 me to call Rogan.

25 MR. FERNANDEZ: Beg the Court's indulgence.

1 (Break in proceedings.)

2 MR. FERNANDEZ: No further questions. Thank you,
3 Nolen.

4 THE COURT: Any redirect?

5 MS. FOX: Briefly.

6 REDIRECT EXAMINATION

7 BY MS. FOX:

8 Q You mentioned that Paul would clean his cars out down
9 by the kennel area --

10 A Right.

11 Q His trucks? Are you aware he took his truck in to be
12 serviced that Friday?

13 A I was, yes.

14 Q Okay, and he'd cleaned that out before he went?

15 A Yes.

16 Q And if you're at the house in Moselle, can you see any
17 detail at night, what's happening at the kennels?

18 A You could just see the lights. You could tell that
19 the lights were on and you could see the roof, but that's
20 really about all you could see.

21 Q Just the roof and just the lights.

22 A That's right. You could -- you would notice something
23 was down there, but you weren't really able to tell exactly
24 what it was.

25 Q Okay, and going back to June 7th, you went out there

1 in the morning for the dove fields?

2 A That's right.

3 Q Okay, and did you see the black Ford F150 at the
4 house?

5 A I didn't.

6 MS. FOX: Thank you. No further questions.

7 THE WITNESS: Thank you.

8 MR. FERNANDEZ: Nothing else, Your Honor.

9 THE COURT: All right. Thank you. You may step down.

10 THE WITNESS: Thank you.

11 (The witness exited the stand.)

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

15 (The jury left the courtroom.)

16 THE COURT: If everyone will be seated.

17 Mr. Harpootlian, do you need any additional time to
18 confer with Mr. Murdaugh?

19 MR. HARPOOTLIAN: He indicates he doesn't need to talk
20 to me, which hurts my feelings, but we don't need any
21 break.

22 THE COURT: All right.

23 MR. HARPOOTLIAN: However, Your Honor, he does need to
24 visit the restroom before we start this process.

25 THE COURT: All right. We'll take a recess. About 10

1 minutes.

2 (A break was taken.)

3 THE COURT: You may bring the jury.

4 (The jury returned to the courtroom.)

5 THE BAILIFF: The jury is present, sir.

6 THE COURT: Thank you.

7 (Break in proceedings.)

8 THE COURT: You may call your next witness.

9 MR GRIFFIN: Thank you, Your Honor. The defendant,
10 Richard Alexander Murdaugh, wishes to take the stand.

11 The witness, RICHARD ALEXANDER MURDAUGH, was first
12 duly sworn and testified as follows:

13 CLERK: If you'll have a seat on the witness stand.
14 Adjust that microphone, and if you don't mind stating your
15 name again and spelling your last name.

16 WITNESS: I'm Alex Murdaugh, M-u-r-d-a-u-g-h.

17 DIRECT EXAMINATION

18 BY MR. GRIFFIN:

19 A Good morning.

20 Q Good morning. Mr. Murdaugh, on June 7, 2021, did you
21 take this gun or any gun like it and shoot your son, Paul,
22 in the chest in the feed room at your property off Moselle
23 Road?

24 A No, I did not.

25 Q Mr. Murdaugh, did you take this gun or any gun like it

1 and blow your son's brains out on June 7th or any day or
2 any time?

3 A No, I did not.

4 Q Mr. Murdaugh, did you take a 300 Blackout such as this
5 and fire it into your wife, Maggie's, leg, torso, or any
6 part of her body?

7 A No, I did not.

8 Q Did you shoot a 300 Blackout into her head, causing
9 her death?

10 A Mr. Griffin, I didn't shoot my wife or my son any
11 time. Ever.

12 Q Mr. Murdaugh, is that you on the kennel video at 8:44
13 p.m. on June 7th the night Maggie, Maggie and Paul were
14 murdered?

15 A It is.

16 Q Were you, in fact, at the kennels at 8:44 p.m. on the
17 night Maggie and Paul were murdered?

18 A I was.

19 Q Did you lie to SLED Agent Owen and Deputy Laura
20 Rutland on the night of June 7th and told them that you
21 stayed at the house after dinner?

22 A I did lie to them.

23 Q Did you lie to Agent Owen and Agent Croft in the
24 follow-up interview on June 10th that the last time you saw
25 Maggie and Paul was at dinner?

1 A I did lie to them.

2 Q And then the interview of August 11th, did you tell
3 Agent Owen and Agent Croft -- did you lie to them by
4 telling them that you were not down at the kennels on that
5 night?

6 A Yes.

7 Q Alex, why did you lie to Agent Owen, Agent Croft, and
8 Deputy Rutland about the last time you saw Maggie and Paul?

9 A As my addiction evolved over time, I would get in
10 these situations or circumstances where I would get
11 paranoid thinking, and it could, it could be anything that,
12 that triggered. It might be a look somebody gave me; it
13 might be a reaction somebody had to something I did. It
14 might be a policeman following me in, in a car.

15 That night, June 7th, after finding Mags and Paul,
16 Paul-Paul, don't talk to anybody without Danny with you.
17 All my partners were just repeatedly telling me that. I
18 had a deputy sheriff taking gunshot test from my hands.
19 I'm sitting in a police car with David Owen asking me about
20 my relationship with my wife and my son. And all those
21 things, coupled together after finding them, coupled with
22 my distrust for SLED, caused me to have paranoid thoughts.

23 Normally when these paranoid thoughts would hit me, I
24 could take a deep breath real quick, just think about it,
25 reason my way through it, and just get past it really

1 quickly. On June the 7th, I wasn't thinking clearly; I
2 don't think I was capable of reason. And I lied about
3 being down there, and I'm so sorry that I did.

4 I'm sorry to my son Buster. I'm sorry to Grandmar,
5 Papa T. I'm sorry to both of our families. Most of all,
6 I'm sorry to Mags and Paul-Paul. I would never
7 intentionally do anything to hurt either one of them ever.
8 Ever.

9 Q Yet you continued lying after that night, did you not?

10 A Once I lied, I continued to lie, yes, sir.

11 Q Why?

12 A You know, oh what a tangled web we weave. But once I
13 told the lie and I told my family, I, I had to keep lying.

14 Q Alex, tell the jury. What happened on the evening of
15 June 7th, starting when you met up with Paul.

16 A I'd been at work that day, a fairly normal day. You
17 mean start in the morning or?

18 Q Sure, start in the morning.

19 A It was just a regular morning. Maggie was leaving to
20 go out of town. She was, she was going to a doctor's
21 appointment, and she had some stuff to do at Edisto where
22 she was having some work done on our house at Edisto. So
23 -- but Maggie was there that morning. She went to leave
24 and, and she told me she was doing these things. I always,
25 always asked Maggie to come back home and stay with me.

1 But anyway, Maggie had left. She did her thing. I went to
2 work, did work. I learned from Paul-Paul that --

3 Q Who's Paul-Paul?

4 A That's Paul, my son Paul-Paul. My son Paul Murdaugh.

5 Q And you -- and your name for him is Paul-Paul?

6 A Yeah. We -- I mean, we called him Paul-Paul.

7 Q Okay. Go ahead. I'm sorry.

8 A And, I mean, Buster, Maggie, I, I pretty much called
9 him Paul-Paul or Paul-Terry. Mags called him Paul-Paul.
10 Bus called him Paul-Paul. A lot of people called him
11 Paul-Paul.

12 But anyway, I learned about the -- I'd known that CB,
13 the guy that worked for us, had sprayed the sunflowers. I,
14 I knew about that, but I'd been out of town. I didn't know
15 they were dead. Paul let me know they had died. So, we
16 had to replant the dove field. That, that's the dove
17 field, which the dove field's just a big, big social part
18 of, of, of having property. People would come and it's
19 just a social -- big part of it. So, the dove field was a
20 big deal. So, when, when the sunflowers got killed, Paul
21 was -- when we knew they were dead, Paul was coming home,
22 and I learned that early Monday morning.

23 Q And did -- we'll catch back up, but at some point in
24 time, did you meet up with Paul?

25 A Yeah. After work I met Paul-Paul at the, at the

1 property.

2 Q And up and -- we're going to go back and we're going
3 to talk about more of the day, but I just want to focus in
4 on that evening right now.

5 A Okay.

6 Q When Paul gets to the property, what do y'all do?

7 A First thing we do is we go to the dove field and, and
8 we, and we look at the Dove field and --

9 Q How do you get to the dove field?

10 A He had come in my brother's truck. We got in my son
11 Buster's black pickup truck. We called it Buster's truck
12 or the black pickup truck you've heard it called, too, but
13 I call it Buster's truck.

14 Q Okay, so you're in Buster's truck and you go to the
15 dove field. Tell the jury what else.

16 A Well, that's the first thing we do. We, we go to the
17 dove field, and we look and it's clearly -- it didn't --
18 you could tell they were -- I mean, you could tell they'd
19 been sprayed and you could tell they were dead. I mean,
20 they might have still had a tiny bit of life, but they were
21 dead. So, we knew that. So, we knew we had to replant the
22 whole field. So, that didn't take but a second.

23 But after that, Paul-Paul, we just rode the property.
24 We spent time together. We, we just, we rode around and we
25 spent time together on the property.

1 Q Did you go to the duck pond?

2 A Oh, yeah, we went, we went to several food plots.

3 We went to single oak stand, we called it, which is across
4 the road. I know we went to the bridge stand. We went to
5 the, we went to the duck pond where we stayed for a minute
6 and --

7 Q Did you --

8 A -- I can remember the duck pond specifically because I
9 had helped Paul-Paul plant the dove field and, and the corn
10 in the dove field. So, sunflowers, corn, sunflowers, corn.
11 I had helped him plant the sunflowers, but the corn was in
12 the dove field. Paul-Paul had planted the duck pond by
13 himself, and he's making a really big deal to me about how
14 much better the corn was doing in the duck pond than it was
15 in the dove field.

16 We stayed there for a little while. We rode. We were
17 at the cabin for a little while. We rode around the cabin
18 looking at it.

19 Q The cabin is what?

20 A That's -- it's just a, a little small -- it's truly a
21 cabin. It's a, it's a four-room structure. It's, it's got
22 a little living area, a little kitchen. It's got two
23 little bedrooms and one little bathroom, and that's what
24 you've heard talk about where the kids stayed some summers
25 and --

1 Q And is that what the jury's seen some overhead
2 pictures? It's right there on Moselle Road?

3 A Yeah. It's right, it's right up on Moselle Road and
4 it's very close to the, the, the driveway that goes to the
5 shop and the kennels.

6 Q Did you spend any time at the shop?

7 A Oh, yes. I mean, the shop was -- I mean, that was
8 sort of the hub. That, that was the main place. If you
9 weren't at the house, you might be out going to this field
10 or this food plot or this duck pond or, or, or this part of
11 the river. But the, the, the shop is where the kennels
12 were located. You know, that was -- you were always there.
13 Something was always going on there. You were always doing
14 something there. That's where all the tools were; that's
15 where all the equipment was kept. I mean, that was, that
16 was the main hub.

17 And so we were there that day. I mean, there was a
18 point in time where we unloaded the bulldozer that, that
19 had been on a different part of the property, was on a
20 trailer. We loaded, unloaded it, and sprayed it down real
21 quick. That was just one of the many things we did that
22 day.

23 Q One of the things the jury's seen, Alex, is a Snapchat
24 video of you and, and doing something with a tree. Do you
25 remember that?

1 A Oh, yeah, I --

2 Q So what, what was happening there?

3 A That's just part of when we were, we were riding,
4 that, that particular location where that was is at a food
5 plot that, that we called Sawtooth Oaks, and it was named
6 that because there were some sawtooth oaks that were
7 planted there that you can't see in the picture. But what
8 that tree is -- at all these food plots, there's an area
9 where -- it's not as big as the field, but it's like a
10 field where you plant vegetation for wildlife. Like, it
11 might be cowpeas or soybeans, but you plant and then
12 there's a feeder to, to, to attract deer. Then we planted
13 these little fruit trees on, on these stands, and what you
14 see me doing is fooling with a fruit tree that I'd been
15 tending to it. It, it had fallen over. I had straps on
16 it. I had strings on it that would hold it up. One of the
17 strings -- I undid the other string and it was falling
18 over, and Paul-Paul was laughing at me trying to get it
19 back upright, and that was -- it was just a fruit tree that
20 I'd been dealing with for -- really for years.

21 Q And, and --

22 A And it wouldn't stand up straight.

23 Q And were you and Paul having a good time?

24 A You could not be around Paul-Paul -- you could not be
25 around him and not have a good time.

1 Q Were you, were you close to Paul?

2 A You couldn't be any closer that Paul-Paul and I and
3 Buster and I were and are. He's just a wonderful,
4 wonderful person.

5 Q And is one of the things you enjoyed doing together
6 was just riding the property?

7 A I loved doing anything with Paul-Paul. He was a
8 absolute delight. But, yeah, one of the things -- I mean,
9 Paul's passion -- I mean, Paul was passionate about a lot
10 of things, but that property was really a passion of his.
11 I mean, he loved to do -- he'd loved to work and he loved
12 to work with fields. He loved to work with food plots. He
13 loved to hunt. I mean he -- he'd work on the roads. I
14 mean, he would, he would work on all of it. I mean, he
15 would work on the structure. He, he would -- he, he worked
16 on the whole property. It was, it was his passion.

17 Q So, on the evening of the 7th, and the jury's been
18 inundated with data from various different sources, but --

19 A Sure.

20 Q -- just ballpark. I mean, can you, knowing what we
21 know now from viewing everything, but roughly when do you
22 remember Paul getting there and you getting there and
23 starting to ride the property?

24 A Now that I've had the benefit of, of seeing all of
25 these records, Paul-Paul got home, I believe, a little bit

1 before 7:00, and I got home a little bit before him. I
2 think the details have been that I got home around 6:42 or
3 6:45 or something like that, and Paul got there very
4 quickly thereafter.

5 Q And then --

6 A By 7:00.

7 Q So, you rode the property for a while. Do you
8 remember when Maggie arrived?

9 A Yeah, it was, it was later than that. It was 8 or
10 after 8. I think it was after 8 in looking at the records,
11 a little bit after 8.

12 Q And, and do you remember, do you remember her arriving
13 or where you were when she arrived?

14 A I believe that I was at the shop when, when she came
15 through, which would not be unusual for her, having been
16 away. If Blanca had gotten the mail or somebody had gotten
17 the mail, maybe not. But if somebody had not gotten the
18 mail, it would be perfectly normal for her to pull through
19 there. And I believe she did pull through there that day.
20 And Paul and I were at the shop, I believe.

21 Q And then what, what did you do after Maggie arrived?

22 A Maggie went to the house, and I know that. But
23 shortly after, however, I learned that Maggie got home, I
24 went to the house when Maggie got home, and I left Paul at
25 the shop.

1 Q So -- and what did you do when you got to the house?

2 A I saw Mags, talked to Mags, and I took a shower.

3 Q The clothes that we saw in that Snapchat video, was
4 that the clothes you had on at work that day?

5 A Yes, that -- those are the clothes I had on at work
6 that day.

7 Q And the, and the jury's seen you in those clothes and
8 what's -- on June 7th, how tall were you and how much did
9 you weigh?

10 A On June 7th? Well, I'm, I'm 6, a little -- I'm a
11 hair over 6-4, right at 6-4. On June the 7th, I was about
12 265 pounds, 264, 265.

13 Q And, and this was in June, June 7th.

14 A Yes, sir.

15 Q When you're outside riding around and just -- do you
16 get hot and sweaty?

17 A Absolutely. I mean, Paul and I had done some things.
18 We, we unloaded the bulldozer, cleaned the bulldozer. We
19 fooled around. Yeah, I mean, I sweated. I was, you know,
20 I was heavy, and taking prescription pills also makes you
21 sweat worse, or at least taking oxycodone makes you sweat
22 more than you normally do.

23 Q So, was it unusual for you to take a shower when you
24 got back to the house?

25 A Not at all.

1 Q And when you -- after you took a shower, what did you
2 change into?

3 A I changed into the clothes that you've seen in this
4 trial: shorts and the shirt.

5 Q When you got out of the shower and changed clothes,
6 what did you do next?

7 A I went back out where Mags and Paul-Paul were and --

8 Q What were --

9 A -- for dinner.

10 Q What were they doing? What's going on?

11 A Mags had -- as you've heard, Blanca had prepared
12 dinner, but it had been cooked earlier. Mags had fixed --
13 I know Mags had fixed mine and her plate because I didn't
14 fix a plate. She may have fixed Paul-Paul -- Paul-Paul was
15 eating and Paul-Paul was almost done eating by the time I
16 got back out, which also wasn't unusual. I mean, Paul-Paul
17 was always on the go. I mean, he, he never sat still.
18 And, you know, he'd sit down to eat, but then he's going on
19 to his next item.

20 Q And --

21 A So then Maggie and I ate.

22 Q And did y'all eat at the table? Do you eat in the
23 den? What's your normal habit?

24 A We would do both but, I mean, when we ate at the
25 table, it was really sort of more formal or -- or not

1 formal, but just more of a organized thing.

2 Our normal -- what we would normally do on a regular
3 evening is we would eat in the den in front of the TV, and
4 that's where we ate that day. I ate on the couch. The
5 table -- Maggie had a little -- a TV tray that she kept
6 over there and, and Paul-Paul would usually sit in a
7 recliner and, and eat off of the ottoman.

8 Q Was the TV on?

9 A Yes.

10 Q Was that normal for the TV to be on?

11 A Yes. TV, if we were in the house, the TV was on.

12 Q So, what, what happened next, Alex?

13 A Paul-Paul moved on doing whatever he was doing. I, I
14 don't know if he was in the gun room doing something or he
15 was in his room doing something, he was outside doing
16 something. I actually thought he'd gone to the shed, but
17 in looking at -- to the shop, but in looking at the -- the,
18 the benefit of having these records that we have, I know he
19 was still at the house or somewhere around the house doing
20 something, but he wasn't in there with Maggie and I.

21 But Maggie wanted to go to the kennels, and I had
22 eaten dinner. I laid back on the couch where I was
23 sitting. Maggie wanted to go to the kennels and she asked
24 me to go and, and I didn't. I didn't go at that time. I
25 didn't want to go.

1 Q Why? Why didn't you want to go?

2 A It was hot. I had just had a shower. I knew I'd end
3 up doing more work, sweating more and, and the dogs is
4 always a chaotic scene, and I just didn't want to go right
5 then.

6 Q Well, let me ask you. What had you done the previous
7 days like Friday and Saturday and Sunday?

8 A Start with Friday or go backwards?

9 Q Yes. Yeah, yeah. Start with Friday.

10 A All right, on that --

11 Q Just, just briefly.

12 A So the 7th, 6th, 5th, 4th. So, June the 4th my dad
13 was in the hospital in Savannah, Georgia, at Memorial
14 Hospital, and I went down to visit him Friday afternoon,
15 and I stayed with him in the hospital. I spent the night
16 there. You know, he was real sick. I mean, he was having
17 a hard time.

18 Q Did you get much sleep Friday night?

19 A No. I mean, I had -- a, a real sweet nurse found me
20 -- at first there was just a hard chair in there like this,
21 but a nurse found me a soft chair sort of like a recliner.
22 So, I mean, I -- I'm sure I slept, but I didn't sleep. You
23 know, I didn't get a night's sleep, no, sir.

24 Q And then Saturday and Sunday?

25 A Saturday we had plans with, with Buster and Brooklynn.

1 Y'all've heard about Brooklynn, who's Buster's wonderful
2 little girlfriend, and Mags and I had plans with them to
3 meet them in Columbia to go to the South Carolina -- it was
4 a regional baseball tournament. South Carolina was playing
5 Virginia, I believe. So, when I got back from Savannah
6 and, and met up with Mags, at some point we, we, we headed
7 to Columbia. So, I mean, it wasn't a lot going on in
8 between there. We headed up to Columbia and met Bus and
9 Brooklynn.

10 Q And did you stay? Did you stay in Columbia Saturday
11 night?

12 A We did. We went to the ball game, and I remember it
13 was an evening game. We went pretty early and tailgated.
14 Maggie and -- Maggie had reconnected with a college friend,
15 who coincidentally had married a college friend of mine,
16 and they had a son that played for Carolina. He was a
17 first baseman and a really good little player, and we met
18 them and tailgated with them, and it, it was a lot of fun.
19 They had a lot of the parents of the players that were
20 playing for Carolina, and it was just -- it was, it was a
21 fun time. We tailgated and then we went to -- and it was a
22 night game. So, we went to the game and the game got over.
23 You know, it was fairly late into the evening, and after
24 that Bus, Brooklynn, and Mags and I, I believe we went to
25 the restaurant in the hotel where we were staying, but we

1 went and had dinner and, and, and then Bus and Brooklynn
2 went home and, of course, Maggie and I went to our room.

3 Q And get up the next day. Is there another game?

4 A Another game the next day, that's right, and --

5 Q And then you after that, you head back to Moselle with
6 Maggie.

7 A Yeah, we went to the game. That's right, Mags and I
8 go back to --

9 Q Moselle.

10 A -- Moselle.

11 Q And the jury's heard about, I think, Ms. Rast talking
12 about you bringing Krispy Kreme Donuts to your dad.

13 A Maggie loved it. She, she spoiled my dad. You know,
14 always, always taking something -- my dad loved sweets and
15 she and I picked up donuts and took Krispy Kreme donuts to
16 him.

17 Q And then did y'all both spend the night together at
18 Moselle on Sunday night?

19 MR. WATERS: Object to the form, Your Honor.

20 Q Did you both spend the night at Moselle on Sunday
21 night?

22 A Yes.

23 Q And then the 7th was a work day.

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

25 A That's right, it was a Monday, Monday, June the 7th.

1 Q Hang on a second. I'll rephrase it.

2 A I'm sorry.

3 Q Was Monday the 7th a work day for you?

4 A Yes.

5 Q And I just wanted to get background instead of moving
6 forward. When you testified previously about Maggie asking
7 you to go to the kennels, were you tired?

8 A Oh, yes, I was tired.

9 Q And you'd just had a shower.

10 A Just had a shower.

11 Q And, and you said that -- well, did you go with Maggie
12 to the kennels?

13 A No.

14 Q Immediately?

15 A No, I did not.

16 Q What do you do? Well, did she leave?

17 A Yes, she did. She left and Paul-Paul was gone.

18 Q You know how she got to the kennels?

19 A At the time I didn't, but now looking at these
20 condensed records and, and understanding the timeline, it's
21 clear to me that she rode with Paul-Paul.

22 Q And, and did you stay in the house?

23 A Yes.

24 Q For how long?

25 A Not long. I laid back on the couch, put my feet up,

1 and like many times when Maggie asked me to do something
2 that I didn't want to do or didn't start out doing, I
3 changed my mind and decided I'm going to ride up there, and
4 I did.

5 Q And how, how did you get to the kennels?

6 A I went on the golf cart.

7 Q Was it -- was the golf cart at the house?

8 A Yeah, it was, and it was there most of the time.

9 Q And when you got down to the kennels, what was
10 happening?

11 A It -- just what I thought it was. It was a little bit
12 of chaos. I mean, it was clear to me that Mags had just
13 let the dogs out. The two dogs that were out were really
14 her pet dogs. One is Grady. You've heard about a black
15 lab. That's Grady. That's Buster's dog. And the other is
16 the yellow lab that you've heard about. That's Bubba.
17 Bubba was mine and Maggie's dog, but it was really mine and
18 Maggie's, Bus, and Paul-Paul's dog. It was a family dog,
19 but Bubba's the dog I hunted. I mean, Maggie loved Bubba.
20 She loved Grady, too, but, I mean, she had a special place
21 for Bubba.

22 But anyway, when the dogs first were let out, the
23 first thing they would do is they would run. You, you --
24 if you look at the overhead picture that you've seen, there
25 were planted pines right behind the kennels. So, you got

1 the kennels and, and, and the chicken coop sort of form an
2 L shape. In that L was some planted pines. First thing
3 the dogs would do is go out in that kennel. And, you know,
4 Bubba -- and, and Grady, I think, learned this from Bubba,
5 but Grady would do it, too, but Bubba had to mark every
6 tree. I mean, he, he, he would go and he'd do a little
7 number on this tree and that tree. You know how dogs do,
8 and that's marking his territory. And so that was the
9 first thing those dogs did when they came out.

10 When I got there, those dogs were in that area. So,
11 that's why I believe that it hadn't been long before they'd
12 been let out. Grady was chasing guineas, which was a
13 normal thing to do.

14 Q What, what are guineas?

15 A Guinea fowl is -- a guinea fowl is like -- it's like a
16 chicken. It's a domestic bird that -- you know, we had
17 them. They make a lot of racket. It's like a -- you know,
18 I know this sounds silly, but it's like a, a guard bird
19 because any time -- you know, they just make a lot of
20 racket any time anything unusual is going on. If anything,
21 if anything disturbs them -- could be a person, it could be
22 somebody driving up, whatever -- they're going to make a
23 lot of racket.

24 So, Grady's chasing the guineas. You know, Paul's
25 fooling with Rogan's dog, Cash. Maggie's just kind of

1 standing there watching the dogs, which is normal, and, and
2 they were in that place. As the dogs are out longer, they
3 branch out more, but at that point in time they were, they
4 were right there. So, that told me they hadn't been out a
5 long time.

6 Bubba, Bubba catches the chicken. I'm talking to
7 Maggie for just, you know, a short time before Bubba
8 catches the chicken. I take the chicken, put it -- when
9 Bubba -- Bubba didn't chase -- these dogs didn't chase the
10 chickens to kill them and they didn't normally kill them.
11 They did kill them sometimes, but it was about the chase
12 with those dogs and, and, and they were proud when they
13 caught one. You could just tell by the way Bubba would
14 prance to you when he brought a chicken to you. He was
15 proud that he had caught it, but he wasn't trying to kill
16 it. And so most times the chicken wasn't dead, and that
17 chicken wasn't dead. But a lot of times they would be
18 stunned and they would be just real lethargic. So, you had
19 to take the chicken and you had to put it up somewhere
20 where, you know, the chicken could be by itself for a
21 minute. And it would eventually usually, you know, come
22 back to normal and go on about its -- you know, whatever a
23 chicken does.

24 Q Did you get the chicken out of Bubba's mouth?

25 A I did. I took the chicken from Bubba, and I put it

1 on, on top of that.

2 Q Now we've seen, you know, this video of Paul with
3 Cash, Rogan's dog. Did you know -- did you know what was
4 going on? What, what do you remember about that, about --

5 A Yeah, I knew Paul was, I knew Paul was fooling with --
6 when I pulled up on the golf cart, Maggie was standing back
7 sort of where the driveway would be. It sort of runs out
8 at the feed room. The storage room is what we call it.
9 It's been called the feed room, but it sort of ran out.
10 Maggie was a little bit further up where she could see back
11 in that angle where the dogs were. Paul was fooling with
12 Rogan's dog back towards the kennel. If I remember when I
13 first got there, Paul was more in the driveway, but then I
14 knew Paul was in the kennel fooling with Cash, yes, but did
15 I know what he was doing? I didn't know exactly what he
16 was doing, no.

17 Q Did you --

18 A I knew he was fooling with his -- I knew he was
19 fooling with his tail.

20 Q Was Cash in the kennel when you pulled up, you think?

21 A Not when I first got there.

22 Q Did Bubba and Grady have any collars on?

23 A Yes.

24 Q Which? Both dogs? One dog? You remember?

25 A I don't know about Grady, but I know Bubba had on his

1 -- what we call a tracking collar. Paul, for his hunting
2 dogs, Paul had a system, a series of tracking collars, and
3 I think there were five. It might have been six, but
4 there's a tracking collar that had a device that would tell
5 you where that collar was. So, that was -- Bubba was bad
6 about -- you know, he would, he would stay close for a
7 minute, but then he would take off and he'd especially do
8 that on Maggie. He would, he would take off and run, and
9 so he had on the tracking collar that if he did that, you
10 could, you know, you, you could know, okay, he's, you know,
11 half a mile down here. It's not going to follow him but so
12 far, but it would follow a good long distance so you could
13 go get the dog if he ran off, which Bubba frequently would
14 do, especially when it was just Mags and Bubba. And so
15 Paul-Paul probably would have been the one to put that on
16 Bubba.

17 Q So, you've got us where you've gotten the chicken out
18 of Bubba's mouth and put it up on a dog house or something.

19 A I believe, I believe what I put it on -- and I don't
20 remember this, but I've seen pictures in all this and I saw
21 the chicken sitting on top of the -- what looks to me like
22 a portable dog crate. Whatever, wherever it was sitting on
23 there is where I would have put it up there. I don't
24 believe there would be any reason to believe anybody else
25 moved that chicken, and it ultimately -- that chicken did

1 die.

2 Q And what did you do after you got the chicken out of
3 Bubba's mouth?

4 A I got out of there. I, I, I left. I went back to the
5 house.

6 Q Well, before we do that, we've seen the dog kennel
7 video with Cash and Mr. Davis, and we slowed it down for
8 him. Do you see the water hose in that video on the
9 ground? Do you remember seeing that?

10 A Yes, I do.

11 Q Was the water hose out?

12 A Obviously in the video, but can -- I don't
13 specifically remember that, but I can look in that video
14 and see it.

15 Q Right.

16 A But that's not something that I noticed.

17 Q So -- but you've seen it in the video here.

18 A Yes, sir.

19 Q And then the two dogs were out.

20 A Absolutely, Bubba and Grady.

21 Q And then you, you had -- how did you get back to the
22 house?

23 A Same route. I mean, the same route I'd come on. I
24 came down the driveway, made a left on -- you, you saw my
25 route in the car. I mean, I drove that same route.

1 Q My question wasn't -- obviously wasn't clear enough.
2 What -- were you in a vehicle? Were you walking? What
3 mode of transportation did you use to get back to the
4 house?

5 A Same way I came. I went back in the golf cart and,
6 and it was the golf cart, if you remember, that Mark Ball
7 testified that he saw. Where we normally would park it,
8 you pull up, pull along the, the, the front entrance, and
9 you come in from the left, and you go just past it. It'd
10 be on the right, and you come in from the right and you'd
11 be just past it on the left, and that's where I got in it,
12 and that's where I put it back.

13 Q Did you do anything else before leaving after you took
14 the chicken out of Bubba's mouth?

15 A No.

16 Q We've heard about Bubba being stubborn. How long did
17 it take you to get the chicken out of Bubba's mouth?

18 A Well, Bubba could be stubborn, but Bubba would listen
19 to me and not -- and, and, and another thing. When Bubba
20 had on that collar, one of the other features of that
21 collar was --

22 Q Well, did Bubba have on a collar or was it Grady?

23 A Bubba had on the collar.

24 Q Bubba had the collar.

25 A I know Bubba had a collar, and I'm not sure about

1 Grady.

2 Q Okay.

3 A If I misspoke on that, there's no question about it.

4 Bubba had on a collar. I assume Grady did, too, but I
5 didn't, I didn't -- even though I saw Grady, I didn't
6 notice for a fact that Grady had on a collar.

7 Q Okay.

8 A But he probably did.

9 Q So.

10 A Makes sense to me that he did.

11 Q How long did it take you to get the chickens out of --

12 A No.

13 Q -- chicken out of Bubba's mouth?

14 A It didn't take -- it didn't take long. Number one,
15 Bubba's coming back there to show me, hey, I've caught this
16 chicken, so he's not running from me. He's proud of that
17 fact that he caught this chicken. So, I mean, he's -- he
18 comes right up to me.

19 Bubba was really strong, but, you know, you just --
20 you take your thumb when the dogs clench and his mouth's a
21 little bit open. All you do is you take your thumb and you
22 push his gum in really tight against those sharp teeth, and
23 his mouth opens right up. Took the chicken out and put it
24 on, I believe, the portable dog kennel.

25 Q And then left.

1 A And then I left.

2 Q Then you leave, and did you go back to the house?

3 A I went straight back to the house, to the air
4 conditioning.

5 Q And what did you do when you got back to the house?

6 A I laid down on the couch.

7 Q And then what? Well, let me -- was the TV on when you
8 went back?

9 A Yeah. I mean, the TV never got cut off.

10 Q So, you went back to the house. You laid down on the
11 couch. Then what happened next?

12 A I'm not, I'm not positive I dozed off for a minute or
13 didn't doze off for a minute. But I got up off of the
14 couch and I was -- I made up my mind I was going to visit
15 my mom.

16 Q Had you spoken to Barbara Nixon earlier in the day?

17 A I did.

18 Q And --

19 A I talked to Barbara most days. If I didn't see her, I
20 talked to her.

21 Q And what was your understanding of your mother's
22 condition on -- late on the afternoon of the 7th?

23 A She was agitated, which she got agitated when my dad,
24 you know -- I mean, we were putting my dad in the hospital.
25 I mean, he had a lot -- over the eighteen months, two

1 years. I mean, my dad was in the hospital. He was in the
2 hospital a lot, and my mom, I believe my mom knew when my
3 dad wasn't there because, I mean, she would get agitated.
4 I mean, that's just the only term you can think of. She'd
5 get agitated. She, she -- she'd cry a lot. She -- she'd
6 be fussy when she normally wouldn't be fussy. I mean, she
7 was -- I know Alzheimer's patients are unpredictable, but
8 I'm convinced she knew because it happened frequently.

9 And Barbara Ann told me your mom's agitated. You need
10 to check on her. I gave her medicine. She's resting. So,
11 it wasn't anything urgent, but she's resting. So what,
12 what Barbara would do -- and Barbara could handle her.
13 Barbara could handle her better than -- I mean, my mama --
14 we all love Barbara. My mama loved Barbara. My mama could
15 get -- I mean, Barbara could get my mom to do things that
16 nobody else -- when she'd fuss for anybody else, including
17 me or my brothers or my sisters, Barbara could get her, you
18 know, in, in order and -- but Barbara had given her
19 medicine and -- to settle her down, calm her down, and, and
20 that would sometimes make her go to sleep for a little
21 while, but then she'd be agitated when she woke up.

22 Q So, did you go check on your mom?

23 A I did.

24 Q Did -- where did you park when you got there?

25 A In the -- you saw the pictures. There's two exits off

1 of that deck: one of them to the right, one of them
2 straight out that back door. I would have parked to the
3 left. If, if you're coming down these steps and if these
4 are the steps, it would be to the left and back over there.

5 Q All right.

6 A Which is where I always park or where we always park
7 any time you were going in that entrance.

8 Q Well, I'm going to stop there and ask.

9 MR. GRIFFIN: Doug, if you don't mind pulling up
10 State's Exhibit 524, which is the GM OnStar data, and it's
11 slide 38, which is in evidence.

12 Q Can you, can you see this slide with those dots?

13 A Yes, sir, I can. I can.

14 Q And the -- and the red dots here at the -- that seem
15 to be joined, where is that in relation to your parents'
16 house?

17 A Where the arrow is?

18 Q Yes, sir.

19 A All right, that's back in the area where I'm talking
20 about. All right, so if you look in this picture, all
21 right, you see the -- you, you see the open area with the
22 green grass? That's the -- that's the front door. Okay,
23 yeah, right where that circle is, that's the front door. If
24 you look at -- closely at the house, you can see a big
25 dormer right in the middle of the roof. That's right over

1 the front door. The white thing to the left of the house,
2 that's like a parking pad where the, where the driveway
3 ends and there's a parking pad. So, you go -- if you
4 follow the driveway all the way to the house, you're going
5 to run straight into a carport, all right, by the -- by the
6 carport door. Just to the left before you get to the
7 carport is this area that you can see here. That's, that's
8 part driveway, mainly parking pad.

9 Q All right, I'm going to --

10 MR. GRIFFIN: Doug, if you'll pull up defendant's
11 exhibit 130, which is in evidence, please, sir?

12 A Yeah.

13 Q And this photo, can you point out roughly where, where
14 you normally -- where you parked that evening?

15 A All right, this is the, this is the entrance to the
16 right that I'm talking about. There's a exit and an
17 entrance right in front of that door that you see there.
18 So, if you came down those steps, walk to your left would
19 be -- down there would be where I parked.

20 Q Oh. Would you have parked on the grass?

21 A You get on the edge of the grass back there. There's,
22 there's some grass there for sure, but it's not, it's not
23 the area up here by the house where it's sodded and this,
24 this grass that you can really see in this picture. So, it
25 may be on the edge of the grass, yes, sir.

1 Q In relation to the satellite dish, are you, looking at
2 this photo, are you to the right of that?

3 A Yeah, you'd be to the right of that satellite dish.

4 Q Okay.

5 A Yes.

6 Q And, and --

7 A I believe that satellite dish is right on the edge of
8 the -- you know, there's a, there's a hedge and like you,
9 you see the -- I don't know what you call it, a border,
10 like a border where the grass ends and the flower bed or
11 whatever it is starts. I think -- you can't see it, but I
12 think that satellite is probably close to that border.

13 MR. GRIFFIN: All right, well, let's --

14 A So, it'd be to the right of that --

15 MR. GRIFFIN: -- let's put another --

16 A -- in this picture.

17 MR. GRIFFIN: Doug, can you pull up Defendant's
18 Exhibit 134?

19 A Yeah.

20 Q So, is the door that you're talking about --

21 A Yeah, yeah, that's it.

22 Q -- the stairs, are those the ones where you would
23 enter?

24 A Right. These are the steps that I used that night,
25 that we always used and, and one of the reasons being is my

1 dad -- this, this door goes into what we call the breakfast
2 room. The breakfast room leads right into the kitchen.
3 And so straight through this door, all of the breakfast
4 room is kind of to the left. That door goes straight
5 through another doorway. It's no door there, but it's like
6 a -- just opening. It goes into the kitchen. Immediately
7 to your right of that entrance into the kitchen is the
8 entrance into where my mom and dad's rooms were. So, if
9 you went through that door, you were in a little area that
10 had my mom's closet and my dad's closet. A little bit
11 further, you go into my mom's bedroom. If you went to the
12 right, you would go to -- my, my dad and my mom didn't
13 sleep in the same room at this point, but the bedrooms
14 were, you know, they were back-to-back. There was a door
15 going from one to the other that was blocked but was there,
16 and then there was a bathroom.

17 So, this is really, this is really the part of the
18 house that, at their age, was getting used. So, that's why
19 you went in this entrance because my mom and whoever was
20 caring for her was always in her bedroom, which would be
21 just on the other side of the room that has these windows
22 that you see to the right, all right? Those would be the
23 windows for the room where my dad slept. And then my mom's
24 right on the other side. The kitchen's right there. This
25 is the part of the house they were always in.

1 Q And are you the only one that would pull up in the
2 back like that?

3 A No.

4 Q Common for your brothers and your sister to do the
5 same?

6 A We all did it. I mean, we all -- we all parked in
7 the, in the same way. If you knew you were going to the
8 front of the house, or if you knew there was a crowd there,
9 or for whatever -- you, you may park on the driveway. But
10 if you knew -- under normal circumstances, my dad always
11 stayed in the breakfast room where he had a recliner and a
12 TV. That's where my dad always was. My dad never -- you
13 would never go catch him sitting in the den up front or in
14 a, in a living room. He just wasn't up there. He was in
15 this room watching TV or either he was on his back deck,
16 and my mom was either in her room, which was just off of
17 that, or she might be in the kitchen or the, or the
18 breakfast room.

19 Q And when you got to the house, who was there at your
20 mother's house on the night of June 7th?

21 A My mom was there and Shelley Smith was there.

22 Q And what did you do when you got there?

23 A The first thing I did was I tried to, I tried to -- I
24 knocked on the door. The door was locked; I knocked on the
25 door. Shelley didn't hear me.

1 Q And then what did you do next?

2 A I called.

3 Q Called what?

4 A I called my mom's house to let Shelley know I was
5 there. Please come let me in.

6 Q Is that the house phone that's been referred to?

7 A Yes.

8 Q Okay. Then she let you in?

9 A Sure.

10 Q And then what happened next?

11 A I went in and I visited with my mom. You want me to
12 go into detail on that?

13 Q Well, just briefly. Yeah, what'd you do?

14 A I went in the house. In my mom's bedroom, my mom had
15 a bed that was where she slept in normal times. It was
16 like, you know, a bed with, you know, the poles coming out
17 of the corner, a poster bed that -- coming out of the
18 corners and she had a bed like that that -- where she
19 slept, but she didn't sleep there anymore, but it was in
20 the room. It was a hospital bed. So, when you -- when you
21 walked in the room, her bed was to the right. Against the
22 wall to the left was a hospital bed, like a single bed but
23 a hospital bed, and a TV. And then there was recliner
24 where whoever was helping her would, would usually sit.

25 So, I went in and I sat down on my mom's hospital bed,

1 and I just talked to her for a minute. My mom was awake,
2 and I held her hand and --

3 Q What kind of condition was she in?

4 A She was -- and her condition was not good at, at any
5 time, but given her overall condition, she seemed to be
6 doing pretty well. I mean, she wasn't agitated like I
7 thought she would be, or like I was worried she would be,
8 or like Barbara had described her at that point. So, she,
9 she wasn't agitated and, you know, I just talked to her.
10 Any, any time we talked to my mom, we always tried to be
11 real positive and, you know, upbeat and just -- and I, I
12 just talked to her, you know? I just talked to her, made
13 sure she was okay.

14 Q Did you stay seated on the side of her hospital-style
15 bed, or did you move around?

16 A I mean, I stayed there for a few minutes, you know. I
17 stayed there and I talked to her more than just a few
18 seconds and then -- but I didn't stay there. She was --
19 she, she did look tired. So, I, I got up and I went and I,
20 I think I sat on my mom's bed for a minute to start with.
21 And then I laid down on my mom's bed, which is -- you know,
22 that's what I, I normally did when I went in there. It
23 wasn't like there were a lot of chairs to sit in, and I
24 just laid back on the bed.

25 Q Now, when you talked --

1 A Talked to Shelley, and we watched TV.

2 Q Now, when you're talking about your mom's bed, are you
3 referring to her regular bed?

4 A That's right. Not, not her hospital bed, not the bed
5 she was in but her, her bed, the one I was talking about
6 with, like, posts.

7 Q The -- let me -- skipped something. Was Maggie,
8 planning to go over to your mother's with you that night?

9 A No, she wasn't planning to go with me that night, no.
10 In fact, Maggie didn't really like to visit my mom. It was
11 -- she loved to visit my dad, and she loved to spend time
12 with my dad, and she spent a lot of time with my mom when
13 my mom was healthy. But, you know, I mean, by this point
14 my mom, she was a shell. She was a shell of her old self.
15 And, I mean, it was kind of -- I mean, it was kind of sad
16 to go and visit her any time. I mean, she, she just -- she
17 wasn't healthy and, and Maggie didn't like to go and just
18 visit my mom.

19 Q When, when you, when you left Moselle to head to
20 Almeda the evening after you had gone back to the house at
21 Moselle, what --

22 A Say that again, Jim?

23 Q What, what exit did you use of the Moselle property
24 when you're going to Almeda on the evening of June 7th?

25 A I went out to the main gates, which would be straight

1 ahead. The -- you've heard of the two gates. There's the
2 shop entrance. There's actually several entrances, but the
3 main ones we used, there was an entrance by the dove field,
4 there was an entrance further down by Sawtooth Oaks, but
5 the main ones we used were the shop entrance and what we
6 call the main entrance where the brick gates were.

7 Q Did, did you go -- why, why didn't you go by the
8 kennels on your way out?

9 A There, there wasn't a reason to go by the kennels at
10 that point, and I was going to Alameda, which that -- the
11 main gate would be to the gates that were closer.

12 Q Did you notify Maggie in some form that you were
13 leaving to go to see your mom?

14 A I tried to call her.

15 Q And, and did she answer?

16 A No.

17 Q And what'd you do after that?

18 A I think I tried to call her again.

19 Q And did she answer?

20 A No, she didn't answer, and at some point I texted her
21 after that.

22 Q Well, the fact that she didn't answer two times, well,
23 did that concern you?

24 A At that time, it didn't concern me at all. Number
25 one, she was with Paul-Paul. So, no. I mean, number two,

1 I mean, it's not unusual to not be able to get somebody all
2 the time when they're at the house or they're on the
3 property. I mean, you've heard all the testimony about how
4 spotty cell service was, so no, at the time it didn't
5 strike me as anything unusual.

6 Q Now moving back to Alameda, spend time with your
7 mother, and then you left to head back to Moselle. Is that
8 correct?

9 A That's correct.

10 Q You drive straight back to Moselle.

11 A I did.

12 Q Now, Alex, there's some information from the telemetry
13 data off your Suburban and perhaps some of this OnStar GPS
14 data that indicates that at some point in time in your
15 mother's driveway, you stop for about a minute. Do you
16 recall seeing that data?

17 A I do.

18 Q What were you doing when you stopped?

19 A I was getting --

20 Q Do you recall?

21 A I was getting my phone that -- I, I -- my phone had
22 gotten -- there's a console in the middle of my car, and my
23 phone had gotten down in the console between the console
24 and the seat where you couldn't get to it.

25 Q Were you during that a minute or however long it was,

1 were you disposing of murder weapons, Alex?

2 A No.

3 Q Were you disposing of bloody clothes?

4 A No.

5 Q And your ride back to Moselle, were you driving faster
6 than normal? Normal?

7 A I was driving however I drive, normal way that I
8 drive.

9 Q When you got back to the Moselle property, how did you
10 enter the property? What entrance did you use?

11 A Came right back through the main gate.

12 Q And what'd you do then?

13 A Went straight to the house.

14 Q And when you got to the house, what did you do?

15 A I went inside.

16 Q Were lights on when you pulled up?

17 A Lights were on in the house for sure. I can't
18 remember if there were flood lights on or not. I, I don't
19 believe there were any flood lights on, but there were
20 definitely lights. All, all the lights in the house were
21 on, yes.

22 Q And when you -- how long did you stay inside the house
23 roughly?

24 A Now that I've seen the benefit of, of these records, I
25 was in there several minutes.

1 Q Were you surprised that Paul and Maggie had not made
2 it back to the house?

3 A You know, I don't know if surprised is the right word
4 but, I mean, I would have -- I thought they would have been
5 back by then, you know, but, I mean, did it cause me to go
6 into any -- it wasn't like I was shocked. But, I mean, I
7 thought they would be there. I mean, I distinctly remember
8 -- you know, I went and looked.

9 Sometimes -- I was very hot natured. Number one, I
10 was hot and I was heavy and I was taking pills, so I was
11 always hot. Maggie was always cold. Sometimes she would
12 watch TV. We had a TV in the hunting room. You see on the
13 wall there. Sometimes Maggie would be in there watching TV
14 where she could have the thermostat different than -- we
15 always kept it cold in the, in the main part of the house.

16 So, I know I, I know I went in there and, and looked
17 in there for her. It's not unusual for Maggie to be taking
18 a bath and be -- not able to hear me. So, I went back
19 there, and I know I did those two things and, and looked in
20 those two places, and they weren't there. And so, you
21 know, I knew they'd been at the kennels, and I assumed they
22 were still up there.

23 Q So, what'd you do?

24 A I went to the kennels. I may have tried to call them.
25 In fact, I probably did try to call them. We -- I would

1 think I called them. But as I sit here right now, I'm not
2 positive, but I would think I did, would think I tried to
3 call them to see.

4 Q And, Alex, when you -- did you drive down to the
5 kennels in your Suburban?

6 A I did.

7 Q What did you see?

8 A Saw what y'all have seen pictures of. So bad.

9 Can I have some water?

10 Yeah, I went to --

11 (Break in proceedings.)

12 Q Did you see them on the ground when you were pulling
13 up in your Suburban?

14 A I did.

15 Q And what did you do when you came to a stop, Alex?

16 A I think I jumped out of my car. I'm not exactly sure
17 what I did, but I know I got out of my car. I know I ran
18 back to my car, called 911. I was -- I called 911. I was
19 on the phone with 911. I was trying to tend to Paul-Paul.
20 I was trying to tend to Maggie, and I just went back and
21 forth between them.

22 Q Were you going to Paul and Maggie while you were on
23 the phone with the 911 operators?

24 A Yes. Yes.

25 Q In a little bit -- I'm going to play the 911 tape, but

1 I just want to ask you, and you've told law enforcement and
2 it's been played here in the court. What did you do when
3 you went up to Paul at some point in time?

4 A It was all, all so -- it was so bad. At some point I
5 know -- I mean, I know I tried to check him for a pulse. I
6 know I tried to turn him over.

7 Q When you say you tried to turn him over, what -- why
8 were you trying to turn him over?

9 A I don't know; I don't know. I don't know why I tried
10 to turn him over. I mean, my boy's laying face down. He's
11 done the way he's done. Head was the way his head was. I
12 can see his, I can see his brain laying on the sidewalk. I
13 didn't know what to do. I mean, I just tried to turn him
14 over. Grabbed him by the belt loop and tried to turn him
15 over and when I did, his phone popped out. I mean, his
16 phone popped out, and I just pick it up and I put it right
17 back there.

18 Q Do you have any idea how it popped out?

19 A I mean, I know it came out of his pocket when I pulled
20 on his belt loop when I, when I pulled him to turn him
21 over, and it just popped out. I mean, it popped right
22 beside him. It sat right beside him.

23 Q Were you, were you able to turn Paul at all?

24 A I mean, I, I didn't. Even if I was able to, I didn't
25 turn him over. No.

1 Q What, what side of the -- what side of Paul were you
2 on?

3 A I was on, I was on the side that was away from -- I
4 was on the side that was away from where my car was. I
5 mean, I --

6 Q What did you do with the phone?

7 A I put it back on Paul-Paul.

8 Q Do you know -- if you don't -- you know which way it
9 was pointing? Upside down? Downside? Any way?

10 A Couldn't tell you anything about it. I know his phone
11 popped out. I picked it up, and I put it back on him.

12 Q Did you see any messages on Paul's phone?

13 A No.

14 Q Did you go to Maggie?

15 A I did.

16 Q Did you touch her?

17 A I did.

18 Q Where? Where did you touch Maggie?

19 A I think I touched her down around like -- I don't
20 know. I don't know. If you, if you ask me exactly, I, I
21 think I touched her down around her waist, but I don't
22 know. It was so bad. Excuse me. I mean, I know I went
23 back and forth. I mean, I went back and forth between them
24 I know. I know I did.

25 MR. GRIFFIN: I'd like to play, Doug, the Colleton

1 County portion of the 911 call that -- which is in evidence
2 as Defendant's Exhibit Number 9. And, Doug, this is the
3 long version, the first clip, and stop it when I say stop
4 it, please.

5 (Interview of the defendant, Alex Murdaugh, was
6 played. Audio not transcribed.)

7 Q Alex, when you -- when you say I've been up to it now
8 and it's bad, what are you referring to?

9 A I'm talking about what I saw is what y'all saw
10 pictures of. I mean, it was bad. It was terrible. And,
11 and when I first got there, I know I got out of the car.
12 And, I mean, I know I, I got out of the car. I mean, I
13 knew. Got out of the car, but right at first I don't, I
14 don't -- I didn't go. I don't think I went all the way to
15 them. I think I ran back and, and, and that's when I
16 called 911. And so I called 911 and while I was doing
17 that, then is when I went to Maggie and I went to Paul, and
18 so that's what I think I'm talking about.

19 MR. GRIFFIN: Okay, keep going, please.

20 (The video continued to play.)

21 Q Alex, right, right in there you say the word here.
22 What -- are you calling anybody or anything?

23 A No, I'm talking to that dispatcher.

24 Q And what did you mean when you said here?

25 A If you listen to that call, one of the first things

1 she asked me, one of the first things she asked me was did
2 they shoot themselves. I knew, knew there's no way. I
3 knew they didn't shoot themselves. It wasn't a gun. They
4 didn't shoot themselves. And she had asked me that. Then
5 she asked me another question, something about that, and
6 you hear me say here, and then you hear faint talking. I'm
7 telling her here, and then I say something, and then you
8 hear me say if that's what you're asking. And I'm letting
9 her know they didn't shoot themselves. I'm saying here,
10 and then I give her a explanation which you can't hear on
11 that phone, but it's obvious to me what I'm doing. And I
12 say if that's what you're asking me.

13 So, like David Owens (sic) asked me on August 11th did
14 I call the dog or was I talking to somebody, there was no
15 dog that was out and there was nobody there.

16 Q Well, let's, let's talk about that briefly. Well,
17 when you got there and you saw Maggie and Paul, what --
18 where were the dogs?

19 A The dogs were in the kennels. They were -- yeah, dogs
20 were in the kennels. They were wherever they were when law
21 enforcement got there.

22 Q And, and you've seen pictures and they called Bill
23 Davis to the stand to talk about the hose rolled up. Did
24 you roll the hose up?

25 A No.

1 Q Did you do anything down there at the kennels when you
2 got there other than called 911 and attend to Maggie and
3 Paul?

4 A No. I do know that I, I was trying to find a
5 flashlight. I was trying to find a gun. Other than those
6 things, no, I didn't do, I didn't do anything at the
7 kennel. I didn't do anything with any hose; I didn't do
8 anything with any dogs.

9 Q Was there anybody with you?

10 A No.

11 MR. GRIFFIN: Keep going, please.

12 (The video continued to play.)

13 Q Alex, we just heard you say I should have known. What
14 are you referring to?

15 A I said Paul-Paul, I should have known.

16 Q What were you referring to?

17 A I was referring to Paul-Paul got so many threats.
18 Didn't take serious. Think twice about. I'm just telling
19 him Paul-Paul, I should have known. I don't specifically
20 remember saying that, but I clearly hear myself say that.

21 Q What, what kind of threats did you understand Paul was
22 receiving?

23 A Paul got, he got the most vile threats. I mean, the
24 stuff that was on social media, I mean, it was -- you
25 couldn't believe it. You couldn't believe it. It was so

1 over the top, truthfully we didn't think anything about it.
2 I mean, it was just so crazy that, you know, we just -- I
3 mean, people talking about what he was going to get and how
4 they were going to do this and get him. And, I mean, it's
5 stuff you really, I mean, you, you -- I mean, we
6 disregarded it because it was so over the top, thought it
7 was so over the top.

8 MR. GRIFFIN: Keep going, please, Doug.

9 (The video continued to play.)

10 Q Well, you were asked the last time you saw them, and
11 you said hour and a half, 2 hours ago, and then she
12 followed up 2 hours ago. You just heard that.

13 A I did hear that. I said approximately to her
14 question.

15 Q When was the last time you saw them, Maggie and Paul?

16 A Right after I took the chicken from Bubba.

17 Q And the video we've seen is timestamped 8:44 p.m. Is
18 that correct?

19 A That's right.

20 Q So, was it shortly after 8:44?

21 A It was.

22 Q And --

23 A It wasn't long after that because you can hear when
24 Bubba gets the chicken, and it wasn't long after I took the
25 chicken from him that I left.

1 Q And then you called 911. There are records of that,
2 but you remember roughly 9:07 or right before 9:07?

3 A I mean, I've seen records and seen the transcripts,
4 yeah.

5 Q And then this -- and there's a record of this, but
6 this is some minutes into the conversation with the 911
7 operator, correct?

8 A That's right.

9 Q Knowing everything we know now, I mean, was it roughly
10 an hour and a half the last time you saw them?

11 A It was. That would -- with the, with the time of how
12 long it took to get to this point, however minutes that is.
13 It's 10, 10, 10, how -- however many. You can look exactly
14 and see what point this is and know what time it is, but
15 it's between 10 and 15, and so I'd seen them around 8:45,
16 little bit after.

17 MR. GRIFFIN: All right, please keep going.

18 (The video continued to play.)

19 Q Did you go back to the house and get a gun?

20 A I did.

21 Q And is this the gun that you got?

22 A That is the gun.

23 Q And how did you load this gun? What -- I mean, what
24 did you load it with?

25 A That was the gun -- as best I can remember, I believe

1 I got that gun off the pool table where you heard there
2 were some other guns. I think that gun was laying on that
3 pool table. I'm not positive, but I'm pretty sure it was
4 on that pool table. Would have been the first place I came
5 to. I know I was grabbing the first gun I could get. I
6 grabbed a handful of shells out of the -- that I could get
7 my hands on. I know the, I know the gun had a shell in it
8 that I loaded, and I, I know I had a few shells, so.

9 Q Have you seen in this case where there was a 16 gauge
10 shell put in that gun?

11 A I've seen in the records and I've seen and heard in
12 the testimony I put a 16 gauge shell in the gun.

13 Q Is that a 16 gauge shotgun?

14 A It's not a 16 gauge shotgun. It's a --

15 Q Why did you put --

16 A -- 12 gauge.

17 Q -- a 16 gauge shell in it?

18 A I obviously didn't realize what I was doing. I mean,
19 I know you can't put a 16 gauge shell in a 12 gauge gun and
20 not -- I mean, I've been hunting my whole life. I know you
21 can't do that. That's -- it's not a mistake I would have
22 -- that's not a mistake I'd have made under any
23 circumstances other than that night.

24 Q Why did you go back to the house and get a gun?

25 A I just didn't know. I didn't know. I mean, I mean,

1 it's just -- I didn't know if somebody was still out there.
2 I don't know. I guess I, I didn't know.

3 (The video continued to play.)

4 MR. GRIFFIN: Doug, can you back up? Go back to where
5 he's saying he's going to my house to get a gun just a few
6 seconds back, 10 seconds maybe.

7 (The video continued to play.)

8 Q Alex, you said you're about 100 yards from the house.

9 A That's what I said.

10 Q Is it much further than that?

11 A I mean, as you've heard in the testimony, it's 1100
12 and something feet, but...

13 Q Okay.

14 A I said I was 100 yards.

15 Q You were wrong about your estimate.

16 A Sure I was wrong.

17 MR. GRIFFIN: Keep going.

18 (The video continued to play.)

19 SPEAKER: That's it.

20 MR. GRIFFIN: All right, roll to, roll to the next
21 statement at the scene.

22 (The video continued to play.)

23 Q That was that second clip. Starts at 2213. 10:13:58
24 and you're asked -- you're told don't touch them. Had you
25 touched them by then?

1 A Yes.

2 Q And is that what you told the 911 operator?

3 A That is.

4 Q And can you say exactly during that 6, 7 minutes when
5 you actually touched them?

6 A I know I touched Maggie. I touched Maggie several
7 times but, I mean, I didn't -- I don't think I touched
8 Paul-Paul but two times.

9 Q Did you touch one or both of them before you got in
10 the car and drove back to the house?

11 A Yes. Yeah.

12 Q One or both?

13 A Both. Both.

14 MR. GRIFFIN: All right, keep going.

15 (The video continued to play.)

16 Q Alex, you informed the 911 operator that Paul had made
17 reports of these threats. What were you referring to?

18 A I mean, I just know that it had been reported. I, I
19 don't know that -- and I don't believe there was any, like,
20 formal police reports or that type of thing, but it had
21 been reported, and, I mean, it was, it was well known.

22 Q So, were you saying that he had filed some official
23 report when you said yes?

24 A No, I never thought -- I never, I never thought there
25 was a police report or some formal report like that, no.

1 Q Do you know whether or not he made some type of report
2 on campus?

3 A Oh, I know he did.

4 Q What? What do you know?

5 A I mean, I know that there was a, there was a time when
6 he went to -- he was asked to come meet with -- gah, I
7 can't even remember the gentleman's name now, but I
8 appreciated it so much, and I never thought I'd forget it,
9 but...

10 Q Part of Student Counseling Services?

11 A Yeah, he was the dean of students. But anyway, he'd
12 reached out to Paul-Paul and wanted to talk to him. And, I
13 mean, at first we were concerned, you know. Why did they
14 -- why'd they want to talk to him? And, I mean, even -- I
15 believe I had Paul come talk to you about that because we
16 were concerned. Well, what do they want to talk to him
17 about? When Paul and Jim got there, it turns out that it
18 was really just -- I mean, they wanted to make sure he was
19 okay, you know, and make sure he was okay. And I know
20 that, you know, they were aware of the threats or -- or
21 some level of threats. And so, yeah, I mean, it had
22 already been reported to them.

23 MR. GRIFFIN: Keep going, Doug.

24 (The video continued to play.)

25 Q So, Alex, did you call family after you got off the

1 call with 911, with the operator?

2 A Yes.

3 Q Who did you call?

4 A I know I called my brother Randy, I know I called my
5 brother John, and I know I tried to call Ro-Ro. Well,
6 Ro-Ro's not family, but I called Randy and John. And I, I
7 called --

8 Q And then --

9 A -- Randy and John.

10 Q And then you just mentioned Ro-No?

11 A Ro-Ro, Rogan. We called him Ro. I called him Ro-Ro.

12 Q Why did you try to call Rogan?

13 A I mean, Rogan, Rogan's house was, like, I don't know,
14 as the crow flies maybe 2 and a half miles, 3 miles. I
15 mean, Rogan was like family.

16 Q Did you think he was the closest person?

17 A Yeah. I just wanted somebody. I wanted somebody to
18 be out there.

19 Q Had you seen Rogan's name on Paul's phone in any way
20 that night?

21 A No.

22 Q When you called, did Rogan answer?

23 A No.

24 Q Did you try, try him multiple times?

25 A Looking at these records, I believe that I did, but I

1 believe some of those are -- like the FaceTime calls that
2 are to Rogan, I mean, I'm trying to call him, but I don't
3 believe that was me actually. I didn't FaceTime. I mean,
4 I didn't FaceTime people. So, I, I think that's either me
5 trying to call him and hitting FaceTime or that's me
6 hitting buttons or hitting the phone.

7 Q In the -- State's Exhibit 519 which is the condensed
8 timeline done by Agent Rudofski, there's an indication that
9 at 10:22:09 you opened a group text message from Michael
10 Gunn stating: She brought the heat from Miami Boyz. Were
11 you reading text messages from Michael Gunn right after you
12 got off with the 911 operator?

13 A I heard them ask that question. I can promise you I
14 wasn't reading any text messages.

15 Q There's also an entry, Alex, that says at 10:40 p.m.
16 that you did a Google search or Safari browser search for
17 Whaley's at Edisto while your wife and son are laying dead
18 on the ground. Did you do that?

19 A No. Whaley's is a restaurant at Edisto that we ate at
20 a lot of times, we got take out from a lot of times. So,
21 I'm assuming it was in my search history from pulling up
22 the restaurant and obviously was trying to call people or
23 dialing and I, I hit that. I wasn't doing any Google
24 searches.

25 Q And was one of the persons that you dialed that night

1 a wedding photographer?

2 A It's a guy named Brian White. I saw that on the call
3 log. Brian White's a guy who was in my -- what do you call
4 it -- contacts that is a, a videographer that I've used in
5 cases. I haven't used him in two years, and he's a good
6 guy, but we're not personal friends. So, I certainly
7 wasn't calling him.

8 Q So, were you -- what does that indicate to you that
9 those actions on your phone -- what -- how do you account
10 for that?

11 A They were -- obviously, they're unintentional. I
12 mean, I'm doing something with my phone, trying to call
13 people, but I'm not trying to call those people. I'm not
14 doing a Google search for any Whaley's restaurant, and I'm
15 certainly not reading any texts.

16 Q I'm going to ask you.

17 THE COURT: Ladies and gentlemen, we're going to have
18 you go to the jury room for a break for about 10 minutes.
19 Please do not discuss the case.

20 If you'll stay put, Mr. Murdaugh.

21 (The jury left the courtroom.)

22 THE COURT: We'll take a 10 minute recess.

23 You may step down. Please do not discuss your
24 testimony.

25 (A recess was taken.)

1 THE COURT: You may bring the jury.

2 (The jury returned to the courtroom.)

3 THE BAILIFF: The jury is present, sir.

4 THE COURT: Thank you.

5 Yes, sir.

6 BY MR. GRIFFIN:

7 Q Alex, you talked about going to Paul's body and
8 Maggie's body. Do you recall getting blood on, on you, on
9 your hands, or any part of you?

10 A Yes.

11 Q Do you know whose blood you would have gotten on you?

12 A I know I got blood on my fingertips.

13 Q Can you differentiate, you know, whether it was Maggie
14 or Paul?

15 A It was probably both. There was so much blood.

16 Q Turns out there was a drop of blood on the steering
17 wheel of the Suburban. Do you know how that got there?

18 A I mean, if it was fresh, I put it there. If it was
19 not fresh, I mean, Maggie drove my car all the time, but I
20 assume it got there from me touching Maggie and then, and
21 then touching the steering wheel that night.

22 Q And then I think maybe there's possibly blood on the
23 gun. Maybe not. Do you know if you got any transferred
24 blood on anything else that night?

25 A If Maggie's blood's on that gun, then I, I put it

1 there. I mean, Maggie -- I mean, Maggie didn't really fool
2 with guns other than to put them up.

3 Q Did you submit to a GSR examination that night?

4 A Yeah. That's what I was talking about earlier and
5 then Brian Varnadoe testified about.

6 Q Were, were your hands were swabbed?

7 A That's right.

8 Q And then your clothes were collected by Agent Owen or
9 someone else.

10 A That's correct.

11 Q And then turns out there's some GSR on your shirt,
12 on your shorts. Did, did you handle this gun? This, this
13 is --

14 A Yes.

15 Q This is Item 22 that --

16 A Yes, I had -- I basically had that gun with me until I
17 put it up against my car. When, when the police officer, I
18 think it was Mr. Greene, got there, I put it against my
19 car.

20 Q And I think Nolan had testified that this is, you
21 know, one of the shotguns Paul liked to use.

22 A It is.

23 Q Was he meticulous about cleaning his guns?

24 A Paul-Paul?

25 Q Yeah.

1 A No. Now when he cleaned it, he was meticulous about
2 it, but it was far and few between when he actually cleaned
3 them.

4 Q Your, your shirt was -- went through testing and
5 analysis and you were, as part of this case, provided
6 results of that, were you not?

7 A Yes, sir. I mean, I wasn't provided it at the time.
8 I've seen them.

9 Q Right.

10 A I've seen all these records.

11 Q Just let me ask you. Did you get on your shirt high
12 velocity blood spatter from being within a distance of
13 shooting Maggie or Paul?

14 A There's no way that I had high velocity blood spatter
15 on me.

16 Q Had you seen reports that said that at one point in
17 time?

18 A I have seen reports that said that.

19 Q Just to be clear, were you anywhere in the vicinity
20 when Paul and Maggie were shot?

21 A I was nowhere near Paul and Maggie when they got shot.

22 Q After SLED collected your clothing that night at the
23 main residence in Moselle, did you remember changing in --
24 remember what you changed into?

25 A Do I remember?

1 Q Yeah.

2 A I know I changed clothes and I -- I've, I've learned
3 since then what I had on, but I don't --

4 Q You don't remember. Okay.

5 A I don't remember that at all, but I understand I had
6 on athletic shorts and T-shirt.

7 Q Sure, and other people have talked about this. I'm
8 not going to repeat it, but did -- where did you spend the
9 night or where did you go to after leaving Moselle when you
10 left for the evening?

11 A We went to Alameda. We went to my mom and dad's house,
12 and we stayed there.

13 Q And who went with you?

14 A I believe that Bus and Brooklynn and I rode together.
15 John Marvin might have been with us. I know John Marvin
16 stayed at Alameda with us. I just don't know if he rode in
17 the same car we rode in, but I know I rode with Buster and
18 Brooklynn. I know that for a fact.

19 Q And the, the next morning, what you do, and I -- and
20 we're talking about daylight hours on June the 8th. What,
21 what did you do?

22 A We basically got up and came back to Moselle.

23 Q Do you remember roughly what time you got to Moselle?

24 A I don't remember. No, I don't remember what time.

25 There's things I remember about that morning, but I don't

1 remember exactly what time we left.

2 Q And, Alex, we'll get to this in more detail, but
3 during that period of time, is it hard to remember times,
4 what time things started and stopped, how long things took?

5 A It is definitely hard to remember. Now looking at
6 these timelines and all these records, I mean, it, it sure
7 helps. But to, to, to just do it off the top of my head
8 is, is very difficult.

9 Q We'll get to more of that. When you went back to
10 Moselle on the morning of June the 8th, did you -- you know
11 whether you took a shower there or took a shower at Alameda
12 or took a shower at all?

13 A Now, I know we took a shower at Moselle. I did not
14 take a shower before I left Alameda. We basically got up
15 and went to Moselle. Maggie's mom and dad.

16 Q They were there?

17 A They were coming. Had to tell them, see them. We got
18 up and we got up from Alameda and we left and we went to
19 Moselle.

20 Q And did -- do you know -- do you ever recall SLED
21 coming in and searching the house for anything on the 8th?

22 A I knew that. I mean, I knew they were doing it, yeah.
23 I knew they were, I knew they were doing it. But I, I
24 don't remember. I wasn't out in that gun room and all, see
25 all that video and all that, but I knew SLED, yeah, was

1 coming in there. I mean, we made -- we, we, we made the
2 house available for them to come in there. So, I mean, I
3 can't tell you details, but yeah, I remember it.

4 Q Did, did you at one point just tell SLED they had
5 carte blanche to search anywhere any time?

6 A I told SLED they could do anything anywhere any time
7 that they wanted to, anything to do with me, my property.
8 My cars, even though I didn't own the cars, I would get my
9 law firm on the cars. I'd have the people -- they had full
10 -- whatever they wanted, they were welcome to.

11 Q And did you have any questions with -- you have any
12 discussions with David Owen or anybody at SLED about
13 consenting to General Motors to get that off the car?

14 A Every time that I talked to David Owens, I would ask
15 him about getting OnStar data and GPS data from phones.

16 Q And why was it important to you to get OnStar's data
17 and GPS data from the phone?

18 A To confirm where I was saying I went, what I did, GPS.
19 You know, at that point in time, I knew that Maggie's phone
20 had been taken. And I knew that my Suburban and my phone
21 and Maggie's phone never crossed paths, and that was
22 extremely important to me, and I asked him about it every
23 single time we talked. Every single time.

24 Q And speaking of Maggie's phone, did you know her
25 password to her phone?

1 A Yes, I knew her password.

2 Q Did you know her password to her computer?

3 A Yes.

4 Q Did she know your password?

5 A Yes.

6 Q And when Maggie's phone was located on the side of the
7 road, did, did you provide SLED the password to her phone?

8 A I did. I think I actually provided it to John Marvin,
9 who provided it to SLED, but I'm the one who gave it to
10 them.

11 Q And to your knowledge, did Maggie's have these
12 location services on her phone and she used them
13 frequently?

14 A All the time. One of Maggie's things that she liked
15 to do was there's that app called Find My Friends that you
16 can see what other people are doing and they can see what
17 you're doing. Maggie loved me, Bus, Paul-Paul, Brooklynn,
18 Grandmar, Papa T, Marian, the three girls, Lizzie, and
19 there were a few others, but the people that were closest
20 to her, she had them all in her phone. She loved to, to,
21 to look at that phone and see where people are, and she'd
22 love to surprise you.

23 Like, let's say you're at Walmart. She looks on there
24 and she'd love to text you: get me a DV from Walmart or
25 something. You know. Like, she'd follow you and see where

1 you were. She used it all the time, and so, you know, I
2 just knew that there would be GPS data on Maggie's phone.

3 Q Alex, when you're being interviewed on the night of
4 June 7th and again on June the 10th, what was your
5 understanding as to why they were interviewing you? Why
6 were you being interviewed by SLED?

7 A On June the 7th and June the 10th?

8 Q Yes, sir.

9 MR. WATERS: Objection, Your Honor. 401, 402.

10 THE COURT: What's the question again?

11 MR. GRIFFIN: What is his understanding of why SLED
12 was interviewing him on the night of June the 7th and again
13 on June the 10th.

14 THE COURT: And the basis for the objection?

15 MR. WATERS: 401 and 402, Your Honor.

16 THE COURT: What do you mean?

17 MR. WATERS: Relevance, Your Honor. His understanding
18 is not important. What he said is important, Your Honor.

19 THE COURT: Response?

20 MR. GRIFFIN: Well, I, I can -- it goes to his, it
21 goes to his state of mind. That's, that's what it goes to.

22 THE COURT: The objection is sustained.

23 Q Did -- why was it -- why was it important to you to be
24 able to get data from the Suburban, data from your phone,
25 and data from Maggie's phone?

1 A I knew at that point in time, I knew since I was the
2 person who found Paul-Paul and Mags that I was a suspect.
3 I mean, they kept talking about this circle, but I know
4 that it was very important for me to find that, to get
5 that.

6 Q And, and what was your belief as to that information?
7 What would it have done for you?

8 A There's no question in there that it would demonstrate
9 that I couldn't have done this.

10 Q And when was the data from General Motors off that
11 Suburban finally obtained?

12 A It was either this past Saturday or the Saturday
13 before that, according to what was said in this courtroom.

14 Q During this trial.

15 A Absolutely.

16 Q And to your knowledge, was GPS data ever able to be
17 located off Maggie's phone?

18 A No. I mean, not just to my knowledge. It was not
19 able to be gotten. I mean, the testimony was in here that,
20 that it didn't -- that it couldn't, that it couldn't be
21 gotten. It only went back to June the 9th. Everything
22 before that was erased on Maggie's phone.

23 Q Now when -- starting June the 8th at Moselle, did a
24 lot of people come to support you, be with you on June the
25 8th?

1 A On June the 8th?

2 Q Yes, sir.

3 A Like the next day?

4 Q Right.

5 A Yes, sir, a lot of people.

6 Q And you mentioned your -- Maggie's parents and family
7 came as well.

8 A Yes, sir.

9 Q From, from that moment, June 8th when folks, family
10 came to Moselle and, and you met with them, were you left
11 alone by any of your family members the rest of that week?

12 A No. I mean, I, I was attached to Buster at the hip
13 but, I mean --

14 Q And what happened on --

15 A -- no, I wasn't.

16 Q What happened --

17 A And I --

18 Q What happened in June the 10th besides being
19 interviewed by SLED?

20 A My dad died; my dad passed.

21 Q Where did you stay and with whom did you stay on the
22 night of June the 8th, the night of June the 9th, the night
23 of June the 10th?

24 A On the night of June the -- you asked me to start on
25 the 8th?

1 Q The 8th, yes, sir.

2 A Starting on the 8th, I stayed with Buster every night.
3 I stayed with Buster, and as long as Brooklynn was there, I
4 stayed with Buster and Brooklynn. But we stayed with --
5 we, we -- I'm pretty sure that's beginning on the 8th. I
6 know the 7th we stayed at Almeda, and I believe on the 8th
7 we started staying at John Marvin and Lizzie's at
8 Greenfield.

9 Q And how far --

10 A -- which is --

11 Q And how far is Greenfield from Almeda?

12 A As the crow flies, I mean, it's no distance. It's
13 less than 5 minutes. It's probably a couple of -- few
14 minutes away.

15 Q And, and who stayed there? Did John Marvin and his
16 wife, Liz, stay there as well?

17 A Yes, John and Lizzie. All right, John and Lizzie
18 stayed there and their kids, Bus and Brooklynn and I. I
19 know Bubba and May-May stayed there. Well, Lizzie's mom
20 and daddy stayed there and my daddy's best friend and his
21 wife came in there. I believe they came before my daddy
22 passed. I know they came after he passed and stayed there.

23 Q And that -- how many nights do you recall staying
24 there at Greenfield?

25 A So, I stayed at Greenfield. All right, the 7th was a

1 Monday. I stayed Tuesday, Wednesday, Thursday, Friday,
2 Saturday, and Sunday at Greenfield. I know that for a
3 fact.

4 Q And the -- Maggie and Paul's funeral was Saturday.

5 A Now, I heard that in this courtroom -- say it was
6 Saturday, but --

7 Q Was it a memorial service?

8 A Their funeral was on Friday.

9 Q All right.

10 A I know that for a fact, too.

11 Q And then your father's funeral was on Sunday.

12 A My father's funeral was on Sunday, and it was my -- it
13 was my father's funeral. I forget the term. Sunday, I
14 mean, that's when, that's when we put up Paul-Paul and
15 Mags, that's when we buried -- we didn't bury them when we
16 had the service on Friday because I don't think they were
17 done. That's when we buried them, along with my dad, on
18 Sunday.

19 Q Alex, what did you do the following week, that Monday,
20 Tuesday, Wednesday?

21 A Starting when now?

22 Q So, the day after your dad's funeral.

23 A All right, Monday I went to, I went to Grandmar and
24 Papa T's in Summerville.

25 Q At some point Monday --

1 A In the afternoon. You mean what did I do when I got
2 up that morning?

3 Q Yeah, just yeah, where did you stay --

4 A We stayed at --

5 Q -- Monday night?

6 A We stayed at Greenfield Sunday night, so we woke up at
7 Greenfield on Monday.

8 Q So, and Sunday night you were with the same family
9 members, your brother, Brooklynn, and Buster?

10 A That's right.

11 Q And Liz?

12 A Lizzie and Lizzie's mom and dad, and I believe Donny
13 and Paula were still there, but I can't remember when they
14 left.

15 Q And then you went to Summerville with whom?

16 A I believe I went to Summerville by myself, but I know
17 Bus -- in, in the car by myself. I can't remember Buster
18 and I rode together, but I think we might have had separate
19 cars. We, we probably, probably did ride together that
20 first -- I don't remember, but I know I went to Summerville
21 and Buster was in Summerville with me with Grandmar and
22 Papa T.

23 Q And Summerville is where Maggie's parents live.

24 A That's right. That's Maggie's mom and dad. His grand
25 -- Maggie's mom's is Grandmar and Maggie's dad's is Papa T.

1 Q And did you stay with them for a few days in
2 Summerville?

3 A I stayed with them longer in Summerville. Yeah, I
4 stayed with them. We stayed in Summerville Monday night,
5 Tuesday night, Wednesday night, and then we went to
6 Greenville.

7 Q And what was in Greenville?

8 A My niece. That was -- she was having a baby and
9 Maggie had just been -- she'd been so excited. So, she was
10 just so proud of those girls. She was so excited about the
11 baby, and so a baby being born just came such a, such a big
12 deal to me.

13 Q So, was the baby born?

14 A Yeah. Yeah. Baby was born and beautiful little baby
15 girl. Beautiful little mom.

16 Q And then did you go up to the lake after that?

17 A We did. Well, I mean, we stayed -- this Lake Keowee
18 that y'all heard about is really close to Greenville. And
19 so when I say we went to Greenville, we really went to Lake
20 Keowee, but we went up there because, you know -- and when
21 she had the baby, I want to say the baby might have gotten
22 born shortly after we got there, like Thursday, but I think
23 it was Saturday before we could go and see them and, and
24 see my niece and see the baby. So, you know, I mean,
25 that's where we went was to Lake Keowee, but they live in

1 Greenville.

2 Q On the morning of June 16th -- that was that
3 Wednesday; I think that's Wednesday -- where did you wake
4 up?

5 A Summerville.

6 Q Did you ever go to Almeda on that day?

7 A On Wednesday?

8 Q Yes, sir.

9 A I don't, I don't believe so.

10 Q Did you go to Almeda at 6:30 in the morning?

11 A I, I know for a fact that I didn't go to Almeda at
12 6:30 in the morning. I was in Summerville. I didn't go to
13 Almeda at any point early in the morning. I was in
14 Summerville, and I'm not positive about this, but I know
15 those -- know -- I know they did a -- some -- I know some
16 of those records they have. It was some time before I left
17 Summerville.

18 Q Did you, did you ever take a -- during that week --
19 let's just start with that, that week following your dad's
20 funeral. Did you ever take a tarp into the house at
21 Almeda, a tarp, a blue tarp?

22 A The week following my dad's funeral?

23 Q Yes, sir.

24 A No, I did not.

25 Q There's been -- I don't know where it is in any of

1 these boxes, but this, this blue rain jacket, you ever seen
2 that?

3 A Never seen it before, never touched it, and don't know
4 anything about it.

5 Q Did you -- do you ever remember taking a tarp at any
6 point in time over to the house?

7 A No, I don't remember it. I don't remember taking a
8 tarp over there. But, you know, I mean, Shelley's got
9 something in her mind about that, and there may have been
10 some point -- but I certainly don't remember it, and it
11 certainly wasn't any time around my dad's funeral or the
12 weeks following.

13 Q I think we, we, we talked briefly about, about your
14 recollection of times.

15 MR. GRIFFIN: And I just want to play, Doug, from
16 State's Exhibit 517, which is the August 11th interview
17 starting at 5 minutes and 52 seconds. You can pull that
18 clip up.

19 Q And I just want you to listen to this.

20 A Okay. Tell me again what it is.

21 Q This is the August 11th interview.

22 A Okay.

23 Q Starting at 5 minutes and 52 seconds.

24 A All right.

25 MR. GRIFFIN: If you'll go to 5 minutes, 52 seconds.

1 (Excerpt of interview of the defendant, Alex Murdaugh,
2 was played. Audio not transcribed.)

3 Q Alex, on this tape, were you being asked when you went
4 to work on the, on the 7th?

5 A Yes.

6 Q And you said 8:30 to 9:30 in the morning.

7 A And then I think I said 10:00 at the latest.

8 Q Is that correct?

9 A No, it wasn't.

10 Q Now seeing all these records, what does it look like
11 what time you went to work on the, on the 7th?

12 A A little after noon.

13 Q All right.

14 MR. GRIFFIN: If we go to the, Doug, State's Exhibit
15 243, which is the June 10th interview.

16 A Now, Mr. Griffin, on that same date, I also, if you
17 play that thing, I don't -- and I don't know if it's right
18 then, but if you play that further, I also told him the
19 best way to see exactly when I went in that door is to go
20 and get my information from my law firm. And I told them
21 that there -- you know, we have a -- you know how things
22 are electronic now where you don't have a key. You have a
23 key card and, and you have a key card in your wallet. And
24 so when you use it, it creates a, like all this other
25 stuff, a digital footprint. And I told David Owens that he

1 could go get it from my office.

2 Q And was that a common response of yours when you were
3 asked about specific times? That you would give them your
4 best estimate, but you would point them to where they could
5 find the most accurate data?

6 A Yes, sir.

7 Q You did that more than once?

8 A Yes, sir.

9 Q So if we got the June 10th interview, which is State's
10 Exhibit 243 --

11 MR. GRIFFIN: And, Doug, I'd like to go to 9 minutes
12 and 59 seconds.

13 Q And here are you're being asked when did Paul arrive
14 at Moselle.

15 (Excerpt of interview of the defendant, Alex Murdaugh,
16 was played. Audio not transcribed.)

17 Q So, did you tell them on June 10th that Paul got there
18 at 5:00 time period?

19 A Yes, sir. Yes, sir, obviously did.

20 Q And was that incorrect?

21 A Yes, sir, it was incorrect.

22 Q What, what time did you, looking at the record now,
23 what time did it look like Paul actually got there?

24 A In looking at the records, it's clear that he got
25 there sometime around 7:00.

1 Q At some point in time, you have a conversation with
2 Shelley Smith about, you know, how long you were over at
3 Almeda on the night of June the 7th. Do you remember?

4 A You know, I don't distinctly remember having a
5 conversation with her about how long I was over there, but
6 I know that I told Shelley Smith that SLED was going to
7 come and talk to her, and that I'd appreciate it if she
8 would talk to them, and that she just needed to tell them
9 the truth.

10 Q And did you take extra care not to talk to people that
11 you knew SLED would be talking to?

12 A Absolutely.

13 Q Why is that?

14 A After this boat wreck that you've heard so much talk
15 about in this courtroom, there were social media,
16 newspaper. I mean, it went deeper than that, but, I mean,
17 there were so many -- so much talk about how I fixed
18 witnesses and, and, and structured the investigation. Just
19 things that were totally false, that were absolutely
20 baseless, but it was said repeatedly, repeatedly, and it
21 was reported repeatedly how I'd done this with this witness
22 and influenced this police officer and all these things.
23 So, I wasn't taking any chances.

24 Q I want to ask you about --

25 MR. GRIFFIN: You can take that down, Doug. Thank

1 you.

2 Q Ask you about the August, August 11th interview with
3 David Owen at the SLED office in, I think, here in
4 Walterboro. Do you remember that?

5 A August 11th, absolutely.

6 Q Had you requested it, that meeting?

7 A I'd been requesting -- what I'd really been requesting
8 is some information. I'd been begging David Owens to come
9 meet with me, and specifically I wanted -- Grandmar and
10 Papa T had so many questions that I couldn't answer. And
11 I'd been begging him to meet with me and to meet with
12 Grandmar and Papa T. I'd been begging him for weeks and
13 weeks.

14 Q And did -- when you went into the meeting on August
15 11th, did you think that's what it was for, to give you an
16 update?

17 A Yes.

18 Q And at the conclusion of the meeting, they let you
19 know that, that you're the prime suspect.

20 MR. WATERS: Objection, Your Honor. That's not what
21 was said. Facts not in evidence.

22 THE COURT: Mr. Griffin.

23 MR. GRIFFIN: I'll, I'll rephrase it.

24 THE COURT: All right.

25 Q By the conclusion of the meeting, did they make it

1 known to you that, that you were a suspect?

2 A Oh, there's no question about that. Absolutely. Now,
3 he used a lot of -- I mean, you hear it in talk about how
4 I'm in this circle and he can't get me out and this and
5 that, but there's no doubt in my mind. There was no
6 question in my mind what was going on.

7 Q And the -- during that meeting, did they you show you
8 a Snapchat, Snapchat video of you trying to stand up the
9 fruit tree?

10 A Yes.

11 Q And were you questioned about what clothing you were
12 wearing?

13 A And I can't remember this. I can't remember if he
14 showed me the whole video or he showed me a picture of it,
15 but I was definitely showed that information. I was
16 definitely shown those clothes in that meeting on August
17 the 11th.

18 Q And, and what clothes were you wearing?

19 A The same ones you see in...

20 Q And do you remember what kind of pants?

21 A It was khaki pants.

22 Q What kind of shirt?

23 A It's a button down, short sleeve button down. I call
24 it a dress shirt but short sleeve button down dress shirt.

25 Q Like, like the shirt you've got there but just short

1 sleeved?

2 A Just like this but short sleeved, and it was colored.

3 Q What color was it?

4 A Blue. Blue with some blue stripes.

5 Q Were you questioned about when you changed out of
6 those clothes?

7 A I was.

8 Q And did you have a follow up? Did you have a
9 conversation after that meeting with SLED with Blanca about
10 what you were wearing that day?

11 A Absolutely.

12 Q And what was the purpose of the conversation with
13 Blanca?

14 A Well, they made an issue about that in that meeting,
15 and I asked Blanca about those clothes that, that I had on
16 earlier that day.

17 Q Did you ask her specifically about the blue shirt?

18 A I asked her specifically about all the clothes. What
19 I asked Blanca about specifically was did she remember
20 getting my clothes after she came back. When, when she
21 came back to Moselle, did she remember getting my clothes
22 is specifically what I asked her.

23 Q And, and why were you asking her those questions?

24 A Because on August the 11th, they had made an issue
25 about me wearing -- still wearing those clothes, not having

1 changed clothes when I was in that Snapchat video. So,
2 that's why I went to Blanca.

3 Q Did they ever ask you on August the 11th whether --
4 they ask you for those clothes? Can you produce the
5 clothes? Did they ask you that?

6 A No, they didn't.

7 Q Have they ever asked you for those clothes?

8 A No. As far as my understanding goes, my clothes were
9 never an issue in this case until y'all figured out as my
10 lawyers --

11 MR. WATERS: Your Honor, objection.

12 A -- that there was --

13 MR. WATERS: 401 and 402.

14 A -- no blood spatter on me.

15 THE COURT: Hold on.

16 Sir?

17 MR. WATERS: I said objection, Your Honor.

18 THE COURT: Basis for the objection?

19 MR. WATERS: 401 and 402 and beyond. It's
20 speculation.

21 THE COURT: Mr. Griffin.

22 MR. GRIFFIN: Your Honor, it's a matter of public
23 record. It's a matter of public record.

24 THE COURT: What is?

25 MR. GRIFFIN: The issues with the shirt and the blood

1 test.

2 THE COURT: You said a matter of public record?

3 MR. GRIFFIN: It was filed in this case, yes, sir.

4 THE COURT: The objection is overruled.

5 A I'm well aware that my clothes never became an issue
6 in this case until my lawyers proved that this blood
7 spatter that they said I had on my shirt from my wife and
8 my son was a lie and that there was no blood on my shirt.
9 And once they filed the documents and they proved that that
10 was a lie, all of a sudden the clothes I was wearing back
11 on that day became an issue. And that's in the weeks
12 leading up to this trial.

13 Q Well, Alex, after the -- Maggie and Paul were murdered
14 on June 7th, and 8th, where did you stay and where did you
15 keep clothes?

16 A Say that again, please.

17 Q Where were you staying overnight? Well, let me ask
18 you this. Did you ever spend another night in Moselle
19 after June 7th?

20 A Never spend another night at Moselle.

21 Q Why not?

22 A I couldn't. Didn't want to.

23 Q Where were you staying when -- we talked about the
24 days and weeks, the week after, but where were you staying
25 when you got back from Lake Keowee and Greenville?

1 A I stayed -- all right, so when I got back from
2 Greenville?

3 Q Yes, sir.

4 A So, that would be the -- so, the first week until my
5 dad's funeral then. All right, so that'd be the second
6 week or -- so, after we -- I know Bus and I, I stayed with
7 Grandmar and Papa T as much as I could, you know. I
8 stayed, I stayed with my brother Randy a lot. I stayed
9 with my brother John a lot. Bus and I stayed at Edisto a
10 little bit, but at the beginning I stayed with -- I really
11 stayed with either my brother Randy and his wife, Christy,
12 or I stayed with my brother John and his wife, Lizzie.

13 And basically at that time Buster was doing -- excuse
14 me, Buster was, Buster was -- Buster worked for Wild Wing
15 at that time, and they'd been so kind to him and gave him
16 -- he was -- they let him be off just -- for just
17 ridiculous amount of time. They were so good to him, so he
18 stayed with me. When he had to go back to work, he would
19 stay at my brother John and Lizzie's because it was close.

20 So, I would stay with Randy and Christy in Hampton.
21 When Buster was there, I would almost always go to John and
22 Lizzie's when Buster was there. I would go to John and
23 Lizzie sometimes when Buster wasn't there, but I was --
24 Johnny Parker, one of my partners, had a guesthouse his
25 mother-in-law had lived in when she was sick. That's

1 really -- it -- it's right at the foot of Randy's drive.
2 It's 100 yards, 70 yards from Randy's house, and I was
3 going to move into -- I was going to move into that house
4 until we figured out where I could live.

5 So, I had clothes there. I had clothes at Randy's. I
6 had clothes at John Marvin's. I had clothes at Chechessee,
7 which is I think you heard Buster talk about Chechessee,
8 like where we went to the, to the river and I had clothes
9 there. I had clothes in Summerville, and I still had
10 clothes at Moselle.

11 THE COURT: Last question before we break for lunch.

12 MR. GRIFFIN: Yes, sir.

13 THE COURT: Last question.

14 MR. GRIFFIN: Yes, sir.

15 THE COURT: If you have another one.

16 Q So, your -- were your clothes spread out a lot of
17 different places?

18 A Yes.

19 THE COURT: All right.

20 MR. GRIFFIN: Thank you.

21 THE COURT: We'll break for lunch and return in an
22 hour and 15 minutes. Please do not discuss the case.

23 (The jury left the courtroom.)

24 THE COURT: Let's see, it's 1:25. 2:40. Recess until
25 2:40.

1 (A lunch break was taken.)

2 THE COURT: You may bring the jury.

3 (The jury returned to the courtroom.)

4 THE BAILIFF: The jury is present, sir.

5 THE COURT: Thank you.

6 You may proceed.

7 MR. GRIFFIN: Thank you, Your Honor.

8 BY MR. GRIFFIN:

9 Q Mr. Murdaugh, I want to go to June the 7th and your
10 meeting with Jean Seckinger.

11 A Okay.

12 Q Do you remember meeting Ms. Seckinger?

13 A I do.

14 Q And what was the meeting about?

15 A Jeannie came up to me and asked me -- previously,
16 Annette Griswold had come to me and asked me about the fee
17 check in the *Faris* case, and Jeannie was coming to me and
18 saying that she was following up on that. If she didn't,
19 she wouldn't be doing her job, and, and asked me some
20 questions.

21 Q Let me ask you.

22 A Which I understood.

23 Q Briefly, the *Faris* fee, what, what originally happened
24 to the PMPED portion of the *Faris* fee?

25 A Originally?

1 Q Yes, sir. Did it come to you directly?

2 A Yes.

3 Q Should it have come to you directly?

4 A No.

5 Q Did -- when Ms. Seckinger asked you about the -- where
6 the fee was, what did you tell her?

7 A I can't remember exactly what I told her. The, the,
8 the conversation got interrupted very quickly, but I told
9 Jeannie that the funds were in Chris Wilson's account and
10 nothing to worry about. I wasn't -- I didn't know where
11 the mix up came from.

12 Q What, what was your level of concern about Ms.
13 Seckinger's inquiry to you on June the 7th?

14 A There was some level of concern because she's asking
15 me about money that I took that I wasn't supposed to have.
16 So, certainly I had some level of concern, but it, it, it
17 wasn't, it wasn't a very big concern. As you heard
18 testimony earlier, at some point Annette Griswold had sent
19 Chris Wilson an email, something to the effect of Alex
20 thinks he has more expenses or, or something like that
21 seeking financial documents from Chris Wilson. When Chris
22 Wilson got -- I wasn't copied on that, but when Chris
23 Wilson got that, Chris Wilson called me up and he's, like,
24 you know, what is this all about?

25 MR. WATERS: Objection. Rule 801, 802.

1 THE COURT: Pardon?

2 MR. WATERS: I said objection to Rules 801 and 802.

3 THE COURT: Response?

4 MR. GRIFFIN: Your Honor, I'm not asking what Chris
5 Wilson said, and I'll, I'll move on.

6 THE COURT: All right. The objection is sustained.

7 Q Were you, were you concerned about Chris Wilson
8 opening his trust account records to your law firm?

9 A No, I was not concerned about that at all.

10 Q And, and --

11 A I --

12 Q -- why were you not concerned?

13 A I knew that one of the people that Chris Wilson -- as
14 you heard, Chris Wilson and I were very close. We talked
15 every day. I, I did work with him all the time and, I
16 mean, he was one of the people closest to me in the whole
17 world. I, I knew everything about him, and I knew he was
18 going through -- one of his partners -- and he and his
19 partner had split up. A partner and an associate had moved
20 to a firm in Charleston. The partner was going through a
21 divorce and the wife of the partner was trying to get Chris
22 Wilson's trust documents in that case, to find out money
23 her husband got. It didn't have anything to do with Chris
24 and I or anything. It, it totally had to do with that, but
25 I knew that Chris Wilson was not going to send any

1 financial documents to my law firm, at least at that time
2 and at least not any time soon. So, while I'm sure it
3 registered with me that I got to deal with this, at that
4 particular time it wasn't anything that was a big deal.

5 Q Was, was there an immediate urgency to the situation
6 on June the 7th?

7 A No.

8 Q And I believe there's -- Ms. Seckinger testified about
9 your conversation with her. You learned that your dad was
10 going back in the hospital.

11 A That's correct. There was a text. I can't remember
12 if that text came from my brother Randy or my brother John,
13 but they were the ones that were taking my dad back to the
14 hospital that day. And whichever one was with him -- I
15 believe it was John was with him at the hospital -- but I
16 know Randy was with him at some treatment. They send those
17 documents.

18 But bottom line is we got a text saying -- we knew my
19 dad was really sick. He had cancer and he couldn't
20 breathe, and there was a big issue about whether his
21 inability to breathe was coming from an obstruction caused
22 by the cancer, which was the worst case scenario, and
23 that's what it ended up being ultimately, and that's what
24 he died from. But this particular text was saying, okay,
25 we're putting him back in the hospital. The doctor thinks

1 it's pneumonia, and -- which was -- you know, I mean,
2 pneumonia is never a good thing, but when you compare it to
3 cancer, at that time pneumonia, that was a good thing to
4 learn that.

5 Q So on the 7th, the information you had, did you
6 believe at that time that your prognosis was pretty
7 positive for your father?

8 A Well, it was better than the alternative. I -- I'm
9 not going to say it was good, but it was better than -- it
10 was better than the alternative and, and what we had
11 previously thought it was. It didn't stay good very long,
12 but --

13 Q Do --

14 A -- it definitely was better.

15 Q Do you know whether or not you, you told Ms. Seckinger
16 that that your dad's condition was terminal on the 7th? Do
17 you know? Do you remember whether you said that or not?

18 A No, I wouldn't have said that at that time. And what
19 I -- you know, Jeannie, as soon as that thing comes through
20 that my dad's going in the hospital, Jeannie and I, as you
21 heard, I mean, she stopped the meeting. We stopped it.
22 it, it lasted a couple minutes.

23 Now, my dad's going in the hospital, and the very next
24 day we learned that he's terminal, and I'm, I'm just sure
25 that a year or -- or the amount of time that's gone by --

1 MR. WATERS: Your Honor, objection.

2 A -- Jeannie assumed she was terminal -- he was
3 terminal.

4 MR. WATERS: Speculation, Your Honor.

5 THE COURT: Objection is overruled.

6 Q Mr. Murdaugh, the -- on June the 7th, did you believe
7 that your financial house of cards was about to crumble?

8 A On June the 7th?

9 Q Yes, sir.

10 A Absolutely not.

11 Q Had, had you had -- I think there's documented
12 evidence the State introduced you had reached out to
13 Russell Lafayette at Palmetto State Bank about extending a
14 line of credit on the Moselle property.

15 A Yeah, I had reached out to him. I, I can't remember
16 the date of that text, but it was fairly recently I, I had
17 reached out to Russell.

18 Q And on June 7th, did, did you have equity in the, in
19 the Moselle property that you and -- or you and Maggie had
20 equity in that Moselle property?

21 A Sure. And, I mean, Moselle was fully in Maggie's
22 name.

23 Q Okay.

24 A So, but yes, there was equity in Moselle. In looking
25 at the documents that had been used, there was \$1,800,000

1 owed. There was an appraisal for 3.3 million without
2 timber value, and so on 1700 acres -- you know, I don't
3 know what the timber value was, but if you just said \$1000
4 an acre, that'd be another million-something dollars in
5 value over and above the appraisal. I, I doubt the timber
6 value was that high. I'm just using that as an example,
7 but if it was 500, it'd be another \$800,000. So, you know,
8 there was several \$1 million in equity in that Moselle
9 property.

10 Q All right, and did, did you have equity in the Edisto
11 beach house?

12 A Yes.

13 Q And around June 7th, how much equity did you have in
14 the Edisto beach house?

15 A If I remember the records correctly, there was about
16 \$250,000 owed on that house and whatever the value was at
17 the time. I, I think, I think there's a contract for just
18 under \$1 million, so 700 and something \$1000.

19 Q Did Maggie's death make it more difficult to obtain
20 financing immediately after the murder around June 7th,
21 8th?

22 A Maggie's -- yes.

23 Q How so?

24 A Because the entire Moselle property was 100 percent in
25 Maggie's name. The Edisto property was 50 percent in

1 Maggie's name, so I was only a half owner. So with Maggie,
2 all I had to do was get her to sign the documents, which
3 she always did. I mean, she didn't question finances. So,
4 I mean, she signed the papers.

5 When Maggie wasn't here, there was estate issues. I,
6 I couldn't, I couldn't go and sign the papers like I would
7 normally go and get a loan. So, I couldn't.

8 Q On -- was there a hearing scheduled in the boating
9 lawsuit where you were a defendant set for that week?

10 A Yes.

11 Q Do you remember what day it was scheduled for?

12 A Well, I mean, I've heard the testimony and I knew --
13 I'm sure I knew at the time it was June the 10th, Thursday,
14 June the 10th.

15 Q Were -- what was your level of concern about that
16 hearing coming up on June the 10th?

17 A About that hearing?

18 Q Yes, sir.

19 A My level of concern about that hearing was about the
20 venue motion that was coming up, which --

21 Q What do you mean by venue?

22 A A venue motion is -- venue is where a civil lawsuit is
23 pending, and so there's laws and, and rules that govern
24 where you can bring a case. There's laws and rules that
25 govern how certain parties, a defendant or plaintiff, can

1 go about trying to move it from one place to another.

2 So, in this case the plaintiffs, the Beach family, had
3 filed suit in Hampton County. Parker's was trying to move
4 venue to Beaufort County, and I wanted the case to stay in
5 Hampton County and, and really that was my only thought
6 about -- I wasn't doing the legal work on those. I, I was
7 a party in that case. I wasn't -- I mean, Danny Henderson
8 was primarily representing me personally. John Tiller and
9 Amy Bauer were representing me personally, and Dawes Cooke
10 was representing me personally, and those were the guys
11 that were doing the legal work.

12 So, you know, I, I wasn't actually doing that work,
13 but what I was concerned about was the venue motion. I had
14 already done what I had to do for the financial motion,
15 and, and Danny Henderson was on me about getting him a
16 financial statement because --

17 Q Let -- let's stop.

18 A Okay.

19 Q So, there was a motion to compel and seek a lot of
20 financial records from you. Is that correct?

21 A Absolutely.

22 Q And were you concerned that your house, financial
23 house was going to be opened up for the world as a result
24 of that hearing?

25 A No. I've been a plaintiff's lawyer like Mr. Tinsley

1 that sat here. We do the same exact thing in my law firm.
2 The, the guys in my law firm are some of the best lawyers
3 that I've ever known, and they're definitely some of the
4 best lawyers in the state, handling some of the biggest
5 cases that have ever gone on in this state. In my
6 twenty-seven years of practicing, plaintiffs always are
7 trying to look and get financial documents of corporate
8 defendants, of, you know, those type things.

9 In my twenty-seven years, I've never been able to get
10 a judge to order anything more than a net worth statement
11 prior to getting into a phase at trial. So early on in the
12 case, I am not aware of -- I personally have never, despite
13 trying repeatedly, have never been able to get a judge to
14 order the kind of information that Mark Tinsley was saying
15 he was seeking.

16 Q What -- were you working on a document for that
17 upcoming hearing?

18 A Yes.

19 Q And what was that?

20 A A financial statement. A financial statement lists
21 your assets and your liabilities.

22 Q And had you reached out to Jeannie Seckinger later
23 that day on the 7th to get your current balance of your
24 retirement account?

25 A You know, I don't remember doing that, but that'd

1 certainly be something that I, I did and because I, I would
2 -- I know I'd have to have that for that financial
3 statement. And the document that I prepared was what Mark
4 Ball talked about that he found later in my office, and it
5 was type -- it was handwritten, ready to be typed up by,
6 you know -- because of the charges against Paul, I was so
7 -- I kept everything very close in the civil case. It was
8 Danny in his office who was doing it, and I had that
9 document prepared, handwritten in the neatest handwriting
10 that I could make because a secretary other than mine, a
11 paralegal other than mine was going to be the person who
12 was going to put those -- that financial information into
13 the final document. And that's the document that Mark Ball
14 talked about that he found on my desk whenever it was that
15 he found it. So, that was what was going to be, if
16 necessary, what was going to be used Thursday.

17 Q Alex, jury's heard about testimony of you stealing
18 client funds. Did you do that?

19 A I did.

20 Q Did you steal, divert that Faris fee away from the law
21 firm?

22 A I did.

23 Q How did you get into such a financial predicament that
24 led you to steal money that wasn't yours?

25 A Well, I'm not quite sure how I let myself get where I

1 got, but it came from -- you know, I battled that addiction
2 for so many years. I was spending so much money on pills.
3 I got in the spot I couldn't...

4 Q Now, what type of addiction are you referring to?

5 A My, my addiction is to, is to opiate painkillers.

6 Q And when did you --

7 A Specifically oxycodone, Oxycontin.

8 Q And when did you first become dependent or addicted to
9 opioids?

10 A Oxycodone or opiates in general?

11 Q Opiates in general.

12 A I'm not quite sure of the exact date, but I can give
13 you a timeframe. I, I hurt my knee really bad playing
14 football in college and I had a knee surgery, and the, the,
15 the medical science at the time was such that the, the, the
16 surgery didn't work, bottom line. So, it, it, it, it just
17 didn't last. So, within a couple of years of that I
18 started having a lot of knee troubles, and ultimately I had
19 to have a, a couple of surgeries. But this, this -- the
20 last surgery I had was, I think, around 2002 or '4, and I
21 think it was around '4. So, I would have started taking
22 hydrocodone a couple of years before that, and I took
23 hydrocodone, got addicted to that very quickly.

24 I continued taking that for a long time. I would --
25 I'd, I'd force myself off of it. Wean myself off of it.

1 I'd go back to it. I, I just -- I battled that for a long
2 time, and after a while I was taking so much of that, I
3 moved on to oxycodone. And, you know, I'm guessing that
4 was around two thousand -- that transition was around 2008,
5 '9, something like that. And, of course, you know, it, it
6 just escalates and escalates and escalates.

7 Q Did you receive treatment, go to detox on occasion?

8 A I did.

9 Q How many times?

10 A That I went to detox or that I detoxed?

11 Q Well, let's start with going to a detox facility.

12 A I've been to a detox facility three times.

13 Q When was the first time?

14 A December of 2017.

15 Q And before December 2017 had, had you tried to detox
16 at home?

17 A I tried to detox everywhere I could.

18 Q When you --

19 A Maggie would help me. Go ahead.

20 Q Yeah, when you, when you went into a -- was it an
21 inpatient facility?

22 A The detoxes, the formal detoxes that I went to?

23 Q In December 2017.

24 A Yes, it was a in -- it was inpatient, and all three
25 formal detoxes that I've done have been at the same

1 facility called Sunrise Detox in Atlanta, Georgia.

2 Q And as --

3 A Very good facility.

4 Q The jury's heard an audio tape of a telephone
5 conference with SLED agents. Was that where you were
6 during that meeting with Mr. Harpootlian and I?

7 A That's correct.

8 Q The first time you went to detox in Atlanta, how, how
9 long a stay is that? Did you stay?

10 A Seven days. It's the opiate detox program.

11 Q And, and is there a difference between detox and
12 rehab?

13 A Yes.

14 Q What's the difference?

15 A Detox is the -- it's the act of getting the drugs out
16 of your system, getting to the point where, okay, there is
17 no longer a physical dependency, all right, and that's a
18 big difference than the rest of the dependency. But the
19 physical dependency is supposed to be gone after seven
20 days.

21 So, in other words, the -- I mean, there's so many
22 things. Opiate withdrawal is, I mean, it's hard. But
23 supposedly at the end of seven days, you don't have those
24 physical symptoms like -- I don't want to be too graphic,
25 but you're, you know, you're sick. You throw up. You, you

1 have terrible diarrhea. You sweat like you're running a
2 marathon. You can't hold your legs still. You, you, you
3 can't lay down now like -- what I'm talking about, the, the
4 legs moving, that goes away after about 24 hours. So, you
5 know, after about twenty-four hours you can lay down again
6 and, and, and maybe sleep some, but you sweat. You throw
7 up. You have all -- I mean, you just have -- there's so
8 many issues. But after seven days, those are supposed to
9 be over. That's what detox is, the detoxification of your
10 body.

11 Q And what's rehab?

12 A Rehab is the period that, that you go to learn how to
13 stay off. You know, you're supposedly off after detox.
14 Rehab is where you get help staying off.

15 Q And before September of 2021, had you ever gone to
16 that second stage of rehab?

17 A No.

18 Q So in June -- excuse me, December 2017, how long did
19 it take you to relapse once you got home from detox?

20 A Not long at all. I mean, you're still going through
21 -- you know, this physical dependency is gone. You still
22 have -- I mean, you're still so sick. I mean, you just...

23 Q Is that something you've been battling for quite some
24 time?

25 A As long as I can remember.

1 Q How long have you been drug free, opioid free?

2 A 535 days, and I'm very proud of that.

3 Q I want to ask you questions about Labor Day weekend
4 2021.

5 A Okay.

6 Q You remember being confronted by your law firm?

7 A Sure I do.

8 Q And what were you confronted about?

9 A Stealing money.

10 Q And did you admit your misconduct to your law
11 partners?

12 A Well, to one of my law partners and one of my -- and
13 my brother and my law partner, so Danny and Randy. Yeah, I
14 mean...

15 Q Did --

16 Q Admit it, admitted it.

17 Q They had learned about the fake Forge account. Did
18 you admit the, the fake Forge account?

19 A Yes, I did.

20 Q And did you tell them about your opioid struggles,
21 opioid addiction?

22 A I told them about my addiction, yes, sir.

23 Q To your knowledge, were any of your law partners aware
24 of your addiction?

25 A Not just to my knowledge. I'm, I'm certain that they

1 were not aware of my addiction.

2 Q How would you characterize your, your opioid use or
3 addiction? Severe? Moderate?

4 A Then or now?

5 Q No. In 2020, 2021.

6 A I mean, I, I don't know how I would have characterized
7 it then. After going to rehab and learning, it's more the
8 things I've learned. Really, talking to addicts about
9 experiences, I mean, I, I will tell you that my addiction
10 was extremely, extremely bad.

11 Q How were you able to function? Or were you able to
12 function?

13 A Yes, I was able to function.

14 Q You were able to practice law.

15 A Yes.

16 Q And were you successful practicing law while you were
17 addicted to opioids?

18 A On some level, yes, sir, I was successful, I mean.

19 Q After you were confronted on Labor Day weekend 2021,
20 did, did you resign or were you forced to resign from the
21 law firm?

22 A Absolutely.

23 Q And then on Saturday, September the 4th, do you
24 remember what happened that day?

25 A Saturday, September 4th. Yes, sir, I remember.

1 Q What? What happened?

2 A When? Start when I woke up?

3 Q Well, let's start after, after you met with Chris
4 Wilson. Did you meet with Chris Wilson?

5 A I met with Chris Wilson at my mom's and dad's house in
6 Alameda.

7 Q And did you lay it out for Chris Wilson, your opioid
8 addiction and your misconduct?

9 A I definitely laid out my addiction; I definitely gave
10 him some details about monies that I had taken. I didn't
11 give him -- we didn't go into all the details about all of
12 it, but I certainly was very candid with him about the
13 things that involved him.

14 Q Had, had you already just contacted the, the detox
15 facility before you met with Chris Wilson on the 4th?

16 A I believe that we had already -- at that point I
17 believe that we had already, already spoken to the guy that
18 I knew from Sunrise and made arrangements for me to go
19 there on Monday.

20 Q Okay, and --

21 A I know we had arrangements for me to go there on
22 Monday, and I, I'm sure we had to have had it by then
23 because I went to the hospital shortly after that. So,
24 yes.

25 Q And, and did you reach out to Blanca to get your

1 insurance information?

2 A I did.

3 Q And for what purpose?

4 A Because I was going to use my insurance at detox and
5 rehab to help pay for it.

6 Q And what would -- what was your immediate plans after,
7 for the day after you met with Chris Wilson? Did you have
8 plans to do anything? Have any other meetings on that
9 Saturday?

10 A I wanted to go and meet with Cory Fleming, who was
11 another lawyer who was affected by the things I did.

12 Q And did you --

13 A And a good friend.

14 Q Did you go meet with Cory Fleming?

15 A No.

16 Q What did, what did you do instead?

17 A I'd given my -- when, when I gave my pills to my
18 brother Randy and Danny -- I, I think I gave them to Randy.
19 But I'd taken -- I took a, I took a lot of pills because I
20 knew I wasn't going to be taking any more. So, Randy had
21 my pills. I had to get some from him the night before, but
22 I only got a small amount.

23 I, I could tell -- you know, I wasn't taking anything
24 near like what I had been taking, so I knew what was
25 coming. And I called someone to bring me more pills and

1 before, I believe, before I met with Chris Wilson.

2 Q And did you, you meet this -- did the person you call
3 bring you more pills?

4 A You know, I don't know if he brought me more pills or
5 not because by the time I met with him after meeting with
6 Chris and after, you know, the starting of the withdrawals,
7 I changed my plans.

8 Q And what, and what, what was the change in plans?

9 A Not to get pills from him anymore and instead I asked
10 ask him to shoot him.

11 Q Did you ask him to shoot you as a sympathy ploy, or
12 did you want --

13 A As a sympathy ploy?

14 Q -- to die? Yes, sir.

15 A No.

16 Q Why did you ask him to shoot you? What, what was the
17 end goal in your -- that you wanted to accomplish?

18 A I meant for him to shoot me so I'd be gone.

19 Q And who was this? Who did you ask to do this?

20 A Eddie Smith.

21 Q And did he, in fact, shoot you?

22 A He did.

23 Q And where? Where was that located? Not your gunshot,
24 but where were you shot? In Hampton and Colleton County?

25 Where? Where were you?

1 A It was Hampton County. It's, it's right on the --
2 where the Salkehatchie Road that runs right along the
3 Salkehatchie River.

4 Q And why did you want to be gone?

5 A I mean, I knew all this was coming to a head. I knew
6 how humiliating it was going to be for my son. I'd been
7 through so much. At the time, in the bad place that I was,
8 it seemed like the better thing to do. I don't think that
9 way now, thankfully, but I did at the time.

10 Q Did you have a life insurance on you?

11 A Oh, yeah, I had a lot of life insurance.

12 Q Who was the beneficiary?

13 A Maggie was the beneficiary.

14 Q How much life insurance did you have?

15 A Had \$12 million. I had a \$4 million policy and a 12
16 million -- and a \$8 million policy, total of 12.

17 Q Did you ever have any life insurance on Maggie?

18 A No, never.

19 Q Did you ever had any life insurance on Paul?

20 A No.

21 Q Alex, will you tell this jury about Maggie and your
22 relationship with her?

23 A Y'all saw a picture. She was just as beautiful inside
24 as she was outside and, I mean, she was so adventurous. I
25 mean, she -- you couldn't tell her something was good or

1 bad because she wanted to find out for herself. She wanted
2 to do it, see it, experience it on her own, and form her
3 own opinion.

4 She was devoted. Those two boys, Buster, Paul, me, I
5 mean, she made sure we didn't want for anything ever. Fun,
6 playful. I mean, she had a laugh that, you know, you
7 didn't even have to know what was funny. If you heard her
8 laugh, you would laugh. You know, she had this little
9 playful look where she'd smile at you and bite her lip. I
10 can't do it but, I mean, when she'd just do it, it'd just
11 melt you.

12 You know, she was such a lady, such a feminine person,
13 a girl, but then she had two boys. And she didn't grow up
14 in the swamp and in the country riding 4-wheelers and
15 hunting and fishing and, I mean, she, she changed
16 everything. She, she, she -- I mean, when she became a
17 boy's mom, I mean, her life became ball and riding
18 4-wheelers and, I mean, doing those things. Now, don't get
19 me wrong. She was still 100 percent girl. And you, you
20 heard Marian say, I mean, she loved to do those things with
21 her nieces, but, I mean, she threw herself into her boys'
22 life, you know?

23 She never took not working for granted. I mean, she,
24 I mean, she might not have worked, but I promise you she
25 worked and she worked, make sure me and Paul and Buster had

1 everything.

2 You know, she, she wanted a big family and pregnancy
3 just didn't suit her. Her pregnancies were so hard. I
4 would leave her in the mornings and she'd be sick. I'd
5 come home and check on her, and she'd be sick. I'd come
6 back at the end of the day, and she'd be sick. I mean, she
7 was so sick all the time with both those boys.

8 And, and when we had Paul-Paul, Maggie got in trouble
9 and Paul-Paul got in trouble. And this pregnancy didn't
10 suit her, so we decided that, you know, we would just have
11 the two boys and, you know, I just think how hard it was on
12 her. Just made her love those boys so much more, and she
13 did.

14 But she was the kind of person, Maggie, you know, she
15 could put on the most elegant ball gown and go to the
16 governor's mansion and hang out with, you know, the most
17 affluent people, whatever, or she could come down to -- you
18 know, she could go to a food bank in Hampton or Walterboro
19 and fit in. Everybody at both places would say when she
20 left that Maggie, she's a good one. She's just a special
21 person.

22 Q Alex.

23 A Very special person.

24 Q Did you ever do anything to harm Maggie?

25 A I would never hurt Maggie. Ever.

1 Q Will you tell the jury about Paul, please, your
2 relationship with him?

3 A And Paul-Paul, Paul-Paul was just the brightest. He
4 was bright. He's the most inquisitive young man. He
5 wanted to be a part of everything. If you were working --
6 I can remember as a little boy, you'd be working on
7 something. It didn't matter what it was. His little head
8 was going to come in there, nose in there to see what you
9 were doing.

10 He was a man's man; he was 100 percent country boy.
11 He was tough. I mean, he, he could hunt anything. He
12 could catch any fish. He could run any piece of equipment;
13 he could use any tool. I mean, he could do anything. He,
14 at twenty-two years old, he could do so many things. I
15 mean, he took care of so many -- and he was so tough.

16 But, on the other hand, he had a side to him that was
17 just so sweet. And he wouldn't come home where he wouldn't
18 go check on his grandparents. He wouldn't go near
19 Summerville where he wouldn't go out of his way, check on
20 his grandparents. You know, to be such a tough person --
21 he would get all his buddies and get on a boat and go watch
22 a sunset. How many twenty-two year old people you know do
23 stuff like that? I mean, he was such a special boy. He
24 cared about people. He was fiercely, fiercely loyal.

25 He was so misrepresented in the media. I mean, never,

1 never an accurate story told about what he was. And I will
2 challenge you right now. I will, I will challenge,
3 everybody in this room to go find somebody, somebody that
4 knew Paul-Paul and really knew him that did not have an
5 ulterior motive that would say something negative about
6 him. And I challenge everybody who can hear me now to do
7 that. I mean Paul, was that kind of person. If you knew
8 him, he would help you and he would be glad to help you.

9 You know, I thought Mark Ball made a good point when
10 he said, you know, Paul-Paul might not have, he might not
11 have quite found his place yet. Paul was ADD, ADHD, and so
12 he would jump around from thing to thing a lot. But there
13 is absolutely no question in my mind whatsoever that
14 Paul-Paul would have found whatever that thing was that he
15 was going to do and whatever that ended up being, he was
16 going to be one of the best at it that, that you've ever
17 known.

18 And I'll tell you one more thing, and I didn't even
19 know this when Paul was alive, but -- excuse me. Excuse
20 me. When, when, when they were doing his eulogy, I gave
21 the names of some of his friends, and he had a real cute
22 friend that -- they were just friends, but a cute little
23 girl that Maggie adored. I didn't know her very well.
24 Maggie did. Maggie adored her, but they talked to her and,
25 and Paul-Paul -- and we learned this from her, Julianne.

1 And at twenty-two years old learned that Paul-Paul would
2 tell his friends be present. Appreciate where you are, the
3 things you have, and the people around you. I think a lot
4 of that came from it hurt Paul so bad when Mallory died,
5 but how many twenty-two year olds do you know that think
6 that way -- be present, appreciate things around you -- at
7 twenty-two years old?

8 Q Alex.

9 A He's the most special boy.

10 Q Did you love Paul?

11 A Did I love him? Like no other, he and Buster.

12 Q Do you love Maggie?

13 A More than anything. I loved Maggie from the first
14 time we went out.

15 Q Did you kill Maggie?

16 A No, I did not kill Maggie. I did not kill Paul. I
17 would never hurt Maggie, and I would never hurt Paul, ever,
18 under any circumstances.

19 MR. GRIFFIN: Thank you. Please answer any questions
20 the State may have.

21 THE WITNESS: Yes, sir.

22 Thank you.

23 THE COURT: Gentlemen, we'll take a --

24 THE WITNESS: Excuse me, Judge.

25 THE COURT: We'll take a 10 minute recess. Please do

1 not discuss the case.

2 THE WITNESS: I apologize, sir.

3 (The jury left the courtroom.)

4 THE COURT: Do not discuss your testimony during the
5 recess.

6 10 minutes.

7 (A recess was taken.)

8 THE COURT: You may bring the jury.

9 (The jury returned to the courtroom.)

10 THE BAILIFF: Jury is present, sir.

11 THE COURT: Thank you.

12 Cross-examination.

13 MR. WATERS: May it please the Court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. WATERS:

17 Q Mr. Murdaugh, let's start with a few things we can
18 agree on.

19 A All right, sir.

20 Q You agree that the most important part of your
21 testimony here today is explaining your lie for a year and
22 a half that you were never down at those kennels at 8:44.
23 Would you agree with that?

24 A I, I think all of my testimony is important, Mr.
25 Waters.

1 Q Would you agree that that's an important part of your
2 testimony?

3 A Sure.

4 Q All right, and would you also agree that the first
5 time that law enforcement officers that you've talked to
6 and the prosecution and here in open court ever heard you
7 say that you lied about being in the kennels was today in
8 this court?

9 A Yes, I'm aware of that.

10 Q You would agree with that?

11 A Yes, sir.

12 Q All this time later, this is the first time you've
13 ever said that.

14 A Yes, sir.

15 Q And you would agree to me -- with me that for years
16 you were stealing money from clients?

17 A Yes, sir, I agree with that.

18 Q And that you were stealing from your law firm.

19 A Yes, sir, I agree with that.

20 Q And that had been going on since at least 2010.

21 A I'm not sure of the exact date, but it's been going on
22 a long time. I'll agree with that.

23 Q What's your best guess of the date?

24 A I'm not sure. I, I have, I --

25 Q You don't know?

1 A I don't take a dispute with 2010. I just don't know
2 that for sure.

3 Q All right. Sure about a lot of things, but you don't
4 know that. Is that correct?

5 A I'm fine with that date, Mr. Waters. I, I don't have
6 any reason to dispute it. I'm just not certain of it.

7 Q All right. Let's, let's just keep on things that we
8 may be able to agree about, and let's talk first about your
9 family's legacy here in the legal profession, okay?

10 A Talk about anything you want to.

11 Q Tell me about your great-grandfather. Was he the
12 solicitor for the very circuit that we're in?

13 A Yes, sir.

14 Q And what was his name?

15 A Randolph Murdaugh, Sr.

16 Q All right. What did he go by? Do you know?

17 A Randolph.

18 Q Randolph, and did you ever get to know him or did he
19 pass before?

20 A No, no, sir. He got killed in 1940.

21 Q And how long was he solicitor?

22 A Twenty years.

23 Q Twenty years.

24 A Yes, sir.

25 Q And then your grandfather, who was that?

1 A Randolph Murdaugh, Jr.

2 Q And did he go by -- what did he go by?

3 A Buster. That's who Buster is named after.

4 Q And was he --

5 A My granddaddy.

6 Q -- solicitor?

7 A Yes, sir, he was the solicitor for forty-six,
8 forty-six years from 1940. He took over when my
9 great-granddaddy got killed, and he served until 1986. He
10 was the longest serving prosecutor in the country.

11 Q And you knew him obviously well because he was your
12 grandfather, right?

13 A I knew him extremely well and loved him dearly.

14 Q You idolized him, did you not?

15 A Yeah. Yeah.

16 Q So, he was --

17 A I loved him dearly.

18 Q -- the chief prosecutor for all that time as well. Is
19 that correct?

20 A Yes, sir.

21 Q And then your father, Mr. Randolph, he became
22 solicitor not long after that. Is that correct?

23 A When my grandfather retired, because you weren't
24 allowed to be solicitor after age seventy-two, my dad took
25 over, filled his unexpired term, and then he ran.

1 Q And he became the chief prosecutor for this, this area
2 right here as well. Right.

3 A Yes, sir.

4 Q And how long was he solicitor?

5 A From 1986 until 2006.

6 Q 2006.

7 A Yes, sir.

8 Q I actually worked a case with him about a guy who
9 killed trooper.

10 A A fine, fine, fine, man, an excellent lawyer.

11 Q Yes, he was, and he was an excellent lawyer, right?

12 A Yes, sir.

13 Q That's a big part of your family legacy and your
14 heritage that's so ingrained around here is that history of
15 being the chief prosecutor and being part of the -- central
16 part of the legal community. Is that correct? Would you
17 agree with that?

18 A My family's been a central part of the legal
19 community? Yes, I'd agree with that.

20 Q And not only just a central part of the legal
21 community, but the chief prosecutor for this area since
22 1910, I think, up until 2006?

23 A 1920.

24 Q 1920.

25 A 2006. 1910 is when my great-grandfather started the

1 law firm.

2 Q The law firm.

3 A Yes, sir.

4 Q So, 1920 to 2006, correct?

5 A That's correct.

6 Q An unbroken chain of being the chief prosecutor here,
7 correct?

8 A That's correct.

9 Q And then you went to law school as well. Is that
10 right?

11 A Yes, sir.

12 Q And when did you graduate from law school?

13 A 1994.

14 Q And did you ever become a full-time solicitor?

15 A No, sir.

16 Q And you -- so, you went into private practice, I
17 think, with Moss and Kuhn. Is that right?

18 A Yes, sir, 1994.

19 Q And then you went to the former law firm that no
20 longer exists because of your activities, correct?

21 A I started in --

22 Q Answer --

23 A -- 1994.

24 Q -- my question if you would, please, sir.

25 A What was your question?

1 Q My question was that you started first with Moss and
2 Kuhn. Go ahead and answer that one.

3 A Yes, that's correct.

4 Q And then you went to the law firm that doesn't exist
5 anymore that started in 19 -- but it doesn't exist anymore
6 because of your activities, correct?

7 A That's correct.

8 Q And as part of that, of your practice, you were a
9 trial lawyer, correct?

10 A That's correct.

11 Q Successful trial lawyer.

12 A I don't know about your adjective, but I was, you
13 know, I guess so, yes, sir.

14 Q Did you make millions of dollars in legal fees?

15 A Yes, sir.

16 Q But you won't tell this jury that's successful?

17 A Well, if, if that's, if that's the criteria, yes, sir,
18 I was successful.

19 Q Well, you won cases, correct?

20 A I did win cases.

21 Q Settled cases?

22 A Sure, I settled cases.

23 Q Heard your former law partners say that you were a
24 successful lawyer.

25 A I did hear some of them say that.

1 Q I think you even became president of the Trial
2 Lawyers' Association. Is that right?

3 A That's correct.

4 Q When was that?

5 A I'm not sure of the exact year, but it would have been
6 in the 2015 range, 2014, '15, '16, somewhere in there.

7 Q And in that role, you were kind of the president of
8 the association of people who do trial plaintiff's work,
9 right?

10 A Yes, sir.

11 Q Do jury trials, correct?

12 A Well, that, that --

13 Q That's part of it, right?

14 A Yes, sir. That's, that's, that's part of it.

15 Q Sitting down, looking jurors in the eyes, and giving
16 the closing arguments. Is that right?

17 A Yes.

18 Q And what kind of cases did you normally do? Just
19 generally what subject matter?

20 A I, I did all kinds of cases. I did cases that -- I
21 mean, I, I handled some very big cases. You know, I had a
22 lot of cases where, you know, somebody, their cable company
23 was billing them \$20 more than they should have been, and I
24 handled everything from that to the big cases and
25 everything in between.

1 Q All right, so the big cases, tell me about those.
2 Those were typically plaintiff's work. All of the
3 plaintiffs were, correct, were big cases?

4 A Yes.

5 Q Okay, and plaintiff's work is where -- or there would
6 be, say, for example automobile or truck accidents,
7 correct, or that's some of it?

8 A All -- every big case I ever had was a automobile? I
9 mean, no, sir. Not all of them were automobile wrecks.

10 Q Were many of them?

11 A Sure.

12 Q And if they -- let's say if your plaintiff collided
13 with, like, a UPS truck or a tractor-trailer or something
14 like that, you've had cases like that, correct?

15 A I have.

16 Q And they led to very big recoveries. Is that correct?

17 A The UPS case that I handled?

18 Q Yeah.

19 A Yes, sir.

20 Q And as a part of that, developing those types of
21 cases, you were involved in investigating the facts of the
22 case, correct?

23 A Yes.

24 Q And you were involved in gathering, let's say,
25 telemetry data from automobiles, correct?

1 A Telemetry data like you presented in this courtroom
2 this week?

3 Q Yeah. You never did that?

4 A I've never had a case specifically where the type data
5 that y'all have presented in this case that I've used, but
6 I've had data from automobiles. I've had --

7 Q From their -- essentially their computers?

8 A OnStar data. I've had data from the black box, you
9 know, but specifically telemetry data, I don't believe that
10 I've ever had one of those.

11 Q But OnStar and black box stuff.

12 A More so the black box event recorder. I mean, many
13 times in a wreck the, the event recorder will go back and
14 tell you things leading up to the wreck.

15 Q Sure.

16 A So, and I've been in numerous cases where those were
17 involved.

18 Q And you've had cases where cell phone evidence was
19 relevant to your case.

20 A Sure.

21 Q People's call logs were relevant to your case.

22 A I have had those.

23 Q Cell tower location was relevant to your case.

24 A Yes.

25 Q Computer evidence was relevant to your case.

1 A I'm sure I have, yes.

2 Q And when did you start with the law firm?

3 A August or September of 1998.

4 Q And you've been doing essentially that kind of work
5 more or less up until September of 2021, right?

6 A That's correct.

7 Q To the point where you rose to be the president of
8 Trial Lawyers' Association.

9 A I was the president of the Trial Lawyers' Association
10 around 2015, as we discussed.

11 Q Can we agree now on the success?

12 A I mean, by those criteria I was successful certainly.
13 I mean, we talked about a lot of my flaws here today, too.
14 Do I feel like I was successful? No, sir, not sitting here
15 today, I don't. But if, if you want to use that term and,
16 and on, on those criterias, I, I don't have any problem
17 with you saying at that time it looked like I was
18 successful.

19 Q Do you think people viewed you as a successful lawyer?

20 A I'm sure there were a lot of people that did.

21 Q Do you think people viewed your family as very
22 prominent?

23 A I believed that there were a lot of people that did,
24 yes, sir.

25 Q Did you think that a lot of people viewed you and your

1 family as very prominent in the legal community?

2 A I never thought of myself as prominent.

3 Q I asked you if you thought people viewed you that way.

4 Let me ask you --

5 A At the time did I think people viewed me --

6 Q Yeah.

7 A -- that way?

8 Q Yeah. Prior to everything happening.

9 A No, I, I don't think that I thought people viewed me
10 as prominent. No, sir. I mean, like a big shot? No, sir,
11 I don't think that.

12 Q What about your family?

13 A That my family thought we were big shots? No, sir,
14 I --

15 Q Did other people --

16 A -- definitely don't think that.

17 Q -- view your family as prominent in this community?

18 A Prominent as in?

19 Q It's not a hard question.

20 A Well, I'm just not sure, you know. I think my family
21 was very well thought of; I think my family was respected.
22 I think my family helped a lot of people.

23 Q I'm not challenging you on any of that. I'm just
24 getting you to agree what seems to be a basic fact. Would
25 you agree with me?

1 A With what? That my family helped a lot of people and
2 was --

3 Q That your family --

4 A -- well thought of?

5 Q -- was very prominent.

6 A If, if, if that's what you mean by that, yes, sir.

7 Q And that your family had a very long association with
8 law enforcement.

9 A Yes, sir.

10 Q And you had a long association with law enforcement.

11 A Yes. By, by association, I assume you're talking
12 about friendships, yeah. I, I --

13 Q But not only, not only just friendships but also
14 professional as well, correct? As a prosecutor?

15 A As a prosecutor?

16 Q Professional associations with law enforcement.

17 A As a prosecutor or as a --

18 Q Let's talk --

19 A -- civil attorney?

20 Q Let's talk about the civil. Did you have associations
21 with them in civil cases?

22 A Sure. I mean, as we discussed, a lot of cases that I
23 handled were wreck cases or might be a train wreck or
24 tractor-trailer. There were a lot of highway patrolmen
25 involved. There were a lot of local law enforcement

1 involved. So, yeah, we dealt with a lot of law enforcement
2 in the civil practice.

3 Q And then you also mentioned that you were a prosecutor
4 as well, correct?

5 A I was a volunteer assistant solicitor.

6 Q Did your -- did you or your family or your law firm
7 ever have events or parties or social affairs in which the
8 law enforcement community in this area was invited?

9 A Sure. We -- the law firm itself didn't really sponsor
10 things like that, but there would be occasions where one of
11 us in the law firm -- and certainly we all had a lot of
12 friends in law enforcement, and they were always invited.

13 Q And that -- it's a simple point. You had a lot of
14 friends in law enforcement; your family and you had a long
15 association with the law enforcement community in this
16 circuit. Is that correct?

17 A Association being friendships and working
18 relationships? Absolutely.

19 Q All right. Well, let's talk about being a prosecutor.
20 When did you become an assistant solicitor?

21 A I believe that I became an assistant solicitor when I
22 moved from Beaufort to Hampton. So, that would have been
23 September, sometime around September 1998. Might have been
24 a little bit after that, but sometime.

25 Q Did you get a badge when you became an assistant

1 solicitor?

2 A At some point I did, yes, sir.

3 Q And who gave you that badge?

4 A My father.

5 Q Mr. Randolph?

6 A Yes, sir.

7 Q And over the years, did you prosecute criminal cases
8 much as what's going on here today?

9 A Yes, sir, at times I did.

10 Q And --

11 A I believe that I prosecuted in -- from 1998 to 2001, I
12 believe that I --

13 Q 2001? Keep going. I'm sorry.

14 A I mean 2021, I'm sorry, until 2021. From 1998 to
15 2021, I believe I was involved in five jury -- I believe, I
16 believe there were five trials.

17 Q Five trials.

18 A Is the best that I can remember and all with my -- all
19 with my dad. That was really the purpose of me being
20 assistant solicitor was getting to spend time with him, do
21 things with him.

22 Q Sure, and you -- five jury trials over all that time,
23 you had a badge that entire time. Is that correct?

24 A I had a badge for a big part of that time, yes, sir.

25 Q You actually had two badges, right?

1 A I had one badge but my, my -- when my granddad became
2 an assistant solicitor for my dad when my dad became the
3 solicitor, he had an assistant solicitor's badge. When he
4 passed away, I had his badge and that was one of -- at some
5 point in time, you were asking somebody about two badges
6 and that was the other badge.

7 Q Okay. You said you did five criminal jury trials as a
8 prosecutor, correct?

9 A Assisted in those or was doing them, yes, sir.

10 Q Okay.

11 A I believe I was actually the lead lawyer in one of
12 them. I helped my dad in the other four.

13 Q Still a part of preparing the case?

14 A Yes, sir.

15 Q Still part, part of gathering the evidence and putting
16 it together for trial?

17 A In, in a criminal case, we didn't do much gathering of
18 the evidence. We took what law enforcement had gathered,
19 but...

20 Q But putting it, putting it together for
21 the criminal trial, correct?

22 A Yes, sir.

23 Q Presenting evidence in court.

24 A Yes, sir.

25 Q Giving jury argument.

1 A I didn't -- I, I did the closing argument in one of
2 them, yes, sir.

3 Q Did you ever have any cases that you prosecuted that
4 went short of a jury trial, either pled out or dismissed
5 for some reason?

6 A You know, I'm sure that at some point over -- between
7 1998 and 2021 that I took some plea. But as we sit here
8 today, I can't specifically remember that, and I don't ever
9 remember working a case up for trial that didn't go to
10 trial. But I'm sure at some point in time I was involved
11 in some level on a -- on a guilty plea or guilty pleas.

12 Q You'd agree with me that the civil system and the
13 criminal system have a lot of differences, correct?

14 A A lot of differences and a lot of similarities, I
15 agree with --

16 Q And a lot of similarities. That's where I was going
17 next. Fundamentally, it's about analyzing the evidence,
18 preparing for trial, presenting that case, and making the
19 argument to the jury, correct?

20 A That's, that's a big part of it.

21 Q And would you agree with me that as cases go on or as
22 you are preparing for trial, that you analyze the evidence
23 that's been gathered by law enforcement and present the
24 evidence that, that supports your case, correct? That's
25 just part of it.

1 A Presenting evidence that you deem favorable for your
2 position.

3 Q Yeah, that you analyze the evidence and then you, you
4 put in the evidence that supports your case. It's an
5 ongoing process.

6 A Yeah.

7 Q Would you agree with me that?

8 A Yeah. That's, that's part of what you do.

9 Q And same thing in the civil case, right? As you go
10 along, you may have evidence, but you ultimately analyze
11 that evidence and some evidence makes the cut, some of it
12 does not. Is that fair to say?

13 A As far as what you're trying to -- I, I think we --

14 Q Simple question.

15 A -- agree on that.

16 Q We would agree on that.

17 A I think so. I'm not exactly sure what your question
18 is, but I think I understand it.

19 Q I'm just asking you that as a lawyer, as you've been
20 since 1994 -- is that right?

21 A That's correct.

22 Q It's a simple question. You analyze the evidence
23 that's been gathered, whether civil or criminal, and then
24 present that in court. Is that correct?

25 A Yes, that's part of what you do.

1 Q That is an ongoing process as you prepare for a case.
2 Is that correct?

3 A An ongoing process as you prepare for in criminal
4 court or civil court?

5 Q Either one.

6 A Well, I mean, but there's a, there's a distinction
7 because in civil court you have the deadlines, and so you
8 aren't allowed to gather evidence during a trial or a week
9 before trial or, you know -- for instance, if this was a
10 civil trial and we found that OnStar data during the third
11 or fourth week of trial, you wouldn't be able to use it
12 because you're past deadlines, but in a criminal case, you
13 are able to use it.

14 Q But you would agree that none of that was the fault of
15 anyone on this side of the table that GM initially
16 responded they had nothing and then responded all of a
17 sudden that they did.

18 A I don't have an opinion, and that's certainly not
19 anything I'm intending to convey.

20 Q You talked to the jury a lot about that, but you know
21 nothing about that particular part of it. Isn't that what
22 you're telling us?

23 A Talked?

24 Q You talked to the jury a lot about the GM data, but
25 you're telling me that you're unaware that, that GM

1 initially responded to law enforcement's timely request and
2 said they didn't have that. But then in the course of the
3 trial, all of a sudden came up and said you know what? We
4 found something, and that's the reason why it arrived late.
5 You're saying you didn't know anything about that after
6 talking to this jury about that?

7 A I, I don't know a single thing about that. I know
8 that y'all represented that to the Court, and I don't have
9 any reason to doubt it.

10 Q Good.

11 A But I, I don't, I don't --

12 Q But you would agree that that's generally consistent
13 with the telemetry data that the FBI had, correct, the
14 OnStar data.

15 A That the OnStar -- I think the OnStar data and the
16 telemetry data are totally different.

17 Q All right, you don't, you don't think they're
18 generally consistent with one another? Is that what you're
19 telling this jury?

20 A No, no, I'm not telling the jury anything about that.
21 I'm just saying -- do I think they're consistent? I think
22 they're telling -- I think the OnStar data tells one --
23 gives, gives you one set of information and the telemetry
24 data gives you another set of information.

25 Q But you don't think they're consistent. You've talked

1 about it --

2 A I, I don't.

3 Q -- to this jury. I guess -- I think we're struggling
4 on what seems to be a fairly simple point. Would you
5 agree?

6 A Mr. Waters, I'm just trying to answer your question
7 and, and so I'm not trying to be difficult. I, I just --
8 my understanding of what, what you're referring to as the
9 telemetry data is when the car goes into park and drive and
10 that sort of thing. Is that what you're referring to?

11 Q Yes.

12 A And the GPS information is telling you where a vehicle
13 is on a certain path.

14 Q Correct.

15 A And what direction it's going. So, I think that
16 they're, they're just two -- they're two different types of
17 information.

18 Q And the question was were they consistent with one
19 another?

20 A I don't -- I, I guess so. I don't think they
21 contradict each other.

22 Q All right. You were the breadwinner for your family,
23 correct, for your immediate family.

24 A Yes.

25 Q And that included obviously for Maggie, correct?

1 A I'm sorry?

2 Q That included for Maggie, correct?

3 A Absolutely.

4 Q And in large measure for Buster and Paul as well.

5 Would you agree with that?

6 A Did I -- I was the breadwinner in large measure --

7 Q Primary breadwinner, breadwinner, yes.

8 A No. I, I was, I was their source of -- I was the
9 source of income for Maggie, Buster, and Paul. I mean, I
10 guess as they got older, I mean, there's some point where
11 Buster had a job, but, I mean, I would still consider
12 myself the provider for, for them at that time.

13 Q Again, this -- I'm not trying to trick you here. I'm
14 just trying to ask a simple question.

15 A Mr. Waters, I don't think you -- I don't think that
16 was a trick, so.

17 Q So, you were the primary breadwinner. We can agree on
18 that, correct?

19 A Yes, sir.

20 Q Go ahead, give me one second.

21 (Break in proceedings.)

22 Q All right, I'm going to show you what's been marked as
23 State's 570 and see if you recognize this particular item.
24 You can go ahead and take it out of the bag, out of the
25 bag.

1 A All right.

2 Q You know what that is?

3 A Yes, sir.

4 Q That's 571?

5 A Yes, sir.

6 Q And then I'm going to show you what was in the bag in
7 570. Can you can tell me what is?

8 A I can.

9 Q All right. What is that?

10 A Which one?

11 Q 570, what is that?

12 A All right, 571 is what I would consider to be my
13 badge.

14 Q All right, what is this one right here, which is 570?

15 A Okay, 570 would be the one I told you about was my
16 grandfather's badge after he retired when he became an
17 assistant for my dad.

18 MR. WATERS: Your Honor, at this time I'd offer
19 State's 571 and 570 into evidence.

20 MR. GRIFFIN: No objection.

21 THE COURT: They are admitted.

22 (BADGE MARKED AS STATE'S EXHIBIT NUMBER 570 WAS
23 RECEIVED INTO EVIDENCE.)

24 (BADGE MARKED AS STATE'S EXHIBIT NUMBER 571 WAS
25 RECEIVED INTO EVIDENCE.)

1 Q All right, where did you keep 570, the one that was
2 your grandfather's?

3 A It didn't have a single place that it was kept.

4 Q You know where it was recovered by law enforcement?

5 A No, sir.

6 Q Would it -- would you dispute if it was recovered out
7 of the Mercedes you were driving on September 4th, the day
8 of the side-of-the-road incident?

9 A No, I believe that.

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

11 Q And 571, where did you, where did you keep this one?

12 A Usually in my car.

13 Q Where in your car?

14 A It could be all over it. Could be on the dash like
15 you were talking to Mark Ball about. It could be in the
16 center console. It could be in the cup holder, could be on
17 the seat, be on the -- usually in the front seat, but in,
18 in my car is where I tried to keep it.

19 Q And when you had it in your dash, would you have it
20 face up or face down?

21 A I didn't have any particular manner in which I stored
22 it anywhere.

23 Q There was no rhyme or reason to it is what you're
24 telling the jury how you had it in the dash?

25 A There may be occasions where I had it in the dash for

1 some particular reason, but there were a lot of times where
2 it probably was in the dash for no particular reason other
3 than that's where I put it. Just like I put it on the seat
4 or in the cup holder.

5 Q You said there were particular reasons why you might
6 put it in the dash. What would those reasons be?

7 A It could be any number of things. If I'm going
8 somewhere where I want somebody to see it, then I would put
9 it in the dash. There's another reason for some --
10 somebody to see it, like, for instance if I get pulled
11 over, I might have it in the cup holder so an officer could
12 see it when he walked up.

13 Q Why would you do that? Why would you have it in your
14 cup holder? You're not saying you were on official
15 business, are you?

16 A No, I'm not saying I'm on official business.

17 Q Well, why would you want it in a cup holder if you got
18 pulled over?

19 A Because I've found that law enforcement often times is
20 friendlier when you're in law enforcement.

21 Q When you're law enforcement. So, you considered
22 yourself law enforcement?

23 A No, sir, I can't say that I considered myself law
24 enforcement.

25 Q Well, you carried a badge on you as an assistant

1 solicitor for two decades roughly for some time --

2 A From around '98.

3 Q Is that correct?

4 A So, yes, sir, two decades.

5 Q And you would ride with it sometimes sitting in the
6 front dash facing out, correct?

7 A That's correct.

8 Q And you would put it in the cup holder so that law
9 enforcement would see it if you got pulled over, right?

10 A That's correct.

11 Q Okay. So -- but you're -- you didn't consider
12 yourself law enforcement?

13 A I personally didn't consider myself to be law
14 enforcement, no, sir.

15 Q All right. So, you were just using that badge to your
16 advantage, taking, taking license with it. Is that
17 correct?

18 A I guess in some circumstances that is accurate.

19 Q So, you could use them to get away, see if you could
20 use it to get away with something, correct? Get better
21 treatment if you got pulled over?

22 A Get better treatment if I got pulled over? I mean,
23 that's, that's probably a fair statement that, yeah, if
24 somebody in law enforcement saw that, yeah, I'd say that's
25 true.

1 Q Did you have to take an oath when you got that badge?

2 A No, sir.

3 Q You didn't?

4 A Not that I remember. I, I don't -- I certainly don't
5 recall taking one like going somewhere and raising my hand
6 and --

7 Q Raising your hand and saying I promise to do my duty
8 fairly and with integrity, you never had to do that?

9 A Mr. Waters, if I did, I sure don't recall it. I mean,
10 it was a very informal process when I became volunteer
11 assistant solicitor for my dad and then when I continued
12 with Duffy. I mean, at some point, you know, if, if I took
13 any oath at all that I can remember, it would be on some
14 paper that I may have had to sign, but I don't specifically
15 remember doing that.

16 Q Let's talk about it. Let's go back, and on the inside
17 of it, what are those right there? Are there the -- an ID
18 card with your picture on it?

19 A Yes, sir, that is.

20 Q All right, and at the top, on that top -- leave it in
21 there, if you would, please. Can you not see it?

22 A I can, but I was just going to see what's on the back.

23 Q Okay.

24 A All right, sir.

25 Q All right, and it's got your picture on it, got your

1 name on it?

2 A Yes, sir, that does have my picture and my name.

3 Q Put that one back for me, please.

4 A All right. So, you want to look at this top one?

5 Q Look at the top one.

6 A Okay.

7 Q What, what office does it say that you are on that top
8 one right there, right there at the top?

9 A State of South Carolina, solicitor -- the solicitor of
10 the Fourteen Judicial Circuit. It says that: As solicitor
11 of the Fourteen Judicial Circuit, I do hereby certify that.
12 And it has --

13 Q Your name.

14 A Right, and it has all that data.

15 Q What, what position does it say that you're appointed
16 to?

17 A As the -- okay, it says that:

18 As solicitor of the Fourteenth Judicial Circuit,
19 I do certify that Richard A. Murdaugh was on July
20 1, 2013, appointed as the deputy solicitor of
21 Allendale, Beaufort, Colleton, Hampton, and
22 Jasper Counties and is authorized to enforce the
23 laws in the Fourteenth Judicial Circuit of South
24 Carolina.

25 Q All right. Awesome. Can I hold it back?

1 A Yes, sir, signed by Duffy Stone.

2 Q Signed by Duffy Stone. So, deputy solicitor. Is that
3 correct?

4 A I was never a deputy solicitor, Mr. Waters. That's
5 what that said, but I, I've never been a deputy solicitor
6 unless deputy solicitor is -- I was a volunteer assistant
7 solicitor and as far as I know, Sean Thornton has been the
8 only deputy solicitor that Duffy Stone had.

9 Q And it's a simple point. It says deputy solicitor,
10 but deputy solicitor is a higher rank than assistant
11 solicitor, correct, to your understanding?

12 A That's what I think and, and, and that was Sean
13 Thornton. I've, I've never been deputy solicitor even
14 though that does say that.

15 Q All right.

16 A I agree with you, and that was signed by Duffy Stone,
17 not by me.

18 Q I understand. This is what was given to you.

19 A That's what was given to me.

20 Q Went through this whole long thing at the beginning
21 about whether or not you have had an association with law
22 enforcement community, but this was given to you not by
23 your father but by a successor, correct?

24 A Well, no, sir. I believe we got to this because you
25 were talking -- asking me if I took an oath, and I don't

1 remember taking the oath, and then you started asking me
2 about these things.

3 Q Okay, and you agree that this card says deputy
4 solicitor, right?

5 A I agree that card says deputy solicitor.

6 Q Would you agree with me that it says on the back that
7 it is: Reposing special trust and confidence in your
8 ability, care, prudence, and integrity. Is that what it
9 says on the back of this?

10 A I mean, if you're --

11 Q You want to see it?

12 A No, sir. I mean, I trust -- if you're reading that
13 off the back of that, I assume that it does. You were
14 reading off of the one that -- the one that Duffy Stone
15 gave me, correct?

16 Q Yeah, and then the one at the top, where did that one
17 come from? You want me to bring it back to you?

18 A No, sir. I think I can see it. That would be --

19 Q It's not focused very well.

20 A That's okay. I mean, I, I, I know what it is. I
21 looked at it when you handed it to me. So, the, the card
22 on the bottom is what I got from Duffy Stone. The one on
23 the top -- and, and the one on the top should give you a
24 better -- there we go. All right. So, the one on the top
25 was what came from my dad when he was solicitor. The one

1 on the bottom's what came from Duffy Stone when he was
2 solicitor, and Duffy Stone took over after my dad retired
3 in 2006. Duffy Stone filled my dad's unexpired -- the rest
4 of his unexpired four year term, much like my dad filled my
5 granddad's. So -- and then Duffy became the solicitor.

6 Q Did you ever have lights in your vehicle?

7 A In the -- in the particular vehicle that --

8 Q No.

9 A In any vehicle?

10 Q In any vehicle.

11 A Yes, sir, I did.

12 Q Was that a government vehicle?

13 A No, sir, it was not.

14 Q When did you have lights? Like, blue lights and
15 stuff?

16 A Yes, sir, I had some blue lights.

17 Q Why did you have blue lights? And what do -- remember
18 you did five cases over twenty years. You had blue lights
19 in your vehicle. It was private. It was your private
20 vehicle, correct?

21 A Well, it, it was the vehicle that I drove. It was law
22 firm-owned vehicle.

23 Q The law firm's own vehicle, so how did you get blue
24 lights in there?

25 A I had them installed.

1 Q And who installed them?

2 A I believe that Eddie Gibson installed them.

3 Q And who is that?

4 A He's the guy who apparently does blue light work for
5 most of the sheriff's departments in the Fourteenth Circuit
6 and a lot of the police departments.

7 Q And did you -- when did you have that installed? Do
8 you recall?

9 A I can't --

10 Q Was it one vehicle or more than one vehicle? We'll
11 start with that.

12 A I believe I had it in -- I believe I had blue lights
13 in one vehicle.

14 Q And when did you have that installed?

15 A I'm not sure. It would have been --

16 Q Five years? Ten years?

17 A No. Here. Here. I can give you a timeframe.

18 Q Okay.

19 A The vehicle that I was in on -- that, that got taken
20 in on June the 7th, I got that vehicle sometime around
21 December, late December or January. So, I'd had it for six
22 months. I would have had the previous vehicle for five
23 years. That's how long we kept vehicles in the law firm,
24 so I would have had it for five years. And it -- and, and
25 some time during that five year period I had lights

1 installed.

2 Q Did you ask the sheriff at the time if you could do
3 that?

4 A I did.

5 Q Who was that?

6 A I believe it was T.C. Smalls, and I believe in
7 Colleton it was Andy Strickland.

8 Q Colleton, it was Andy Strickland.

9 A And I believe in Allendale it was Tom Carter.

10 Q Were you friends with Andy Strickland?

11 A Yeah, I was friends with Andy Strickland.

12 Q And you -- you said, hey, I'm going to get some blue
13 lights on my vehicle and he said that's cool or words to
14 that effect?

15 A I mean, that doesn't sound like the words that he
16 would have used or I would have used, but I certainly asked
17 him and he certainly said it was okay.

18 Q It was okay. All right.

19 A Along with Sheriff Smalls and, I believe, Sheriff
20 Carter. I'm not positive about Sheriff Carter, but I
21 believe so.

22 Q I'm going to show you just real quick what's been
23 marked as State's 507, see if you recognize that.

24 A I believe this is my Suburban. Yeah, this is. This
25 is my Suburban that, that y'all have.

1 Q Okay. Was that -- does that look like where your
2 badge was on the day of the incident?

3 A I have no idea.

4 Q You don't recall?

5 A No, but I, I don't take issue with the fact that it's
6 -- I don't take issue with the fact that it's there if
7 that's, you know, if that's what -- how they say it was
8 found and that's a picture.

9 MR. WATERS: Your Honor, we offer State's 507 into
10 evidence.

11 MR. GRIFFIN: No objection.

12 THE COURT: It's admitted.

13 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 507 WAS
14 RECEIVED INTO EVIDENCE.)

15 Q You testified some about the boat case, and we'll talk
16 more about that.

17 A Boat case being? I'm sorry.

18 Q Boat wreck case. We agree that that's what we talk
19 about when we say the boat case, February 2019?

20 A Well, there's two things. You -- you're referring to
21 the civil case when you say the boat case. But when I
22 think about the boat case, I think about the charges that
23 y'all brought against Paul-Paul. So -- but there -- also
24 the civil case.

25 Q Paul-Paul, that was your nickname for Paul?

1 A I mean, I called him Paul-Paul. Maggie called him
2 Paul-Paul. Bus calls him Paul-Paul. Ro-Ro calls him
3 Paul-Paul. I mean, that's not --

4 Q Ro-Ro?

5 A That's not --

6 Q Who's Ro-Ro?

7 A Ro -- that's Rogan Gibson.

8 Q And this jury, of course, has heard multiple recorded
9 statements of you during the course of this. Did you ever
10 refer to Paul as Paul-Paul during that?

11 A I don't know.

12 Q You don't? Do you recall?

13 A How I referred to -- I can say Paul if you prefer
14 that.

15 Q No. You can call him whatever you want. I'm just
16 asking you if you ever called him that during the course of
17 that entire investigation, or is that also the first time
18 today, at least publicly?

19 A Is today the first time I've called my son Paul
20 Paul-Paul? No, sir, that is not correct.

21 Q Have you ever called him that on all the recorded
22 statements that this jury's heard?

23 A I don't know.

24 Q You ever call Rogan Ro-Ro?

25 A I called him Ro-Ro --

1 Q In the recorded statements?

2 A -- all the time.

3 Q In the recorded statements, did you ever call him
4 that?

5 A I don't know. I mean, I called him Rogan also, so I,
6 I don't know. But I'm, I'm happy to call him Rogan and I'm
7 happy to call Paul Paul.

8 Q All right. Well, let's talk about -- and I'll be,
9 I'll be specific with the boat wreck criminal case and the
10 boat wreck civil case, okay?

11 A Yes, sir.

12 Q Is that fair?

13 A Yes, sir.

14 Q All right, and we've talked a little bit about your
15 badge. Did you have your badge with you on the night of
16 the boat wreck?

17 A On the night of, the night of the boat wreck did I
18 have it with me?

19 Q Yeah.

20 A When?

21 Q Did you go to the hospital that night?

22 A I did go to hospital that night.

23 Q Did you have it with you then?

24 A I don't know, but I don't believe so. But I, I, I
25 really don't know.

1 Q You believe so?

2 A But...

3 Q When you went to the hospital on the night of the boat
4 wreck, were you acting in any official capacity?

5 A The night of the -- when I went to the hospital, was I
6 acting in an official capacity?

7 Q Yes.

8 A No, sir.

9 (Break in proceedings.)

10 Q Let me show you what's been marked as State's 569, and
11 do you recognize the person on the right in that image?

12 A No, sir.

13 Q You don't recognize that?

14 A I don't recognize him.

15 Q No, I'm asking about that.

16 A Oh. Me?

17 Q Is that you?

18 A Yeah, it looks like me.

19 Q All right, what's hanging out of your pocket in plain
20 view?

21 A Looks like a badge.

22 Q You didn't recall that until I just showed you that
23 picture?

24 A No, sir, I did not.

25 MR. WATERS: Your Honor, I'd offer State's 569 into

1 evidence.

2 MR. GRIFFIN: No objection.

3 THE COURT: It's admitted.

4 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 569 WAS
5 RECEIVED INTO EVIDENCE.)

6 Q That's you in the white shirt. Is that right?

7 A Yes, sir, it is.

8 Q And this is the badge hanging out of your pocket. Do
9 you remember which -- is that correct?

10 A Looks to be, yes, sir.

11 Q Which badge is that? Which one of the two? Do you
12 remember?

13 A You can't tell from here.

14 Q Okay. Why did you have it hanging out of your pocket
15 like that?

16 A I don't remember having that. I, I don't know.

17 Q You don't remember that?

18 A I don't remember that, no, sir.

19 Q Did you generally walk around with your badge hanging
20 out your pocket?

21 A Generally speaking no, sir, I did not.

22 Q Or only when you wanted some advantage from it.

23 A Did I, did I --

24 Q Did you want some advantage from wearing it?

25 A Did I hang it out my pocket when I wanted an

1 advantage?

2 Q Yes.

3 A I, I may have. I certainly may have.

4 Q What advantage did you want?

5 A When?

6 Q Then.

7 A I don't even recall this, Mr. Waters, but if I was
8 wanting some advantage, as you say it, I guess -- and I
9 don't remember this, but I guess I would want -- you know,
10 as I said, a badge has a warming effect with other law
11 enforcement. And so if I was seeking any advantage, as you
12 say, then I guess that would be what it was.

13 Q Did you ever want to be the solicitor?

14 A There was a time period where I did.

15 Q Did you ever want to be the, the solicitor?

16 A Yeah, there was a there was a time period when I
17 absolutely did.

18 Q When was that?

19 A Prior to or around the time my -- prior to my dad
20 retiring.

21 Q Prior? Prior to 2006?

22 A Yes, sir

23 Q How long did you explore that?

24 A I mean, I really -- I wanted to be, I wanted to be a
25 solicitor for a long time, but, you know at the time when

1 my dad retired, I was already struggling with pills, and I
2 knew I couldn't do it.

3 Q In 2006?

4 A Yes, sir.

5 Q We'll talk more about the pills in a bit, but you say
6 you were already struggling with pills in 2006, correct?

7 A That's correct.

8 Q But over that next fifteen years, you still were able
9 to maintain a lucrative law practice. Would you agree with
10 that?

11 A Yes, sir.

12 Q And you've already testified that all your law
13 partners had no idea of this pill problem that you had all
14 that time, correct?

15 A I'm testifying that I believe -- in fact, I'm certain
16 that none of my partners knew I had an addiction.

17 Q That night of the boat wreck, you say you don't
18 remember putting your badge out, correct?

19 A No, I don't remember. I don't even remember having my
20 badge.

21 Q Do you remember going around and talking to the kids,
22 the other kids that were on the boat?

23 A Yeah, I, I talked to some of them.

24 Q You remember going to do that?

25 A Yes.

1 Q And was your badge hanging out when you did that as
2 well?

3 A You know, I wouldn't think so, Mr. Waters, but like I
4 say, I didn't -- I don't think so.

5 Q So, it just comes naturally to put your badge out with
6 something and you don't even remember why you did it.

7 A No. I don't even remember having my badge, and I
8 specifically know that I didn't use the badge. You know,
9 did I mean to do this? I'm not saying that I didn't, but I
10 don't know if I was putting it in my pocket and the flap --
11 you know, you noticed that that flap is, is not velcroed
12 down. I don't know. I don't have a specific memory of
13 that. And I never went around, you know, acting like I was
14 on official business, so.

15 Q So, you're saying it might be an accident that your
16 badge was hanging out?

17 A I'm saying that I have no memory of that whatsoever.

18 Q All right. Well, did you ever -- you never used these
19 badges as like a wallet, right?

20 A No, I did.

21 Q You did?

22 A I did.

23 Q So, you're saying you had your credit cards and all
24 your stuff in there?

25 A No, sir.

1 Q Then?

2 A No, sir. I'm not saying that, and I'm not saying that
3 on that night. You just asked me if I ever used it as a
4 wallet, and there were times when I used it as a wallet.

5 Q Were you using it as a wallet that night?

6 A I don't remember, but I don't think so. I didn't use
7 it as a wallet very often, and I didn't use it as a wallet
8 for very long when I did use it as a wallet.

9 Q All right, so let's see if we can get back to what we
10 agree on. So, you would agree that you had to make a
11 conscious decision to grab that badge and -- when you went
12 into the hospital, correct? Would you agree with that?

13 A Yeah, at some point I had to make a conscious decision
14 to pick it up.

15 Q But you're saying you don't know if you hung it out
16 like that on purpose while you're talking to that law
17 enforcement officer, or if it's just an accident that it's
18 hanging out of your pocket in full view of everyone?

19 A Well, I am saying that because that is not how I would
20 normally carry a badge. And even if I wanted to give
21 somebody an impression, to me that's got kind of an
22 obnoxious look to it. That's just not something that -- I
23 mean, that's not something I would typically do. But I'm
24 -- I may have done it that night. I have no memory of
25 that.

1 Q Okay. All right, so you're saying that just could be
2 an accident it's hanging out like this?

3 A I'm saying it could be or I could have put it there
4 like that. I don't remember.

5 Q Did you generally just walk around with it in your
6 pocket? Or would you only carry it when you wanted to use
7 it for something?

8 A No, I wouldn't generally carry it around in my pocket
9 just any time.

10 Q Okay. All right, all right. So, we've got the badge
11 that may be accidentally hanging out of your pocket. You
12 won't concede that you did that purposefully.

13 A I mean, Mr. Waters, if you want me to say I did that
14 on purpose, I don't have a problem with that. I'm saying I
15 don't remember that, all right? So, can I tell you that I
16 did that on purpose? No, sir, I can't. Can I say that,
17 that this happened by accident? No, sir, I can't. What I
18 can say is I don't remember it, and that's not how I would
19 normally -- that's just not how I would normally -- you
20 know, that's, that's just not -- that's not something I
21 did. That's not a normal thing, so I don't know.

22 Q Okay. All right. That's fine.

23 A But --

24 Q You don't concede to this jury that there was any
25 intention or purpose to doing that at the hospital on the

1 night of the boat wreck.

2 A I'm saying I don't remember using that badge. And I
3 specifically remember, you know -- I'm sorry. Go ahead.
4 You -- you go ask your next question.

5 Q Specifically remember what?

6 A That I, like, when I went into the room with the kids,
7 did I pull my badge out, and I know that I did not do that.

8 Q No, because it was on your pocket like that, correct?

9 A It's on my pocket like that right then.

10 Q Did you use that to get into the areas that shouldn't
11 be accessed by non-official personnel?

12 A Absolutely not. I mean, there was nowhere that I went
13 that it was not truly public domain. I mean, basically the
14 places that I went to were when I got there, I went to
15 Paul-Paul. When I left Paul-Paul, I went to Morgan
16 Doughty, who was like a daughter to Maggie and I who had
17 dated Paul for a long time, and I went to Morgan.

18 Morgan had an injury to her hand that, that, that was
19 bad, and she was very upset about Mallory. And they were
20 working on her, so I left her room. I went back to
21 Paul-Paul. At some point in time I know that I went to
22 Connor's room, and I believe those are the only rooms I
23 went to. But again, I don't -- I can't tell you that with
24 certainty.

25 Q While you were wearing that badge like that, did you

1 tell anybody, any of the kids who run the boat wreck not to
2 cooperate with law enforce?

3 A I never told anybody not to cooperate with law
4 enforcement. Whether I had a badge hanging out my pants,
5 didn't have a badge, or any point in time did I tell
6 anybody don't cooperate with law enforcement.

7 Q Did you become aware in March or April or May of '21,
8 2021, shortly before June that an investigation into the
9 investigation of that night had begun, as well as your
10 conduct?

11 A Yeah, some -- I did learn. I did learn of that. I
12 don't know the status of that investigation. Being that
13 I've been charged with so many things and haven't been
14 charged with that, I'm assuming that --

15 Q All right, my question was simple.

16 A -- there may not be charges.

17 Q Whether or not you were aware that that had begun in
18 the spring of 2021.

19 A Yes, sir, I was. I was aware. Well, at some point in
20 time I became aware of it. Was that the -- was it, you
21 know, February, March, April? I know it was after, after
22 -- I, I know it was after that night and it was before June
23 7th.

24 Q Before June 7th.

25 A I'm pretty sure that I, I already -- I'm pretty sure

1 that I already knew that.

2 Q Did --

3 A On June the 7th.

4 Q You mentioned Andy Strickland. Do you know what
5 happened to him?

6 A Do I know what happened to him when?

7 Q How he lost his job as sheriff?

8 A I believe that when he was charged -- I can't -- I, I
9 don't know if he resigned or he was suspended.

10 Q Okay. You remember if that was a few months prior to
11 you becoming aware of an investigation into the
12 investigation of this boat case, including you?

13 A Do, do I know what now?

14 Q That Andy Strickland was charged and lost his job.
15 Was that a few months prior to you becoming aware of the
16 investigation into this incident that's on the screen?

17 A A few months prior? I don't really know this for a
18 fact but I believe, as I'm sitting here today, I believe
19 that Andy was charged back in the fall. And like -- and
20 like I said, we learned about when -- I've testified about
21 when I understood there was an investigation into whether
22 or not I was acting in a public manner or whatever,
23 whatever it was y'all were investigating. Public
24 corruption or, or that. So, if it was a couple of months,
25 if it was a month or two when Andy Strickland got charged,

1 then, I mean, if you showed me that, I'd be, I'd be
2 surprised because I think it was -- I think, I think he was
3 charged before that.

4 Q But your -- this was a friend of yours, correct? The
5 guy you -- who you asked if you could put lights in your
6 car, in a private vehicle, correct?

7 A Well, I mean, Andy -- yeah, I considered Andy a
8 friend. I considered T.C. a friend, and I considered Tom
9 Carter a friend.

10 Q Sure.

11 A All of whom I asked if I could put lights in the
12 vehicle.

13 Q All right, and --

14 A So, yes, sir. I mean, I considered Andy a friend.

15 Q Would you at least agree with me that in at least the
16 fall of 2020, your friend Andy Strickland was indicted and
17 lost his job for a financial and corruption investigation?

18 MR. GRIFFIN: Objection, Your Honor. Relevance.

19 THE COURT: Response.

20 MR. WATERS: Your Honor, I think there's a link
21 between his knowledge of that and what he's admitted, that
22 there was an investigation going on in the months prior to
23 the murders.

24 THE COURT: Anything further?

25 MR. GRIFFIN: The question is something about Andy

1 Strickland being indicted. I just don't see the relevance,
2 Your Honor.

3 THE COURT: I sustain the objection.

4 Q All right, we can at least agree that you were aware
5 prior to the murders that there was this investigation,
6 correct? The one on the screen, the one related to the
7 boat, the investigation into the boat case.

8 A Was I aware that y'all had started an investigation
9 into what I did in the hospital prior to June the 7th?

10 Q Yes.

11 A I believe that to be correct. And if it wasn't before
12 that, it was shortly after it.

13 Q You testified that you've had a pill addiction for
14 approximately twenty years, correct?

15 A I think that's, I think that's about right.

16 Q And so when did you start stealing money from clients?
17 How long did it take before you started doing that?

18 A I'm not sure when the first time I did that is.

19 Q You don't know?

20 A No, sir, not as we --

21 Q You haven't gone back and thought about that?

22 A Oh, sure, I've thought about it. But to be able to
23 sit here and -- I mean, you've got to understand. I've
24 been in rehab and I've been in jail, and I don't have
25 access. You know, all my telephone calls were put on the

1 media, so I haven't had a lot of phone access. I haven't
2 had a lot of access. So as we sit here today, I cannot
3 tell you the exact time. I don't deny that I did it, but I
4 can't tell you the exact time that I first did it.

5 Q You told this jury that's the cause of your financial
6 problems.

7 A Did I say that pills --

8 Q Your opiate addiction was the cause of your financial
9 problems.

10 A It was certainly a cause, yes, sir.

11 Q Not the only cause though, right?

12 A No, I wouldn't think it was the only cause, but, yeah,
13 it was certainly a cause.

14 Q Do you recall testimony in this courtroom about how
15 you had some land deals go bad around the time of the
16 recession of 2008, 2009?

17 A Sure.

18 Q And do you recall testimony from your law partners in
19 this courtroom that you had some big cases that they
20 thought cured those issues, correct?

21 A I heard them say that, yes, sir.

22 Q Do you disagree with that?

23 A Do I disagree with what they thought? No. I mean, I
24 don't, I don't have --

25 Q Do you have --

1 A -- any reason---

2 Q -- any reason to disagree that was true?

3 A That they thought -- that, that, that my partners
4 thought that, that I, I'd gotten past my financial
5 difficulties? I have no reason to dispute that, Mr.
6 Waters. I'm not trying --

7 Q Was that --

8 A -- to frustrate you.

9 Q -- true? Was what they thought true?

10 A That I was past my financial difficulties? Is that
11 the question?

12 Q Yes, that's the question.

13 A Was it true that I was past my financial difficulties?
14 I mean, they were certainly better after that, but, I mean,
15 no, I don't, I don't -- no, I don't think I was past them.
16 No, sir.

17 Q What was the first big case after the recession that
18 you had?

19 A Mr. Waters, I can't tell you what the first big case
20 was. What? What date?

21 Q Let's go with the *Pinckney* case. Do you remember when
22 that was?

23 A I remember generally speaking when it was, yes, sir.

24 Q What year was that? 2011, would you dispute that?

25 A 2011? What, when it ended?

1 Q When you got recoveries in that case.

2 A I mean, if you're looking at something that tells me
3 that --

4 Q All right.

5 A -- I have no reason to dispute that, but I can't
6 remember off the top of my head, but that, that's certainly
7 in the timeframe.

8 Q It's fine, Mr. Murdaugh. We'll go through it. Let's
9 do it.

10 A Mr. Waters, like I said, I, I take you at that. I
11 just don't know off the top of my head. I don't have a
12 reason to dispute that.

13 Q All right, I'm going to show you what's been a
14 admitted into evidence as State's 331 -- actually 332, 333,
15 and 334. Do you recognize those documents? Just generally
16 do you recognize them?

17 A I do.

18 Q All right, and just generally what are those? Those
19 are disbursement sheets. Can I have them back, please?

20 A Yes, sir. Just give me one second.

21 Q Yeah. Take your time.

22 A Trying to see which ones. All right, there's some
23 things about it that I'm curious about, but --

24 Q Yeah, we'll talk --

25 A -- you ask your questions.

1 Q -- talk about that. We'll talk about it. All right,
2 let's talk about -- let's start with Natasha Thomas. Do
3 you remember her?

4 A I do.

5 Q How old was she when she became your client?

6 A I'm not sure. She was young.

7 Q She was a teenager?

8 A I'm not sure, but I know she was young.

9 Q She was underage, correct?

10 A Yes, she was underage. I do believe that. In fact, I
11 know that.

12 Q And can you tell me what the -- she was injured in a
13 -- in this wreck with a -- in an automobile wreck, correct?

14 A Yes.

15 Q And the company Michelin, that was one of the
16 defendants for an alleged tire issue. Is that correct?

17 A That is correct.

18 Q All right, and do you remember how much Natasha Thomas
19 got in that particular case, and I can show it to you on
20 334. Do you remember how much she got?

21 A As a gross settlement, I believe it shows --

22 Q Yeah.

23 A -- 2,000,000, \$2 million.

24 Q \$2 million, all right, and how much were your or
25 PMPED's fees that would be attributed to you in that out of

1 that \$2 million?

2 A \$800,000.

3 Q \$800,000?

4 A Yes, sir.

5 Q All right.

6 A Excuse me.

7 Q All right, and so that would be \$800,000 in fees that
8 would get attributed to you. That has nothing to do with
9 the money that you subsequently stole from that teenager,
10 correct?

11 A The 800,000 is different from money that I stole?

12 Q Yes.

13 A That's correct.

14 Q All right. So, you got \$800,000 attributed to you
15 with the firm, but that was not enough. You also stole
16 money from that teenager. Is that correct?

17 A That is correct.

18 Q All right. When you did that, did you sit down with
19 her, much as you sat down with this jury, and explain to
20 her what was going on while you were stealing her money?

21 A That would be the normal process, but I certainly
22 don't remember specifically doing that.

23 Q That would be the normal process, correct?

24 A It would be. It may be a little different with a
25 teenager, but certainly, I mean...

1 Q You would sit down with them across the table and go
2 through these documents, correct?

3 A If, if -- that, that would not be abnormal, yes, sir.

4 Q All right, and then you would try -- you would explain
5 to them what was going on and how they were getting
6 everything they were entitled to, correct?

7 A If I was the one doing it, yes, sir.

8 Q And you look them in the eye while you did that,
9 correct?

10 A It wouldn't be unusual for me to look them in the eye.

11 Q While you were doing some fast talking to a teenager,
12 correct?

13 A I certainly was not telling her the truth. I don't
14 know if I was talking fast or slow, but I wasn't telling
15 the truth.

16 Q Well, you ultimately convinced her that there was
17 nothing amiss here, right, while you were stealing her
18 money, correct?

19 A I don't know if I convinced her that nothing was amiss
20 or I misled her. But I admit candidly in all of these
21 cases, Mr. Waters, that I took money that was not mine, and
22 I shouldn't have done it. I hate the fact that I did it.
23 I'm embarrassed by it. I'm embarrassed for my son; I'm
24 embarrassed for my family. And I don't dispute that I did
25 it. I --

1 Q I understand.

2 A And so --

3 Q And you understand that we have to ask about these
4 things because we've heard about it in a very academic
5 paperwork manner, but every single one of these, you had to
6 sit down and look somebody in the eye and convince them
7 that you were on their side when you are not, correct?
8 That's what you did in every single one of these.

9 A I mean, every time --

10 Q Answer my question yes or no and then you can explain.
11 I'll let you explain all day long.

12 A Well, I mean, no, sir, that may or may not be true.
13 And, Mr. Waters, just to try to get through this quicker, I
14 admit --

15 Q I know you want to get through it quicker, but we're
16 not. So, answer the question.

17 A Well, what, what, what I, what I admit is that I
18 misled them, I did wrong, and that I stole their money.
19 Now, this, this is something -- what's the date on that
20 one?

21 Q I'll bring it back to you.

22 A Well, you can tell me. I, I trust you to tell me
23 accurately.

24 Q All right. Well, that one's kind of funny. It
25 doesn't have a date on it, but I'll let you take a look at

1 it.

2 A All right, I'm just looking at the date of a check.

3 So, that's December 20 of 2011. So, that gives us --

4 Q 2011?

5 A -- a ballpark. So, that's twelve years ago. For me
6 to sit here and tell you specifically that I remember
7 sitting down and talking with Natasha Thomas, I, I can't
8 tell you that. But what I can tell you and -- I can tell
9 you that I didn't do right by Natasha Thomas. I took money
10 from Natasha Thomas that didn't belong to me, and I was
11 wrong for doing that, and I admit that.

12 Q I know, Mr. Murdaugh, that you would like for it just
13 to be as simple as that. Just to say yes, ladies and
14 gentlemen, I stole money and have that be the end of it.
15 But in every single one of these cases --

16 MR. GRIFFIN: Objection to the comments, Your Honor.

17 Q You just testified that you would like to just admit
18 that. It would make this quicker, correct? Isn't that
19 what you said? Isn't that what you implied?

20 A No, sir, Mr. Waters. You have charged me with
21 murdering my wife and my son, and I have sat here for all
22 these weeks listening to all this financial stuff that I
23 did wrong that I'm embarrassed by. I'm happy to talk to
24 you about as much of that as you want to talk about.

25 Q All right. Well, good. We'll do that.

1 A I'm required to talk about it as much as you want to
2 talk about it. But the fact is, is I cannot specifically
3 remember sitting down. The details that you're asking me
4 for, I can't tell you, but what I can tell you is that in
5 all these financial situations, I stole money that was not
6 my money. I misled people that I shouldn't have misled,
7 and I did wrong. I can tell you that, and I may be able to
8 tell you specifically in some instances what I did or
9 didn't do.

10 Q Well, good. Well, we'll do that. But the point that
11 I'm asking you is, is it's not just as simple as some
12 paperwork. You had to sit down and deal with these people
13 and convince them that you were telling them the truth in
14 order to steal this money, correct?

15 A That, that may not be true because in some situations,
16 I may not have had to do that. They may have just trusted
17 me to do it.

18 Q Okay.

19 A So, that's my point is I misled them. There's no
20 question about that. But did I sit down in each particular
21 instance and like -- like you're breaking it down step by
22 step, I can't say that. I could say I did wrong. I stole
23 money that wasn't mine, and I shouldn't have done it.

24 Q All right.

25 A And it was terrible what I did.

1 Q All right. Well, let's look at State's 330. This is
2 Arthur Badger and the *UPS* case, correct?

3 A That's correct.

4 Q Do you remember what the total recovery was in that
5 particular case? There were multiple plaintiffs. Let me
6 ask you that first. There were multiple plaintiffs in that
7 case, correct?

8 A That's correct.

9 Q And do you remember what the total recovery was?

10 A Not exactly but, I mean, I know generally.

11 Q Was it \$12 million? Would you disagree with that?

12 A Was it 12 million? I mean, if you tell me it was \$12
13 million, then I'll believe you, but I thought it was a
14 little bit more than that.

15 Q All right, and if ultimately -- if you have multiple
16 plaintiffs, how do you decide as the plaintiff's lawyer --
17 how does it work out that amounts of that total recovery
18 get allocated to individual plaintiffs?

19 A I mean, different cases in different ways.

20 Q Is it true that often the defense attorneys, the civil
21 defense attorneys will ask the plaintiff's attorneys how
22 you want that allocated?

23 A Sometimes. Yeah, sure.

24 Q Sometimes. Is that what happened in this case, in the
25 *Badger* case?

1 A I can't remember exactly how we came to that.

2 Q Who was the, the deep pocket in the *Badger* case? You
3 remember the defendant that had the money that you
4 ultimately recovered from the vast majority? Do you
5 remember?

6 A Well, it was UPS and I believe it was -- I can't
7 remember if it was corporate or if there was insurance, but
8 it was certainly UPS was the major defendant. But I
9 believe Arthur Badger was a defendant. I can't remember.
10 I know, I know UPS was.

11 Q Did you sit down with him and explain this paperwork
12 that you were using to steal his money?

13 A I believe I did sit down with Arthur Badger.

14 Q And managed to convince him that nothing was amiss
15 while at the same time stealing money?

16 A I believe I did.

17 Q And did you allocate millions of dollars to Arthur
18 Badger personally while only telling him that his recovery
19 was going to be around \$300,000?

20 A I believe that I did, yes, sir.

21 Q And on this Exhibit 330, sat down and looked him in
22 the eye with all this stuff on here and fast talked him
23 past these figures, that he believed you and left thinking
24 that you had done him right?

25 A I would have -- I believe --

1 Q Did that --

2 A -- that I sat down with Arthur Badger, and I know that
3 I misled Arthur Badger, and I'm sure at some point during
4 that conversation that I looked him in the eye.

5 Q Going back to State's 333, you remember Hakeem, Hakeem
6 Pinckney? Do you remember him?

7 A I do.

8 Q What happened to him?

9 A He was injured in the same wreck that Natasha Thomas
10 was injured in.

11 Q Was he badly injured?

12 A He was.

13 Q How badly injured was he? Do you recall?

14 A Yes. He was terribly injured. He became a -- I can't
15 remember what level, but he was a quadriplegic.

16 Q Do you remember what the total recovery amount was for
17 him?

18 A Not off the top of my head, no, sir.

19 Q All right, let me show you State's 333 and see what
20 totals you recall, what the total recovery was in that
21 case.

22 A It looks like it was \$10,245,000.

23 Q And that was for Hakeem, correct?

24 A That's correct.

25 Q And how much of that was the attorney's fees that

1 would have gone to PMPED that would have been attributable
2 to you?

3 A \$4,098,000.

4 Q \$4 million in legal fees that you would have gotten
5 from this settlement. Is that correct?

6 A \$4,098,000, yes, sir.

7 Q And in the end, that wasn't enough for you, correct?
8 Was that enough for you?

9 A Was that enough for me in that case?

10 Q Yes.

11 A I mean.

12 Q Was 4 million, over \$4 million in legal fees that you
13 received that would have been attributable to you through
14 the law firm at the end of the year, whatever it worked out
15 to be, that you would have been credited with over 4
16 million in fees for that? Is that correct?

17 A That's correct.

18 Q And was that enough for you?

19 A Was that enough for me?

20 Q Or did you take more from --

21 A Oh, no. I, I took monies from Hakeem Pinckney that I
22 -- that did not belong to me that I should not have taken.

23 Q Been rendered a paraplegic?

24 A No, sir. He was a quadriplegic, unfortunately.

25 Q Quadriplegic. Thank you. Correct?

1 A Yes, sir.

2 Q You ultimately take money from his mother, Pamela, as
3 well.

4 A I believe that I did.

5 Q Do you remember how much money you took from Hakeem?

6 A No, sir, not off the top of my head, I do not.

7 Q If I told you it was over \$370,000, would you agree
8 with that?

9 A If, if, if that's what the records show, I don't
10 dispute that.

11 Q Do you remember how much you took from the teenager
12 Natasha Thomas in addition to your legal fees?

13 A Not off the top of my head, no, sir.

14 Q If I told you it was over \$350,000, would you agree
15 with that?

16 A I don't dispute it.

17 Q Do you remember how much you took from Arthur Badger?

18 A Not off the top of my head, no, sir.

19 Q If it was over \$1.3 million, would you agree with
20 that?

21 A I don't dispute it.

22 Q Around the time that this was going on, did you have
23 some land deals that were going bad, that had gone bad?

24 A Which?

25 Q 2008, 2009, 2010, 2011.

1 A I, I think that they -- I think those had happened a
2 little bit before that, but I, I had some land deals that,
3 that, you know, had certainly had problems.

4 Q And that had something to do with the money you were
5 taking as well, did it not?

6 A I think the whole picture had things to do with me
7 doing stuff I shouldn't have done. I mean, I, I would
8 agree that -- I mean, that that certainly would have played
9 some role in it.

10 Q Were you living a wealthy lifestyle?

11 A A wealthy lifestyle? Probably. I mean, we were
12 living whatever lifestyle. Probably.

13 Q Would you characterize your lifestyle as wealthy?

14 A You know, that's not, that's not how I would
15 characterize it, but --

16 Q You wouldn't --

17 A -- I'm not going --

18 Q -- characterize it as wealthy?

19 A I'm not going to take issue with it.

20 Q Around this time, were you making more than \$1 million
21 a year?

22 A Around what time?

23 Q 2012.

24 A Yes.

25 Q 2012?

1 A Yes.

2 Q And you were still stealing money as well, correct?

3 A Yes.

4 Q Can we at least agree that that's a lot of money?

5 A Over \$1 million?

6 Q Never mind. That's fine.

7 A I think there's no question that's a lot of money.

8 Q Okay, good. We can agree on that. That's a lot of
9 money, correct? I, I feel like we're struggling here. Is
10 it -- were you living a wealthy lifestyle?

11 MR. GRIFFIN: Objection to the statement, Your Honor.

12 Q Were you living a wealthy lifestyle?

13 A I just don't know what you mean by wealthy, you know?

14 Q Is this is hard question, Mr. Murdaugh?

15 A Well, it, it -- it's hard for me to know exactly what
16 you want, you know, and, and it depends. I was spending
17 money that I -- that, that wasn't mine that I shouldn't
18 have. I think that, you know, we lived a lifestyle. I
19 don't, I don't have a issue if you want to call it wealthy.

20 Q Would you concede with me that not all of this money
21 was going to pills at this point?

22 A No.

23 Q All this stolen money?

24 A No. I doubt that it was.

25 Q And it was being used to support your wealthy

1 lifestyle.

2 A Well, I haven't looked at all these documents to know
3 exactly what was being spent where, but here's what I do
4 know. I know that I was making a bunch of money and I
5 should have had, I should have had more money than I did,
6 and I know that I was spending a bunch of money on pills,
7 and I know that -- you know, I just -- I don't remember in
8 2011 if those -- I just can't remember those land deals.
9 But, you know, if, if I spent money on other things, I
10 don't dispute that either. I just haven't looked at the
11 records.

12 Q But you would at least concede that the money you were
13 stealing was going to support your ever-expanding wealthy
14 lifestyle. Would you concede that?

15 A Did all of the money I stole?

16 Q Any of it, Mr. Murdaugh.

17 A Any of it? Yeah, I would certainly agree that there
18 was money that, that didn't go to buy just pills.

19 Q All right, and you would concede that even though you
20 were generating millions of dollars in fees, that was not
21 enough for you. Would you concede that?

22 A If, if by concede that, you mean was I also stealing
23 money that I shouldn't have? Yes, sir, I agree with that.
24 I've said that repeatedly.

25 Q Who were the Plylers?

1 A They were two young girls from Columbia.

2 Q They were underage when they became your clients?

3 A Yes, sir.

4 Q Did they suffer a loss in their family as a result of
5 an accident?

6 A They did.

7 Q Who, who -- what loss had they suffered? Who died?

8 A Their mother. Their mother did.

9 Q When -- did you get a sizable recovery in the case, in
10 that particular case related to them?

11 A Yes, sir.

12 Q Do you remember how much that recovery was?

13 A I don't.

14 Q Got any idea?

15 A I know it was a significant settlement; I know it was
16 a very good settlement.

17 Q Millions of dollars?

18 A Oh yeah, it was millions of dollars, but whether it
19 was, you know, 2 million -- I know it was significant. I
20 don't know if it was eight figures, but I know it was a
21 significant settlement.

22 Q Was there a conservatorship for them because they were
23 underage?

24 A There was a conservatorship for them, but I don't
25 think the fact that they were underage is why there was a

1 conservatorship.

2 Q You don't think it was because, at least in part, they
3 were underage when the settlement was received?

4 A No, that's not what I, that's not what I remember,
5 but --

6 Q What do you remember?

7 A -- for purposes of, of your thing, Mr. Waters, I agree
8 there was a conservative appointed.

9 Q Well, what is your memory about why that conservator
10 was appointed?

11 A My memory is, is that the father in this case, who was
12 the beneficiary or, or a big beneficiary in this and who
13 was the PR of the mother's case, was an undesirable
14 witness. And there was testimony that he had -- it was
15 testimony that he had hit his wife. And it was clear we
16 felt like we didn't, we didn't want him to be the face of
17 the lawsuit. So, we appointed a conservator --

18 Q Who was that?

19 A -- for that purpose is why I believe we appointed a
20 conservator.

21 Q Okay, and who was that?

22 A That was Russell Laffitte.

23 Q At Palmetto State Bank?

24 A Yes, sir.

25 Q And after that, did you get Russell Laffitte to start

1 loaning you money from the Plyler girls' account that he
2 was conservative for?

3 A He loaned me money from the Plyler account. I don't
4 know if I got him to do that.

5 Q Oh. You didn't talk to him about it? Y'all didn't
6 talk about that at all?

7 A No, we did talk about it.

8 Q I mean, there's emails to that effect. Are you
9 disputing that to this jury?

10 A Mr. Waters, I'm not disputing. I'm just telling you
11 that Russell Laffitte gave me a loan from the Plylers.
12 Your question was did I get him to do that, and I don't
13 necessarily believe that to be accurate.

14 Q Who came up with the idea?

15 A I don't know that it was come up with, an idea. There
16 was -- I think that Russell felt like that it was a sound
17 investment for those girls to charge me a higher interest
18 rate when they weren't getting but so much interest
19 somewhere else, so.

20 Q What was that interest rate that y'all thought was
21 such a good idea for these girls? Do you recall what it
22 was?

23 A I can't remember.

24 Q The reality is, is that you needed the money, and this
25 was a convenient source to keep your massive cash flow

1 going as early as 2011, 2012. Isn't that correct?

2 A Well, this was a loan, yes, sir, but exactly why it
3 came from them versus the bank, I can't -- I, I don't -- I
4 can't tell you the details without looking at all that. I
5 can't tell you that off the top of my head.

6 Q And despite all you were earning, you would even send
7 Russell emails saying, hey, transfer over 75,000 from the
8 Plyler account into my account, correct? Do you remember
9 emails to that effect that you would have to him?

10 A Do I remember an email to that effect? No, I don't
11 remember that, but I --

12 Q Do you dispute that there were emails to that effect?

13 A Not if you say there were, Mr. Waters. I, I don't
14 dispute that. I, I don't dispute any of this, that I took
15 money that didn't belong to me, that I misled people that
16 were --

17 Q I know that you want the answer to be that simple.
18 That's not what I'm -- we agree on that. We've agreed on
19 that.

20 A Well, no, sir. I, I don't necessarily want the answer
21 to be simple. I just want everybody to understand I do not
22 dispute that I stole money that was not my money, that I
23 misled people to do that, that I misled people that trusted
24 me to do that, and that what I did was terrible. I don't
25 dispute that. It's just the way you're asking these

1 questions. And, you know, I mean, there's some things in
2 there that I do take issue with.

3 Q Okay. Which part of what I just asked you about the
4 Plylers do you take issue with? You take issue that y'all
5 didn't conspire to do that, you and Russell?

6 A Yes.

7 Q You take issue with that? Okay.

8 A I can tell you that Russell Laffitte, Russell Laffitte
9 never conspired with me to do anything. Whatever it was
10 done was done by me.

11 Q Okay, so you told the Plyler girls that you were
12 borrowing money from their account?

13 A No, I don't know. I don't, I don't know that I, I
14 told them that.

15 Q Did you tell Russell to tell them?

16 A I, I don't, I don't recall. I, I, I don't believe so,
17 but I don't -- I can't sit here and tell you what I told
18 him however many years ago.

19 Q Did you tell Russell he could borrow money from that
20 account, too?

21 A I, I don't remember having any discussion with him
22 about him borrowing money.

23 Q Was the supposed interest rate you were paying far
24 lower than anything you could have gotten anywhere else?

25 A I don't even know what interest rate I was paying.

1 Q You don't even know?

2 A But I --

3 Q One thing is clear. You never told this to the Plyler
4 girls, did you?

5 A I would have thought the interest rate that I was
6 paying was a little bit more than what a bank loan would
7 have been, but I don't know that. I don't know that to be
8 -- I don't know what the interest rate was, so I, I don't
9 know that for sure.

10 Q When you stole the Badger money, how much did you
11 steal from Arthur Badger that we talked about before in the
12 UPS case?

13 A I don't remember the exact amount.

14 Q Over \$1.3 million. Would you dispute that?

15 A I don't dispute; I don't dispute that.

16 Q And that was in addition to the \$1.2 million in
17 attorney's fees for his case alone that would have been
18 attributed to you through the firm?

19 A What I stole from Arthur Badger --

20 Q Let me ask you this.

21 A -- inappropriately was in addition to any fees that I
22 legitimately earned. I shouldn't have stolen the money
23 from Arthur Badger. I misled him and I was wrong.

24 Q Did you speak with Russell Laffitte once you stole
25 this money from Arthur Badger about structuring that \$1.3

1 million that you stole in a manner so it appeared to be
2 payments to the Plyler account? You understand the
3 question?

4 A No, sir. Say that again.

5 Q Did you have any conversations with Russell Laffitte
6 about structuring this \$1.3 million into multiple payments
7 and then applying it to the Plyler account?

8 A I've, I've heard the testimony and I've seen some of
9 those records.

10 Q I'm asking if you did. Did you have any conversations
11 with Russell about that?

12 A I, I had to.

13 Q Okay.

14 A I had to have.

15 Q All right. You even asked him to recut the check,
16 correct? To have Jeannie recut the check.

17 A I, I've seen, I've seen, I believe, an email or a text
18 to that effect.

19 Q So, you don't dispute that?

20 A No, I don't dispute that. What I dispute is if, if
21 you're insinuating in any way -- this was stuff that I did.

22 Q Okay.

23 A I mean, this stuff that -- I, I did these things
24 wrong. Russell Laffitte didn't do anything.

25 Q I'm not here --

1 A And, and what --

2 Q -- to talk about that. I'm just talking about what
3 went on.

4 A And I, I know, but you keep talking about what I did
5 with Russell Laffitte. And what I want to let you know is
6 that I did this.

7 Q I know.

8 A And I'm the one that took people's money that I
9 shouldn't have taken, and that Russell Laffitte was not
10 involved in helping me do that.

11 Q I just asked you a simple question.

12 A Knowingly. If he did it, he did it without knowing
13 it.

14 Q All right. So, you sent him an email and then asked
15 him to recut the check and have the check made out to
16 various amounts short of that, and then applied those over
17 time to give the illusion of payments to the Plyler
18 account. Is that correct?

19 A Mr. Waters.

20 Q Is that correct?

21 A I don't know, but I'll tell you this.

22 Q You don't know.

23 A I don't dispute, I don't dispute what's in those
24 emails as far as -- or texts as far as what I told Russell
25 and as far as what I did to, to, again, take money that

1 didn't belong to me, that wasn't mine, and that I was wrong
2 for taking. It's just the specifics of that you want me to
3 give you details on, and I can't do that. I do not dispute
4 what's in those texts or emails.

5 Q And did you steal that Badger money because you had to
6 pay back the Plyler girls' money before they turned
7 eighteen and reached the age of majority, and Russell would
8 then have to be held to account for that money that he had
9 loaned to himself and to you?

10 A First off, I don't know anything about any money that
11 Russell loaned to himself. I only know about what he
12 loaned to me and I don't specifically -- I don't believe
13 that me stealing Arthur Badger's money and taking that
14 money that did not belong to me, that I wrongly took, had
15 anything to do -- I don't remember it having a relationship
16 with having to pay back a loan or to be in some time
17 pressure to pay back a loan that he gave me on the Plyler
18 conservatorship.

19 Q You don't remember that?

20 A No, and I'm not saying that that didn't happen. I'm
21 saying that I don't remember. That's not the way I
22 remember it, and I don't remember it.

23 Q Did you ultimately borrow a million roughly from the
24 Plyler girls without their knowledge?

25 A A million?

1 Q Does that sound right, about \$1 million in total?

2 A If, if you tell me that's the number, I mean, that
3 surprises me, but I don't dispute what's in the records,
4 but I didn't believe I had a loan for -- you saying \$1
5 million? I didn't believe that I had a loan --

6 Q In total.

7 A Mr. Waters, if that's what the records say, I don't
8 dispute it, but that's not what I thought. I didn't think
9 I had a \$1 million loan from them. But if that's what the
10 records say, I don't dispute that. But I can tell you
11 this. If I had \$1 million loan from them, I don't remember
12 that, and I may have -- I may be confusing it with what --
13 a loan from the bank. But again, if that's what's in the
14 records, I don't dispute it.

15 Q All right. So, you have no memory whatsoever, and so
16 for all you know, it's just a coincidence that the Plylers
17 were about to turn eighteen when you stole this Badger
18 money, and you applied a significant amount of it to pay
19 that off before they turned eighteen. You don't have any
20 memory of that?

21 A No. I can tell you that that was never -- that that
22 was never an issue or motivation for me. Again, taking
23 Arthur Badger's money that I shouldn't have taken.

24 Q It just happened?

25 A It didn't belong to me and that I was wrong for. I, I

1 don't remember a loan from the Plyler conservatorship as
2 being motivation for that.

3 Q So for all you can remember, it's just a coincidence?

4 A Why I stole Arthur Badger's money just being a
5 coincidence?

6 Q No. Why you applied it to the Plyler loan right
7 before they turned eighteen.

8 A No, I -- I'm, I'm not saying it's coincidence or not a
9 coincidence. What I'm saying is I don't remember that, and
10 so I don't remember that being a motivation. If it was, I
11 just -- I, I didn't know I had a million dollar loan from
12 the Plyler conservatorship, at least as I sit here today.
13 But, you know, I would have known I had a loan from
14 somewhere, and if I took Arthur Badger's money and applied
15 it to that -- I mean, again, I stole money that didn't
16 belong to me. I misled Arthur Badger to take that money,
17 and I was wrong.

18 Q How many times did you practice that answer before
19 your testimony today?

20 A I've never.

21 Q You've given the same one over and over again.

22 A I've never practiced that answer, but you keep asking
23 me these questions, and I, I keep using that answer.

24 Q Let me show you what's been entered in evidence as
25 State's 321. You recognize generally that document?

1 A I do.

2 Q And what is that?

3 A This is the disbursement sheet on the Deon Martin
4 case.

5 Q What happened to Deon Martin?

6 A He got in a wreck.

7 Q Did you know his family?

8 A When he got in the wreck?

9 Q Prior to him getting in the wreck.

10 A I, I knew who his family was prior to getting into
11 wreck, but after he got in this wreck, I became very close
12 with his family.

13 Q Became very close with this family, and Deon suffered
14 some pretty severe injuries, correct?

15 A Deon was hurt bad, yes.

16 Q Including, including an injury to his head.

17 A You know, I heard you say that the other day. I don't
18 specifically remember Deon having a head injury. I believe
19 Deon had more orthopedic injuries, but he may have had some
20 injury to his head.

21 Q You met with him on a number of occasions?

22 A Yes, I met with him on a number of occasions.

23 Q Met with his parents on a number of occasions?

24 A About Deon?

25 Q About the case, while the case was going on.

1 A I don't know if I met with his parents about Deon's
2 case, but I know I met with Deon and I may have met with
3 his parents if, if they say that. I mean, his dad's --

4 Q You said you became --

5 A -- one of the most honorable fellows that I know. If
6 he says I met with him, I certainly believe that.

7 Q You said you became close with them, correct? You
8 said close with the parents.

9 A I, I consider Deon's -- yes, I consider -- I think the
10 world of his dad and his mom and Deon.

11 Q What was the recovery that was obtained in Deon's
12 case? I show it to you.

13 A Let's see, it looks like recovery 2, \$2 million.
14 Actually, this is -- let's see. I know it was \$2 million,
15 but I believe the recovery was less than \$2 million; I
16 believe the recovery was less than \$2 million. I believe
17 that I said it was \$2 million. I can't remember exactly
18 what the recovery is, but I know it was less than \$2
19 million, and I know that I misstated it as \$2 million.

20 Q So, you falsified the paperwork, correct?

21 A It, it, it appears that I put inaccurate information
22 on the paperwork, yes, sir.

23 Q You put inaccurate information. You falsified it,
24 right?

25 A If you like that word, yes, sir.

1 Q All right, that's right there where you put that
2 \$500,000 in there, correct?

3 MR. WATERS: I'm sorry. May I have the ELMO?

4 A I'm sorry, Mr. Waters, what? What was the question?

5 Q Let's get the ELMO up and I'll show you. Right there,
6 that's the \$500,000 that you falsified this document with,
7 is that correct, where it says structured annuity directly
8 to Michael Gunn?

9 A That looks like one place that I -- yes.

10 Q Why did you do that?

11 A Why did I?

12 Q Yeah, why did --

13 A Why did I?

14 Q -- you -- that \$500,000, what was your purpose in
15 doing that?

16 A It appears that I was stealing his money, \$500,000.

17 Q Do you deny you inflated your fees with that one?

18 A I mean, I --

19 Q You don't remember?

20 A I know that I inflated the fees like I just talked
21 about, but I believe what -- go back to that top of that
22 thing. I believe what I must have done with the structured
23 annuity is I had that \$500,000 check, and I must have had
24 that made to -- I must have had that made to Forge, as
25 you've heard, to steal that money from Deon Martin.

1 Q All right, down at the bottom.

2 A That I shouldn't have.

3 Q Is that your signature down there?

4 A It is.

5 Q Is that Deon Martin's signature on the other side? Do
6 you dispute that?

7 A No, I don't dispute that.

8 Q So, you would have sat down with Deon Martin and gone
9 over this document with him and convinced him that there
10 was nothing amiss here?

11 A You know, again, I don't know if I went over the
12 document with him or not, but I certainly misled Deon
13 Martin. I certainly lied to Deon Martin. I certainly took
14 money from Deon Martin that did not belong to me, and I
15 shouldn't have done it.

16 Q You don't specifically remember talking to Deon.
17 There is nothing in you that causes you to remember talking
18 with Deon, sitting there with this document in front of him
19 as you looked him in the eye, knowing that you were lying
20 to him the whole time? You don't even remember that?
21 Nothing in you causes you to remember that?

22 A To specifically remember? I'm not sure that I did sit
23 down with Deon Martin, but I certainly, Mr. Waters, I
24 misled Deon Martin. I lied to Deon Martin; I took Deon
25 Martin's money when I shouldn't have.

1 Q Well, let me ask you this. Of all the people on here,
2 all these exhibits, do you have independent recollection of
3 a time when you sat down and looked that person in the eye
4 and you were lying to them and, and convincing them that
5 everything was okay while you stole their money? Do you
6 remember even one of them?

7 A I'm sure I do.

8 Q Okay. Tell us about one.

9 A I mean, you have to show me. You have to give me --

10 Q I'm asking you if you remember one time where you're
11 sitting there in your heart looking somebody in the eye,
12 knowing you're stealing from them, and you remember it.

13 A I remember stealing from people. I remember lying to
14 people, and I remember misleading people. For me to tell
15 you that I sat down with each one of these people.

16 Q I'm asking you to tell me about just one conversation,
17 one time where you recall looking somebody in the eye and
18 convincing them with your lies that nothing was amiss, one
19 conversation.

20 A There were plenty of conversations where I looked
21 people in the eye and I lied to them. There were plenty of
22 times where I took money that I shouldn't have taken.
23 There were plenty of times where I stole money. For me to
24 sit and tell you a specific time that I sat down with a
25 specific document and what exactly was said, if you ask me

1 questions -- but I, I can't, I can't remember sitting down
2 with Deon on a --

3 Q They certainly remember it, don't they, Mr. Murdaugh?

4 A I don't know if they do or not, but I would assume so.

5 Q But you can't tell us one time where it just sticks
6 out in your memory where you're, like, I'm pulling a fast
7 one right now.

8 A Oh, no.

9 Q Or anything, whatever reaction you had.

10 A Oh, no.

11 Q Do you even remember a single one?

12 A No, sir, that's not correct. I can remember a lot of
13 times where I lied to my clients, I misled my clients, and
14 I stole money from my clients in conversations. But for me
15 to sit and tell you that I had a conversation about this
16 particular document, I don't dispute it.

17 Q I know you don't dispute it, Mr. Murdaugh. You've
18 said that 100 times, haven't you, but you can't recall for
19 this jury one of these people, looking them in the eye
20 while you lied to them. You can't recall a single one.
21 I've asked you this three times now.

22 A Oh, I promise you.

23 Q Asked and answered.

24 MR. GRIFFIN: Objection, Your Honor. Asked and
25 answered three times.

1 A Well, here. Here.

2 MR. WATERS: I already said that.

3 A Here. Here you go, Mr. Waters.

4 Q I mean, the point's made, isn't it, Mr. Murdaugh?

5 A I, I don't know if your point's made or not, but here.
6 Here's, here's --

7 Q You don't know that either, do you?

8 A Here's what -- I will say it again. I remember lying
9 to clients of mine. I did it on more than one occasion. I
10 took their money when I shouldn't have taken it. I'm sure
11 that I looked them in the eye. I'm sure that I misled
12 them. But I can't tell you exactly when those occurred
13 twelve years ago is the only point. I don't dispute that
14 they occurred; I don't dispute that everything about what I
15 did was wrong.

16 Q Okay.

17 A But I can't sit and tell you the specific details that
18 you're wanting me to give you.

19 Q We could just write that answer down on a sheet of
20 paper and you could hold it up each time you want to say
21 that, couldn't you?

22 A If --

23 MR. GRIFFIN: Objection, Your Honor.

24 THE COURT: Objection is overruled.

25 A If that's what you want to do, Mr. Waters, but I'm,

1 I'm trying to answer your question.

2 Q These were real people you were dealing with, right?

3 A Absolutely they were. You know what?

4 Q I know you want to give that answer, but these were
5 real people, weren't they?

6 A No, they're very real people. And, you know what one
7 of the saddest parts of this whole thing is, is, you know,
8 there are people that I still care about and I did them
9 this way. You know, that's what I was meaning in that text
10 that you made the issue about to Annette Griswold. And,
11 and it was a lot talking about my partners, but it was a
12 lot talking about these people. I mean, I know the people
13 that I did wrong and that I hurt and that I stole from. I
14 mean, they are people that I think a lot of, and --

15 Q And they didn't know --

16 A Hang on. Hang on. I want to say one more thing.

17 Q Go ahead.

18 A And there's no question that the actions that I did,
19 the things that I did wrong hurt a lot of the people that I
20 care about the most. And I did a lot of damage and I
21 wreaked a lot of havoc that I'm --

22 Q Did a lot of damage and wreaked a lot of havoc. I
23 hear you.

24 A There's no question about it.

25 Q Let me show you what's been marked State's 315 and see

1 if you recognize this.

2 A I do.

3 Q Which case is this?

4 A This is Elease Mallory.

5 Q And what happened in this case?

6 A I stole her money.

7 Q What happened, though, with the underlying case? Can
8 you tell the jury that? Do you remember that?

9 A I believe it was Ms. Taylor, Ms. Mallory's -- I
10 believe it was her daughter. It might have been her
11 granddaughter, but I believe it was her daughter was in a
12 wreck.

13 Q Did she die?

14 A And she got killed.

15 Q And Ms. Mallory came to you for help?

16 A She did.

17 Q Do you remember that one at all?

18 A I do.

19 Q Okay. Well, you remember one now.

20 A Oh, no, Mr. Waters, I remember all of these people.

21 Q Okay.

22 A It's not that I don't remember them.

23 Q Uh-huh.

24 A You're just asking me details about conversations.

25 Q Okay. Correct.

1 A I can promise you I remember all of these people that
2 I did wrong.

3 Q Right, and you stole all of the money, didn't you,
4 okay?

5 A I, I, I stole --

6 Q All of it.

7 A -- all of the -- most -- most of the money that I've
8 been accused of stealing, I stole.

9 Q No. I mean you stole every single dime of the
10 recovery. She didn't get one dime. Isn't that right?

11 A I have to look at the records, but if that's --

12 Q You credited yourself with legal fees and then you
13 stole all the rest of the money, correct?

14 A I, I don't dispute that.

15 Q All right.

16 A If you let me see it.

17 Q Tell me about -- first of all, tell me about Ms.
18 Mallory. So, she lost her daughter, correct? Is that
19 correct?

20 A That is correct.

21 Q And she came to you for help.

22 A It was her daughter.

23 Q Isn't that correct?

24 A Her granddaughter, but...

25 Q All right.

1 A One.

2 Q All right. She came to you for help, correct?

3 A Yes, sir, I agree with you on that.

4 Q Very, very sweet lady, correct?

5 A Very sweet lady.

6 Q All right. Tell me about your conversation when you
7 looked her in the eye and lied to her while you were
8 stealing every dime of the money.

9 A That's -- this is a perfect example, Mr. Waters. I
10 stole her money. I did her wrong. But I don't even
11 believe that Elease Mallory was there when I stole that
12 money. I don't -- if you look at that disbursement sheet,
13 there's -- I, I don't even believe I ever showed that to
14 her.

15 Q You don't remember having any conversations with her
16 when you lied with her about this case while you're
17 stealing all her money?

18 A I don't think I did in this case. I don't think I had
19 any meetings with her. I think I stole her money, and I
20 don't believe that I had a meeting with her.

21 Q So again, you can't tell us one conversation you had
22 with any of these people when you looked them in the eye
23 and convinced them that you were doing them right, that you
24 were telling the truth.

25 A That's not true, Mr. Waters.

1 MR. GRIFFIN: Objection to --

2 A I remember a --

3 MR. GRIFFIN: -- asked and answered.

4 A -- lot of those conversations. I remember a lot of
5 them.

6 Q Okay. All right. You just testified you remember a
7 lot of them. I've been asking you now for the past 10
8 minutes to tell me about one of them where it's stuck in
9 your heart.

10 A There are a lot --

11 Q Stuck in your brain.

12 A There are a lot of conversations I had where I misled
13 my clients and I stole their money where they trusted me,
14 and I remember them.

15 Q Okay.

16 A But you keep --

17 Q So again, can you tell me one? Tell me how it went
18 down, what you said, how you convinced them, how you looked
19 them in the eye, how you made them believe, how you used
20 your skills as a trial lawyer to convince them? Can you
21 just tell me about one of those? What was going through
22 your head when you did it?

23 MR. GRIFFIN: Your Honor, objection under Rule 403.
24 We've been going over and over and over this.

25 THE COURT: Objection is overruled.

1 A All right, what's your question, Mr. Waters?

2 Q Can you tell me about one of the conversations that
3 you had with all of these people, just one --

4 A I can tell you --

5 Q -- where you -- what --

6 A Excuse me.

7 Q -- was going through your head and how it went down
8 when you sat there and looked them in the eye and convinced
9 them that you were doing them right while you were lying to
10 them and stealing their money?

11 A Yes, sir. I had a lot of conversations with a lot of
12 my clients that I cared about. And so I will tell you that
13 I had conversations with them where I misled them and I
14 lied to them and I took their money, and that was a number
15 of times, but you're asking me --

16 Q Just one specific one, Mr. Murdaugh.

17 A Every single, every single one of these clients I
18 would have had conversations with at some point.

19 Q It's fine. It's fine.

20 A But this particular -- like, Mr. Waters, that
21 disbursement sheet I didn't have -- there was never a sit
22 down with Ms. Mallory about the -- disbursing the money.

23 Q You don't recall talking to her about the status of
24 her case and telling her lies and convincing her that you
25 were on her side? You don't remember that?

1 A No, I definitely remember that, but that's not what
2 you asked me.

3 Q Tell me about it.

4 A I had numerous conversations with Ms. Mallory, you
5 know, about this case. But the fact is, is you were asking
6 me about me sitting down with this disbursement sheet,
7 looking her in the eye and convincing her, and, and I'm
8 telling you that that didn't happen in this case. Now, I
9 had a lot of conversations with her where I misled her, Mr.
10 Waters, where I lied to her.

11 Q Tell me about one.

12 A About --

13 Q Tell me how it went down.

14 A Where --

15 THE COURT: Just a moment.

16 We're going to recess for the day and resume at 9:30
17 tomorrow morning.

18 Everyone remain seated while the jury leaves.

19 Please do not discuss the case. We will see you all
20 9:30 tomorrow morning.

21 (The jury left the courtroom.)

22 THE COURT: Anything before we adjourn for the day?

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

24 MR. HARPOOTLIAN: Yes, sir. Your Honor, we have two
25 experts we brought in. Basically one of them last night

1 and the other came in today from out of state. There is a
2 not complicated one, a pathologist. That testimony would
3 take 30 to 45 minutes on direct and I don't believe it's
4 going to be more on cross. The other one is a crime scene
5 analyst who's testifying not about the whole crime scene.
6 Specially based on the pathologist's testimony about what
7 happened in the feed room. In total, they should not take
8 more than 2 and a half hours.

9 I wonder, since this apparently could go on for a
10 while, if we might put them up tomorrow either first thing
11 in the morning or at the morning break. Mr. Waters and I
12 would be able to get them out of here because I believe his
13 cross is probably going into Monday anyway at the rate
14 we're going.

15 THE COURT: All right.

16 MR. HARPOOTLIAN: These are accommodations that are
17 not controversial. They are not going to opine on who
18 killed who, when, and how. Just the mechanics of what
19 happened.

20 THE COURT: What says the State?

21 MR. WATERS: Your Honor, I think the defense would
22 have to concede I've been very accommodating, accommodating
23 as I can throughout this, but I do not want to interrupt my
24 cross. They, they took a very long time today, and the
25 State's entitled to the same consideration without

1 interruption.

2 THE COURT: Can you project how many more hours you
3 have?

4 MR. WATERS: Well, I actually didn't think it would
5 take this long to get this far, but I think I've got some
6 more financials to move through and then we'll get to the
7 other evidence.

8 THE COURT: 2 hours, 4 hours, 6 hours?

9 MR. WATERS: I'm so bad at that, Your Honor. 3, 4,
10 something like that. And that's at the outside.

11 THE COURT: Perhaps tomorrow afternoon we could --

12 MR. HARPOOTLIAN: Your Honor.

13 THE COURT: -- get to 1 or 2.

14 MR. HARPOOTLIAN: Again, we could probably do this
15 fairly quickly. If Your Honor would leave that door open,
16 I'm going to keep him here. If I have to keep them here
17 over the weekend, the financial impact of that is huge.

18 THE COURT: I understand the dilemma, but I'm not
19 going to require the State to break up the
20 cross-examination of this witness.

21 MR. HARPOOTLIAN: Well, and again, as I sit here and
22 listen to this, I could have sworn this was a murder case.
23 For 2 hours now, we haven't heard the word murder once, and
24 I'm not criticizing the strategy. Obviously denigrating
25 his character is what this is about, but it's not relevant

1 to the issues.

2 THE COURT: And credibility is an issue as relates to
3 all witnesses in every case.

4 But we'll adjourn until 9:30 tomorrow morning.

5 (Whereupon, the case was at ease.)

6 *FRIDAY, FEBRUARY 24, 2023*

7 (Court resumed at 9:34 a.m.)

8 THE COURT: Good morning.

9 (Counselors responded good morning.)

10 THE COURT: Bring the jury.

11 (The jury returned to the courtroom.)

12 THE BAILIFF: The jury is present, sir.

13 THE COURT: Thank you.

14 Good morning.

15 (The jury responded good morning.)

16 THE COURT: Day number twenty-four.

17 Cross-examination. You may proceed.

18 MR. WATERS: May it please court?

19 THE COURT: Yes, sir.

20 The witness, RICHARD ALEXANDER MURDAUGH, remained
21 under oath and continued testifying as follows:

22 CONTINUED CROSS-EXAMINATION

23 BY MR. WATERS:

24 Q Good morning, Mr. Murdaugh.

25 A Good morning, Mr. Waters.

1 Q All right, let's see if we can move forward with this
2 a little bit, see if we can go back to some things we may
3 be able to agree on.

4 A All right, sir.

5 Q All right. First thing is, is that the money you were
6 stealing in addition to your income and the money you were
7 borrowing was not just to pay for drugs. Would you agree
8 with that?

9 A Sure.

10 Q All right, and would you agree that your stealing, in
11 addition to the money you were borrowing, increased over
12 the years as we moved towards June of 2021?

13 A Repeat that, please, sir.

14 Q Sure. Would you agree that your stealing increased
15 over the years as we move towards June of 2021?

16 A Yes, sir.

17 Q And would you admit that your stealing increased in
18 particular after the boat wreck?

19 A No, sir, I don't agree with that.

20 Q You don't agree with that.

21 A I think I continued to do it, but as I sit here today,
22 I, I don't think I took more money that I should not have
23 taken after the boat wreck than I did before the boat
24 wreck. But again, that those documents speak for
25 themselves, Mr. Waters, and if that's the case, then that's

1 the case. But as we sit here, I, I think that I probably
2 wrongly took from clients and people that trusted me more
3 -- as much money before that boat wreck as after.

4 Q All right, and I'm just trying -- I'm just trying to
5 get through this so we don't get bogged down like we did
6 yesterday, all right?

7 A I, I understand.

8 Q All right. So, you wouldn't -- you wouldn't agree
9 with me that in 2019 alone you stole about \$3.7 million?

10 A No, I, I think that's correct.

11 Q All right, and you -- would you agree with me, though,
12 that that figure in 2019 was generally higher than any
13 other year that you've been stealing since 2011?

14 A In any year, sure, I'd agree with that.

15 Q Okay.

16 A I thought you were talking about overall, the whole,
17 you know, the whole cycle, but yeah, I would agree that in
18 2019 I stole more money than any other year.

19 Q Would you agree with me that from 2015 on, your
20 legitimate income, while still very strong, was diminishing
21 as a general matter?

22 A Well, I think whatever my income is speaks for itself,
23 but as a general rule, a plaintiff's lawyer, doing what we
24 do, income ebbs and flows. Some -- you have some really
25 good years. You have some really lean years, and, no, I

1 think I had some -- I think I had some good years. Maybe
2 not the, you know, 4 and \$5 million years, but I think I
3 had some 2 and \$3 million years in there. And, and my case
4 load was such that, you know, I had -- one of the things I
5 was working on that Monday was one of the biggest cases
6 that I've ever been involved in.

7 Q Talking about the *Dominion* case, right?

8 A Yes, sir, and so, you know, I think it was cyclical.
9 I think it -- so I don't -- I don't -- without looking at
10 the record specifically, I, I don't necessarily agree with
11 that.

12 Q Okay. So, you don't remember then?

13 A No, I do remember. I, I don't think I agree with
14 that. But again, those records will speak for themselves.

15 Q Okay. All right. So, would you agree with me that in
16 2014, your reported income was over \$1 million?

17 MR. GRIFFIN: Objection. Relevance, Your Honor.

18 THE COURT: The objection is overruled.

19 A Reported income like tax wise or reported?

20 Q Yeah.

21 A I, I assume you have a document that says that, and if
22 you're reading that from a document, I don't dispute it.

23 Q I mean, I'm happy to show it to you if you'd like to
24 see it.

25 A I trust you, Mr. Waters, sir.

1 Q All right. Well, I appreciate that. All right, 2015,
2 would you agree that your reported income was over \$2
3 million?

4 A Again, I don't dispute that.

5 Q All right, 2016 reported income \$900,000.

6 A Okay.

7 Q 2017 reported income \$218,000.

8 A Okay.

9 Q 2018 reported income of \$749,000 roughly.

10 A Okay.

11 Q And 2019 reported income of \$655,000.

12 A Okay, and see that, that -- I mean, to me that
13 demonstrates exactly what I'm talking about, how it goes up
14 and down.

15 Q And would you agree with me that, though, during those
16 periods of time where you were making that kind of money,
17 you continued to steal, and I think you've already said
18 that your stealing increased as we move through those years
19 as a general matter?

20 A Absolutely. I don't dispute and I have never disputed
21 since I was confronted on Labor Day weekend --

22 Q Right.

23 A -- that I took money from my clients.

24 Q We've gone through that, okay, and I think --

25 A Well, but --

1 Q -- I'm asking you --

2 A -- you keep asking me about that, and, and --

3 Q -- if your, if your income --

4 MR. GRIFFIN: Your Honor, he should be allowed to
5 answer.

6 THE COURT: Finish your answer.

7 A So, the, the point is, is I have never since being
8 confronted that day my brother and my partner came to talk
9 to me that I have stolen money that did not belong to me,
10 that I misled people to do it, people that I cared about,
11 still care about, a lot of them that I love and still love,
12 and I misled them to do it, and I was wrong, I, I have
13 never disputed that from day one.

14 Q Okay, and I -- we've been through that. All I'm
15 trying to establish right now with you, Mr. Murdaugh, is as
16 we move towards June of 2021 what your financial condition
17 was like, okay? I, I agree you testified to that multiple
18 times, all right? So, let me ask you this. During this
19 time that your income was what we just went through and
20 you've conceded that your stealing was increasing, were you
21 also borrowing significant amounts of money from Palmetto
22 State Bank?

23 A Yes, I'd always borrowed significant amounts of money
24 from Palmetto State or, or for the last -- more than the
25 last decade.

1 Q All right, and --

2 A Yes, sir, I agree with that.

3 Q As we move to June of 2021, did you have a million
4 dollar line of credit with the bank that was pretty much
5 maxed out? Yes or no?

6 A In, in?

7 Q As we move to June of 2021.

8 A So, in June of '21?

9 Q Sure.

10 A Yes.

11 Q All right, and did you also have a \$600,000 line of
12 credit that was pretty much maxed out around that time?

13 A I did.

14 Q And did you also, over the years, repeatedly borrow
15 six figures from your law partners?

16 A Well, I borrowed money from a law partner.

17 Q Which one?

18 A Johnny Parker.

19 Q Johnny Parker, okay, and that was a fairly common
20 occurrence over the years. It happened multiple times.
21 Would you agree with that?

22 A I agree that it happened multiple times.

23 Q All right, and you would agree also that you would
24 sometimes use some of this stolen money to pay that back?

25 A I, I won't dispute that. I don't know that that's the

1 case. I know what I saw Mr. Burney testify to, and using
2 that particular accounting method, you know, I see that.

3 Q All right.

4 A So, I, I, I don't dispute that.

5 Q All right, and would you agree that you also, when you
6 needed money, occasionally borrowed as much as five and six
7 figures from your father, Mr. Randolph?

8 A I did.

9 Q And would you also agree that over the years,
10 particularly as we move to June of 2021, you would use
11 stolen money to pay that back?

12 A I don't dispute that if that's what the records show.

13 Q All right, and you, you just mentioned hearing the
14 testimony of Carson Burney and the banker and all that.
15 You would agree with me that as we move to June of 2021, at
16 least in liquid funds, you were running out of money?

17 A In liquid funds as in money on hand or money that I
18 could get?

19 Q Money that you could -- liquid funds. You're a
20 lawyer. You know what liquid means. Where are you running
21 out of --

22 A I, I don't know what you mean by liquid funds, Mr.
23 Waters.

24 Q Okay.

25 A So.

1 Q Money you could readily access, assets that you could
2 readily access to pay your ever increasing debts.

3 A No, sir, I don't agree with that.

4 Q You don't agree with that.

5 A I do not agree with that.

6 Q Okay.

7 A And I'll tell you why.

8 Q All right.

9 A In, in -- so, are we talking about June?

10 Q I'm talking about as we move to June.

11 A Okay, but what time period are you talking about?

12 Q All right, let's talk about January to June.

13 A Okay, January to June. January to June, I could
14 borrow money from my father. I could borrow money from
15 Johnny Parker. I could go to the bank and borrow money. I
16 had substantial equity in the Edisto house.

17 Q Right.

18 A As we've talked about.

19 Q Which was in Maggie's name, correct?

20 A Well, it was in Maggie and my name.

21 Q All right.

22 A So, you know, that definitely was, was in, in both of
23 our names. Moselle was in Maggie's name with substantial
24 equity in that that could have been borrowed against. So,
25 under the -- under the terms as you defined liquid assets

1 just now, money that I would have access to, I disagree
2 with.

3 Q Okay.

4 A On that, for those reasons that I just said.

5 Q Can we at least agree that generally the way the
6 compensation structure for legitimate money that you earned
7 in your law firm, the vast majority of your compensation
8 does not come except in one lump sum in December? Can we
9 agree to that?

10 A Right. We get a salary. We, we would receive a
11 salary. I believe our salary was \$125,000.

12 Q Right.

13 A And then the income that was earned would be paid in
14 the form of a bonus at the year end.

15 Q All right, and then would you agree with me that that
16 is why you stole the Faris fees in March of 2021, because
17 you were in desperate need of funds and you could not wait
18 till December to access those funds?

19 A I think there's probably a lot of reasons why I stole
20 those funds, but I certainly would believe or don't dispute
21 that that's one of the reasons.

22 Q And would you agree with me that the \$792,000 that you
23 stole of those Faris funds, that you exhausted those within
24 about two months?

25 A I don't know the time period, but I know that they --

1 I know that I exhausted them.

2 Q Now, again, I'm trying to get through this quickly,
3 but there's a lot more to talk about obviously. But we
4 went through a number of questions yesterday about the
5 various clients that you stole from, correct? You remember
6 that? The back and forth we had yesterday, do you remember
7 all that?

8 A Sure I do.

9 Q Okay. All right, and so I'm going to try to short
10 change this, but I think it's important that we at least
11 say the names of the people that were involved, but let's
12 just do this to see --

13 MR. GRIFFIN: Object to the comment, Your Honor. It's
14 inappropriate.

15 MR. WATERS: I'll rephrase, Your Honor.

16 Q The clients that we're talking about, these are all
17 real people, yes or no?

18 A They're all real people.

19 Q All right, and these clients --

20 A They're all good people. They're all people that I
21 care about, that I cared about then, and a lot of them,
22 people that I love.

23 Q Okay.

24 A And I did wrong by them.

25 Q Yes. You hurt the people that you love. I know.

1 So --

2 MR. GRIFFIN: Object to the comment, Your Honor.

3 THE COURT: Sustained.

4 Q These were all people, every single one of them, that
5 you at least had a personal conversation with at some point
6 during the course of your representation.

7 A All of my clients?

8 Q About the representation.

9 A Absolutely. I had multiple conversations with all of
10 my clients.

11 Q And these were people, every single one of them, real
12 people that you looked in the eye and convinced them that
13 everything was right.

14 Mr. GRIFFIN: Objection, Your Honor. 403.
15 Repetitive, cumulative. Spent 2 hours doing this
16 yesterday.

17 MR. WATERS: I'm just trying to short change it, Your
18 Honor, with simple questions that applies to everybody, and
19 then I'm moving on.

20 THE COURT: Proceed.

21 A I, I would have had conversations with all of my
22 clients and that some of the conversations would have been
23 on the telephone. I would have had conversations where I
24 might not be looking them in the eye; I would have had
25 plenty of conversations where I did look them in the eye.

1 Q Every single one of them, looked them in the eye at
2 least once. Is that fair?

3 A Sure.

4 Q Every single one of them, you looked them in the eye
5 and developed their trust in you. Is that correct?

6 A Every client that I had, at some point I, I looked
7 them in the eye and I believed that I had the trust of my
8 clients. Whether that came from me looking them in the eye
9 or not, I can't answer that, but I will agree with you that
10 every single client, I looked them in the eye, and I
11 believed that the people that I stole money from for all
12 those years trusted me.

13 Q And I'm going to show you what's been previously
14 admitted as State's 329, I believe it is, and 314 and I'm
15 just going to ask you to peruse those spreadsheets really
16 quickly, and once you've had a chance to do that, let me
17 know and I'll just have one or two questions about that.

18 (Break in proceedings.)

19 A All right. So, I'm sorry. What was your question?

20 Q I just asked you to look at them. Have you had a
21 chance to review those documents?

22 A I have.

23 Q All right, and would you agree with me that every
24 single name on here are either clients that trusted you
25 that you stole from or instances in which you stole from

1 your law partners who trusted you as well?

2 A I agree with that.

3 Q All right, and so we don't need to go through each one
4 of these, correct? You agree with that?

5 A Mr. Waters, like I've told you, I'll go through
6 whatever you want to go through, but each one of those
7 clients is just what we've already talked about: good
8 people, fine people, upstanding people. They trusted me.
9 Every single one of them I did and I do still care about,
10 and many of them I love and considered them close friends.

11 Q Like Barrett Boulware?

12 A Absolutely. He's a perfect example.

13 Q And you stole from Barrett Boulware?

14 A I did.

15 Q Do you recall a conversation that you had with Ronnie
16 Crosby in which he told you that Barrett was desperate for
17 money because he needed his wife to stay in a hotel near
18 him while he was undergoing treatment for terminal cancer
19 around the time that you stole from him?

20 MR. GRIFFIN: Objection. Hearsay, Your Honor.

21 MR. WATERS: I'm asking him if he recalls that
22 conversation.

23 THE COURT: Objection is overruled.

24 A I don't recall that conversation, but, you know, I, I
25 knew Barrett was sick. But, you know, Barrett is a unique

1 situation. I mean, Barrett, Barrett is and was dear to me
2 as a friend. But, I mean, Barrett and I had a long, long
3 history, you know. I guess really -- and, and I lied
4 probably more by omission, lies by omission in stealing
5 that money.

6 But that's a perfect example. You keep asking about
7 me having these conversations and looking people in the
8 eye. I mean, that's a perfect example. I mean, when I
9 stole that money, he was nowhere around. It was more based
10 on lies by omission. And, and Barrett and I had such a
11 history with these real estate deals that you're asking me
12 about. Barrett was one of my good friends and we had been
13 in these real estate deals together.

14 Barrett was just an interesting person. He was a
15 shrimper, was born and raised in Allendale County and, and
16 he moved down to the coast and --

17 Q Mr. Murdaugh.

18 A -- as shrimping --

19 Q Mr. Murdaugh, we don't need Barrett's entire life
20 story.

21 A No, but it's, it's important to understand --

22 Q Let me just ask you this.

23 A -- this based on the question you asked.

24 MR. WATERS: I don't think his entire life story is
25 responsive, Your Honor.

1 A And I'm not intending to give his story. I'm just
2 telling you a little background so you'll understand this.

3 Q Go ahead. Tell us about this friend that you stole
4 from.

5 A So, Barrett started, started getting into real estate
6 and he was really good at it, and so I started getting
7 involved with him in that. He would go out and find pieces
8 of property that were really cheap, get them and sell them
9 and, and, and make money. Well, we got in some of these
10 deals and we got in with Barrett and some other people.

11 Well, when the recession hit, one of the reasons these
12 land deals caused me trouble is because the people that I
13 was in these deals with no longer could pay, where --
14 whereas I might have gone in and I was a 20 percent person.
15 I'm now all of a sudden either I have to default at the
16 bank and, and, affect credit, affect ability to borrow, or
17 I have to pay 100 percent, and so that's what I did. I
18 paid 100 percent, and so there were years where I was
19 paying instead of a fifth or a half, I'm paying the whole
20 thing and it equated to hundreds of thousands. It equated
21 to millions of dollars, which is one of the ways why I
22 ended up with the Moselle property because I had paid more
23 than \$1 million in monies for, for, for Barrett, and that
24 was part of the deal and the trade and me purchasing
25 Moselle.

1 Q So, what you're telling me is you felt like you were
2 entitled to steal from him.

3 A No, no. You know what? I will just tell you this,
4 that, you know, when you're doing the things wrong that I
5 was doing, you have all kind of ways of justifying it.
6 And, and I'm not saying that makes it right by any means
7 because it's not. It's wrong. I've said that a hundred
8 times. But when I was doing it and I was as addicted as I
9 was and things I was doing, there's all kind of things that
10 you, you know, to be able to look yourself in the mirror,
11 you lie to yourself. And, I guess, self justification for
12 these bad things, you know, I guess is what I was doing.

13 But, you know, Barrett had owed me so much money that
14 when I took his money, I, I just didn't tell him. So, it,
15 it was a lie of omission.

16 Q All right. All these people on these two exhibits,
17 these are real people that needed this money. Is that
18 correct?

19 A I'm sure they did.

20 Q But it was more important to you that you stole their
21 money on top of the 40 percent of legal fees that you were
22 taking.

23 MR. GRIFFIN: Judge, asked and answered? Repetitive.

24 MR. WATERS: I've never asked that question.

25 A I stole their money.

1 Q It's more important to you than their needs. Is that
2 correct?

3 MR. GRIFFIN: Objection.

4 THE COURT: Objection is overruled.

5 A I don't remember sitting down and calculating, okay,
6 is this more important? You know, one of the self
7 justifications that I talked about, Mr. Waters, is -- and,
8 and this is one of the things. Again, I want to make it
9 clear. I don't, as I sit here today, I do not believe that
10 any of this, justifications that I'm talking about, made
11 any of this okay because I don't. I've, I've owned up to
12 all this money I stole. I've tried to since I was
13 confronted and I continue here today.

14 But one of the justifications at the time when I was
15 taking pills and doing the things I was doing was I may ask
16 a partner, okay, how much is this case worth? And if, if,
17 if one of my partners -- and I may not even give them all
18 the real facts, okay? So, if they said this case is worth
19 \$100,000, okay, and I go out and I get them \$300,000, you
20 know, that's one of the stupid little things, okay? Well,
21 this isn't the same, and that's one of those justifications
22 that I used in looking back on this that I don't know how I
23 did.

24 But -- so to sit down and say did I evaluate that they
25 needed the money more than I did, you know, I don't think I

1 did that. I think I was selfish and I, I think I just took
2 the money.

3 Q I think I understand. I asked you a series of
4 questions yesterday about -- at least relating to one
5 conversation you had with one of these clients. I'm just
6 going to ask you this one. Do you remember looking Tony
7 Satterfield in the eye and lying to him?

8 A I remember lying to Tony Satterfield, and I remember
9 looking him in the eye on many occasions.

10 Q And lying to him.

11 A Yeah.

12 Q Lying to his family.

13 A I lied to his family. I don't know if I did it in
14 person, but I know I had phone conversations with him where
15 I lied to him.

16 Q Let's talk a little bit about the pills, if we can.

17 A Okay.

18 Q And you've already testified, as have other people,
19 that you were still able to function as a lawyer over the
20 years despite the pills that you were using. Is that
21 correct?

22 A Yes, sir.

23 Q And you were able, of course, during this period of
24 time to engage in these relatively complicated thefts that
25 increased over the years that we've just talked about

1 despite the pill usage. Is that correct?

2 A I was. I was.

3 Q And you were also able to, during the time period,
4 convince your staff that nothing was amiss with all of
5 these exhibits despite your pill usage.

6 A I mean, most of those didn't require convincing my
7 staff, but just so we're on the same page, again I
8 acknowledge that I certainly allowed them to be misled. I
9 certainly allowed them to do things that I shouldn't have
10 done on my behalf, knowing that they trusted me.

11 Q How many -- how many pills were you using a day?

12 A Depends on a number of items. Most, most importantly
13 how strong the pill was.

14 Q Okay. Well, let's, let's talk about -- let's, say,
15 start maybe in January of 2021 and move forward. Can you
16 describe to the jury what your daily pill intake was like?

17 A I think at that time, most of what I was purchasing
18 was 30 milligram pills, instant release oxycodone.
19 Probably mixed in with some Oxycontin, which is made of
20 oxycodone. It's just time released. I would have been
21 taking anywhere from 1500 milligrams maybe to maybe, maybe
22 1000 or maybe 1000 milligrams or 1200 milligrams on a day I
23 didn't take as much or didn't have as much up to -- I mean,
24 there are days, many days, a lot of days, most days were
25 more than that. And many days would be, you know, 20 --

1 more than 2000 milligrams a day.

2 Q How many pills is that?

3 A It depends on the strength of the pill.

4 Q Well, let's say it's the 30s that you just mentioned.

5 A If I took 30 -- if, if I would have 30 milligram
6 pills, you figure 100 pills would be 3000 milligrams.

7 Q Okay. 100.

8 A 100?

9 Q So, you're taking sixty a day or something like that?

10 A There were days where I took more than that; there
11 were days I took less than that.

12 Q And how would you take it during the course of the
13 day? I mean, how many are you taking at one time? How
14 frequent in this time period, let's say January to June?

15 A You know, there's a point in time, and I'm not sure
16 when it was. I think it was well before that where -- and
17 you have to understand this. This is something that I
18 didn't -- I can still remember the first time I ever took
19 an Oxycontin.

20 Q Mr. Murdaugh, can I ask you to answer my question, and
21 I'll let you explain all you want. My question was --

22 A I'm --

23 Q -- how many were you taking a day during this time
24 from January to June? Answer that first, please, and if
25 you want to explain, I'm happy to let you do so.

1 A I'm not positive and here's why. It's because over
2 the years, as I was saying, the first Oxycontin, one
3 Oxycontin made me -- literally made me sick, and that was
4 when I was transitioning from hydrocodone to oxycodone and
5 it made me sick because it was a really, really, really
6 strong one. And so, you know, one Oxycontin pill was like
7 ten hydrocodone pills.

8 So -- but anyway, as I took more and more, and over
9 the years it just -- you know, you build up a tolerance to
10 pain pills. And so what might give me this energy -- what
11 -- the reason, one of the reasons I became so addicted is,
12 you know, some people talk about pain pills and how they
13 make them lethargic and, you know, where they can't do
14 anything and they feel -- opiates gave me energy. I mean,
15 I -- it -- whatever I was doing, it made it more
16 interesting. You know, it, it, it made me want to do it
17 longer. You know, go on a drive, it made driving, it just,
18 it just -- at the beginning it made everything better.

19 But I, I took so much just to keep -- it got to a
20 point where I was taking so much just to not backslide or
21 go into withdrawals or have all those symptoms. And so it
22 got to the point where I was taking the amounts that I came
23 to be taking in the time period you're talking about,
24 January to June. So, it, it, it evolved over time. It, it
25 wasn't like it just started then, Mr. Waters.

1 Q All right, can you just give me one, one example of a
2 day during that time period?

3 A Sure.

4 Q I mean, just take -- start at 8:00 in the morning or
5 whatever time you got up. You take one and then one every
6 30 minutes? I mean --

7 A Well, no, it would --

8 Q I'm giving you a chance to explain. So, now --

9 A It would totally depend. It would totally depend on
10 any number of circumstances. So, starting a day, one of
11 the main things that this would depend on was how late in
12 the day before I had taken pills, and how many I had taken,
13 and did I take them during the night? Did I wake up during
14 the night and take them?

15 So, you know, let's just say that it had been awhile
16 since I took any and I slept and I woke up, all right?
17 Then I would immediately, immediately first thing take
18 pills because if it's been awhile, a lot of times if you
19 slept and hadn't taken pills, you'd wake up and you could
20 tell the beginnings of those -- I'm not going to say they
21 were really withdrawals, but the agitation that you feel
22 when you don't take any, and you could tell it. So, you
23 had to take it right away. And so I would start off.
24 First thing I would do was take pills.

25 Q And that's how strong withdrawals are for opiates,

1 correct? That you feel that agitation until you can take
2 another pill?

3 A Yes. I mean, but that, I mean, that's just --
4 agitation is the tip of the iceberg when --

5 Q Let's talk about that.

6 A -- it comes to withdrawals, opiate withdrawals.

7 Q I think you, you said in your -- what's been played
8 for the jury and the telephone conversation with Special
9 Agent Kelly that you talked about withdrawals, just how
10 strong they are, how you're willing to do anything to make
11 them stop, correct?

12 A I think what I said was almost anything.

13 Q Almost anything. Well, describe that, please.

14 A I mean, you're sick. I mean, you're physically -- you
15 know, you are physically sick. You -- it's like having the
16 flu when you ache and your joints hurt. You don't want to
17 get up and you can't get up and, and that's after awhile.

18 It starts with what you're talking about, agitation
19 and, you know, fidgety. Everybody talks about how fidgety
20 I was. But it, it, it starts with, with that and then it
21 goes to, you know, you just -- you might be sitting here
22 and just all of a sudden sweat's running down your face,
23 all over your body like you ran a marathon. I mean, you
24 literally sweat that much.

25 The next thing that comes on after about, I don't

1 know, 12 hours is I call it jumpy legs, but, I mean, you
2 literally, I mean, you -- there -- there's no way that you
3 could sit right here in this chair. I mean, you couldn't,
4 you couldn't remain sitting. I mean, you would have to get
5 up and move around. And, I mean, it's like your legs don't
6 want to work, and that lasts for about 20 -- anywhere from
7 18 to 24 hours.

8 During, during that period the, you know, the
9 intestinal issues come in and, I mean, you literally can't
10 control yourself. You have diarrhea like you have food
11 poisoning. You throw up. I mean, you're physically,
12 physically sick.

13 Q How many times did you try to self detox?

14 A Mr. Waters, dozens, dozens, if not hundreds. I, I --
15 you know, it's so many, I, I can't tell you.

16 Q And those symptoms you just described are extremely
17 powerful and made it very difficult to do that. Is that
18 correct?

19 A Made it difficult to?

20 Q Try to self detox.

21 A Oh. It was extremely hard.

22 Q You mentioned yesterday that you were paranoid. How
23 long had that been going on?

24 A Well, no, I, I didn't say that I was paranoid. What I
25 said was as the addiction evolved, there would be

1 situations where you would have these paranoid thoughts
2 and --

3 Q When did those first start?

4 A I can't tell you when they first started.

5 Q How long before June of 2021?

6 A Oh, a long time.

7 Q A week? Month?

8 A Oh, no. No, no. No, no. It was, you know, it was as
9 my addiction got worse, I mean, it was a significant period
10 of time, but, you know, when, when --

11 Q How often would you have these paranoid thoughts?

12 A Usually a matter of seconds. I mean, it was something
13 -- again, my whole life you wouldn't see me where I didn't
14 have pills on me and, and that's where I kept them. I kept
15 them on me because I, I was scared to put them somewhere
16 for fear somebody would find them. So, I kept them on me.
17 So if you saw me, I had pills on me. I had a pocket full
18 of pills on June the 8th, on June the 8th when, when I was
19 sitting in David Owen's patrol car. So, I always had them
20 on me.

21 And I might turn, I might be going to Edisto and I
22 turn on Hampton Street right out here, and a police car
23 pulls out. Boom. I have paranoid thoughts. You know, it
24 just -- but I could always say not doing -- you're not
25 doing anything wrong. He's not following you and I, I

1 could get past it in a matter of seconds.

2 Q All right. Did anybody in your family ever see you
3 having these severe withdrawals?

4 A Absolutely.

5 Q Who knew that?

6 A Mags, Paul-Paul, Bus, my dad, Randy, John Marvin. And
7 just to be clear, Randy and John Marvin never saw me having
8 withdrawals before September. They saw me --

9 Q Who -- and thank you for clarifying that. Who prior
10 to June of 2021, who in your family saw you having these
11 severe withdrawals?

12 A Bus, Paul-Paul, Maggie, my dad.

13 Q Do you remembering calling, remember calling Paul a
14 little detective?

15 A I don't know that I ever called him a little
16 detective, but I think Maggie did. I, I may have. I mean,
17 Paul was very intuitive. So, I heard Marian --

18 Q Didn't you --

19 A I heard --

20 Q -- say that in one of your interviews?

21 A I heard Marian call him a little detective. I know
22 Maggie used to call him that.

23 Q Did that have anything to do with pills?

24 A Well, yeah. It had something to do with it. But, I
25 mean, Paul was always that way. But that, that -- what led

1 him to be called a little detective, certainly there were
2 times when, when Paul found pills.

3 Q Including just a month before the murders. Is that
4 correct?

5 A No, sir.

6 Q Do you recall State's 523 that was entered into
7 evidence, which was a text from Paul to you?

8 A I do.

9 Q In which he said that Maggie found pills in your bag?

10 A Right.

11 Q Tell me about what happened after that.

12 A You asked me about Paul finding them, but it was
13 Maggie that found them.

14 Q Fair enough. So, it was Maggie that found them?

15 A Yes, sir.

16 Q But Paul is the one who reached out to you, correct.

17 A On that occasion, yes, sir.

18 Q And what was the discussion after that?

19 A I can't remember exactly what it was, but it was about
20 that -- I'd had eye surgery the -- I don't know what day it
21 was, but days before that, the day Maggie found them,
22 Maggie drove me to the doctor for me to have my cataract
23 removed. What -- whatever, whatever they call that
24 surgery. I can't remember, but I had a cataract taken out
25 outpatient. You go in for a couple hours and you come out.

1 And it was during Covid and so Maggie wasn't allowed
2 to come into the doctor's office, and so she sat in the car
3 and I had left pills in the computer bag, and sitting out
4 there bored, I guess she started looking at my computer and
5 found them in the computer bag. So, she found those pills.

6 Q All right, and so she obviously told Paul, and Paul
7 texted you, correct, about finding those pills.

8 A That's correct.

9 Q May of 2021.

10 A That's correct.

11 Q And you've heard your sister-in-law Marian testify
12 that Maggie called him the little detective about the
13 pills. You heard that testimony in this courtroom?

14 A I did hear that.

15 Q So, did they start to watch you like a hawk and get on
16 you about your pill usage during the month of May?

17 A No.

18 Q They did not?

19 A No. Mr. Waters, this battle that I had with
20 addiction, it had been going on for years, years, and so
21 they had been watching me like a hawk for years before May.
22 May was just one occurrence where I let them down again.

23 Q They had been watching you like a hawk for years. Is
24 that correct?

25 A About my pill addiction, yes, sir, that is correct.

1 Q Well this time in May, that wasn't the only time that
2 Paul found pills or Maggie found pills. Is that correct?

3 A No. There were a number of times where Mags found
4 pills, Paul-Paul found pills, Bus found pills. I mean, it
5 was a ongoing -- it was just a ongoing battle for me.

6 Q And after they found those pills in May -- that being
7 Maggie and Paul -- were they trying to get you to self
8 detox?

9 A No, sir, not at that point in time.

10 Q They just let it go?

11 A No, they didn't let it go, but at that point in time,
12 Paul-Paul and I had already had a discussion based on -- I
13 can't remember exactly when it was, but there had been a
14 previous occasion a good while back where -- there had been
15 a previous occasion where either Maggie or Paul had found
16 pills, and Paul had come to me and asked me, and I told
17 him, you know, I was back on the pills, and --

18 Q When was this occasion?

19 A We had had a long talk. As I said, I don't remember
20 exactly when it was. Before that, Paul and I had a long
21 talk and we'd agreed -- I had agreed, and I detoxed so many
22 times. I'd been to detox. I detoxed at home with Maggie's
23 help, detoxed at home with doctor's help, detoxed on my
24 own, tried to, and, and, it, it just -- just detoxing just
25 didn't work. It just -- you couldn't. You could detox but

1 you couldn't -- no, not you. I couldn't. I couldn't stay
2 off of them.

3 And so I promised Paul that as soon as his -- as soon
4 as we finished with his criminal case, that I would go to
5 rehab. And, and on this particular occasion, Paul knew
6 that his mom worried about me so much with pills that on
7 this particular occasion, I think that Paul-Paul convinced
8 Maggie that I got those pills in anticipation of the eye
9 surgery but that I never took them so that she would not
10 worry that I was once again --

11 Q So, you're talking about -- now you're claiming that
12 about the time in May that, that Paul talked to Maggie and
13 convinced her of that, or are you talking about a different
14 time?

15 A I'm not claiming that, Mr. Waters. That's a fact as
16 to what happened.

17 Q We're, we're hearing that now, correct?

18 A Hearing what now?

19 Q What you just said.

20 A Well, you just asked me this. Mr. Waters, you keep
21 making the issue about the first time I -- you hearing
22 these things. When, when I got arrested and I went to
23 jail, we began reaching out to you to talk to you about all
24 of these things, to try to tell you everything that I had
25 done, to give you all these details, to help y'all go

1 through these financial things. And up until the time that
2 y'all charged me with murdering my wife and child, you
3 would never give Jim Griffin a response to our invitations
4 to sit down and meet with you.

5 Q So, you're telling me I never responded to Jim
6 Griffin. Is that what you're saying here today?

7 A I'm telling you --

8 Q Are you saying that you ever before yesterday reached
9 out to anyone through yourself or through your attorneys
10 and reached out to anyone in law enforcement or the
11 prosecution and told them the story about the kennels? Are
12 you telling me that?

13 A I'm -- what I'm telling you, Mr. Waters --

14 Q Would you answer my question first, please, sir?
15 Answer my question first. Did you ever reach out to anyone
16 in law enforcement or the prosecution and tell that story
17 that you told this jury yesterday about the kennels before
18 yesterday?

19 A Did I ever reach out to law enforcement --

20 Q Did you --

21 A -- to say I want to tell you about the kennels? No,
22 sir, I did not.

23 MR. GRIFFIN: Objection, Your Honor.

24 A What I --

25 MR. GRIFFIN: This is on the Fifth Amendment line.

1 THE COURT: Pardon?

2 MR. GRIFFIN: He's, he's questioning about his
3 volunteering information on these charges violates his
4 Fifth Amendment rights, and we strongly object. Any more
5 and we would have to make a motion.

6 MR. WATERS: He brought it up, Your Honor.

7 THE COURT: The objection is overruled.

8 A What I did was -- so --

9 Q Answer my question first.

10 MR. GRIFFIN: Your Honor, for the record, he did not
11 bring it -- he was talking about financial --

12 THE COURT: Objection, sir. Sit down, Mr. Griffin.

13 Q Yes or no question. Before yesterday, did you ever
14 bring up what you told this jury about that kennels to
15 anybody in the prosecution or anybody in law enforcement?

16 A No. I, I didn't have the opportunity to, Mr. Waters,
17 because you would not respond to my invitations to reach
18 out and tell you about all the things that I'd done wrong
19 and to talk about bringing this to a head, to talk about
20 bringing this to a conclusion.

21 I understand how many people I hurt. I understand how
22 angry my partners are and how hurt they are, and I
23 understand how hurt these people that I stole money from
24 are. I understand how hurt they are, and one of the things
25 that I believe is getting past this may help them get some

1 closure. And so since at least January, I've been trying
2 to sit down with y'all to talk to y'all.

3 Q Okay.

4 A And never, never, ever got a response to the multiple
5 requests.

6 Q Multiple requests?

7 A Yes, sir, multiple requests. I, I, I would ask about
8 this --

9 Q All right, Mr. Murdaugh, let's --

10 A -- every few weeks.

11 Q -- ask this, sir.

12 A Sir?

13 Q Did Mark Ball ever hear your story to the jury about
14 the kennels until yesterday, your buddy and law partner
15 Mark Ball?

16 A No, sir. I haven't spoken to Mark Ball since I went
17 to rehab.

18 Q And these were the same law partners that you were
19 listening to the night of. Is that -- is that what you
20 testified to this jury earlier? You testified to that
21 earlier, did you not?

22 A I don't understand your question.

23 Q Didn't you testify earlier that you were listening to
24 your law partners on the night of the incident?

25 A Did -- was I listening to them?

1 Q Yeah. You testified to that. It's a simple question,
2 sir.

3 A I'm, I'm sure I was. When are you talking about?

4 Q On June 8th in the early morning hours, you testified
5 to this jury that you were listening to them, but you never
6 told them the kennel story either, and they heard it for
7 the first time yesterday as well. Isn't that correct?

8 A Yes, that's the first time they heard it.

9 Q First time that Ronnie Crosby ever heard that would
10 have been yesterday.

11 A If he was listening, that would have been the first
12 time he heard it.

13 Q First time Johnny Parker ever heard that was
14 yesterday.

15 A Yes.

16 Q First time Danny Henderson, who was representing you
17 in the boat case, ever heard that was yesterday.

18 A Yes. Yesterday is the first time that I have said
19 that openly, but that -- that's not what you were asking
20 me, Mr. Waters, but you go ahead.

21 Q First time your brother Randy heard.

22 A If he was listening. And Mr. Waters, just to be
23 clear, I was begging for a meeting with y'all to try to
24 bring this to a close, to talk to y'all about everything up
25 until the time that y'all charged me with hurting Maggie

1 and Paul. Now at -- after that point in time, I stopped
2 obviously.

3 Q You're claiming that you were begging for a meeting,
4 and information -- but you admit the information was never
5 conveyed that you wanted to change your story after
6 multiple interviews with law enforcement about what
7 happened that night, including the most important fact of
8 all, which is when the last time you supposedly saw your
9 wife and son alive was.

10 A I don't know exactly what was conveyed or not because
11 -- to you because I wasn't part of that. All I know is
12 what --

13 Q Fair enough.

14 A -- is what I was trying to do was to sit down. I
15 understood to bring all this to a close, that y'all would
16 want me to sit down and go through all of these financial
17 things, all of these things that I'd done wrong, and to try
18 to bring that to a close. I was repeatedly trying to sit
19 down with y'all.

20 Q The reality is, Mr. Murdaugh, is the reason why no
21 one's ever heard that before is because you had to sit in
22 this courtroom and hear your family and your friends, one
23 after the other, come in and testify that you were on that
24 kennel video. So you, like you've done so many times over
25 the course of your life, had to back up and make a new

1 story that kind of fit with the facts that can't be denied.

2 Isn't that true, sir?

3 A No, sir, that's not true.

4 Q You've done that over and over again over the years
5 with all of this we've been talking about, haven't you?

6 A I've done what over and over again?

7 Q The second that you're confronted with facts that you
8 can't deny, you immediately come up with a new lie. Isn't
9 that correct?

10 A Mr. Waters, as we established, I have lied many times,
11 but I can't sit here and tell you that -- what are you
12 talking about? Facts that I can't deny that I, I -- I
13 would disagree with that proposition that you're putting
14 out, that was what I did all the time. But in, in doing
15 that, I admit again that I've lied to people that trusted
16 me.

17 Q So, we can agree that prosecution and law enforcement
18 and so many of your friends and family heard for the first
19 time your story about the kennels yesterday after all these
20 weeks of testimony. Can we agree on that?

21 A That law enforcement and my partners and my friends
22 heard me say that for the first time, yes, I agree with
23 that.

24 Q Would you agree with me that your own lawyer was
25 repeating your story that you were at home napping as late

1 as November of '22 on national television?

2 A I don't -- I don't know.

3 Q You don't know that?

4 A No. In jail we don't -- we don't get newspapers and
5 the TV we have is limited, so.

6 Q So, your own lawyers at least as late as November '22
7 didn't know this story that you told to this jury after
8 five weeks of your family and friends coming in and saying
9 yeah, that's him on that video.

10 A I don't know --

11 MR. GRIFFIN: Objection, Your Honor. It violates
12 attorney/client privilege communications. It's totally
13 improper.

14 MR. WATERS: He, again, has brought --

15 MR. GRIFFIN: Totally improper.

16 THE COURT: Yes, sir. Response.

17 MR. WATERS: He has brought up his communication with
18 counsel, and now that is fair game, Your Honor, his
19 communications through counsel or alleged communications
20 with the prosecution.

21 THE COURT: There's no attorney/client privilege to
22 national television interviews. The objection is
23 overruled.

24 MR. GRIFFIN: Thank you, Your Honor.

25 A Are you waiting for me to answer, Mr. Waters, or did I

1 answer?

2 Q I think I've asked enough.

3 A All right, sir.

4 Q You said you were unaware of that national television
5 interview. Is that what you said?

6 A Unaware of what national television interview?

7 Q The one where your lawyer repeated that story as late
8 as November of 2022, your story that you were actually home
9 asleep at the house.

10 A The only -- the only national TV that ad I'm aware of
11 is -- not ad, program, is one that Mr. Griffin was involved
12 in was a -- are you referring to, like, a *Dateline*
13 something?

14 Q Talking about HBO.

15 A Okay, HBO. All right. Like, so, yeah, I am aware of
16 that. And, and what I believe the case to be is that I
17 believe that when that was in the works, that Mr. Griffin
18 made those statements sometime substantially before
19 November of '22, as early as around the very beginning of
20 2021.

21 Q Let's talk --

22 A At least what I understand to be the case.

23 Q Let's talk some more about your testimony from
24 yesterday. And you're telling this jury even in something
25 as clear as this kennel video, that your story doesn't

1 change when you have to make them fit the facts that no
2 longer can be denied. Is that what you're telling this
3 jury?

4 A I don't understand that question. Say that again.

5 Q I said you're telling this jury that you don't change
6 your story to make the facts fit evidence you can no longer
7 deny, like what's been going on in this courtroom?

8 A I'm not telling the jury anything about that.

9 Q All right. Good. All right, let's move on. Let's
10 talk some more about that issue. Let's talk about the
11 confrontation on June the 7th with Jeannie Seckinger, which
12 you said was no big deal. Isn't that what you testified,
13 words to that effect?

14 A I think what I testified to is that to me it certainly
15 didn't seem like a confrontation. Jeannie came to me and
16 was almost apologetic.

17 And this is what I believe, Mr. Waters, is I believe
18 that what Jeannie Seckinger and my partners have had to go
19 through since September has been hard. I know they -- I
20 mean, I could see it. I could see the hurt that I caused
21 them and, and, I know that they're betrayed, and I know
22 that they're angry, and I know that they're hurt.

23 Q Right.

24 A And I want to make clear that this, that while I
25 disagree with what Jeannie said as to it being a

1 confrontation, because I don't believe that it was, I don't
2 think that she was lying. I think that she feels it. I
3 think that, you know, she believes that that's the case
4 after all this time that she's had to deal with this. But
5 on June the 7th when she came to me, she was almost
6 apologetic. She, she -- you, you heard her to say that she
7 said that she wouldn't be doing her job if she didn't do
8 this.

9 And it was made clear to me that someone had said
10 this. That I, I had to make sure that income came through
11 the firm, that I couldn't structure money. In other words,
12 I had the impression that there was concern that maybe,
13 like Mark Ball and Ronnie Crosby said, that maybe I was
14 hiding, hiding fees because of the civil boat case.

15 Q Let me see if I can summarize.

16 A But that conversation was so quick, Mr. Waters, that
17 -- you keep using the, the term confrontation. I didn't
18 take it as a confrontation.

19 Q And you're telling this jury you're not making that an
20 issue, but -- make your story fit with those facts by
21 saying, ah, it wasn't a big deal and Jeannie. She's hurt,
22 so she's overreacting.

23 A No, that's not what I'm saying.

24 Q You got on that stand and testified.

25 A What I'm saying is exactly what I just testified to,

1 that to me on that day, that was not a confrontation. It
2 ended almost as quickly as it began, and I didn't think
3 about it again for a period of time until after everything
4 happened.

5 Q You testified earlier you get paranoid if a police
6 officer turns out behind you, but you're not getting
7 paranoid when Jeannie comes in here and says I need an
8 answer about these fees.

9 A No, because --

10 Q Because I believe you took them.

11 A No. Things like that wouldn't cause -- the, the
12 paranoid thought and the paranoid thinking, it was always
13 related to pills. It was always, okay, that reaction that
14 somebody just gave me, do, do --

15 Q It was always related to pills.

16 A Do, do they know something, did -- something somebody
17 said. It, it was -- I mean, the times, that -- that's what
18 -- when I, when I had to deal with paranoid thinking that,
19 you know, if, if a judge confronted me in the courtroom
20 about a piece of evidence or if Jeannie asked me about
21 that, those, those are not things that gave me paranoid
22 thinking.

23 Q Okay, and you testified the same thing about the boat
24 hearing on June 10th. Not worried about it. No big deal,
25 correct?

1 A No, I didn't say that it was no big deal, but I said
2 that my main concern about those motions coming up on June
3 the 10th dealt more with the venue motion than they did
4 with the motion to compel I believe is what I said.

5 Q Are you telling jury that you didn't testify yesterday
6 that you weren't concerned about it?

7 A I wasn't overly concerned about it.

8 Q Okay.

9 A And I'm sure I had some level of concern because the
10 venue motion was -- it was -- it was a big issue in the
11 case.

12 Q Well, were you concerned enough about it to bow up on
13 Mark Tinsley at the Trial Lawyers conference and say what
14 are you doing, Bo?

15 A No. Absolutely, unequivocally never happened.

16 Q If the Faris fee issue comes to light on June the 7th,
17 you're not going to be able to borrow money from Johnny
18 Parker anymore, are you?

19 A If the Faris fees, hypothetically speaking, if the
20 Faris fee came to light on June the 7th? Well, here. Any
21 point in time if the Faris fee came to light, Johnny Parker
22 would not loan me money. If, if, if Johnny knew that I had
23 taken fees, I would not have been able to borrow money from
24 Johnny Parker.

25 Q You testified earlier about going to the Gamecock

1 baseball game on the weekend prior to Monday, June 7, 2021.

2 A That's correct.

3 Q Hold on for me real quick.

4 A Sir?

5 Q Hold on for me real quick.

6 (Break in proceedings.)

7 Q All right, I'm going to show you what's been marked as
8 State's 572 to this trial. You got your readers with you
9 or your glasses? And have you first -- I just want you to
10 look through that document and then answer the question do
11 you generally know what that is.

12 THE COURT: Mr. Waters, someone wants something.

13 So, if you'll stand for a moment? Everybody stand for
14 a moment.

15 MR. WATERS: Oh, I'm sorry.

16 (Break in proceedings.)

17 THE COURT: Okay, we'll come to order.

18 You may proceed.

19 MR. WATERS: May it please the Court?

20 THE COURT: Yes.

21 Q Have you had a chance to review that, Mr. Murdaugh?

22 A Yes, sir.

23 Q All right. Do you recognize what those are generally?

24 A I do.

25 Q And what are they?

1 A Texts between Maggie and I.

2 Q And what date do they take place?

3 A June the -- June the 6th.

4 Q June the 6, 2021. Is that correct?

5 A That's correct, yes, sir.

6 Q All right.

7 MR. WATERS: At this time, the state would offer
8 State's 572 into evidence.

9 MR. GRIFFIN: No objection.

10 THE COURT: It's admitted without objection.

11 (TEXT MESSAGES MARKED AS STATE'S EXHIBIT NUMBER 572
12 WAS RECEIVED INTO EVIDENCE.)

13 Q All right, tell the jury. Where were you when these
14 texts were taking place?

15 A I was in a hotel.

16 Q Where? What city were you in?

17 A Columbia, South Carolina.

18 Q And where were they?

19 A I'm not exactly sure where they were when they first
20 started, but they would have been somewhere between the
21 hotel, a restaurant, and the ball field.

22 Q So, when you sent this text on June 6th at 11:41, you
23 say: Y'all in the seat already? Correct?

24 A Yes, that's what I did say.

25 A And they say yes. Maggie says: Yes, we like these

1 seats. Is that correct?

2 A All right. That's correct. I didn't -- I didn't
3 notice that. So, at that point in time, they are in the
4 ballpark.

5 Q All right. Then you respond:

6 Better than last night. They extended checkout
7 to 1. Better come then.

8 Is that correct?

9 A That's what that text says. Yes, sir.

10 Q All right. So, you're back at the room. Is that
11 right?

12 A Yes, sir.

13 Q Later on your text after she asks you to bring a
14 charger says: Muggy. You text: I'm dreading it. See you
15 in a little bit.

16 Is that correct?

17 A That's what I said, yes, sir.

18 Q She responds: Don't come. And asks about the charger.
19 Says: It's hot. Is that correct?

20 A Mr. Waters, yes. I assume you were reading it
21 exactly, so, yes, sir.

22 Q She eventually responds:

23 Not crowded but not the place to come if you
24 don't feel well. Very hot and muggy. We were
25 inside sitting at the bar. Very nice indoors.

1 Is that correct?

2 A That's what it says. Yes, sir.

3 Q And then you respond:

4 Dialed you by accident. They were making me
5 leave. So, I'll see y'all in a few.

6 Is that correct?

7 A That's correct.

8 Q And who was making you leave where?

9 A It was past checkout time at the hotel.

10 Q After you'd gotten the extended checkout, correct?

11 A It appears so.

12 Q The reality is, is that you were in that hotel
13 suffering from withdrawals when that's going on. Is that
14 correct?

15 A I was beginning to, yes, sir.

16 Q And the reality is, is that your wife and your son
17 were on you that time period because they had found pills
18 just a few weeks prior.

19 A No, sir, that's not correct.

20 Q Let's talk about June 7th, okay? You got up that
21 morning, or what time do you think you got up and left that
22 day?

23 A After having the benefit of looking at all these
24 records -- I don't know what time I got up. In looking at
25 records, obviously I'd been up for a while, but it appears

1 I left shortly after noon.

2 Q And you went to work.

3 A I did. Yes, sir.

4 Q And what were you working on at work?

5 A I was working on, it's the *Dominion Energy* case was
6 primarily what I was working on, that we had motions coming
7 up later in that week. As I said earlier, it's -- I
8 believed at the time that it was biggest case that I had
9 ever been involved in, and there were motions coming up in
10 that.

11 I was preparing -- Danny had been -- Danny Henderson,
12 my partner that was helping me with the civil case from the
13 boat wreck, had been on me about getting a financial
14 statement, and I finished doing that so that it could be
15 given to Danny as primary -- is what I remember doing.
16 Obviously I, I talked to Jeannie.

17 Q Okay, and what time did you leave?

18 A And I'm sure I did some other routine office things,
19 but I can't tell you what they are.

20 Q What time did you leave?

21 A It appears that I left around a little after 6, from
22 the records. I thought I'd left earlier than that, but, I
23 mean, the records were -- seem to be pretty clear.

24 Q And you were, in fact, I think you said in both --
25 many of your interviews that you were working on the boat

1 case that day as well, the financial declaration.

2 A Yes, I, I prepared the financial declaration. I
3 didn't do any work in this civil case. So, my work in, in
4 that is what I did. I prepared the financial statement,
5 which took me a little bit of time to, to get the details
6 on that. But, I mean, that was the work I did on -- in
7 preparation for the motions coming up.

8 Q What time did you get home?

9 A June the 10th. In looking at the records, it looks
10 like I got home a little before 7. 6:45, I think 6:40
11 something.

12 Q And you and Paul rode the property?

13 A That's correct.

14 Q And you told law enforcement you shot a 22.

15 A That's correct.

16 Q You told law enforcement that you never saw any
17 Blackout.

18 A That I'd never seen a Blackout?

19 Q That at that point in time when you and Paul were
20 riding the property.

21 A No, I did not see a Blackout.

22 Q Did you tell law enforcement that you and Paul were
23 around, going around looking for hogs?

24 A If I said that?

25 Q Correct.

1 A And if, if I told them that -- you know, you don't
2 look for hogs in the daytime, all right? That just -- the
3 hogs are deep in the swamp in the daytime. So, I can tell
4 you that Paul and I were not riding around looking for
5 hogs, but what we were doing is we were going from food
6 plot to food plot and we were looking for hog signs, all
7 right?

8 What hogs will do is come out and root and they tear
9 up food plots. They tear up -- they tear up everything,
10 and so that was one of the things we were doing. But we
11 were not hog hunting. We were not looking for hogs. We
12 did not have the 300 Blackout with us.

13 Q Paul didn't have the gun that he -- that Blackout that
14 he favored with him while y'all rode the property?

15 A The gun that's in here?

16 Q Any, any rifle.

17 A There was no 300 Blackout with me and Paul.

18 Q All y'all had was a 22?

19 A And that was a 22 pistol, but we didn't have that with
20 us at that time riding the property.

21 Q Right, and you testified -- you've seen this Snapchat
22 video of you and the tree. Is that right?

23 A I have seen that.

24 Q You don't dispute the time of that video, do you?

25 A I don't -- I don't even know what time that was taken,

1 but whatever the gentleman came and testified to, I don't
2 dispute that.

3 Q And what time -- well, let me ask you this. When did
4 you go back to the house? Were you with Paul or were you
5 by yourself?

6 A I was by myself when I went back to the house. I went
7 back to the house basically when Maggie got there.

8 Q When Maggie got there, all right, and where, where had
9 Paul gone prior to that? Was he back at the house already,
10 or he came after you?

11 A Paul was at the shop when I went back to the house.

12 Q All right. So, you beat him to the house is what
13 you're saying. Is that right?

14 A I beat him to the house?

15 Q Yeah. You were at the house prior to him getting
16 there.

17 A Yes.

18 Q And you say Maggie was there at the same time, or
19 there before you, or there after you?

20 A That's what I'm not absolutely certain about. I
21 believe that Maggie came through the kennel entrance. In
22 going back and looking at these records and these times, I
23 believe she came through the kennel entrance while
24 Paul-Paul and I were at the shop. But either way, I got to
25 the house very shortly after Maggie got there, and I

1 believe that she came through, and I believe that I went
2 right behind her.

3 Q And when did you take the shower that you've been
4 talking about?

5 A I believe when I first went in the house. I mean, I
6 would have talked to Maggie for a second, but I'd seen her
7 that morning, so I would --

8 Q You left your clothes on the floor.

9 A I'm not sure. It makes sense to me, given what Blanca
10 said, but I couldn't tell you one way or the other.

11 Q Now, what time was that, do you think?

12 A In looking at the records, I think that was a little
13 after 8.

14 Q And you're saying Maggie was already there at that
15 point?

16 A When I got to the house?

17 Q Yeah.

18 A Yeah.

19 Q And what did you do after that?

20 A I came back out, sat down on the couch to eat dinner.

21 Q What about -- what time was that?

22 A A few minutes later. I mean, it didn't take me long
23 to shower.

24 Q And you say Paul was already eating at that point?

25 A He was.

1 Q You say he left first.

2 A What I -- what I said is he got up and he finished
3 eating, and he left our immediate vicinity. Now, I don't
4 believe he left at that point, given what I've looked at,
5 time records. I believe that he was around the house for a
6 little bit longer.

7 Q And just to be clear again, all --

8 A But I didn't see him.

9 Q -- all of this detail was -- people were hearing for
10 the first time yesterday like we talked about before,
11 correct?

12 A Say that again.

13 Q All of this detail that we're going through right now
14 is not anything that you related before. We're all hearing
15 this for the first time yesterday.

16 MR. GRIFFIN: Objection, Your Honor. Fifth Amendment
17 privilege.

18 THE COURT: Objection is overruled.

19 A So, yes, I, I, I did not tell law enforcement.
20 Actually, I don't think law enforcement asked me what I did
21 when we first went to the house, but I clearly lied to law
22 enforcement about what I -- what I said yesterday.

23 Q Okay, and all of this, the last time you saw your --
24 supposedly saw your wife and child, all of this detail, you
25 as a lawyer and a prosecutor didn't think that was

1 important to offer on your own?

2 A Well, I think it's important.

3 Q You told this jury how cooperative you were been --
4 you've been and how much information you wanted to provide,
5 but you left out the most important parts, didn't you?

6 A I left out -- I left out that. I sure did.

7 Q You don't consider that one of the most important
8 parts?

9 A I think it's important.

10 Q All right, tell me about what happens next. Tell me
11 about how Maggie and Paul end up out down at the kennels.

12 A I'm not -- I'm still not absolutely certain exactly
13 how they ended up at the kennel, but in looking at the
14 timeframes and looking at the GPS points, I think I pretty
15 well know because I wasn't sure if Maggie had walked to the
16 kennels or ridden to the kennels, and I wasn't exactly sure
17 how Paul-Paul got there, but I'm all but certain that
18 Maggie and Paul went to the kennel together.

19 Q All right, and what was the discussion? You said that
20 they were going down there, but you didn't want to go. Is
21 that right?

22 A Maggie, what I said is Maggie asked me to go to the
23 kennels with her, and I wasn't going to go. I said I'm not
24 going to go.

25 Q How long after she left did you supposedly go down

1 there?

2 A It, it was very quickly.

3 Q And what did you tell this jury in all these new facts
4 as to the reason you changed your mind? Why did you change
5 your mind?

6 A I had just had a shower. Number -- when you go to the
7 kennel, you always end up -- at the shop, the dogs are
8 running around. You're always going to end up doing more
9 work, all right? It's hot. I'd already had a shower. I
10 didn't want to go to the kennel.

11 Q I understand that. So, why did you change your mind?

12 A Because Maggie wanted me to.

13 Q So, you thought about it for a few minutes and then
14 decided to go down there?

15 A I don't think I sat and contemplated am I going to go.
16 Am I going to go? I think that like many things Maggie
17 wanted me to do, if I didn't do it at first, I ended up
18 doing it.

19 Q And you took the golf cart down to the kennels?

20 A That's correct.

21 Q How long did that take to drive from the house down to
22 the kennels in the golf cart?

23 A You know, in looking at the records from OnStar and
24 all of that, it seems to take about a minute in the --

25 Q Golf cart?

1 A Nope, in the -- in the Suburban. So, I would think
2 it's probably, in looking at those speeds of, what, 20, 24
3 miles an hour, I would think it takes double that. I think
4 it takes a couple minutes.

5 Q All right, so you'll concede at least a couple minutes
6 to drive down, correct.

7 A I think. Yes.

8 Q In a golf cart?

9 A That's correct.

10 Q When the kennel video was going on, had you arrived
11 before that?

12 A I believe that I had.

13 Q Okay. How long do you think you had been there before
14 that was going on?

15 A Not long because when I got there, in looking at the
16 kennel video, you can see Paul-Paul standing in the kennel.
17 When I got there, Paul-Paul wasn't standing in the kennel.

18 Q He wasn't in the kennel anymore?

19 A Well, he wasn't in the kennel like he is in the video.

20 Q Right.

21 A He's, I mean, he's probably -- and I don't know
22 exactly, but I know he wasn't in the kennel. He was, like,
23 in the driveway. He was fooling with Cash. He was in the
24 driveway, but, like, close to the kennel but not in the
25 kennel like he is in the video.