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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. XIV**

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1 Q So, the video happened after that, according to you?

2 A Video happened after I got there?

3 Q After you first saw Paul, you're saying he wasn't in  
4 the kennel. When did the video happen?

5 A I believe that to be the case.

6 Q Okay. After you had arrived. Is that correct?

7 A Yes.

8 Q And --

9 A Very shortly after I arrived, but after I arrived.

10 Q And then you tell Maggie at that time that you were  
11 going to go to Alameda?

12 A I did not.

13 Q Did y'all discuss it at all, according to you, to  
14 these new facts you're testifying to?

15 A I don't believe so.

16 Q Did you have any conversation with her?

17 A Oh, yeah.

18 Q Had you had a conversation -- did you have a  
19 conversation with Paul about the dogs, about Cash's tail  
20 prior to going down there?

21 A Prior to going down there? I don't -- did I have a  
22 conversation with Paul --

23 Q Yes, you talk to him --

24 A -- about Cash?

25 Q -- about Cash and some problem with his tail prior to

1 going down there? Did you have any knowledge of that prior  
2 to going down there?

3 A I'm not sure. As I sit here today, I, I don't recall  
4 that, but I don't -- I don't -- I don't think so.

5 Q When you first arrived in the golf cart, where did you  
6 pull up to?

7 A I pulled up right where Maggie was.

8 Q Which is where?

9 A She was standing in the spot where she could see in  
10 between the chicken coop and the storage room of the  
11 kennels where the dogs were, back up in those plant pines  
12 behind the kennels to the left of the chicken coop.

13 Q And what'd you do after that?

14 A I went back to the house.

15 Q No. I mean, did you -- you pulled up. You get out of  
16 the, the golf cart.

17 A Oh, no. When I pulled up, I stayed on the golf cart.

18 Q Stayed on the golf cart. How long did you stay on the  
19 golf cart?

20 A How ever long I was down there.

21 Q The entire time?

22 A No. I got off to take the chicken from Bubba.

23 Q All right. So, how long were you down there before  
24 you took the chicken off of Bubba?

25 A Very short time.

1 Q Like what?

2 A Couple minutes.

3 Q And what were you doing during the couple of minutes  
4 before you got over there to deal with Bubba?

5 A Talking to Mags.

6 Q And what did y'all talk about?

7 A I don't know.

8 Q You don't remember?

9 A No, sir. I do know that Maggie was very concerned  
10 about Paul-Paul and --

11 Q You remember a lot of detail about all these new  
12 facts, but you don't remember what you talked about?

13 A I don't remember the exact details of what we talked  
14 about. I believe that at that time, we may have talked  
15 about Paul-Paul, but I'm not certain.

16 Q Were you withdrawing at this time?

17 A At this time, no, sir.

18 Q You weren't withdrawing at all?

19 A No. No. I would only withdraw when I didn't have  
20 pills.

21 Q And you're saying you had pills?

22 A Yes.

23 Q Down there for a couple minutes, I think you said now,  
24 before you get off the golf cart.

25 A About. Yes, sir.

1 Q Okay, and where do you go at that point?

2 A I take the chicken from Bubba.

3 Q So, you get up.

4 A Well, I mean, Bubba's, you know, Bubba's come out  
5 there with this chicken. I mean, he's showing us, hey, I  
6 caught this chicken, and I take the chicken from Bubba.

7 Q So, Bubba came up to the golf cart?

8 A He came up by the golf cart and came up to Maggie and  
9 I, which I was on the golf cart. She's by the golf cart.  
10 I mean, he's not coming to the golf cart, but he's coming  
11 to us.

12 Q Is this during the kennel video or is this after the  
13 kennel video?

14 A Well, no. You hear Maggie say he's got a chicken.

15 Q Okay.

16 A That's what she's talking about is Bubba caught a  
17 chicken.

18 Q All right. All right. So, is the kennel video still  
19 going on before you go get the chicken? I mean, you've  
20 heard it, correct? You've heard it in this courtroom.

21 A I don't know exactly. I don't know exactly, but in --  
22 close time into Bubba coming out of those woods with the  
23 chicken, I got up and took the chicken from him.

24 Q Let me ask you this. Were the dogs barking and  
25 carrying on or going out into the woods or acting like they

1 sensed somebody was around that they didn't know?

2 A Were the dog's acting like there was somebody around  
3 that they didn't know?

4 Q Yeah, like dogs do.

5 A No.

6 Q No, they weren't.

7 A There was nobody --

8 Q There was nobody.

9 A -- around that the dogs didn't know.

10 Q Dogs didn't, didn't, to your indication, sense  
11 anything out of the ordinary. They were just chasing after  
12 the guinea.

13 A There was nobody else around.

14 Q Good.

15 A For them to sense.

16 Q You've heard the kennel video. Would you agree with  
17 me that it lasts for about 50 seconds?

18 A I agree with that.

19 Q So, it would have ended around 8:45 and 45 seconds.  
20 Would you agree with that?

21 A I do agree with that.

22 Q Did you have the chicken out of Bubba's mouth at the  
23 end of the kennel video, or did it take longer than that?

24 A You know, I can't remember exactly when in the video  
25 he came up, up with the chicken, but I would have had to --

1 I would have had the chicken out of his mouth within 10, 15  
2 seconds of Maggie saying he's got a chicken.

3 Q And so then what did you do?

4 A I put the chicken up.

5 Q All right, how long did that take? Did you get out of  
6 the golf cart to do that?

7 A I did.

8 Q And you had to go walk to where it was?

9 A Well, yeah. I mean, it -- a few feet, but I, I, I did  
10 that, yes.

11 Q All right. So, how long did that take?

12 A Seconds.

13 Q We're at 8:46 now. How long did that take?

14 A Seconds.

15 Q Just seconds. All right, and what did you do after  
16 that?

17 A Got back on the golf cart.

18 Q What did you do after that?

19 A I left.

20 Q You left.

21 A Now, did I leave --

22 Q Jumped on the golf cart and left.

23 A Well, that's what I was getting ready to say. Did I  
24 get on the golf cart and leave that second? Probably not.  
25 But did I get on the golf cart and leave very quickly after



1     that?  I did.

2     Q     I think you testified yesterday I got out of there.

3     A     I did.

4     Q     Why did you get out of there so quick, Mr. Murdaugh?

5     A     Because it was chaotic, it was hot, and I was getting  
6     ready to do exactly what I didn't want to do.

7     Q     You were getting ready to do what you didn't want to  
8     do.

9     A     That's correct.

10    Q     Okay.

11    A     I was getting ready to sweat.  I was getting ready to  
12    work.  I went back to the air conditioning.

13    Q     So, did you say goodbye, according to your new story?

14    A     Did I say goodbye?

15    Q     Yeah.  Did you talk to them at all, or did you just  
16    get the chicken and put it on there and jump on there and  
17    just take it?

18    A     Oh, no, I wouldn't have just gone off.  I mean, I  
19    would have said I'm leaving.

20    Q     Okay.

21    A     Did I say goodbye or bye?

22    Q     And again -- go ahead.

23    A     But, I mean, there would have been some -- you know,  
24    there, there would have been some exchange.  I'm not  
25    staying here.

1 Q Well, what was that exchange? I mean, you've had such  
2 a photographic memory about these new stories. What, what,  
3 what happened here?

4 A It's not -- I can't tell you the exact words.

5 Q You don't remember your conversation after you put  
6 that chicken up. Did y'all talk about the chicken?

7 A No, I don't think we did.

8 Q Did you talk with Paul about Cash's tail?

9 A After the chicken?

10 Q Yeah.

11 A No, I know I didn't do that.

12 Q Did you tell Maggie I'm going to go check on M?

13 A At that point, no, I don't, I don't think --

14 Q Did you tell --

15 A -- I did.

16 Q -- Maggie, uh, it's hot out here. I think I'll go  
17 back.

18 A I certainly would have said something to that effect.

19 Q All right. So, unlike everything else from the new  
20 story, you just can't recall what, what that would have  
21 been.

22 A Well, you know, I mean, you're making that  
23 categorization. I think there's other things about that  
24 that I can't remember. But if the question is can I  
25 remember exactly what words I used when I gave Maggie some

1 salutation when I'm leaving, I can't tell you what those  
2 were. But it would have been something to the effect of  
3 I'm leaving.

4 Q Okay, but you would concede that there was at least  
5 some conversation, that you wouldn't have just put the  
6 chicken on there and jumped and ran back to the golf cart  
7 and taken off?

8 A Without talking to Maggie, I would have never done  
9 that.

10 Q All right, so we'll -- let's -- you want to say a  
11 minute? That sound about right?

12 A A minute for what?

13 Q To have just whatever interaction it took for you to  
14 then, according to your new story, drive back to --

15 A No, sir. It, it wouldn't have taken me a minute.

16 Q Not a minute.

17 A I would have said -- it would have been I'm leaving.  
18 I'll see you in a minute.

19 Q So, 30 seconds.

20 A I don't think it would have taken 30 seconds, but, I  
21 mean, I'm fine with you using whatever time you want to  
22 apply, but I don't think it --

23 Q I'm just asking about --

24 A -- would have taken that long.

25 Q -- real life here and how people interact with one

1 another, Mr. Murdaugh. I mean, so what you're telling this  
2 jury -- I'll call you're fuzzy on these kind of details --  
3 is that you jetted down there, you dealt with the chicken,  
4 and jetted right back.

5 MR. GRIFFIN: Objection.

6 A No, sir.

7 MR. GRIFFIN: To the statement and not a question.

8 A No, sir. I didn't -- I didn't -- I didn't jet down  
9 there and I didn't jet back. I got up -- after Maggie  
10 asked me to leave, after, after Maggie asked me to go with  
11 her and I didn't, I got up. I went and got on the golf  
12 cart. I drove down there. I did what I did. I said I'm  
13 leaving or something to those words, and I went back.

14 Q All right. Well, if it's about 8:46, kennel video  
15 ends at 8:45 and 45 seconds and it's about 8:46, will you  
16 at least concede that maybe it was about a minute before  
17 you got on that golf cart and headed back, just reasonable  
18 real life?

19 A Maybe. I mean, I don't think it was that long but  
20 maybe. Sure.

21 Q So.

22 A But I don't think it was that long. I mean, --

23 Q Well, how long --

24 A -- exactly what I thought --

25 Q -- do you think it was since you arrived?

1 A -- was going to be going on at that kennel, why I  
2 didn't want to go there to begin with is exactly what was  
3 going on.

4 Q Yeah. Well, I get that. Again --

5 A And I left.

6 Q Are these also convenient facts in your new story that  
7 have to fit with the timeline now that that evidence has  
8 been thrown in your face?

9 A No, sir.

10 Q Does that sound like real life to you, that you jet  
11 down there and jet back, Mr. Murdaugh?

12 A Mr. Waters, as I just told you, I didn't get on my  
13 golf cart and jet down there. I didn't jet back. Those  
14 are your --

15 Q The reason why you have to be so --

16 A Hang on now, Mr. Waters.

17 Q -- fussy about these details --

18 A Just a second.

19 MR. GRIFFIN: Your Honor, he should be allowed to  
20 finish his answer before another question is presented.

21 THE COURT: Yes, sir.

22 A I'm, I'm answering your question.

23 THE COURT: Just a moment.

24 THE WITNESS: I'm sorry, Judge.

25 THE COURT: Are you responding to the last question?

1 THE WITNESS: Yes, sir.

2 THE COURT: Go ahead.

3 A I'm responding to your question and, and, and you're  
4 using words that I'm not using, and I'm -- that's your  
5 categorization.

6 Q Do you agree I'm entitled ask my questions to you,  
7 sir?

8 A Absolutely.

9 Q Okay.

10 A And I'm going to answer them. All I'm saying is I'm,  
11 I'm taking issue with the manner in which you're changing  
12 what I'm saying and --

13 Q You disagree this is a new story? You disagree with  
14 that characterization?

15 A Yes. This is, this is the first time that this is  
16 being told openly.

17 Q And you disagree to my characterization that you've  
18 got a photographic memory about the details that have to  
19 fit now that you know these facts, but you're fuzzy on the  
20 other stuff that complicates that. You disagree with that?

21 A I do disagree with that. I think that I, I think that  
22 I have --

23 Q How about this?

24 A -- a good memory about a lot of things on this.

25 Q How about this? We've got kennel video ending at

1 8:45:45, so just to take care of the chicken, put it up, I  
2 want to say 8:47, somewhere around there. I think you said  
3 somewhere around there. Is that fair, just to do whatever  
4 you need to do and get on that cart before you head back?

5 A The kennel video ended at 8:45?

6 Q And 45 seconds.

7 A 8:46, it certainly could have been 8:47 before I left  
8 out of there.

9 Q Okay.

10 A I think it was sooner than that, but it could have  
11 been.

12 Q That's 60 seconds, 75 seconds, correct?

13 A If it ends at 8:45 and 45 seconds, it's a minute and  
14 15 seconds.

15 Q You characterized it yesterday as I got out of there,  
16 right?

17 A That is exactly what I did.

18 Q All right. So if we're at 8:47, I think you said,  
19 then giving you the benefit of the doubt, it's 2 minutes to  
20 get up back to the house, correct?

21 A Approximately.

22 Q And when you got back to the house, where did you park  
23 the golf cart?

24 A Same place I've gotten it from: right where Mark Ball  
25 testified that it was.

1 Q And what door did you go in?

2 A I would have gone in the front door.

3 Q And if you left around 8:47 and it took about 2  
4 minutes to get up to the house, what time would that make  
5 it, Mr. Murdaugh?

6 A If I left at 8:47 and if it took me 2 minutes, that  
7 would make it 8:49.

8 Q 8:49. You testified you went inside and the TV's on,  
9 right?

10 A I did go inside and the TV was on.

11 Q Okay, and you laid down. Is that right?

12 A I did.

13 Q Before you said you'd been napping for an hour or so,  
14 or napping that entire time, and now you, you laid down on  
15 the couch.

16 A That's correct.

17 Q And maybe dozed for a second.

18 A Maybe.

19 Q According to your new story. How long did you doze?

20 A If, if I dozed, extremely short time.

21 Q Extremely short time because you would agree with  
22 me that at 9:02, you're up and moving, according to the  
23 data.

24 A I agree that according to that data, my phone's  
25 recording steps at whatever time it is, 9:02 something.



1 Q How long did it take you? If you're at the house at  
2 8:49, how long before you went and laid on the couch?

3 A I would have gone straight to the couch probably. I  
4 may have gone by the sink or, you know, I may have gotten a  
5 spit cup, but it would have been basically straight to the  
6 couch.

7 Q Straight to the couch.

8 A Yes, sir.

9 Q And you're telling this jury that that's what  
10 happened, and you were back at the house at 8:49, and you  
11 lay down on the couch and dozed for a second, and then you  
12 were up with more steps in a shorter time period than you  
13 had done all day.

14 A Well, I mean, your number is 849. What I'm telling  
15 this jury is that I went down there and when I took that  
16 chicken from Bubba, I would have said something to Mags,  
17 got back on that golf cart, and I drove back to my house.  
18 After getting back to my house, I went inside and in short  
19 order I went to the couch. That's what I'm telling this  
20 jury.

21 Q You go anywhere else in the house?

22 A Mr. Waters, I can't tell you specifically about that.  
23 I, I don't think so, but I may have.

24 Q Did you have that tan Blackout and the 12 gauge  
25 shotgun on that golf cart when you drove down there?

1 A No.

2 Q You didn't?

3 A No.

4 Q Did you see them when you were down there?

5 A No.

6 Q No. So, we got you back around 8:49 and you're  
7 leaving at 9:02, correct? You didn't see any weapons down  
8 there. You just happened to be back here. You didn't hear  
9 anything at all. Did you hear anything at all, Mr.  
10 Murdaugh, during that time period?

11 A No, I did not.

12 Q You didn't? Did you tell law enforcement that you  
13 thought you heard them pull up? Didn't you tell law  
14 enforcement that?

15 A I did think they had pulled up.

16 Q All right, so that was that. You did think that?

17 A Yes.

18 Q All right. So, now you're saying there was a car  
19 pulling up?

20 A No.

21 Q You didn't testify to that yesterday, did you, in your  
22 new version of events that --

23 A No.

24 Q -- about a truck?

25 A No, I, I don't. This was -- I don't believe there was

1 a car pulling up.

2 Q Okay, but that's what you told law enforcement, didn't  
3 you?

4 A No. I told law enforcement that I thought they had  
5 pulled up.

6 Q Okay, all right, but you're saying you couldn't hear  
7 Blackout shots supposedly but you could hear that, correct?

8 A I didn't say I couldn't hear Blackout shots, but I'm  
9 saying that I thought when, when I got up from taking a  
10 nap, if I took a nap, but when I got up from laying down,  
11 as I was getting ready to go to my mom's, there was a point  
12 in time where I thought Maggie and Paul had come back.

13 Q You also told them that you thought you heard a  
14 wildcat and maybe it was a person or something like that as  
15 well.

16 A No, that's not what I said.

17 Q What did you say then?

18 A I said when I went outside that -- there's a house  
19 cat. That's what -- that's gone wild, and he hangs around.  
20 He goes from hanging around the shop -- goes from hanging  
21 around the house different times. You might -- and there'd  
22 be times you don't see him. And he had been around the  
23 house and when I went outside, I believe that cat was over  
24 there.

25 Q Okay, and you made a point of mentioning that --

1 A I never --

2 Q -- to law enforcement.

3 A I never thought it was a person.

4 Q But you made a point of mentioning that to law  
5 enforcement, correct?

6 A In the course of discussing it, I did tell them that.

7 Q But you never told them all this new story that you've  
8 constructed in light of this trial. Is that correct?

9 A I did not tell them that I went to the kennel. I lied  
10 about that.

11 Q And at the same time, you also looked at this jury and  
12 tried to tell them that you've been cooperative in this  
13 investigation.

14 A Other than lying to them about going to the kennel, I  
15 was cooperative in every aspect of this investigation.

16 Q Very cooperative except for maybe the most important  
17 fact of all, that you were at the murder scene with the  
18 victims just minutes before they died, right? Right?

19 A I did not tell them that I went to the kennel.

20 THE COURT: Madame Forelady and members of the jury,  
21 we will take a break at this time for about 15 minutes.

22 Talking to the jury.

23 Please go to the jury room. Please do not discuss the  
24 case.

25 (The jury left the courtroom.)

1 THE COURT: You may step down. Please do not discuss  
2 your testimony with anyone during the break.

3 THE WITNESS: Yes, sir.

4 THE COURT: We'll be in recess for 15 minutes.

5 (A recess was taken.)

6 THE COURT: I remind everyone in the courtroom there  
7 is to be no reaction to the testimony. No jeers, cheers,  
8 no reaction at all by anyone in the courtroom.

9 If you will bring the jury.

10 MR. GRIFFIN: Your Honor, may I put something on the  
11 record?

12 THE COURT: There will be an opportunity to put  
13 something on the record. If it's regarding an objection,  
14 it will be done later.

15 MR. GRIFFIN: Yes, sir.

16 (The jury entered the courtroom.)

17 THE BAILIFF: The jury is present, sir.

18 THE COURT: Thank you.

19 You may proceed.

20 MR. WATERS: May it please the court, Your Honor?

21 BY MR. WATERS:

22 Q When you picked up that chicken, was there any blood  
23 on it?

24 A I don't believe so.

25 Q Did you wash her hands at all?

1 A At that point in time, I don't believe that I did.

2 Q When you say you were -- you said Maggie was near,  
3 nearby you. Is that correct?

4 A Right by me.

5 Q Was she messing with the hose at all?

6 A At that time, no, she was not.

7 Q Did she mess with it the entire time that you were  
8 there according to your new facts today?

9 A While I was there, she did not touch -- she, she was  
10 not fooling with the hose at all.

11 Q All right. I'm going to try to move this thing along.  
12 I'm going to put up on the screen State's 519, which is the  
13 condensed timeline.

14 MR. WATERS: Could I have that computer input, please,  
15 519?

16 Q All right, can you see that up there, Mr. Murdaugh?

17 A Yes.

18 Q All right. I'm on page 5. You see that cell tower  
19 time there?

20 A That's up on my screen?

21 Q Yes.

22 A I do see that.

23 Q Would you agree with me that it reflects the cell  
24 tower activity on your phone from 6:52 to 9:04?

25 A I do agree with that.

1 Q Let me ask you this, Mr. Murdaugh. Did you take the  
2 phone with you down to the kennels according to the new  
3 facts that you testified to yesterday and today?

4 A I must not have.

5 Q You must not have?

6 A If this is accurate, no, sir.

7 Q Is that typical for you?

8 A Sure it is. Absolutely.

9 Q Okay. Tell me why that's typical.

10 A If and when I'm going -- now, it wouldn't be -- it, it  
11 would be unusual if I was going out for any extended period  
12 of time. I was going -- even on the property, if I was  
13 going somewhere for an extended period of time, I would  
14 usually have my phone. But for me to go, knowing that I'm  
15 going to the kennel and coming right back, that's not  
16 unusual at all.

17 I mean, there's very -- you've heard the testimony  
18 about the service out there. The service is terrible. You  
19 have to be in a particular spot.

20 Q All right.

21 A And you have to find a spot.

22 Q So, the answer is you don't know whether you took it  
23 down there?

24 A I believe that I probably didn't, based on this data.

25 Q Based on this, but unlike your photographic memory

1 about other things, you don't remember whether you had your  
2 phone on you?

3 A Mr. Waters, I -- I've never claimed to have a  
4 photographic memory, but I do not specifically remember if  
5 I had my phone that night. I do not dispute it based on  
6 these -- on this data, and that's not unusual for me.

7 Q Just like you don't remember, according to your new  
8 story, the last conversation you had with them?

9 A No, I remember. I remember having the -- my last  
10 conversation with Maggie.

11 Q Looking at this screen, you have the map up there on  
12 page 6, and it shows you arriving back at Moselle at 6:42.  
13 You don't dispute that now. Is that correct?

14 A No. That's, that's what the -- this data appears to  
15 show.

16 Q Looking at the data, moving on to page 7, you have  
17 Paul arriving about 7:04. Is that correct? You don't have  
18 any reason to dispute that?

19 A Well, that's what it says, he arrives at 4127 Moselle  
20 Roads, which is the address of the shop. The house is  
21 4157. I believe that Paul actually got there a little bit  
22 before that, but I think it's approximately accurate. I  
23 think Paul got there a little bit closer to 7:00.

24 Q You would agree that's the earliest data point that  
25 reflects his presence at Moselle.



1 A If that's what the records show.

2 Q You don't dispute that?

3 A I don't dispute that that's the earliest data point.  
4 But, again, I believe he got there a little bit earlier,  
5 and I, I tried to look at these records to see if I could  
6 -- if, if that could be refuted, and I believe he got there  
7 a little closer to 7 or a little bit before 7.

8 Q That's a good point. You looked at these records a  
9 lot before you had your testimony yesterday or today,  
10 didn't you, Mr. Murdaugh?

11 A I've looked at these records other than the OnStar  
12 records that just came when they were provided to me. Sure  
13 I've looked at them.

14 Q Right here we have some steps on your phone: 29 steps,  
15 and down at the bottom we have 89 steps. Is that  
16 consistent with you and Paul were together on the property?

17 A I mean, sure. We, we would go to different locations  
18 on the property. Sometimes we would get out; sometimes we  
19 won't. We'd get out and walk around. We'd look at stuff.  
20 We'd do things. For example, you saw me messing with the  
21 tree. There would be other ones. We may get out and look  
22 at a feeder, maybe other ones. We'd get out and look at  
23 hog signs where hogs are rooting. So, it would be  
24 perfectly consistent with what Paul-Paul and I were doing  
25 that day.

1 Q And 8:05 to 8:09, would you agree that that's the last  
2 steps recorded on your phone before 9:02 where you become a  
3 very busy bee?

4 A If that's with these records show. I see I took  
5 steps. These records show I took steps between 8:05 and  
6 8:09.

7 Q So, would you concede then that you're at the house  
8 around 8:09?

9 A I would have thought so, yes.

10 Q Okay, and you said Paul was already back at that  
11 point?

12 A No. I, I, I said just the opposite.

13 Q When did he get there?

14 A All right, you talking about when I left the shop and  
15 went to the house and Maggie was there?

16 Q Yes, when you ate dinner.

17 A No. As I said earlier, Paul and I were at the shop.  
18 Maggie got home. I left Paul at the shop, and I went to  
19 the house, and I think you were saying that I said I met  
20 Paul at the house, and that incorrect.

21 Q Paul was still down at the shop when you were at the  
22 house, correct?

23 A When I first went to the house, Paul was still at the  
24 shop, I believe.

25 Q All right, and was Maggie there when you arrived at

1 the house?

2 A Yes. I believe she was.

3 Q And 8:09 is the last steps that you have on this phone  
4 before 9:02, correct?

5 A That's what the data shows.

6 Q Looking now at page 15 -- sorry, page 14, your steps  
7 that you say when you got to the house. It's 8:09. Paul's  
8 still down at the shop. Don't these records reflect that  
9 Paul is pinging the GPS data at the house at 8:08?

10 A This record appears to show Paul at the house at 8:08.

11 Q All right. So, those records don't fit with the new  
12 story that you testified yesterday and today. Is that  
13 correct?

14 A No. I, I don't, I don't believe even right now, Mr.  
15 Waters, that that's right. I'm not saying -- what you're  
16 doing is you're taking 8:09 and saying that I'm at the  
17 house and, I mean, that may or may not be right. But what  
18 I'm saying is, is that when Maggie came through, I left and  
19 I believe that Paul stayed at the shop. Now, did Paul come  
20 right behind me? I'm not sure, but when I, when I left  
21 him, I believe that -- when I left to go to the house, I  
22 believe that Paul stayed at the shop for a minute.

23 Q When you got to the house, did you put your phone  
24 down?

25 A I'm sure I did.

1 Q Did you put it in your car, the Suburban?

2 A Did I put it in the Suburban?

3 Q When you got back in the house, did you put it in the  
4 Suburban? Was the Suburban parked out front?

5 A The Suburban would have parked -- been parked wherever  
6 I parked it.

7 Q Which is where?

8 A I believe on the side.

9 Q Okay, and did you put the phone, your phone in the  
10 Suburban?

11 A At that time? No, I did not.

12 Q Where did you put it?

13 A I'm not sure where I put it.

14 Q Not sure about that either?

15 A No, I'm not sure. When I went in the house, I'm not  
16 sure where I put my phone. I would think that I, you know,  
17 I would think that I put it down somewhere probably by the  
18 couch.

19 Q Didn't you testify yesterday when you were being asked  
20 by your, your lawyer about that pause at Alameda when you  
21 were leaving, and you had a very specific recollection of  
22 your phone, it falling down in the crevice, and you had to  
23 pick it up and get it out? Do you remember testifying to  
24 that?

25 A I do.

1 Q But you don't remember what you did with your phone  
2 when you got back at this point?

3 A Mr. Waters, those are two distinct different things.  
4 I'm, I'm coming in the house, and I put my phone down. I  
5 don't have a routine spot that I put it in right on this  
6 corner or right there. You know, I would assume that when  
7 I went in the house, I put it somewhere either on the table  
8 you go by going to, going to the couch. I may have taken  
9 it to the bathroom --

10 Q That console story --

11 A -- when I took a shower. It may have taken me taken  
12 me a, a few minutes to go to the shower. So, I can't --

13 Q That console story --

14 A -- exactly where I put it.

15 Q That console story is an awful specific recollection  
16 when you need it to try to make the new story which this  
17 jury is hearing and everyone's hearing yesterday and today  
18 with the data, correct, but you're awful fuzzy on the more  
19 important things aren't you, Mr. Murdaugh?

20 A Which, which question -- here, I'll answer the first  
21 one first. No.

22 Q Answer the first one first, the second one second.

23 A I don't believe that's convenient. I disagree with  
24 your categorization of the description.

25 Q All right, but you, you remember the console story,

1 but you don't remember where you put your phone, whether or  
2 not you took it down to the kennels, whether it was in --  
3 you put it in the Suburban. You don't remember any of  
4 that, but, dadgummit, you remember that console story,  
5 correct?

6 A I don't remember the console story but, you know, in  
7 that Suburban -- and it's not the first time that it  
8 happened, but when that phone got down there, you had to go  
9 to great efforts to get it out, and you couldn't just reach  
10 over there and get it out.

11 Q All right, you say when you got to the house that  
12 Maggie was already there?

13 A Yes.

14 Q And you saw your last steps were at 8:09?

15 A Well, that's what you saw when my -- this data  
16 recorded my last steps, but -- because you heard this  
17 testimony, too, Mr. Waters. You know that's not a precise  
18 -- that -- that's not a precise -- you heard the testimony.  
19 You know what it is.

20 Q Well, how did you get back to the house? Would you  
21 remind us?

22 A From the shop?

23 Q Yeah.

24 A I went in the white pickup truck.

25 Q Went in the white pickup truck, and when you got in

1 the house, where did you go?

2 A We've already discussed this. I, I, I took a shower.  
3 Whether I did things for a moment before I went to the  
4 shower -- I'm sure I talked to Maggie because she'd gone,  
5 and if she came through the kennel, which I believe she  
6 did, we only talked briefly. So, I would have talked to  
7 her, but I would have quickly gone to take a shower.

8 Q Going over to page 16, you would agree with me that  
9 the data reflects Maggie started logging steps and her  
10 phone disconnecting from her Mercedes around 8:17, correct?

11 Q I agree at 8:17 her phone ends connection to her  
12 Mercedes.

13 Q And starts logging steps?

14 A I don't see that, but I don't dispute it.

15 Q Well, you see the purple line I'm talking about? It  
16 disconnected from the Mercedes.

17 A I do see.

18 Q When you go down --

19 A I see the -- I see where you're talking about. So,  
20 yeah, I see at 8:17 her phone starts logging steps. I  
21 agree with that.

22 Q Okay. So, would you concede that that appears to be  
23 when she arrived?

24 A No. I, I don't believe that's when she arrived. I  
25 believe that -- I mean, it was very normal for Maggie when

1 she'd be driving to jump out of the car, run inside, go to  
2 the bathroom, do things, and either send me or Paul or go  
3 back or Buster or go back to her car herself and unplug her  
4 phone. So, I mean, I agree that's when her phone's  
5 unplugged, but I believe that Maggie got to the house a  
6 little bit before that. That's the whole reason why Paul  
7 and I went to the house.

8 Q Okay. You're saying that Paul arrived after Maggie,  
9 is what you're saying, at the house.

10 A I believe so, yes, sir. That's what I recall and, and  
11 Paul arrived at the house after I arrived at the house, I  
12 believe. And if Paul got to the house around about that  
13 same time, he wasn't inside with Maggie and I -- when I --

14 Q At 8:08?

15 A -- went to get to the shower.

16 Q You say if Paul got -- he wasn't inside with Maggie  
17 and you? Is that what you said? Mr. Murdaugh, is that  
18 what you said?

19 A Sir?

20 Q You said if Paul got to the house prior to that, he  
21 wasn't inside with you and Maggie. Is that what you said?

22 A I'm saying he was not inside when I went to get in the  
23 shower.

24 Q Okay, but again looking back at this data point, 8:08,  
25 we see a little blue dot right there in the middle of the



1 house, don't we?

2 A Yeah. That's what these records show. And it also  
3 shows that circle that folks testified to, what the range  
4 of -- what it could --

5 Q Yeah. Absolutely.

6 A -- be within. So, I mean, it clearly could be --

7 Q Well, look at that circle. Look at what's right in  
8 the middle of that circle. Almost like somebody drew a  
9 circle around the house. Would you agree?

10 A Yeah, I do, but also in that circle is where you would  
11 park a truck if you pulled up.

12 Q All right.

13 A So, you know -- and I'm not saying that he wasn't in  
14 the house at some point in time there, but when I went to  
15 get in the shower, he wasn't in the house, and he very  
16 easily could have been there and been parked in the yard.

17 Q All right. You agree at the bottom of page 16 about  
18 8:30, Maggie tracking steps again on her phone?

19 A Yes, sir. That's what the data shows.

20 Q And do you agree with me that about 8:38, Paul's phone  
21 shows him back up at the kennels?

22 A Well, yes, sir, yes, I agree that at 8:38 -- let me  
23 see which way. It's hard for me to figure out which one of  
24 these rings -- but at 8:38 it shows Paul in whichever one  
25 of those rings is 56 meters wide, and I have no reason to

1 believe he wasn't at the kennel.

2 Q And at 8:44:55, we've already gone through this, but  
3 that's the kennel video, right?

4 A Yes, sir. That's correct.

5 Q And you would agree with me that it lasts about 50  
6 seconds, correct?

7 A Yes, sir. I agree with that.

8 Q And you would agree with me, moving on to page 19,  
9 that both Maggie and Paul's phones locked for the final  
10 time 8:49?

11 A That's what the data shows.

12 Q After that, you would agree that Maggie's phone around  
13 8:53 shows some steps being taken?

14 A That's what the data shows, yes, sir.

15 Q Data then shows carrying it. That's what it shows.  
16 Is that correct?

17 A That is correct.

18 Q And then you would agree with me that from 9:02 to  
19 9:06, your phone finally comes to life and starts showing a  
20 lot of steps?

21 A I do agree with that.

22 Q What were you doing?

23 A I was getting ready to go to my mom's house.

24 Q Getting ready to go? I thought you'd taken a shower  
25 already. You were just laying down on the couch. What,

1     what all do you need to do to get ready to go to your mom's  
2     house?

3     A     I mean, there wasn't anything to get ready in that  
4     aspect.

5     Q     There wasn't anything to get ready.

6     A     I was getting ready to go; I was preparing to leave.

7     Q     Doing what?

8     A     I don't know if I got up, went to the bathroom. I  
9     don't know. I can't tell you exactly what I was doing.

10    Q     And that's far more steps in a short time period than  
11    any time prior, as you've seen from testimony in this case.  
12    So, what, what were you so busy doing?

13    A     That's --

14    Q     Going to the bathroom?

15    A     No, I don't, I don't think that I --

16    Q     Get on the treadmill?

17    A     -- went to the bathroom. No, I didn't get on the  
18    treadmill.

19    Q     Jog in place?

20    A     No, I didn't jog in place.

21    Q     Do jumping jacks?

22    A     No, sir, I did not do jumping jacks.

23    Q     What were you doing, Mr. Murdaugh, those 4 minutes?

24    A     Preparing to leave for my mom's house.

25    Q     What? What does that mean? I mean, you're in the

1 front room on that couch where you say you laid down.

2 Suburban was just right outside. What all are you doing?

3 A I don't know if I got up and went to my room, went to  
4 the gun room.

5 Q Doing what?

6 A Went back in that --

7 Q Doing what? You've been so clear in your new story  
8 about everything. What, what were you doing during these 4  
9 minutes?

10 A I disagree with your assertion about every detail. I  
11 don't recall. I know that I was getting up and I was  
12 leaving. I was going to check on my mom, but specifically  
13 what I was doing I don't -- I, I don't know. I know what I  
14 wasn't doing, Mr. Waters, and what I wasn't doing is doing  
15 anything as, as I believe you've implied, that I was  
16 cleaning off or washing off or washing off guns, putting  
17 guns in a raincoat, and I can promise you that I wasn't  
18 doing any of that.

19 Q Okay. Also during this 4 minutes where it's got 283  
20 steps, not only were you moving around a lot, but you were  
21 making a ton of phone calls. Does that -- in that same  
22 time period. You see this red light right here where over  
23 that four minute period all those steps were taken? That's  
24 also where you're calling, making all these phone calls,  
25 isn't it, Mr. Murdaugh?

1 A Well, I made the phone calls --

2 Q So, were you running in place and making phone calls?

3 MR. GRIFFIN: Your Honor, he should be allowed to  
4 answer before Mr. Waters steps on him again with another  
5 question, please. Thank you.

6 MR. WATERS: I'll rephrase, Your Honor.

7 THE COURT: All right.

8 Q You were making all these phone calls while you were  
9 taking all these steps. Would you concede that, or you  
10 don't remember what you were doing?

11 A Well, I was making phone calls and -- that, that show  
12 on here at 9:05 I called my dad. You know, I don't know  
13 that I was taking steps like you're saying I'm taking  
14 steps. I heard the same testimony you heard, Mr. Waters,  
15 and, you know, steps can be recorded any number of ways. I  
16 don't have a specific recollection of walking around. I  
17 don't know if I was hitting my phone like the guy showed or  
18 doing whatever that makes steps, but, you know, what --

19 Q So, you were hitting your phone like that while you  
20 were making all these phone calls?

21 A Hang on. No, sir. What I'm saying, Mr. Waters, I  
22 don't know that. I'm, I'm just giving you an example.  
23 You're saying that I'm running around taking these steps  
24 and while I'm doing that, I'm making telephone calls. What  
25 I will agree with is that this data shows that there was

1 283 steps recorded on my phone, and some time during that  
2 period I made certain phone calls.

3 Q Okay. All right. So, not only for whatever it is  
4 that's recording steps, but you're also making a ton of  
5 telephone calls, including missed calls to Maggie, who is  
6 1100 feet away supposedly?

7 A You're using the term a ton of phone calls.

8 Q Yeah.

9 A What I agree is that I, I made the phone calls that  
10 are listed on these call data records which, you know, are  
11 very normal calls for me.

12 Q Do you know why so many phone calls are missing from  
13 the log around this relevant time period when law  
14 enforcement downloaded your phone on June 10th?

15 A From my phone?

16 Q Yeah.

17 A No, I don't.

18 Q Did you delete them, Mr. Murdaugh?

19 A Not intentionally.

20 Q Just around the time of June 7th all these calls are  
21 missing, but you had nothing to do with that between June  
22 7th and June 10th?

23 A No, sir, I did not, and I did not delete phone calls  
24 from my phone. Mr. Waters, one of the most important  
25 things in this whole thing for me has been getting this

1 data that I believe would exist. Phone calls and phone  
2 records would be part of that. I've been in enough civil  
3 cases and used phone records enough times to know that you  
4 delete a phone call from your phone, it doesn't disappear.  
5 So, I can tell you, this jury, and everybody who's  
6 listening that I did not intentionally delete phone calls  
7 from my phone.

8 Q Yeah, because you started talking about -- you're,  
9 you're a former prosecutor, correct, and former lawyer  
10 doing civil cases. We went through that yesterday and,  
11 boy, you're a busy bee on that phone right out of the gate  
12 at 9:02, right?

13 MR. GRIFFIN: Object to the comments.

14 THE COURT: The objection is overruled.

15 A Am I a busy bee?

16 Q Yeah.

17 A I, I am using my telephone at -- I think I called --  
18 at 9:05 I start and call my dad, and I agree that I made  
19 other phone calls.

20 Q And one of the first things you start talking about  
21 with law enforcement is these calls that you made to  
22 Maggie, correct? You recall that with your first statement  
23 to law enforcement?

24 A One of the first things that I said to law  
25 enforcement?

1 Q Yeah. That's one of the things you talked about. I'm  
2 talking about with your interview with Special Agent Dave  
3 Owen.

4 A I don't remember that being the first thing we talked  
5 about, but --

6 Q One of the first things.

7 A If Mr. Owens asked me about it, then I --

8 Q No. You brought it up, didn't you?

9 A I did?

10 Q You don't recall?

11 A No, I don't. I don't recall.

12 Q Would you dispute me if I said you brought it up?

13 A That I brought up -- brought up what?

14 Q Your phone, Mr. Murdaugh, the phone.

15 A Phone calls to Maggie?

16 Q Yes.

17 A That I brought up phone calls to Maggie with David  
18 Owens?

19 Q I'm asking you. Is that one of the things that you  
20 talked about in your first interview with David Owen, that  
21 you pulled out your phone and started looking at it, that  
22 you brought that up. Do you recall that?

23 A Well, but that's not what you asked, Mr. Owens. You,  
24 you, you asked me was that the first thing that I talked to  
25 him about, and that was the discrepancy. I certainly don't



1     dispute that Mr. Owens and I talked about phone calls, but  
2     that's not what you said. So, just to be clear.

3     Q     Well, the real reason, Mr. Murdaugh, is that you as a  
4     lawyer and prosecutor are up at 9:02, finally having your  
5     phone in your hand, moving around, and making these phone  
6     calls to manufacture an alibi. Is that not true?

7     A     That's absolutely incorrect.

8     Q     So, that's just another circumstance and coincidence  
9     in this particular case right around the time that you lied  
10    to law enforcement about maybe one of the most important  
11    facts about the case?

12           MR. GRIFFIN: Objection to the previous comment before  
13    the question.

14    A     It is a absolute fact that I am not manufacturing an  
15    alibi, as you say.

16    Q     How do you remember so much detail about everything  
17    else but you don't remember what you were specifically  
18    doing to generate 283 steps while you're making these --  
19    all these phone calls in the same four minute period?

20    A     I remember unequivocally without any doubt with as  
21    clear a mind as I could have at any time that I never  
22    manufactured any alibi in any way, shape, or form because I  
23    did not and would not hurt my wife and my child.

24    Q     So, why can't you remember what you were doing --

25    A     So, I know for a fact that I never, ever, ever created

1 an alibi.

2 Q Why don't you remember what you are doing when you  
3 were so busy for this four minute critical period?

4 A I do remember --

5 Q Other than I was --

6 A -- what I was doing.

7 Q Other than I getting ready to go.

8 A Well, because that's what I was doing.

9 Q Okay. Let's keep going. You made those calls to  
10 Maggie in that four minute period. You had just seen them  
11 a few minutes ago when you say you were down there and came  
12 right back. Why didn't you just take that quick little  
13 left 1100 yards away and stop by, see why they didn't  
14 answer the call? You were obviously wanting to get in  
15 touch with them. Why didn't you go down to the kennels  
16 that were so close by?

17 A There was no reason to. I mean --

18 Q Making multiple missed calls to Maggie and she's so  
19 close, and there's a driveway right there. Why do you not  
20 just go down there and say hey, guys, I'm heading over  
21 there?

22 A It wasn't important to do that. Me, me making those  
23 phone calls is simply me letting -- I believe I called  
24 Maggie and I believe called -- I called Paul, but that,  
25 that -- that's simply me just letting them know that I'm

1 leaving for a minute. I'll be back. The fact that, that  
2 they don't answer is not unusual at all.

3 Now, it is odd, it is usual that they never called me  
4 back and -- but at that moment, the fact that there's a  
5 missed call when, when I know they're on the property, I  
6 mean, that doesn't even register at all. That's perfectly  
7 normal to try to call somebody who's on the property and  
8 not be able to get them. And as far as not going down  
9 there -- there, there was no sense of urgency. Maggie was  
10 with Paul. You know, she should be as safe as she could  
11 be.

12 Q Did you talk with Maggie about going to Almeda when  
13 you were in the kennels?

14 A No, I don't believe I did.

15 Q Did you talk with Maggie about going to Almeda during  
16 supper?

17 A I know that we had talked about it. I had talked -- I  
18 don't believe we talked about it at supper, but we may  
19 have. I know that I had talked about that I was going to  
20 go over there, and that I decided that I wasn't going to go  
21 over there, but I --

22 Q So, what was your conversation at supper? Tell me  
23 specifically.

24 A I can't --

25 Q About going to Almeda.

1 A I can't tell you that we specifically talked about  
2 that. The only thing that I can tell you we specifically  
3 talked about at supper was Paul-Paul.

4 Q And what was the conversation?

5 A Maggie was just concerned. Paul-Paul had been having  
6 -- for a young person, Paul had been having high blood  
7 pressure, and he was very resistant to go to the doctor,  
8 and this had been going on for a little while, but lately  
9 Paul's feet had swollen. For a twenty-two year old to have  
10 -- start having swollen feet concerned both of us, and it  
11 particularly concerned Maggie, and we talked about that.

12 Q Okay. Did y'all talk about Mr. Randolph at all?

13 A I'm sure we did.

14 Q Do you remember that group text coming in about  
15 whether or not anybody was going to go see Mr. Randolph at  
16 the hospital the next day?

17 A Do I remember it coming in? No, I don't remember it  
18 coming in.

19 Q You didn't read it until the next day.

20 A I've seen -- I've seen the data.

21 Q Why didn't you -- did you ever text the group and say  
22 you were going to Almeda at all?

23 A No.

24 Q Did Maggie ever -- did you and Maggie ever  
25 specifically discuss her going along with you to Almeda?

1 A I don't believe that we did. I mean, there was a  
2 point in time where I said Maggie might go, but it's highly  
3 unusual for Maggie to go and visit just my mom. That whole  
4 situation, it just made -- it made Maggie sad and she  
5 didn't like to go, so.

6 Q You --

7 A I don't believe that we did, but I do acknowledge that  
8 some point I said she might go for some reason.

9 Q You told law enforcement on multiple occasions that,  
10 first of all, Maggie was planning to stay at Edisto the  
11 night of June 7th, correct?

12 A I did say that.

13 Q Okay, and you also said that you came to find out that  
14 she came home of her own accord, correct? Told that to law  
15 enforcement. Is that true?

16 A She did come home of her own accord.

17 Q That she decided on her own to come home because she  
18 was worried about you. Isn't that what you said?

19 A I did say that, and I believe that to be the case.

20 Q Since we -- despite what you told law enforcement, and  
21 you've since seen the texts that you actually called her  
22 and asked her to come home on the night of June 7th.

23 A No, sir. That's not correct.

24 Q That's not correct?

25 A No, sir, that's absolutely not correct.

1 Q All right. So, you heard your sister-in-law Marian  
2 testify to just that fact of a conversation she had with  
3 Maggie, but you're saying that's not true?

4 A I don't believe that's what Marian said.

5 Q And your defense put in this exhibit, Exhibit 107,  
6 where Maggie texted Blanca and said Alex wants me to come  
7 home.

8 A I've seen that. I agree with that.

9 Q And that in a phone stream -- no, I've got the wrong  
10 one. Have you seen this text?

11 A I have seen that. Mr. Waters, the only dispute I have  
12 with what you're saying is you're saying that I called  
13 Maggie and wanted her to come home. I always wanted Maggie  
14 to come home, and I would have talked to Maggie about  
15 coming home before she ever left to go to Charleston and to  
16 Edisto.

17 And I can tell you this, and I didn't realize this at  
18 the time, but I realize it now, that Maggie was already  
19 undecided. Now, I didn't know this, but Maggie was already  
20 undecided about staying at Edisto. I can promise you that  
21 because Bubba and Grady were in their kennels, as y'all  
22 well know, that night. If -- that day. If Maggie was  
23 certain that she was spending the night at Edisto, at a  
24 minimum Bubba would have been with her and probably both  
25 dogs would have been with her. It was very usual for her

1 to spend the night anywhere without one of us or those  
2 dogs. So --

3 Q So, you're saying --

4 A -- that tells me that when she left that morning, she  
5 was already seriously thinking about coming back.

6 Q So, you're saying that you never called her and had a  
7 conversation that day asking her to come home specifically  
8 on the night of June 7, 2021?

9 A Maggie and I had a couple of phone conversations that  
10 day. What I'm telling you is --

11 Q Can you answer my question?

12 A -- before she left -- no, I don't, I don't believe we  
13 had a phone call about that. We may have discussed it  
14 during the phone call, but I didn't make a phone call to  
15 her to ask her to come home. I had already told her I  
16 wanted her to come home. I always wanted her to come home.  
17 You heard Marian say that, too, that I always wanted Maggie  
18 with me.

19 Q You thought enough of it to talk about it with Marian.

20 A The fact that I wanted her to come home?

21 Q Right.

22 A Well, sure. That's what Marian said.

23 Q So, you're denying that you called Maggie and  
24 specifically asked her to come home that night.

25 A I didn't make a phone call to Maggie to ask her to

1     come home that night. I asked Maggie to come home that  
2     night. I asked Maggie to come home long before she ever  
3     left, and I probably asked her again each time I talked to  
4     her, but I didn't make the phone call specifically for  
5     that, as you're saying. And to be clear, I'm certain that  
6     if Maggie was certain that she was spending the night,  
7     Bubba would have been with her and probably Grady.

8     Q     All right. Why did you tell law enforcement, though,  
9     that you found out after the fact that Maggie wanted to  
10    come home because she was concerned about you? Why did you  
11    phrase it that way if what you're saying to the jury now is  
12    accurate? Why would you phrase it that way?

13    A     Because I believe that to be the case.

14    Q     But you found that out afterwards. Now you're saying  
15    you knew.

16    A     No. I'm saying I found out afterwards why she came  
17    home, Mr. Waters, and she came home because she was worried  
18    about me. So, I'm going to be clear about that. I did not  
19    learn that until, I think, the day after she got killed.

20    Q     But you're saying that you found out that after the  
21    fact. You're telling this jury that you knew the things  
22    that you just said about her wanting to come home, and you  
23    were unaware of what Marian would say at that point either.

24    A     No. I'm saying at that time, I had not thought about  
25    Bubba and Grady. Since that time, I've thought about that;



1 I'm certain about that. At that time, I thought Maggie was  
2 staying at Edisto, all right? She was going to Edisto to  
3 do -- to meet the people to do the work. Maggie loved to  
4 stay at Edisto; there's no doubt about that. It would not  
5 be unusual at all for her to stay at Edisto, but just like  
6 every other time, I had already asked her please come back.  
7 Come back. Always wanted her to stay with me, always, but  
8 I did not learn about -- and, and Maggie even texted me  
9 I'll see you in a few hours, but I did not know why she  
10 decided to come back until later is what I am saying, and I  
11 learned it from Blanca. Blanca actually showed me the text  
12 that she sent her talking about being worried about me.

13 Q You would agree with me that you sent a text to Maggie  
14 at 9:08:58 while in motion in the Suburban as reflected by  
15 the data?

16 A I do, which was because I couldn't reach them by  
17 telephone, and I wanted them to know where I was, which is  
18 what we do.

19 Q You got to Almeda around 9:22.

20 A I believe that's correct. I, I don't -- I don't have  
21 any reason to dispute that.

22 Q You made some more phone calls along the way.

23 A I did make more phone calls along the way while I was  
24 riding.

25 Q Called Chris Wilson.

1 A I did call Chris Wilson.

2 Q Had a short conversation with him. Is that right?

3 A I did have a conversation for however long the records  
4 show.

5 Q About 131 seconds. That sound about right?

6 A If that's what the records show, 2 minutes.

7 Q Called your brother John Marvin for about 106 seconds,  
8 including connection time. Does that sound about right?

9 A That does sound about right.

10 Q Arrived at 9:22. Does that sound about right?

11 A It does.

12 Q And then at 9:24, you called -- that's the landline at  
13 Alameda. Is that correct?

14 A That is correct.

15 Q Then you went inside. Is that right?

16 A Yeah, that's right.

17 Q Talked to Ms. Shelley?

18 A That's right. I called the house phone to get Shelley  
19 to let me in.

20 Q And when you were asked by law enforcement how long  
21 you were at your mother's house, you said 45 minutes to an  
22 hour. Isn't that correct?

23 A I think I said a couple of different things, but I  
24 think at one time I did say that. But, you know, routinely  
25 through these things I kept saying, you know, when you get

1 this data, you will see exactly. When you look at my  
2 phone, you'll see exactly. When you -- you know. So, you  
3 know, me giving the times was always given with the thought  
4 that, okay, there's OnStar out there. There's whatever.

5 Q When you had a conversation with Ms. Shelley after the  
6 fact, you actually asked her to say that you were there  
7 longer than 20 minutes.

8 A You know, I heard Shelley's testimony. I believe  
9 Shelley to be a good person. I wasn't trying to influence  
10 Shelley on any particular length of time because at, at the  
11 beginning of this, I believed that data would show what  
12 data would show, and for me to tell her to say something  
13 when my OnStar's going to show something different just  
14 doesn't make any sense. So, you know, I can't answer that.

15 What my recollection is, is that I told Shelley that  
16 law enforcement would be talking to her. We may have  
17 discussed how long I was there at that point in time. If I  
18 thought I was there 45 minutes, I may have said I was there  
19 45 minutes, but, you know, I can't tell you.

20 Q All right, and that's the same thing that Blanca  
21 testified to, that you talked to her about the clothes that  
22 you were wearing and made her uncomfortable, correct?

23 A Ask that question again.

24 Q Similar to your conversation with Blanca that she  
25 testified about when you talked to her about the clothes

1     that you were supposedly wearing --

2     A     Well, what's --

3     Q     -- and made her feel uncomfortable. Do you remember  
4     that testimony, sir?

5     A     What's similar to that?

6     Q     Oh, that you're talking to both of these individuals  
7     about their testimony in a manner that is inconsistent with  
8     what we now know.

9     A     No. I don't think -- I don't, I don't think your  
10    assertion is accurate. You have to understand this. On  
11    August the 11th when I went to be with David Owens and in  
12    that, David Owens asked me about -- he showed me that  
13    Snapchat and asked me about clothes that I had on. And  
14    shortly after that, the next time I was with Blanca, I  
15    asked Blanca about those clothes because David Owens had  
16    asked me about them and was making -- made an issue about  
17    it so. And so I checked with Blanca to see what, what -- I  
18    specifically asked Blanca, and it was an issue to me.

19           So, I got Blanca and I said I need you to sit down and  
20    talk with me about this. This is important. Do you  
21    remember my clothes when you came to Moselle that day? And  
22    she remembered exactly what she testified to. She  
23    remembered that my pants were there. She wasn't sure if  
24    the shirt was there. At that time, I think she actually  
25    thought the shirt was there, but she was clear that she

1     wasn't sure about that, but -- no, no. She wasn't unsure  
2     about it. She didn't remember but assumed that it was.  
3     So, that was the conversation that -- and why I was asking  
4     Blanca.

5     Q     So, again very specific about your memory of that  
6     conversation, correct, Mr. Murdaugh?

7     A     You dang right I'm, I'm consistent about that because  
8     a very short time before that, David Owens is asking me  
9     questions and telling me I'm a suspect in the murder of my  
10    wife and my child and asking me about my clothes. You dang  
11    right it was important.

12    Q     It was important, right?

13    A     And you dang right I remember what -- why I went to  
14    her and for what reason.

15    Q     Because the only thing you're concerned about is  
16    yourself. You're not concerned about giving accurate  
17    information to law enforcement, correct? What's the reason  
18    for that, Mr. Murdaugh? Why don't you want to give  
19    accurate information to law enforcement? Why do you want  
20    to talk to these women who both were employed by you or  
21    your family and try to influence what they were going to  
22    say?

23    A     I, I did want to give law enforcement accurate  
24    information. I told a lie about being down there, and I  
25    got myself wed to that. But I wanted to give them as much

1 -- I knew that I hadn't done this, and I wanted to give  
2 them as much accurate information as I could. But the  
3 reason I went to Blanca is specifically because David Owens  
4 talking to me on August the 11th.

5 Q You see you were on your way at 9:42 heading back?

6 A I do.

7 Q 9:42 to 9:43?

8 A I do.

9 Q Turned on Moselle about 10:01.

10 A Turned in to Moselle about 10:01?

11 Q Yeah.

12 A It looks to me like I turned in to Moselle at 10:00.

13 Q 10:00.

14 A Yes, sir.

15 Q And at the house at 10:05.

16 A Yes, sir.

17 Q That's when you went back to the kennels after you  
18 came back from Almeda, correct?

19 A I went to the kennels after I went to the house at --  
20 I went from Almeda to the house.

21 Q When you got to the scene, you got out of the car,  
22 according to what you told law enforcement repeatedly, and  
23 went and checked the bodies, correct, before you called  
24 911. Is that correct?

25 A No, sir, that's not correct.

1 Q You're saying you didn't say that to law enforcement?

2 A I don't know what I said to law enforcement, Mr.

3 Waters, but I can tell you this. I pulled up and I saw

4 Mags and Paul-Paul. I jumped out of that car. I know that

5 I went back to my car, and I called 911 as quickly as I

6 could. That point in time when I got on the phone, then is

7 when I went to them and did the things that I did.

8 Q But you were there --

9 A So, what you're saying is not accurate.

10 Q You're saying that you didn't say very specifically to  
11 law enforcement that you went to them prior to calling 911.

12 A When?

13 Q After you got out of the car. You told law  
14 enforcement repeatedly that you went over and checked the  
15 bodies before you called 911.

16 A I don't -- if I did say that, I, I, I don't believe  
17 that's accurate. Did I check Maggie and Paul before I  
18 called 911? No, sir. That not, that's not -- I don't --  
19 that's not accurate. At least that's not what I remember.

20 Q That's not what you remember saying, or that's not  
21 what you say now happened?

22 A No, that's not -- that's not what I believe happened.

23 Q But you don't deny that's what you said.

24 A That I said that I checked Maggie and Paul before I  
25 called 911?

1 Q Right.

2 A I don't believe that's what I said. Now, I know I  
3 checked them, but I don't believe I checked them before I  
4 called 911 because I, I can pretty well remember vividly  
5 when I checked Paul-Paul, I was already on the phone with  
6 911.

7 Q Looking at this data, does it show the vehicle parking  
8 at 10:05:55?

9 A Yes, sir.

10 Q At 10:05:57, the Suburban arrives at the kennels. Do  
11 you agree with that?

12 A I'm sorry. Say that again, Mr. Waters.

13 Q At 10:05:57, it shows the Suburban arriving at the  
14 kennels.

15 A Okay. Okay.

16 Q 911 call was at 10:06:14.

17 A Okay.

18 Q Just about 20 seconds later. Do you agree with that?

19 A I think that sounds right, yes, sir. I mean, that  
20 makes sense, but that goes back to what I'm saying is I, I  
21 pulled up, saw -- I saw them, and I know I jumped out of my  
22 car, but I believe that before I checked them -- in fact,  
23 I'm almost certain that when I went back and I got my --  
24 that's when I went and got my phone and I called 911. And  
25 then after I called 911, they -- I mean, there was a little



1 while where there wasn't -- I don't think there was  
2 anything going on. And I believe that that is the time  
3 period that I went and checked on them.

4 Q I don't want to belabor this point, but what you're  
5 saying here today now that we have this data, that's not  
6 exactly how you expressed it to law enforcement in your  
7 prior statements. Is that correct?

8 A No, sir, I disagree with that; I totally disagree with  
9 that, Mr. Waters. Will you point to what you're talking  
10 about?

11 Q Sure.

12 (Break in proceedings.)

13 (Excerpt of interview of the defendant, Alex Murdaugh,  
14 was played. Audio not transcribed.)

15 Q The person you didn't name, that was Rogan, the little  
16 boy right around the corner. Is that who you were talking  
17 about?

18 A That's correct, but going back to your question, I  
19 mean, that's, that's the way I remember what I said right  
20 there. And I -- you know, your, your question about did I  
21 do these things before I called 911, that's not what I said  
22 then, and that's not what I remember now.

23 Q So, you're saying now that you now checked, you came  
24 back, got your phone, and that's when you called 911?

25 A I'm not saying that now, Mr. Waters. I am saying that

1 now, but to me, that's what I said then. I mean, I told  
2 her -- I called 911 right away. I didn't have -- there was  
3 no time to do the things that I'm talking about doing in  
4 the -- in the -- in the time between getting there and  
5 calling 911.

6 Q You talked about calling Rogan. You said he lived  
7 right around the corner, correct?

8 A That's correct.

9 Q But Rogan wasn't staying there at the time. That's  
10 the whole reason that Cash was at your kennel. You agree  
11 with that?

12 A Well, Rogan was staying in Beaufort a lot, but he was  
13 home a lot, too. I didn't, I didn't know where Rogan was  
14 on a daily basis.

15 Q Rogan hadn't talked to you about keeping his dog,  
16 Cash, at the kennel while he was staying with his  
17 girlfriend and working down in Beaufort?

18 A Yes, he had. He had asked me that. I mean, that had  
19 been some time before. I didn't know -- you're making a  
20 big deal about this, Mr. Waters, but that particular night  
21 I didn't, I didn't have a clue where Rogan was staying or  
22 not staying. I was trying to find somebody to come out  
23 there with me. I'd called Randy, I'd called John, and  
24 Rogan was the next best alternative, and Rogan was so  
25 close.

1 I mean, Rogan, of all these kids that you've heard,  
2 Rogan Gibson, Ro-ro is like a -- Rogan, you prefer when I  
3 call him Rogan -- is truly like a son to Maggie and I, and  
4 he was such a good friend to Buster, and he was such a good  
5 friend to Paul. And you've been through everything I have.  
6 You'll see that two weeks or three weeks prior to this, I  
7 ran out of gas when Bus and Paul-Paul weren't home, and  
8 Rogan's the person that I called to bring me gas.

9 MR. WATERS: Would you play this?

10 (The video continued to play.)

11 Q You just testified that in the wake of this, you  
12 didn't know what you said to law enforcement. That was  
13 what you just said?

14 A No. I mean, I know, I know a lot of what I said to  
15 law enforcement, but there's a lot of things in looking  
16 back at this video -- for one, the 911 call for one. I  
17 mean, there's a lot of things that I didn't remember.

18 Q Okay, but right then and there, just not long into  
19 this interview, you made a conscious decision to lie right  
20 there.

21 A Play that again.

22 Q You said I was at the house.

23 (The video continued to play.)

24 A Play.

25 Q You want me to back up some more?

1 A Well.

2 Q Yeah. We can keep listening to it.

3 (The video continued to play.)

4 Q Want to hear it again?

5 A No, sir, but I -- I don't --

6 Q So, you make the conscious decision to lie right there  
7 this early into an interview sitting in the front seat,  
8 correct?

9 A I don't believe so.

10 Q Didn't make a conscious decision to lie?

11 A I don't believe that -- I don't believe that was lying  
12 at that point.

13 Q Tell me -- tell me why not.

14 A Because Maggie had gone to the kennels, and I was at  
15 the house.

16 Q So, you think you were being -- that was not a lie at  
17 that point?

18 A I, I, I don't believe so at that point.

19 Q At what -- at what point did you decide to lie?

20 A I'm not sure, but it was in that -- it was --

21 Q Was in this interview?

22 A I believe that it was.

23 Q Okay. Was this interview when you were sitting in the  
24 front seat, correct?

25 A It is.

1 Q You're not in custody, correct?

2 A I'm not in custody.

3 Q They're giving you water, letting you chew tobacco,  
4 treating you politely, correct?

5 A They were treating me very politely.

6 Q So, what was it that, that clicked? So, you said  
7 during this interview that I'm going to lie about the most  
8 important fact that I know.

9 A I'm not sure exactly when in it that I lied, decided  
10 to lie, but I believe it was during this interview. I  
11 believe all those things that I talked about, you know,  
12 those things that had gone on, the things that people had  
13 said to me about don't talk to anybody without a lawyer.  
14 Partners all told me that. A lot of my partners told me  
15 that. My dear friend Chief Alexander was one who said  
16 that. I overheard -- I believe it was Sheriff Hill, I'm  
17 not positive. I overheard him tell I believe Mark Ball or  
18 Gray Holmes don't let him talk to anybody without a lawyer.

19 And what I believe is that based on my distrust of  
20 SLED and getting in that interview -- and I'm not positive  
21 about this, but I believe when he asked me, you know, about  
22 my relationship with my wife and my son, I believe that's  
23 when I decided to lie.

24 Q But you also left out --

25 A But I'm not positive.

1 Q -- when you had the GSR, too, because that's what you  
2 testified to yesterday.

3 A That certainly contributed.

4 Q And your dope paranoia, too. You said that as well,  
5 correct?

6 A Well, those things are what triggered the paranoia  
7 that started as my addiction evolved.

8 Q Right. So, you're an experienced lawyer and you've  
9 been a prosecutor, and you took the advice of your law  
10 partners that you should have a lawyer there as -- you read  
11 that as I should lie.

12 A No. That's, that's not an accurate statement.

13 Q Because that's not what that means, does it, Mr.  
14 Murdaugh?

15 A Well, that -- that's not -- you're not -- that's not  
16 an accurate statement what you just said, Mr. Waters.

17 Q I just repeated what you just said. You said one of  
18 the factors was your law partners -- and now you're blaming  
19 Sheriff Hill and Greg Alexander -- told you that you needed  
20 a lawyer before you talked to police, and you took that  
21 somehow as meaning I need to lie?

22 A No.

23 Q As a lawyer and a prosecutor.

24 A No, that's what you said, Mr. Waters, but I --

25 Q All right, how am I mischaracterizing it from your

1 perspective, Mr. Murdaugh?

2 A Because --

3 Q I think that's -- isn't that what you heard? Isn't  
4 what you just said, excuse me.

5 A No, sir, that's not what I said.

6 Q All right. Say it again.

7 A I believe those guys were trying to help me; I believe  
8 they cared about me. I believe they thought that I was in  
9 a condition such that I shouldn't talk to anybody. I mean,  
10 I mean, those guys had to prop me up, help me get myself  
11 together just to be able to talk to David Owens. I mean,  
12 they were trying to help me but before that, that was just  
13 one of the many things that I believe led to that  
14 situation, sitting in there where those paranoid thoughts  
15 came to me. And talking about not talking to anybody  
16 without a lawyer, Brian Varnadoe checking my hands, the  
17 fact that I got a pocket full of pills in my pocket, I was  
18 the person who found Maggie and Paul, my distrust for SLED,  
19 all of those factors combined and made me decide to lie. I  
20 also know him asking me about Maggie and Paul-Paul  
21 contributed to that paranoia.

22 All I'm saying is I'm not disputing that I lied. I'm  
23 just saying at this point -- you're, you're saying I made a  
24 conscious decision to lie here, and I'm saying I don't  
25 think I made a conscious decision right there.

1 Q Okay. So, it was later?

2 A I believe so.

3 Q But you already had your GSR done at this point.

4 A Yes, sir.

5 Q Okay.

6 A I had.

7 Q You'd already talked to your law partners and talked  
8 with and heard from Sheriff Hill. Now you're blaming him.

9 A I'm not --

10 Q And blaming --

11 A No.

12 Q -- Chief Alexander now as well for your lies.

13 A No, sir, Mr. Waters, I'm not --

14 Q You just added that one. You didn't say that  
15 yesterday. You just added that.

16 MR. GRIFFIN: Yes, sir, could he please be given an  
17 opportunity to --

18 Q Did you add that one --

19 MR. GRIFFIN: --- answer the question?

20 Q -- today on the fly?

21 MR. GRIFFIN: Objection.

22 THE COURT: Just a moment.

23 You can finish your last answer.

24 A Mr. Waters, I'm not blaming anybody. I accept full  
25 responsibility for what I did. What I'm saying is what I



1 believe contributed to me doing that and the reason why I  
2 did that. I think those folks were trying to help me, so I  
3 don't blame them. I think they were worried about me.

4 Q I don't dispute that, but you're saying you took that  
5 advice as I need to lie.

6 A No. What you're doing is you're isolating one single  
7 --

8 Q I'm not isolating anything. I mentioned all the  
9 factors. You've added some new ones, but I mentioned all  
10 the factors that you're blaming --

11 A No, sir.

12 Q -- for your decision to lie.

13 A That's not what you did. What you asked me is you  
14 said I took -- I took my partners telling me not to talk to  
15 somebody without a lawyer as a reason to lie, and that's an  
16 inaccurate statement. That was one of the factors that  
17 went into a series --

18 Q Your decision to lie --

19 A Hang on, Mr. Waters. A series of events, all right,  
20 that caused me to have paranoid thinking, all right, and  
21 then I lied.

22 Q All right, but at some point, it happened during this  
23 interview that you crossed over. You're saying that you  
24 came into this interview intending to be fully disclosing  
25 to everything, and something happened in this interview

1 that sent you over the edge and you said, hey, let me lie  
2 about the last time I saw my wife and child alive  
3 supposedly, according to me.

4 A I certainly didn't go into that interview, I believe,  
5 intending to lie. Mr. Waters, I wasn't capable at that  
6 point in time of planning anything or thinking through  
7 anything.

8 Q So, somehow during this interview, all of a sudden  
9 those senses came to you to plan to do that?

10 A When I got to thinking in that paranoid way that  
11 normally, as I said -- I mean, I could take a deep breath  
12 and make it go away. I never had a situation to where it  
13 lasted more than a matter of seconds. That night, after  
14 all those things had happened, it didn't go away in a  
15 matter of seconds, and I decided to lie.

16 Q Those were the clothes that you ultimately gave to  
17 Dave Owen. Is that right?

18 A Those are the clothes I gave to David Owen.

19 Q At what point did you -- be able to chuck the pills  
20 that you say were in your pocket? When did you do that?

21 A When I was in my bedroom.

22 Q When you were in your bedroom?

23 A Yes, sir. I'm not sure where I put them, but  
24 ultimately they would have gone in my suitcase.

25 Q So, that's when you did it? You have a specific

1 recollection of that?

2 A No, I don't. I just know that I took them out of my  
3 pocket.

4 Q If we watched this whole video, you think you could --  
5 we watched the whole thing, you think you could say, okay,  
6 that's the moment my senses came to me and I decided I was  
7 going to tell this major lie?

8 A I, I, I don't know that it happened like that, but, I  
9 mean, I may be able to tell you some things that  
10 contributed to it if we watched the whole thing.

11 Q I just want to be clear, though, at least on this  
12 one. At some point during this interview when you were  
13 able to plan your lie about this event and you made that  
14 decision --

15 A Obviously --

16 Q -- but it wasn't what we just played. It wasn't yet.  
17 It was some point after that?

18 A I don't think that's a lie right there is, is the  
19 reason why I don't think that this occurred before this  
20 because what I'm saying there I believe to be truthful,  
21 and --

22 Q Did you --

23 A I know this. I know for a fact that when David Owens  
24 asked me about my relationship with my wife and my child, I  
25 know that -- and I may be wrong, but I believe that this

1 was before that.

2 Q You ever heard the expression not telling the whole  
3 truth is the same as telling a lie?

4 A Sure I have.

5 Q That's something you understood as a lawyer and a  
6 prosecutor?

7 A Yes.

8 Q All right.

9 (The video resumed from the beginning.)

10 Q You hadn't decided to lie right there, correct?

11 A I don't believe so.

12 Q You told David Owen that you understood that he had to  
13 ask questions, and you do what you need to do, correct?

14 A That is what I told him.

15 MR. WATERS: All right, this might be a good time for  
16 a break.

17 THE COURT: All right, 1:00.

18 Ladies and gentlemen, addressing the jury, we'll break  
19 until 2:15, so go to the jury room. Please do not discuss  
20 the case.

21 (The jury left the courtroom.)

22 THE COURT: Mr. Murdaugh, you may step down. You are  
23 not allowed to discuss your testimony with anyone during  
24 lunch.

25 THE WITNESS: Yes, sir.

1 THE COURT: And, Mr. Griffin, I will address whatever  
2 matter you want to place on the record when we return.

3 MR. GRIFFIN: Thank you, Your Honor.

4 THE COURT: Yes, sir.

5 DEPUTY: Your Honor, one second before everybody  
6 moves, okay?

7 THE COURT: All right.

8 One second before everybody moves. Everyone remain  
9 seated.

10 (Break in proceedings.)

11 THE COURT: All right, we will be in recess til 1:15  
12 -- 2:15.

13 (A lunch break was taken.)

14 THE COURT: Mr. Griffin, you wanted to put something  
15 on the record?

16 MR. GRIFFIN: Yes, Your Honor. Thank you. During  
17 cross-examination of Mr. Murdaugh, he had testified that in  
18 relation to the financial crimes, that he had tried to meet  
19 with the Attorney General's Office and that -- on multiple  
20 occasions and that -- and that he had from the get go had  
21 always been willing to sit down with them. He was  
22 specifically talking about the financial investigation and  
23 the charges which he received as a result of those  
24 investigations.

25 Following up to that questioning -- I mean to that

1 answer, Mr. Waters then went to Mr. Murdaugh's testimony  
2 and the information he provided about being down at the  
3 kennel, and he said you had never provided that information  
4 to law enforcement and other people until today or  
5 yesterday. And, Your Honor, that is a direct violation of  
6 *Doyle v. Ohio*, where the Supreme Court said that  
7 cross-examining the defendant about his failure to have  
8 told an exculpatory story after receiving Miranda warnings  
9 at the time of his arrest is a due process violation. The  
10 court goes on to say the defendant's post-arrest silence  
11 cannot be used against him, violates due process, and  
12 that's exactly what happened on cross-examination.

13 So, we want to -- I want to make clear the grounds for  
14 our objection. I also would like to move to strike the  
15 question, strike the answer, and get a curative jury  
16 instruction that they are not to consider any failure of  
17 the defendant to come forward with exculpatory information  
18 after his arrest relating to the murder charges. Thank  
19 you.

20 THE COURT: All right, Mr. Waters.

21 MR. WATERS: Yes, sir, Your Honor. Clearly this  
22 defendant has given statements on multiple occasions, and  
23 that operates as a waiver under *Doyle*. Additionally, my  
24 question was not so limited as Mr. Griffin says and it was,  
25 in fact, the defendant who made the point of saying that he

1 had repeatedly tried to talk and put that in issue, at  
2 which point this was directly responsive to what he brought  
3 up.

4 And additionally this was also all that was discussed  
5 were public statements of his counsel, who is an agent on  
6 his behalf and attributable to him. So, there's no *Doyle*  
7 violation here. If Mr. Murdaugh had claimed his right to  
8 silence from the beginning and had kept that throughout,  
9 then the State would be precluded from commenting on the  
10 exercise of his right to remain silent. But one thing we  
11 know about Mr. Murdaugh is he has not remained silent at  
12 any point during this process. And he's the one that  
13 brought up this false claim that he had been begging to  
14 tell the kennel story when, in fact, he did not do so until  
15 yesterday.

16 THE COURT: *Doyle* primarily addresses the issue of  
17 post-arrest silence. If an accused is silent following an  
18 arrest, then it's improper to comment on a post-arrest  
19 silence. It does not allow a person, an accused, or a  
20 person who's suspected to give contradictory information or  
21 to voluntarily give a statement or to voluntarily give a  
22 misstatement, as has been acknowledged here. I do not find  
23 any *Doyle* violation and the record is protected.

24 MR. GRIFFIN: Thank you, Your Honor.

25 THE COURT: I certainly understand the defense

1 raising any and all possible issues that can be raised, and  
2 you've done it here. The record is protected, but all  
3 motions are denied.

4 Let's bring the jury.

5 (The jury returned to the courtroom.)

6 THE BAILIFF: The jury is present, sir.

7 THE COURT: Very good.

8 You may proceed.

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

10 THE COURT: Yes, sir.

11 BY MR. WATERS:

12 Q Mr. Murdaugh, good afternoon.

13 A Good afternoon.

14 Q Pull that mic up a little bit, please.

15 A Excuse me.

16 Q Thank you. When we left off, we were talking about at  
17 one point during that interview in the car with Dave Owen  
18 that you decided to start lying about the murders of your  
19 wife and son. I'm going to pick up this video real quick.  
20 Not going to play the whole.

21 MR. WATERS: Start from 2 minutes and 9 seconds.

22 (Excerpt of interview of the defendant, Alex Murdaugh,  
23 was played. Audio not transcribed.)

24 Q Just to be clear, are you saying you hadn't made the  
25 conscious decision to start lying about your wife and son's



1 murder right there, correct?

2 A I don't believe so.

3 Q Okay. Let's continue on.

4 A Mr. Waters, I can't -- I can't tell you exactly when  
5 that decision occurred.

6 Q You can't describe to the jury the moment you decided  
7 to lie about your wife, son -- your wife and son's murder?

8 A I can't tell you exactly when that moment occurred.

9 (The video continued to play.)

10 Q But you did say earlier that when David Owen asked you  
11 about your relationships, that was a trigger point,  
12 correct?

13 A Well, that was certainly one of the things that  
14 contributed or, or made me paranoid.

15 Q Okay.

16 A Now, you know, there were already things that had gone  
17 on that that, that, that occurred, as I said, that put me  
18 in that mind set.

19 Q Yeah.

20 A But exactly when I decided to, to lie about that, I  
21 can't tell you.

22 Q So the things again, you talked about your drug  
23 paranoia, the fact they'd taken GSR, and you talked about  
24 the advice of your law partners and Sheriff Hill and Greg  
25 Alexander, and then you talked about your distrust of SLED

1     somehow from this -- the circumstances and demeanor in this  
2     interview right here, correct?

3     A     No. My distrust from SLED didn't arise from this  
4     interview. My, my distrust for SLED arose from a couple of  
5     things, and it's really several things. It, it arose from  
6     the way they had been involved in -- SLED had been involved  
7     in the investigation into Paul's criminal charges, and they  
8     had been involved in -- there was an issue that had gone on  
9     with some rumors about Buster and Paul. They had been  
10    involved in that where, you know, Buster nor Paul had  
11    anything to do with, with what I'm talking about. And SLED  
12    would never -- SLED never said that. You know, they told  
13    their lawyer that. They'd never say that.

14           And there been another incident where SLED had charged  
15    Greg Alexander, my, my, my friend, in this case. They  
16    charged him. And, in fact, I thought the agent that was  
17    involved in that was David Owen, but the charges against  
18    Greg Alexander were so -- they, they were so wrong that  
19    my dad and I made a conscious decision, even though he was  
20    a career prosecutor, made a decision to go to the  
21    courthouse and sit with Greg Alexander while his trial went  
22    on because --

23    Q     This was, like, ten years ago, right?

24    A     It was a while back, you know, but --

25    Q     You don't know if Dave Owens was at SLED ten years

1     ago, do you?

2     A     No. No. I checked on that because that night, the,  
3     the officer who was involved in that case and, and bringing  
4     clearly manufactured charges against Greg Alexander --

5     Q     So, you're saying that the night before you sat down  
6     for this interview, you were asking somebody about whether  
7     or not someone -- about Greg Alexander ten years ago in the  
8     wake of what had occurred?

9     A     Oh, no, I didn't ask anybody.

10    Q     Okay, so that wasn't what you were discussing when you  
11    were sitting in his car?

12    A     No, I wasn't discussing that. I'm just telling you  
13    that I thought David Owen was the same agent that was  
14    involved in that case. Now, I learned later, because I  
15    checked on it, I learned later that it was a different  
16    David SLED agent, first name David with a different last  
17    name. I learned that later. I'm just saying that was all  
18    part of that process going on in my mind.

19    Q     So, you're saying that you're sitting here right now  
20    thinking that this Dave Owen and the circumstance and  
21    demeanor of this interview, you're thinking that guy had  
22    been involved in the prosecution or investigation of your  
23    friend ten years ago?

24    A     I did.

25    Q     Okay. So, here's a new one you just mentioned to us,

1 correct?

2 A No, that's not a new one.

3 Q Okay.

4 A That's part of --

5 Q I mean, the circumstances are new. I mean, that's --

6 A No, no.

7 Q -- fairly specific, don't you think?

8 A Well, no, sir.

9 Q I mean, the story keeps evolving. Keep going.

10 A No. You, you asked me about this, Mr. Owen. What I  
11 said is part of this whole --

12 Q I'm not Mr. Owens.

13 A I mean Mr. Waters. The whole -- part of this whole  
14 involved my distrust for SLED. That was part of a big part  
15 of my distrust for SLED.

16 Q Yeah, we can all see it on your face in this  
17 interview, can't we?

18 A I don't know.

19 Q All right, but you said when -- what you just said a  
20 little bit ago, that wasn't a lie. That wasn't a conscious  
21 decision yet. So, let's keep going.

22 A No, I'm not saying that. I'm saying I don't believe  
23 that it was.

24 Q Okay.

25 A I don't know exactly when I made the decision to lie

1 about that.

2 Q All right.

3 A Right.

4 Q When you see it, let me know, okay?

5 (The video continued to play.)

6 Q So, that was the moment right there on that line of  
7 questioning, just asking some very general questions about  
8 your relationship. You mentioned that before, didn't you,  
9 Mr. Murdaugh? Is that the moment right there? Is that the  
10 look on your face when you decided to lie about an  
11 important fact in your wife and son's murder?

12 A I don't know. As I said, Mr. Waters, I don't know the  
13 exact point that --

14 Q But you --

15 A -- I made that decision.

16 Q You specifically earlier mentioned that very exchange  
17 was somehow triggering you to lie about the last time you  
18 saw them alive.

19 A I'm not saying that that's what made me lie. I'm  
20 saying this whole set of circumstances caused me to be in a  
21 state where I had paranoid thoughts that normally, Mr.  
22 Waters, I could take a deep breath and make go away in a  
23 second or two seconds or three seconds at the most. And on  
24 this night, I wasn't able to do that, but all of those  
25 things that I mentioned I believe contributed to that.

1 Q Okay. Any more you want to add now since you keep  
2 adding them?

3 A I'd be glad to answer any question you have.

4 Q Well, I mean, I'm asking. I mean, the factors have  
5 gone from yesterday to today and now even after lunch you  
6 got some new ones. So, anything else you want to add right  
7 now as to facts?

8 A Mr. Waters, I don't believe that I've added any new  
9 factors. I believe that's what I said yesterday.

10 Q All right.

11 A I've explained some of those factors because of your  
12 questions, but I don't believe I've added any factors.

13 Q Let me move this forward just a little bit.

14 (The video continued to play.)

15 Q And you, you talked about yesterday in great detail  
16 about the boat case which you brought up on the 911 call  
17 and to Daniel Greene in the course of this first interview,  
18 correct?

19 A I did. I did mention the boat wreck.

20 Q All right, and you described that -- do you remember  
21 what you said in this interview about the boat wreck?

22 A Not specifically.

23 Q Not specifically the other people involved in the boat  
24 wreck? You don't remember specifically? Do you remember  
25 specifically? I guess I should say that.

1 A I remember talking about the boat wreck, and I know  
2 that I talked about the boat wreck.

3 Q All right.

4 MR. WATERS: I'm going to play now from 1714.

5 (The video continued to play.)

6 Q What was the term you used for that, small amount of  
7 yip yap?

8 A Yeah, and just to be clear, Mr. Waters, there was  
9 never, ever a point in time where I thought that the people  
10 that were involved in the boat wreck did this to Paul-Paul  
11 and Maggie. I -- I've never thought that.

12 Q All right, never thought that, but it's literally one  
13 of the first things that you said out of the 911 call.

14 A No, that's not what I said. I never, ever, ever under  
15 any point in time believed that those kids that were riding  
16 in that boat or their parents or their --

17 Q Or their parents.

18 A -- or their families, I didn't believe that any of the  
19 families, the people that were involved in the boat wreck  
20 had anything to do with hurting Maggie and Paul.

21 Q Okay.

22 A But I can tell you that at that time, and as I sit  
23 here today, that I believe that boat wreck is the reason  
24 why Paul-Paul and Maggie were killed.

25 Q Okay.

1 A And I'm certain. I believe that.

2 Q And it was -- it was random vigilantes, 5-2  
3 vigilantes.

4 A No. What I believe, Mr. Waters, is I believe that  
5 when Paul was charged criminally, there were so many leaks,  
6 half truths, half reports, half statements, partial  
7 information, misrepresentations of Paul that ended up in  
8 the media all the time. And when I tell you the social  
9 media response that came from that was vile, the things  
10 that were said about what they would do to Paul-Paul --  
11 they were so over the top that nobody would believe anybody  
12 would get on social media and do that. But I believed then  
13 and I believe today that the wrong person, the wrong person  
14 saw and read that.

15 Q Okay.

16 A Because I can tell you for a fact that the person or  
17 people who did what I saw on June the 7th, they hated Paul  
18 Murdaugh. And they had anger in their heart, and that is  
19 the only -- the only reason that somebody could be mad at  
20 Paul-Paul like that and hate him like that.

21 Q Okay. All right. So, we've got now --

22 A But that's why --

23 Q Remind me --

24 A -- I did then believe it was the boat wreck, and I  
25 believe now that the boat wreck --



1 Q All right, so we've got --

2 A -- had something to do with it.

3 Q All right, so we've got random vigilantes because of  
4 the boat wreck.

5 A Now, I don't know that they're random vigilantes.

6 Q Well, you just said it wasn't the family or the kid or  
7 their --

8 A No.

9 Q -- kids or the family of the other kids in the boat  
10 wreck.

11 A What?

12 Q So, you're saying it's somebody off of social media,  
13 and you don't have any of the evidence of that, do you?

14 A Not to --

15 Q You just believe that, and you're just telling that  
16 jury that as you try to explain the lie that you told for  
17 the first time yesterday. Isn't that right?

18 A No, sir, that's not right.

19 Q It's not right. All right. Well, let me ask you a  
20 question then. So, what you're telling this jury is that  
21 it's a random vigilante.

22 A That's your term.

23 Q The twelve year old, twelve year old, 5-2 people that  
24 just happened to know that Paul and Maggie were both at  
25 Moselle on June 7th, that knew that they would be at the

1 kennels alone on June the 7th. They knew that you would  
2 not be there but only between the times of 8:49 and 9:02.  
3 That they show up without a weapon, assuming that they're  
4 going to find weapons and ammunition there, that they  
5 commit this crime during that short time window, and then  
6 they travel the same exact route that you do around the  
7 same time to Alameda. That's what you're trying to tell  
8 this jury?

9 A You got a lot of factors in there, Mr. Waters, all of  
10 which I do not agree with, but some of which I do.

11 Q You testified earlier that after this happened -- let  
12 me back up, if we could. When you were driving to and from  
13 Alameda, why were you in such a hurry?

14 A I wasn't.

15 Q Why you -- why were you rolling 78 miles an hour down  
16 that dark, beat up road?

17 A I wasn't in such a hurry.

18 Q You weren't?

19 A No, sir.

20 Q I show you what's marked as State's 573. See if you  
21 recognize this.

22 A I do.

23 Q Tell the jury what that is.

24 A It's Mags's car.

25 Q All right, and what's it in front of?

1 A The house at Moselle.

2 Q And what's between the house and Mercedes?

3 A The golf cart.

4 A Is that where it was on June the 8th, to your  
5 recollection?

6 A No, sir.

7 Q Was not? Where was it left?

8 A I mean, it was near there, but that's not exactly  
9 where it was, no, sir.

10 Q Okay. Where was it?

11 A Where we would normally park, it would be a little bit  
12 closer to the shed -- I mean, to -- a little bit closer to  
13 the -- to the house, to the bushes.

14 MR. WATERS: Your Honor, at this --

15 A But when was that photograph taken?

16 Q Do you recognize when it was taken?

17 A No, I don't. I don't recognize, no, sir.

18 Q You wouldn't dispute that it was around the time in  
19 the aftermath of the murders, would you?

20 A Aftermath being when?

21 Q I'm asking you.

22 A A day, a week, a hour?

23 Q I wasn't there, Mr. Murdaugh. Do you -- do you  
24 recognize this?

25 A I recognize the car, I recognize the house, and I

1 recognize the golf cart, but that is not -- that's, that's  
2 not exactly how it would have been that night.

3 Q All right. Can you -- can you describe to me then  
4 where it would be different?

5 A Well, it would be more in line with -- first things  
6 first is when we drove the golf cart, and when I drove it  
7 for sure and I believe when the others drove it, you would  
8 come in and you would -- you would go across the little  
9 brick walkway that's in front of this. So, if, if I would  
10 have come in and gone this way, or I would have come in and  
11 gone this way, this is not a place that, that any of my  
12 family would have normally parked. And so what I'm  
13 assuming is this obviously is taken at daytime, and what  
14 I'm assuming is, is it was taken when SLED came today --  
15 the earliest it was taken was when SLED came to -- earliest  
16 it was taken was when SLED came to the house the next day,  
17 which I believe the testimony is in the afternoon. And at  
18 this point in time that golf cart, I would assume, would  
19 have been moved several times.

20 Q All right.

21 A But that's not how it was.

22 Q Well, where did you leave the golf cart when you got  
23 out of it around 8:49?

24 A In the manner which I just talked about.

25 Q Okay. Help me out again so I understand. You, you

1 would have come around this way or that way, but where was  
2 it -- where would it end up?

3 A It would have been -- in, in this picture it's facing  
4 to the right.

5 Q Oh, I got you.

6 A The night, the night that I drove it, I believe I  
7 parked it facing to the left.

8 Q I understand.

9 A Would be customarily how I did it. And I believe I  
10 did it that way that night.

11 Q Okay. All right.

12 A And, and that is how I would have gotten into it.

13 Q Okay. That's a very specific memory. Thank you. All  
14 right.

15 MR. WATERS: And at this time --

16 A Well, that's just how it normally is.

17 MR. WATERS: -- the State would offer State's 573 into  
18 evidence.

19 MR. GRIFFIN: No objection.

20 THE COURT: It's admitted without objection.

21 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 573 WAS  
22 RECEIVED INTO EVIDENCE.)

23 MR. WATERS: Can I have the ELMO very briefly?

24 A And see, Mr. Waters, you can see in the picture now,  
25 if you'd bring this up on the screen, if you look to the

1 right you can see the actual steps, and just to the left of  
2 that would be where the little brick patio starts. So,  
3 where I would normally park it, you would roll across those  
4 bricks and the end of the golf cart would be just past  
5 those. And we all normally parked it that way because the  
6 way you charge this golf cart is if -- you see that back  
7 seat? That's sitting -- you can see the edge. This is a  
8 three seat golf cart, and you can see the back seat, and a  
9 lot of golf carts have the charger. This sits on the floor  
10 or something. This golf cart has a charger that's plugged  
11 in in a part of the golf cart. So, you flip that seat up  
12 and it plugs in, and this -- and the outlets are right up  
13 there by the door.

14 Q Anything else you want to say about that?

15 A I'm going to answer any questions you have, Mr.  
16 Waters.

17 Q I appreciate all that information in great detail.

18 MR. GRIFFIN: Objection to the comment.

19 THE COURT: Sustained.

20 Q All right.

21 A It's just never parked that way by the family.

22 MR. WATERS: Can we have the computer back, please?

23 (Break in proceedings.)

24 Q Mr. Murdaugh, I'm going to put up the second  
25 interview. This would have been June the 10th. I'm not

1 going to play the whole thing, but I do want to go through  
2 a couple of things with you, okay?

3 A Anything you want to go through, Mr. Waters.

4 (Break in proceedings.)

5 MR. WATERS: And I apologize. Got ahead of myself. I  
6 want to do one last thing on the first one. For the  
7 record, I'm going to start it at 2355. This is the first  
8 interview.

9 (The video continued to play.)

10 Q Is that the moment there when you repeated the lie  
11 that you decided?

12 A Is that the moment that I decided?

13 Q Is that the moment you decided to lie to mean old Dave  
14 Owen?

15 A I don't -- I don't know, as I told you, Mr. Waters,  
16 the exact moment that I decided to lie, but at that point  
17 in time obviously --

18 Q But you did lie there, correct?

19 A I did.

20 (The video continued to play.)

21 Q All right, we'll go to the second interview,  
22 previously admitted. Let me ask you this before we start  
23 it. You stated earlier during your direct testimony that  
24 after these crimes happened, you were around family, family  
25 was around you, your law partners were around you pretty

1 much every minute after that, correct, every waking minute?

2 Didn't you say that yesterday?

3 A Yes, they were for a long time.

4 Q All right, and this second interview was three days  
5 later. Is that right?

6 A That's correct.

7 Q And at no time to any of your close friends and law  
8 partners and family do you confess the truth, do you?

9 A No, I did not.

10 Q Do you say, hey, man, I think I messed up? What  
11 should I do about this?

12 A No, I didn't.

13 Q You're not telling that lie to anyone, are you, you  
14 told us yesterday?

15 A Excuse me?

16 Q You're not telling that lie to anyone until yesterday,  
17 are you?

18 A I'm not telling what lie? Saying I tried to tell  
19 somebody that I was lying?

20 (Break in proceedings.)

21 MR. WATERS: I'm going to move this to approximately  
22 2456.

23 (Break in proceedings.)

24 MR. WATERS: Correction. At 12:28.

25 (Excerpt of interview of the defendant, Alex Murdaugh,



1 was played. Audio not transcribed.)

2 Q Pretty much all of that was lies, wasn't it?

3 A The part about me not being at the kennel was a lie.

4 Q Also not knowing that Paul went down there, not being  
5 sure, that was a lie, too, wasn't it? I mean, you're  
6 putting some detail on this thing --

7 A No.

8 Q -- aren't you?

9 A No. Not knowing when Paul left. Everything about me  
10 not going to the kennel was a lie.

11 Q You're able to just do that just so easily and so  
12 convincingly and so naturally, don't you?

13 A I mean, that's not for me to judge.

14 Q That's true.

15 (The video continued to play.)

16 Q He was like a little detective. Is that what you  
17 said?

18 A That is what I said, and he was very intuitive, like I  
19 said.

20 Q And that was what Marian described as Maggie's term  
21 for how he was when keeping tabs on your pill usage.  
22 Wasn't that correct?

23 A That, that was what Maggie said about him.

24 Q For some reason, you decided to bring that up in the  
25 interview.

1 A I mean, that was a -- that was a trait of Paul's  
2 personality. I mean, I think anybody who knew him would  
3 tell you how intuitive he was.

4 MR. WATERS: All right, for the record I'm at 4630.

5 (The video continued to play.)

6 Q Your answer was yes, sir, correct?

7 A That's correct.

8 (Break in proceedings.)

9 Q About to go to the August 2021 interview, but between  
10 that June 10th interview and the August interview, you were  
11 not working very much. Is that correct, if at all?

12 A No, I definitely wasn't working very much. I think I  
13 was working a little bit, but no, not very much at all.

14 Q Did you go to Johnny Parker to borrow \$250,000 in  
15 order to cover those Faris fees?

16 A I did.

17 Q You did.

18 A I did.

19 Q Did you tell him what that was for?

20 A No, I did not tell him what that was for.

21 Q Did you go to Russell Laffitte at Palmetto State Bank  
22 and get \$350,000 in order to help cover some of the various  
23 fees that you had taken to send to Chris Wilson?

24 A I did.

25 Q And did you get those fees before you signed any

1 paperwork or documentation?

2 A I've heard testimony about that in this case, but I  
3 can't -- I can't tell you the specifics of that.

4 Q You don't recall that?

5 A Do I recall when I signed paperwork? No, sir.

6 Q You don't recall that you got the money a month before  
7 you had to sign any paperwork?

8 A No, sir, I don't recall that.

9 Q You recall your phone being in the console --

10 A I'm not disputing that, but I don't recall it.

11 Q Did you go to your best friend, Chris Wilson, and  
12 convince him to cover \$192,000, the remaining \$192,000, in  
13 order for him to send that email to your law firm as if  
14 those fees have been there all along?

15 A I spoke to Chris Wilson and did not have the full  
16 amount of the fees. And I got Chris Wilson to put the  
17 remaining fees in his trust account.

18 Q And when you did that, you didn't tell him the truth  
19 about your life. You just asked him to cover you.

20 A No, I didn't. I did not tell him.

21 Q He agreed to do that because of his belief of who you  
22 really were, who he thought you were.

23 A He agreed to do that for whatever reason. I assume  
24 that was a big part of it.

25 Q And once that \$600,000 was transferred, Chris Wilson

1 sent an email to you saying those fees had been there, were  
2 in his trust account, correct?

3 A That is correct.

4 Q And then you forwarded that email to Lee Cope and  
5 Jeannie Seckinger, correct.

6 A I know I forwarded it to Jeannie, and I've heard that  
7 testimony about forwarding it to Lee Cope. So, I believe  
8 that's correct.

9 Q Why did you not get it all from the PSB?

10 A Because at that time, there were limitations on how  
11 much I could borrow because Mags was passed, (YES) and so I  
12 was limited.

13 Q Okay.

14 A I couldn't get a loan against Moselle and had to get a  
15 loan against Palmetto State -- I mean, against Edisto.

16 MR. WATERS: Going to the third interview. All right,  
17 I'm going to go to 1745.

18 (Break in proceedings.)

19 (Interview of the defendant, Alex Murdaugh, was  
20 played. Audio was muted.)

21 Q The jury's seen this. I mean, you're repeating the  
22 same lines over and over again.

23 A I did.

24 Q Effortlessly and convincingly.

25 A I don't know about that.

1 Q They can see it there.

2 A Agree with that.

3 A Nobody yelled at you.

4 A Nobody yelled at me. Nobody, nobody -- none of these  
5 guys were ever discourteous to me.

6 Q Nobody what?

7 A I said none of those guys were ever discourteous to  
8 me. You made a comment earlier that David Owens was mean  
9 or something about being mean, and he was never mean to me.

10 Q But you decided to lie in part because you distrusted  
11 David Owen.

12 A I distrusted SLED in general, and I particularly  
13 distrusted who I thought was David Owen at the time, who  
14 turned out not to be David Owen.

15 Q Now, wait a minute. I want to be clear. You're  
16 saying now you thought that this was some David Owen that  
17 had something to do with Greg Alexander ten years ago?

18 A No, sir, and I'm not saying that now. I said -- I  
19 said that all along. The person that I saw and watched in  
20 Greg Alexander's trial that was clear to me was just (YES)  
21 -- it, it was -- it was terrible what they did to Greg  
22 Alexander. And the person at SLED who was responsible for  
23 that was a guy named David, all right, and I'm not even get  
24 into his last name. (YES) I thought that David Owens that  
25 night was that guy. Later down the road -- and it was a

1 while -- I checked into that, and I found out that I was  
2 mistaken, that it was not David Owen. It was a different  
3 David.

4 Q So, when we went back and we spent a lot of time going  
5 through that first statement, you're telling me now that  
6 you were sitting there thinking that this was a completely  
7 different guy the whole time, and that was on your mind  
8 during that entire interview?

9 A Yes. At the time --

10 Q Okay. All right.

11 A -- I thought that David Owen -- no, I didn't think  
12 David Owen was a different person. I thought that David  
13 Owens was the person that my dad and I had watched just --  
14 my dad and I truly thought the evidence was manufactured.

15 Q You said that part.

16 A And --

17 Q You said that.

18 A And I thought it was David Owen, and I was wrong about  
19 that, but that's what I thought that night.

20 Q Any other factors or details you want to add about  
21 your decision to --

22 A I want to answer any question you have, Mr. Waters.

23 Q No, no, let's -- you know, any more?

24 A Do you have any more questions, sir?

25 Q No. I mean any more about your decision to lie. I

1 just want to -- let's get it all out now.

2 A If you have any questions, I'll be glad to answer.

3 Q All right. Tell me about the replacement Blackout.

4 You initially told law enforcement that you weren't sure  
5 whether or not there was one, correct? Correct?

6 A Oh, no, sir, you're absolutely wrong about that.

7 Q Well, what did you say then?

8 A Shortly after this, it became being told that Paul's  
9 gun had been stolen, (YES) and the one you heard talk about  
10 being stolen from the thing. (YES) And I'm not sure how I  
11 learned this, but I learned that somebody -- I believe SLED  
12 had gone to John Bedingfield, who made those guns, and  
13 could only find paperwork for two Blackouts, one of which  
14 they were saying was stolen in '17, and that's what they  
15 were telling me. And I was certain and told them that I  
16 was certain that there was a third one.

17 Q But initially in (YES) June 8th and June 10th or June  
18 10th you were saying that you thought that y'all had  
19 replaced it, and then you kind of wavered. Then eventually  
20 said you did replace it, correct?

21 A I don't believe that's correct. No, sir.

22 Q Don't think that's correct?

23 A No, I don't believe that's correct.

24 Q Did you say the law enforcement that you thought that  
25 this third gun, the replacement Blackout, had gone missing

1 in (YES) Christmas of 2020?

2 A It did go missing in Christmas of 2020.

3 Q So, you're telling them that one also had been missing  
4 six months prior, correct?

5 A When?

6 Q Answer my question first, and then you can explain.  
7 Did you tell law enforcement that that gun had been missing  
8 since Christmastime?

9 A I told law enforcement that when we looked for it at  
10 Christmastime, we could not find it.

11 Q Okay.

12 A And that was -- that was accurate. We -- we'd looked  
13 for it when we were trying to shoot hogs when we had a, a  
14 group of people out there and we could not find it.

15 Q Okay, but you now know that it was there as late as  
16 turkey season.

17 A I -- no, sir. I know that Will Loving and Paul-Paul  
18 had it right before turkey season like Will Loving  
19 testified to.

20 Q So, it was around there.

21 A It was around there at some point in time there, yes,  
22 sir.

23 Q So, you're saying it got stolen a second time, or you  
24 just don't know?

25 A No, I'm not.



1 Q The twelve year old stole it the second time?

2 A I never said a twelve year old stole any gun, Mr.  
3 Waters.

4 Q Sorry. The 5-2 people stole it the second time?

5 A I don't know that it was stolen. I just know that  
6 when we looked for it at Christmastime, we couldn't find  
7 it, and I know this. I know that I hadn't seen that gun in  
8 a long time. I've heard the testimony that people who were  
9 at my house using guns and hunting with us all the time,  
10 Rogan, Buster, they didn't -- I can't remember about  
11 Buster, but there were several people who didn't even know  
12 that gun had been replaced. So, that tells me that that  
13 gun did not stay where our regular guns were. And I know  
14 that I didn't see it there, and it tells me that they  
15 didn't see it there.

16 Q Of course you didn't see it there. It's got to be  
17 missing. Is that right, Mr. Murdaugh?

18 A Ask that question again.

19 Q You have one more circumstance for your latest story  
20 to work is that it's got to be missing as well. When you  
21 saw law enforcement, it was missing at Christmastime. Now  
22 we've had testimony in this trial and now you're still  
23 claiming that you never saw it. It must have been kept  
24 somewhere else. Where else would it have been kept?

25 A It could have been kept anywhere, Mr. Waters, the way

1 Paul did guns, the way, guns were handled around there. I  
2 was terrible about that.

3 Q You were terrible about that.

4 A I should have been stricter.

5 Q But you know that that third gun was fired right  
6 outside the gun room door in turkey season of 2021,  
7 correct?

8 A I know that now based on what Will Loving said.

9 Q And you know it was also fired across the street at  
10 y'all's shooting house around that same time, don't you?

11 A No, sir, I don't know that, but I know that it -- I  
12 would assume that it was fired at the shooting range, but I  
13 have no -- I don't -- I don't have any reason to believe it  
14 was done in close proximity to that time.

15 Q A few months go by, couple months go by, and you get  
16 confronted about your thefts from the law firm, correct?

17 A September of '21.

18 Q Unlike June the 7th when Jeannie confronted you, this  
19 time they had unassailable evidence, correct?

20 A Yeah, that's correct. I mean, they had. (YES)

21 Q No wiggling out of this one, correct?

22 A I didn't try to wiggle out of this one.

23 Q Well, you'd been wiggling before, though, right? You  
24 wiggled when you stole your brother's money twice, correct?

25 A I admit almost all of these things, Mr. Waters, but

1     that's one of the things that I take dispute with.

2     Q     Which one?

3     A     That I stole that money that you're referring to.

4     Q     You're going to dispute that. Let's hear about that.

5     Tell me why you dispute cashing that check twice.

6     A     I don't dispute cashing that check twice.

7     Q     But you're going to tell this jury that you  
8     accidentally didn't realize that you were supposed to be  
9     receiving some \$125,000 check, 120 -- however \$1000 check  
10    two times?

11    A     I'm -- what I'm telling you --

12    Q     How many \$120,000 checks do you receive?

13    A     I got that check and, and this is several months  
14    after. I mean, you can look at my finances and you can --  
15    you can see how I was doing. I didn't balance a checkbook.  
16    But the fact of the matter is when I got that check, I  
17    asked about it and I was told mistakenly that, that it was  
18    for me, that I had -- I had done -- participated in that  
19    year end thing, which I did sometimes. Not often, but  
20    sometimes. Apparently a new check got cashed. I cashed  
21    that check. Then a year later (YES)

22    Q     Yeah, where did you keep that one for a year?

23    A     I don't -- I don't know where it was. It was  
24    obviously in my desk, but, Mr. Waters.

25    Q     So, you found it in your desk?

1 A No, I, I didn't find it.

2 Q Well, you say it was obviously in your desk. So, you  
3 remember that? You remember finding it in your desk?

4 A No. I remember when we --

5 Q Did you go to Finance and say I just found this year  
6 old check? Is this right?

7 A No.

8 Q No.

9 A When --

10 Q You took it to the bank, didn't you?

11 A No, sir.

12 MR. GRIFFIN: Your Honor.

13 A I didn't.

14 MR. GRIFFIN: Object for him not allowing Mr. Murdaugh  
15 to answer the question.

16 A So when this came up, when, when this came up, that  
17 check got cashed. There's no way that I can have a check  
18 in our law firm with the way accounting is and that I can  
19 cash a check twice and think that -- that's impossible.  
20 So, to, to cash a check that's already been checked, (YES)  
21 (YES) it's going to throw -- there's no question it's going  
22 to throw that off.

23 What happened is I had a -- we used to get a rent  
24 check, we get little checks, I'd have checks, and they pile  
25 up, the small checks. That check got mixed in and it got

1 sent to the bank and it got deposited.

2 Q Keep going.

3 A And that was a year after, but I do dispute that I  
4 stole that money, that money.

5 Q All right. Well, I mean, you brought it up. So, any,  
6 any of the other money you dispute stealing?

7 A No. No, sir. You brought it up. I was just telling  
8 you that that was the one I disputed.

9 Q Heard Ronnie Crosby and Mark Ball testify about that,  
10 correct?

11 A I heard Ronnie and Mark testify about what they  
12 thought about it, yes, sir. Yes, sir.

13 Q You testified yesterday about the side of the road.

14 A Yeah. Yes, sir.

15 Q And you heard the testimony during the State's direct  
16 case about what you said on the 911 call. You heard that,  
17 didn't you?

18 A I did hear that.

19 Q You heard the 911 call where you said you'd been  
20 attacked by an unknown assailant and described him.

21 A I did.

22 Q And you saw the video from the ambulance where you  
23 said you'd been attacked by an assailant and described him.

24 A I did.

25 Q You heard the testimony of Ryan Kelly where you again

1     went into detail and described this attack from an unknown  
2     assailant?

3     A     I did.

4     Q     And you heard the testimony about your interview on  
5     September 6th with law enforcement in which you went into  
6     great detail and again described this unknown assailant?

7     A     I did.

8     Q     And you heard the testimony and, in fact, the image  
9     was put in about (YES) how you sat down (YES) with a SLED  
10    sketch artist and spent a period of time with her going  
11    forward and creating an image of a supposed assailant.

12    A     I did sit down with her. I, I was in the hospital and  
13    they came in, sat down with me, asked me a bunch of  
14    questions, I answered their questions, and --

15    Q     Yes, you did.

16    A     It came to a --

17    Q     You sat there --

18    A     It came up with a composite, yes, sir.

19    Q     Sat there and answered their questions just as  
20    effortlessly and convincingly as you've been trying to do  
21    for the past two days. Isn't that correct?

22    A     No, sir, that's, that's not true. In that hospital --

23    Q     All those -- go ahead.

24    A     I was -- I was -- I mean, I couldn't sit still. I was  
25    standing up. I was walking around. I was using the

1 bathroom with the lady sitting right there. I was, you  
2 know, I was two days into not taking -- three days into not  
3 taking pills like I had been. So, no, it wasn't  
4 effortlessly, but, I mean, I told them what I told them. I  
5 don't dispute that I lied.

6 Q It was all lies, though, is the point, correct?

7 A It was.

8 Q And you're saying withdrawals, but you still were able  
9 to pull off lies in great detail.

10 A I lied to them.

11 Q And the lie that you told of an unknown assailant was  
12 to try to make people think that the, quote, real guy, bad  
13 guys were back again to finish the job. Isn't that true?

14 A No, sir, that's not true.

15 Q It's about the effect that you intended that story to  
16 have? Did it have that affect on people that you knew?

17 A I don't --

18 Q Isn't that the exact effect that it had?

19 A I don't -- I don't -- I don't think there's many  
20 people that believed that, no, sir. I know people that  
21 were -- I mean, the people that were closest to me didn't  
22 believe that. So, no, no, sir.

23 Q When accountability is at your door, Mr. Murdaugh, bad  
24 things happen. Isn't that true?

25 A When accountability is --

1 Q After your wife --

2 A -- at my doorstep?

3 Q Go ahead.

4 A Bad things happen? What do you mean by bad things?

5 Q June 7th happened. September 4th happened.

6 A I don't believe that June the 7th happened because  
7 accountability issues were at my doorstep. Now, I do  
8 believe in September that I tried to get a man to help me  
9 kill myself because issues were at my doorstep.

10 Q Every time -- or, I'm sorry, for the first time in  
11 your life of privilege and prominence and wealth, when you  
12 were facing accountability each time, suddenly you became a  
13 victim and everyone ran to your aid. Isn't that true?

14 A I disagree with that, but -- any -- what you're --

15 Q Shame for you --

16 A You're, you're --

17 Q Is an extraordinary provocation. Isn't that true, Mr.  
18 Murdaugh?

19 A Hang on, let me just finish this. You, you seem to be  
20 implying two dates, June the 7th and September, in talking  
21 about accountability issues, and those, to me, those two  
22 things are totally different. There were no accountability  
23 issues on my doorstep on June the 7th.

24 Q That's what you say.

25 A And in September --



1 Q Not what other people say.

2 A I was trying to -- well, no, I mean, been a lot of  
3 people -- in, in September, that wasn't designed to gain me  
4 sympathy. That was designed for me not to be here because  
5 I didn't want my son to have to deal with the wake (YES) of  
6 the things that I had done.

7 Q But that's not the story you told. The story that  
8 came out of your mouth right away was the story of you  
9 getting attacked by some unknown assailant while you were  
10 trying to change a tire and run flats.

11 A Well, that's --

12 Q That's the story that you told.

13 A That is the story I told, but that's because the man  
14 who shot me did not shoot me that day (YES) as I intended.  
15 And I had a -- I had to have a story as to how I got shot,  
16 so I lied.

17 Q So you lied, and you're saying that people in your  
18 family and your friends didn't instantly believe that  
19 whoever these twelve-year-old marauders were back to finish  
20 the job.

21 A You keep using the term --

22 Q It's happened just --

23 A Twelve-year-old marauders.

24 Q -- just 2 hours after you had been confronted by Chris  
25 Wilson.

1 A I think probably some people may have thought that  
2 when it first happened, but I think Randy, Ronnie, Mark,  
3 those guys, I think they knew very quickly that this was  
4 not -- I think they knew this was something that I'd done.

5 Q Shame for you -- I asked this before, but shame for  
6 you is an extraordinary provocation, isn't it, Mr.  
7 Murdaugh?

8 A Shame for me is an extraordinary provocation? I don't  
9 like to be shamed.

10 Q The prospect of humiliating your legacy is an  
11 extraordinary provocation to you, isn't it, Mr. Murdaugh?

12 A What do you mean by an extraordinary provocation?

13 A What do you mean by an extraordinary provocation?

14 Q It affects you deeply. It's your biggest concern, is  
15 it not?

16 A No, that's not my biggest concern.

17 Q You're a middle aged man like me?

18 A I'm fifty-four years old. I'm not sure. You look  
19 like you're in better shape than me, so I don't know.

20 Q I was actually a couple years behind you in law  
21 school, but we never knew each other, did we?

22 A I never knew, you know, sir.

23 Q You had a very successful career up until this point.

24 A You know?

25 Q It's a simple question.

1 A And the answer to that is no, Mr. Waters. I was an  
2 addict for more than twenty years.

3 Q All right, so out -- so, making millions of dollars  
4 over, over a decade is not having a successful career? Is  
5 that what you're telling this jury?

6 A No, that's not a successful career when you --

7 Q Okay. Well, let me put it like this.

8 A Now, hang on? Let me -- let me just --

9 Q All right. Go ahead.

10 A -- put this -- you know, it may have been what you  
11 perceive as a successful career, but, you know, I was the  
12 one who was fighting that. (YES) You don't have a very high  
13 self esteem when you're an addict. So, I, I don't deem  
14 myself a success.

15 Q Would you agree that, at least outwardly, you were  
16 perceived as successful?

17 A I made -- I made -- I made a bunch of money, if that's  
18 what you're wanting to, to get at.

19 Q No. I'm actually asking about the perception. You  
20 were perceived as a prominent --

21 A I tried to be.

22 Q -- trial lawyer.

23 A How I was perceived, I don't know.

24 Q You were president of the Trial Lawyers.

25 A I sure tried to be.

1 Q Lived a life of possessing authority?

2 A Possessing authority?

3 Q Yeah. It's all the badges. You just admitted your  
4 prominence in the legal community.

5 A I don't think that I lived a life of possessing  
6 authority. I never saw myself as that way.

7 Q You think you lived a life of privilege?

8 A I think I was very privileged.

9 Q As we move to June of 2021, you were suffering from a  
10 drug addiction.

11 A Absolutely.

12 Q Your father was terminally ill.

13 A When? In -- I mean.

14 Q As we move to June of 2021.

15 A No, sir.

16 Q He was very ill.

17 A He was very ill.

18 Q And you were coming to a point a financial crisis.

19 A I was -- I was having financial issues like I'd had  
20 many times in the past.

21 Q Mr. Murdaugh, are you a family annihilator?

22 A A family annihilator? You mean, like, did I shoot my  
23 wife and my son?

24 Q Yes.

25 A No. Would never hurt Maggie Murdaugh. I would never

1 hurt Paul Murdaugh under any circumstances.

2 Q You say that.

3 A Excuse me?

4 Q You say that, but you lied to Maggie, didn't you?

5 A I did lie to Maggie.

6 Q You lied to Paul.

7 A Sometimes.

8 Q You lied to your father.

9 A I'm sure I did at some point.

10 Q Did you tell him all the stuff you had been up to over  
11 the years before he died?

12 A No, I didn't tell him.

13 Q Did you lie to your brothers?

14 A About financial things? I would have lied to Randy at  
15 some point, I'm sure.

16 Q Did you lie to him about the last time you saw your  
17 wife and son alive?

18 A Did.

19 Q Did you lie to their wives?

20 A I'm sure I did.

21 Q Did you lie to Marian Proctor?

22 A Yes.

23 Q Did you lie to Bart Proctor?

24 A Yes.

25 Q Did you lie to the Brandstetters?

1 A Yes.

2 Q Did you lie to your best friend Chris Wilson?

3 A Probably.

4 Q Did you lie to your other friend Barrett Boulware when  
5 you took his money?

6 A No, sir, not -- I, I didn't lie. Like I told you, I  
7 didn't lie directly to him. I lied to him by omission  
8 like, like we talked about. I mean, he was -- I didn't  
9 talk to him. I didn't see him at that time.

10 Q Did you lie to your law partners?

11 A I did.

12 Q Did you lie to them about the kennels?

13 A Some of them.

14 Q Did you lie to Mark Ball?

15 A Yeah, based on what Mark said, I believe I did.

16 Q Did you lie to Ronnie Crosby?

17 A According to what he said, I believe I did.

18 Q Do you lie to Johnny Parker?

19 A I don't believe I ever discussed that with Johnny.

20 Q Did you lie to him about the finances when you  
21 borrowed that money in July of 2021?

22 A I don't know if I lied to him about -- Johnny, I don't  
23 think Johnny asked me. I don't think I had to lie to  
24 Johnny about that. So, I don't know.

25 Q Did you lie -- well, you didn't, certainly didn't

1 disclose to him the truth when you borrowed that \$250,000,  
2 did you?

3 A I did not tell him what I was going to use it for.

4 Q I mean, didn't we have -- say before that not telling  
5 the whole truth is the same as telling a lie?

6 A Sure it is.

7 Q You don't think that's a lie, though?

8 A I don't -- I'm just saying, Mr. Waters, I'm not taking  
9 issue with that. But I, I don't even know that Johnny and  
10 -- I mean, Johnny loaned me money numerous times. It  
11 wasn't any long, sit down discussion where Johnny wanted to  
12 know exactly what I was doing with it. That conversation  
13 would have been I needed it. Johnny was always willing to  
14 help me, and that would have been the conversation. So, on  
15 that specific event, did I lie to him? I don't know.

16 Q Yeah, he ended up being out \$477,000, didn't he?

17 A He ended up being out a lot of money.

18 Q Thank you for your qualifications as to that. Did you  
19 lie to Lee Cope?

20 A I don't know.

21 Q Okay.

22 A I don't know if Lee Cope was around when I said that  
23 or not.

24 Q Did you lie to Danny Henderson?

25 A I did lie to Danny.

1 Q Did you lie to Jeannie Seckinger?

2 A I don't -- about finances? Yes, I did.

3 Q You don't ever -- didn't ever talk to her about the  
4 kennels?

5 A No, I wouldn't think so.

6 Q Did you lie to Annette Griswold?

7 A I did.

8 Q Did you lie to Kristi Jerrell, your other secretary,  
9 paralegal?

10 A I don't believe she and I discussed that. I would  
11 have at some point, I'm sure.

12 Q Did you lie to Michael Gunn?

13 A I'm sure I did at some point, but, I mean, Michael  
14 wasn't involved in any of this, so I don't know that any of  
15 this ever came up with Michael.

16 Q Did you lie to your clients? Did you lie to Pamela  
17 Pinckney?

18 A I did.

19 Q Natasha Thomas?

20 A I don't know that I dealt with Natasha, but I  
21 certainly lied about that.

22 Q Hakeem Pinckney?

23 A Again, I don't know that I talked to Hakeem, but I  
24 certainly lied about that.

25 Q Arthur Badger?



1 A I did.

2 Q The Plyler girls?

3 A That's -- I'm not sure that I talked specifically to  
4 them, but I lied about that.

5 Q Deon Martin?

6 A I lied to Deon.

7 Q Johnny Bush?

8 A Yes.

9 Q Manuel Cristiani?

10 A I didn't have any conversations with him, but I  
11 certainly lied about it.

12 Q Jamie Risher?

13 A Yes.

14 Q Randy Drawdy?

15 A Yes.

16 Q Jordan Jinks?

17 A Yes.

18 Q Mary Duncan?

19 A Yes.

20 Q Audriana Hay?

21 A Yes.

22 Q Angel Guerry?

23 A Yes.

24 Q Christopher Anderson?

25 A Yes.

1 Q Please Mallory?

2 A Yes.

3 Q Thomas Moore?

4 A No.

5 Q You never lied to him. You just took his money and  
6 never actually had to lie to his face. Is that what you're  
7 saying?

8 A He and I never had a conversation, but I did take that  
9 -- I did take those -- that money.

10 Q Did you lie to Tony Satterfield just a couple of  
11 months before June 7th?

12 A Um.

13 Q You saw the text. You want me to get it out?

14 A Just, just remind me. There's been a lot. Just  
15 remind me what it was.

16 Q I'm going to show you what's been marked as 463.

17 A And I don't remember the exact date, so.

18 Q That was in April of 2021. Is that right, where you  
19 text him and tell him how hard you're working on the case  
20 when, in fact, you had stolen millions of dollars from him,  
21 Tony Satterfield, who got up on the stand and told the jury  
22 about that?

23 A I texted him on April 12th. So, five weeks before  
24 June 7th.

25 Q Told him everything was okay. You're working hard,

1 right? It's a complex case.

2 A Yeah, I told him I was working on the case.

3 Q He was the son of your longtime housekeeper, Gloria.

4 A I'm sorry?

5 Q He was the son of your longtime housekeeper, Gloria,  
6 who had served your family for many years.

7 A That's correct.

8 Q And you stole millions from those boys.

9 A I, I stole those funds.

10 Q He and his family had started asking questions as we  
11 moved to June 7th. Didn't that happen?

12 A No. I mean, there wasn't any rise in them asking  
13 questions, no, sir. I mean, he periodically checked in and  
14 asked me questions, but, you know, it had come out long  
15 before this, I believe, in *The Island Packet* that there had  
16 been a settlement of \$500,000. But, I mean, that had been  
17 months and months, if I'm not mistaken, and so I didn't  
18 notice any uptick in Tony asking questions, and I don't  
19 believe that there was any uptick in Tony asking questions  
20 before June the 7th.

21 Q So, you just, just gratuitously out of the blue  
22 decided to lie to him and send that text, or were there  
23 things going on externally that caused you to need to head  
24 him off at the pass before further questions started to be  
25 asked about money you couldn't pay back at that point?

1 A No, I don't think there was anything. I mean, April  
2 21st, I don't know what external factors you're talking  
3 about.

4 Q You want to explain that one any more?

5 A Explain what?

6 Q Whatever you want.

7 A I just want to answer your questions, Mr. Waters.

8 Q Lied to everyone about the side of the road, the  
9 people that came and stopped to help and the ambulance  
10 folks and the 911 and Ryan Kelly and the composite sketch  
11 artist and all of them, correct?

12 A I lied to a lot of people about that.

13 Q You know why people lie, Mr. Murdaugh? Because they  
14 know they've done something wrong.

15 A For the -- most time, I do.

16 Q You've been able to lie quickly and easily and  
17 convincingly if you think it'll save your skin for well  
18 over a decade. Isn't that true?

19 A I have lied well over a decade.

20 Q And you want this jury to believe a story manufactured  
21 to fit the evidence that you brought forth just yesterday  
22 after hearing this trial's worth of testimony.

23 A No. No, sir, that's not correct.

24 Q Mr. Murdaugh, we went through this for a while. Do  
25 you remember at the beginning of your testimony I asked you

1 whether or not you agreed that trying to explain your  
2 presence on the kennel video was the most important part of  
3 your testimony before this jury? Remember that? And you  
4 said, oh, not the most important. I said was it at least  
5 important. You recall that from yesterday?

6 A Yeah. I recall you asking those questions, yes, sir.

7 Q And you agree it's important, don't you?

8 A I agreed that is an important component. I think  
9 there's a lot of important components.

10 Q And you testified during cross yesterday and cross  
11 today, kind of evolved on the fact of -- the factors that  
12 led you to decide to lie at some point during that  
13 interview with David Owen, correct?

14 A I disagree with that. No, I don't think those factors  
15 have evolved. I mean, you've asked some more specific  
16 questions, but those factors are still the same factors.  
17 You, you may have asked questions and gained a little more  
18 detail, but those factors haven't changed.

19 Q But it was the dope paranoia. It was the fact that  
20 the deputy took your GSR. It was the fact that your law  
21 partners and Greg Alexander and the sheriff were telling  
22 you you needed to have a lawyer before you talked to  
23 police. It was a factor that you got in the car with Dave  
24 Owen and thought he was somebody else from some case ten  
25 years ago, correct?

1 A That -- believing David Owens was the person involved  
2 in the case that I talked about was one of the factors that  
3 caused me to distrust SLED.

4 Q Right, and then also you said that they --

5 A In general.

6 Q -- started asking you about, in that first interview,  
7 about your relationship with Maggie and Paul, and that's  
8 one thing you mentioned as well, correct?

9 A That was certainly something that contributed to me  
10 having paranoid thinking.

11 (Break in proceedings.)

12 MR. WATERS: For the record, I'm playing the Daniel  
13 Greene, 2026.

14 (Excerpt of video was played. Audio not transcribed.)

15 Q That was Sergeant Greene, correct?

16 A Yeah, that was Sergeant Greene.

17 Q And at that point in time, SLED was not there. No one  
18 had gotten GSR from you. Your law partners or Sheriff Hill  
19 were not there.

20 A That's correct.

21 Q No one has asked you about your relationships. David  
22 Owen was not there.

23 A That's correct.

24 Q But you still told the same lie, and all those reasons  
25 that you just gave this jury about the most important part

1 of your testimony was a lie, too. Isn't that true, Mr.  
2 Murdaugh?

3 A I disagree with that.

4 MR. WATERS: Nothing further.

5 THE COURT: Ladies and gentlemen, we'll take a break  
6 now. Please do not discuss the case.

7 (The jury left the courtroom.)

8 THE COURT: You may step down. Please do not discuss  
9 the case.

10 We will take 15 minutes.

11 (A recess was taken.)

12 THE COURT: You may bring the jury.

13 MR. HARPOOTLIAN: Your Honor, can we talk about a  
14 scheduling matter? So.

15 THE COURT: Here comes the jury.

16 (The jury returned to the courtroom.)

17 THE BAILIFF: The jury is present, sir.

18 THE COURT: All right. Thank you.

19 Redirect.

20 MR. GRIFFIN: Thank you, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. GRIFFIN:

23 Q Mr. Murdaugh, you spent a long time yesterday and fair  
24 amount of time today talking about financial misdeeds.

25 A Yes, sir.

1 Q Have you been charged for the financial crimes?

2 A I have been.

3 Q You have pending charges?

4 A I do.

5 Q You, you were asked specifically about \$792,000 in  
6 Faris fees that, that you diverted from the law firm. You  
7 recall that?

8 A Yes, sir.

9 Q And, and I think you were asked about an accounting  
10 or, or, or where that money went. It went out pretty  
11 quickly roughly.

12 A Yes, sir.

13 Q And you recall testimony that over \$500,000 went to  
14 Curtis Eddie Smith?

15 A I do.

16 Q And what would that have been for?

17 A That would have all been for pills.

18 Q For opioids?

19 A Yes, sir. Specifically all I was taking at that time  
20 was oxycodone and Oxycontin.

21 Q And you were -- you were an addict, were you not?

22 A I am an addict.

23 Q You are an addict, and did you repeatedly lie to those  
24 you love to cover up your addiction?

25 A I did.



1 Q And were you concerned that you would -- you would be  
2 exposed if you didn't continue to lie about your conduct?

3 A I did.

4 Q There are some specific things that you were asked  
5 about which I'd like to go over. One, one thing you had  
6 referred to, a text message that you'd seen later on  
7 between Maggie and Blanca. Do you recall that?

8 A I do.

9 MR. GRIFFIN: And, and it's in the evidence as  
10 Defendant's Exhibit 54 and, Doug, if you could pull that  
11 up, please, sir? If you could highlight the Blanca text?

12 Q Is this a text message you're referring to?

13 A It is.

14 Q And, and I'll just read it. It says: TY. That's  
15 thank you. It says:

16 TY. I'm waiting at doctor. Alex wants me to  
17 come home. I had to leave door open at Edisto  
18 but trust Mexicans to shut and lock for me. His  
19 dad is back in the hospital. The last doctor  
20 claims not cancer. It's pneumonia.

21 And then she has some faces.

22 Alex is about to die. Hope he doesn't go down  
23 there to sleep. Alex needs to take care of  
24 himself as well.

25 Is that the text message you're referring to?

1 A Yes, sir.

2 Q And did Blanca share this message with you after  
3 Maggie, Maggie was murdered?

4 A Blanca first -- ultimately, she shared that with me.  
5 She first told me that, you know, Maggie was worried about  
6 me, how much she loved me, and that she was worried about  
7 me, and then texted her.

8 Q Okay. Now, you were asked --

9 MR. GRIFFIN: You can take it down, Doug.

10 Q You were asked questions about conversations around  
11 the dinner table on, on the 7th about -- well, didn't eat  
12 at the table but around where y'all were eating dinner --  
13 about Paul's health. Is that correct?

14 A That, that is correct.

15 Q Alex, I'm going to show you two exhibits, Defendant's  
16 179 and 180, and ask if you can identify these two.

17 A Yeah, I can.

18 Q And what are they?

19 A It's a text from Mom. Let's see, it's a text from  
20 Paul-Paul to me on May the 30th.

21 Q And then and what's, what's 180, Exhibit 180 behind  
22 it?

23 A That's a picture of Paul-Paul, Paul-Paul's feet.

24 MR. GRIFFIN: Your Honor, we'd move Defendant's  
25 Exhibit 179 and 180 into evidence at this time without

1 objection, I believe.

2 MR. WATERS: Without objection, Your Honor.

3 THE COURT: It's admitted.

4 (TEXT MESSAGE MARKED AS DEFENDANT'S EXHIBIT NUMBER 179  
5 WAS RECEIVED INTO EVIDENCE.)

6 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 180 WAS  
7 RECEIVED INTO EVIDENCE.)

8 MR. GRIFFIN: So, if you can pull up -- do you have  
9 179? Let me put it on the ELMO.

10 Q Alex, does this text message refer to Paul's feet  
11 swelling?

12 A They did.

13 MR. GRIFFIN: You can pull it up. Blow it up a little  
14 more so we can read it.

15 Q And it says from Paul and that phone number. Is that  
16 your phone number?

17 A That is. That's my phone number, 1227:

18 My feet swoll up. It has something to do with my  
19 blood pressure. Get me an appointment as soon as  
20 it's convenient.

21 Q And what's the date of this?

22 A May the -- May the 30th.

23 Q 2021, right?

24 A Yes, sir.

25 MR. GRIFFIN: And, Doug, if you'll show the picture?

1 This is a blow up of the picture that's Exhibit 180. Can  
2 you pull that out?

3 Q Is that a picture that Paul has sent you of his feet  
4 swelling up?

5 A It is.

6 Q Is this what y'all discussed when you were eating  
7 dinner?

8 A Yes, along with many other times.

9 Q You'd also -- you were asked questions about your,  
10 your dad's condition and whether he was terminal or not.  
11 You remember that?

12 A I do remember questions about him.

13 Q Okay.

14 MR. GRIFFIN: And gosh, Doug, I think it's the  
15 extended timeline, State's 530. Is that the right one?

16 SPEAKER: It's State's 530.

17 MR. GRIFFIN: State's 520, if you'll pull that up,  
18 please. This is that already into evidence. If you'll go  
19 to page 14 and if you'll blow up the, the entry at 1:42:54  
20 at the bottom of the page.

21 Q Alex, is this a text that you and, and -- do you  
22 recall this is a text that you and other family members  
23 received about your father's condition?

24 A Yes, sir.

25 Q Okay. It says:

1           Daddy was just seen by the pulmonologist in  
2           Savannah. His opinion is dramatically different  
3           from the other doctors. He thinks Daddy has  
4           pneumonia and needs to be hospitalized to be  
5           treated for pneumonia. He thinks there could be  
6           an obstruction, but is more confident that it is  
7           all or mostly pneumonia. Daddy is being admitted  
8           to Candler Saint Joseph Hospital now. He will  
9           have a study done to see whether or not there is  
10          an obstruction, and his treatment will be  
11          tailored accordingly. Right now his  
12          pulmonologist does not --

13       MR. GRIFFIN: Go to the next page.

14       Q           -- does not believe that he'll be getting  
15                   radiation treatment, and, in fact, the  
16                   pulmonologist says that the palliative radiation  
17                   treatment to try to open the airway is a hail  
18                   Mary. His opinion will most likely not work.

19               He then he goes on to say:

20                   If he is right and this is pneumonia and is much  
21                   more treatable and can certainly give  
22                   immunotherapy a chance to work.

23               Is that what you're referring to?

24       A           That's the text I was talking about that came when  
25                   talking to Jeannie Seckinger.

1 Q And this wasn't a terminal diagnosis on the 7th, was  
2 it?

3 A Not on the 7th. That was actually a little bit of  
4 positive news.

5 Q Okay.

6 A That was short lived, but it was positive at the time.

7 MR. GRIFFIN: You can take that down for now, Doug.

8 Q The -- we'll stay on that exhibit. Alex, you were  
9 asked --

10 MR. GRIFFIN: If you'll go to page 46, please, of the  
11 same exhibit, 520, page 46, and if you'll highlight and  
12 blow out the 9:02:18 Alex Murdaugh's iPhone shows.

13 Q Now, Alex, do you remember being asked about these  
14 steps, 283 steps traveled during this period of time?

15 A I do.

16 Q And I think you testified your belief was you were  
17 just getting ready to leave to go to your mom's house. Is  
18 that right?

19 A That's correct, and that would have been the time I  
20 was -- right before I left to go there.

21 Q And you were -- looks like you had made some phone  
22 calls during this period of time, correct?

23 A Yes, the record show.

24 Q Alex, did you have Maggie's phone with you at any time  
25 between 9:02 and 9:06?

1 A I didn't have Maggie's phone with me any time that  
2 night.

3 MR. GRIFFIN: And, Doug, if you'll go to page 45,  
4 please? If you'll go to the entry at 8:53:15 to 8:55:32?  
5 What am I missing? Can you -- can you go -- you're missing  
6 it. Go up one more, the one that records the steps,  
7 please, and then take it all the way to the bottom. Thank  
8 you.

9 Q This is in evidence. This is Agent Rudofski's  
10 timeline that says Maggie Murdaugh's phone. iPhone shows  
11 59 steps traveled between 8:53:15 and 8:55:32. Were you  
12 walking with Maggie Murdaugh's phone during that period of  
13 time?

14 A I wasn't walking with Maggie's phone any time that  
15 night.

16 Q And if you'll look at Agent Rudofski's entries, is  
17 there entry of her phone showing steps during any time  
18 between 9:02 and 9:06? You see any on this page from 8:53  
19 to 8:55?

20 A No, sir.

21 MR. GRIFFIN: If you'll turn the next page, page 46.

22 Q Going down to your steps, is there any recording of  
23 phone steps, phone recording steps according to the data we  
24 now have for Maggie's phone at any point in time up to  
25 9:02?

1 A No, sir.

2 Q And had you repeatedly asked SLED to get the data from  
3 the OnStar from the cell phones to evaluate whether your  
4 phone and Maggie's phone, Maggie's phone was ever moving at  
5 the same time? You made that multiple request?

6 A I repeatedly asked David Owens about that information.

7 Q And when you asked that question, were you aware that  
8 Maggie's phone had been located down the road a mile or --  
9 I mean, half a mile or more? Is that right?

10 A Yeah, I knew where her phone had been located.

11 Q And why was it -- why was it important to you to get  
12 that information?

13 A Because I knew that whoever had done this to them had  
14 Maggie's phone, and I knew that my phone and Maggie's phone  
15 and my car were never together at any point in time.

16 Q Now, you have given inaccurate times in many  
17 statements to law enforcement in this case, have you not?

18 A I did.

19 Q And we reviewed some of those on your direct  
20 examination. I mean, one was Paul getting to Moselle  
21 around 5:00 p.m. You remember that?

22 A I do.

23 Q Were you lying to Agent Owen or anybody when you said  
24 Paul got there at 5:00 p.m.?

25 A No, I wasn't lying to him. I mean, I, I thought that



1 at the time.

2 Q And when you --

3 A Most of the times when -- a lot of the times when I  
4 gave times, I qualified them and say but, you know, you can  
5 look at this. I pointed them to my office, to the call  
6 log, to the key card like we talked about, or my phone, or  
7 my OnStar.

8 Q And when you told the agents that you thought you got  
9 to the office 8:30, 9:00 on that morning of June 7th, were  
10 you wrong, right?

11 A I was wrong.

12 Q Were you lying?

13 A No, I wasn't lying.

14 Q And when Deputy Greene drove up at first -- you had  
15 the first encounter with him. I believe you told him that  
16 you had been gone to your mom's house for an hour, hour and  
17 a half. Is that right? Just -- we just heard?

18 A The, the last one?

19 Q Yes.

20 A Yeah, hour and a half. I think, I think that is what  
21 I told him.

22 Q Hour and a half, and that the last time you saw  
23 Maggie and Paul was 45 minutes before that.

24 A Yeah, that's what I said.

25 Q And when you spoke to Agent Greene -- I mean Deputy

1     Greene, it was about -- I think the records show they  
2     didn't arrive on the scene until 10:22 or something like  
3     that. Is that right?

4     A     That sounds right. I mean, I think that's what the  
5     records show. That sounds right.

6     Q     And that -- were you lying to Agent -- excuse me,  
7     Deputy Greene when you told him what time -- how long you  
8     thought you'd been at your mother's and the last time you  
9     saw Maggie and Paul?

10    A     No, sir, I wasn't lying to him.

11    Q     Were you trying to mislead him in any way?

12    A     No, sir, not when Mr. Greene got there.

13    Q     Now, you've admitted, first few questions that I asked  
14    you yesterday and multiple times today, that that you lied  
15    to Agent Owen and Deputy Rutland and Agent Owen and Agent  
16    Croft on a couple of occasions about your whereabouts  
17    following dinner, correct?

18    A     I did lie to them, as we discussed.

19    Q     And --

20    A     Repeatedly.

21    Q     And you've explained that it's this addiction, opioid  
22    induced paranoia you just couldn't shake. Is that right?

23    A     That's right. You know, like I said, there's certain  
24    things, anything, that make you paranoid, but I could get  
25    over it really quickly. But that night I didn't.

1 Q And you had a bag of pills in your pocket, did you  
2 not?

3 A I did.

4 Q And when, when you got down to the kennels -- we're  
5 not going to repeat all that, but did you ever see anybody  
6 down there, anybody else?

7 A No. There was nobody. There wasn't anybody down  
8 there when I was there.

9 Q And did you believe that the information, whether you  
10 were there or not there, would advance their investigation  
11 in any way?

12 A No, I didn't. I didn't think that.

13 Q And why didn't you think that?

14 A Because they were fine and doing good when I left  
15 there.

16 Q Did -- on the, the 911 call, do you remember that the  
17 call first went to Hampton?

18 A I don't remember that, but I know that now.

19 Q And, and what we played here in court and your  
20 testimony was the Colleton County handoff. Do you recall  
21 that?

22 A I, I do recall that. I think at some point the part  
23 in Hampton might have gotten played, too, didn't it? But I  
24 know the main part was to Colleton, the part that was,  
25 like, a minute into the call.

1 Q But initially it went to Hampton. Then subsequently  
2 it was transferred to Colleton.

3 A That's right.

4 Q And then a minute or so into the Colleton call, you  
5 said I've been up to it now. You remember that?

6 A I do remember saying that. I remember hearing it. I  
7 don't remember saying that, but I remember hearing it and  
8 that's -- I mean, that, that, that is accurate. And by up  
9 to it, at that point I had gone all the way up to them at  
10 that point. When I first got out I was close, but I wasn't  
11 right at them, I don't think.

12 Q You were asked about the roadside shooting and, and  
13 your intent was to end your life that day, was it not?

14 A It was, no question.

15 Q And, and you were shot but not killed. And then you  
16 made up a lie to law enforcement about what happened,  
17 right?

18 A That's correct.

19 Q Were you trying to protect Curtis Eddie Smith by doing  
20 that?

21 A Was I trying to protect Curtis Eddie Smith?

22 Q Yes, sir.

23 A I mean, I don't know exactly. It all had to come  
24 together so quick. I don't know that I was trying to  
25 protect Curtis Eddie Smith. I may have been, but it was

1 just -- you know, I wasn't supposed to be there and then I  
2 was.

3 Q When you say I wasn't supposed to be there, what do  
4 you mean by that?

5 A I intended for him to -- I, I intended to be gone. I  
6 intended for him to shoot me, and I intended to be gone.  
7 And, and the one thing, the main -- my main concern at that  
8 point was that I did not want Buster -- I did not want  
9 Buster knowing that I had tried to do that. That was my  
10 motivation in telling that story.

11 Q Did you eventually voluntarily convey to Agent Kelly  
12 and others that that was a fabrication?

13 A I did. I did after, I don't know, a few days in, in  
14 detox when I finally got over those initial -- just where I  
15 could function, I think I told you first. Then I think I  
16 told Buster. Then I think I told Randy and John, and y'all  
17 arranged either the next day or two days later to come, and  
18 we called Ryan Kelly.

19 Q Alex, you've lied to your family over many years, have  
20 you not?

21 A I lied to my family about my addiction.

22 Q And you hid from them you were stealing client money,  
23 did you not?

24 A Oh, I never -- they, they didn't know anything about  
25 that.

1 Q And you, you've lied to your law partners about  
2 financial dealings and perhaps your addiction.

3 A Yes.

4 Q And you've lied to law enforcement about not going  
5 down to the kennels after dinner, but eating dinner and  
6 taking a nap, did you not?

7 A I did.

8 Q Alex, did you murder Maggie?

9 A I would never hurt Maggie.

10 Q Did you murder Paul?

11 A I would never hurt Paul. If I was under the pressure  
12 that they're talking about here, I can promise you I would  
13 hurt myself before I would hurt one of them, without a  
14 doubt.

15 MR. GRIFFIN: Thank you. That's all the questions I  
16 have.

17 THE COURT: Mr. Waters.

18 MR. WATERS: May it please the court?

19 RECROSS-EXAMINATION

20 BY MR. WATERS:

21 Q You said that you were concerned when you talked to  
22 David Owen about the bag of pills in your pocket, correct?

23 A I mean, no, sir, I don't -- I'm, I'm not saying that I  
24 was concerned about that. I, I don't think I told you I  
25 was concerned about that. I'm just telling you that was --

1 that was a fact. I had a bag of pills in my pocket and  
2 that was one of the things that -- that was one of the many  
3 things that came together that night.

4 Q And you're trying to tell this jury that as a  
5 reasonable husband and father in this situation concerned  
6 about -- a bag of pills in your pocket was more important  
7 to you than telling law enforcement and narrowing the time  
8 when you last saw your wife and son alive? That's what you  
9 want to convince this jury of?

10 A No, sir, because, I mean, the bag of pills in my  
11 pocket was not what I was concerned about sitting in there.  
12 It was, as I said, it was one of the many things that was  
13 going on, but I wasn't sitting there worried about those  
14 pills in my pocket.

15 Q You were asked about requesting the phone and  
16 automobile data. And that was because as a prosecutor and  
17 a lawyer, you had been manufacturing an alibi to cover your  
18 tracks.

19 A No, sir, that's absolutely wrong.

20 Q You admit you were wrong about a lot of things in what  
21 you told law enforcement about June 7th, correct?

22 A I was. I was wrong about things, some things.

23 Q You were asked whether or not you voluntarily  
24 confessed to Agent Kelly, but you only did so after being  
25 confronted with undeniable information, correct?

1     A     No, sir, that's, that's not correct at all. What I  
2     was told is that -- and I believe this came from Randy.  
3     What I was told is that SLED had come up with some  
4     information that seemed like it was consistent with my  
5     story and they needed me to verify some things is what they  
6     told me. And, you know, I knew that resources had already  
7     been wasted. I didn't want them wasting any more  
8     resources, and I told them the truth, but that -- there  
9     wasn't any -- nobody presented me with any evidence.

10    Q     And you just testified that you told Jim Griffin  
11    first, correct?

12    A     I believe that I told Jim Griffin first.

13    Q     But at that time, you didn't say anything about those  
14    kennels, did you?

15    A     To Jim Griffin at that time?

16    Q     Correct.

17    A     No, sir, I didn't.

18    Q     When you testified on direct yesterday and you were  
19    asked about leaving the kennels with your new story in  
20    light of the evidence that's been presented in this trial,  
21    your words were I got out of there, correct?

22    A     I believe that's what I said, yes, sir.

23    Q     And you also said during your testimony,  
24    cross-examination, you hurt the ones you love the most,  
25    didn't you?



1 A I did say that.

2 MR. WATERS: Thank you. Nothing further.

3 A In, in saying that, Mr. Waters --

4 MR. WATERS: I said nothing further. Thank you.

5 THE WITNESS: I just want to explain that answer.

6 THE COURT: Pardon?

7 THE WITNESS: I mean, he just asked me a question  
8 about what I -- what I said, and I was going to explain why  
9 I said it.

10 THE COURT: All right.

11 A As I told you earlier, you're implying to this jury  
12 and to me that that was me talking about hurting Maggie and  
13 Paul, and that's not what that was. What that was is me  
14 saying I know I hurt my brother, my partners, my clients,  
15 many of whom I told you I love, all of whom I cared for,  
16 and that's what that was when I'm talking about how my  
17 misdeeds -- how I hurt the people worst were the ones I  
18 love the most.

19 Q I just asked you what you said, correct?

20 A You did ask me what I said, but in asking me that,  
21 you're, you're putting an implication on there that I am  
22 explaining.

23 Q I just asked you what you said.

24 A Okay. Yes, sir.

25 MR. WATERS: Thank you. Nothing further.

1 THE COURT: You may step down.

2 (The witness exited the stand.)

3 MR. WATERS: Your Honor.

4 THE COURT: Let's all stand for a moment while counsel  
5 approaches.

6 (Break in proceedings.)

7 THE COURT: Be seated, please.

8 Well, we've come to the end of this week, and we will  
9 return now and resume at 9:30 Monday morning. Have a great  
10 weekend. Do not discuss the case or allow yourself to be  
11 exposed to any information concerning the case, and we'll  
12 see you Monday morning. Have a great weekend.

13 (The jury left the courtroom.)

14 THE COURT: All right, everyone be seated, please.

15 Regarding scheduling, first up Monday morning, Mr.  
16 Harpootlian?

17 MR. HARPOOTLIAN: Your Honor, we anticipate having  
18 four witnesses on Monday. They would probably average an  
19 hour apiece. I would suspect by lunchtime we would be ---

20 MR. GRIFFIN: Early afternoon.

21 MR. HARPOOTLIAN: --- early afternoon, I'm told by Mr.  
22 Griffin, resting our case. Of course, of course, Mr.  
23 Waters indicated he'll have one or two reply witnesses.

24 MR. WATERS: Couple right now, Your Honor. Obviously  
25 we need to assess that when they complete their case, but

1 it would not be lengthy.

2 MR. HARPOOTLIAN: So, that begs the question: what day  
3 next week do we argue and charge?

4 THE COURT: Well, it's all unpredictable, as we can  
5 see from today.

6 MR. HARPOOTLIAN: Yes, sir.

7 THE COURT: It's pretty unpredictable.

8 MR. HARPOOTLIAN: Well, I'm guessing, I thought  
9 Tuesday. I don't think that's going to be if they have any  
10 reply witnesses -- Wednesday would be more of a target.  
11 I'm just saying a target date that we can begin thinking  
12 about in terms of argue and charge. To that end, are you  
13 going to set a time limit on arguments, or are you going to  
14 just let us do whatever we want?

15 THE COURT: I do not set time limits on argument.

16 MR. HARPOOTLIAN: Okay. With that in mind, Mr.  
17 Griffin and I -- I mean, they get two arguments. We  
18 perhaps would like to split our final argument, which we  
19 think with four weeks of testimony in there, it's going to  
20 be difficult for one person to digest all of that. There's  
21 no problem with that, is there?

22 MR. WATERS: Your Honor, I, I would object to that. I  
23 think Your Honor's rules and the general practice is  
24 consistent with one counsel handling argument.

25 MR. HARPOOTLIAN: I think, Your Honor, I've seen it

1 done both ways, and four weeks of testimony, I think it's  
2 very difficult for one person -- we only get one argument.

3 THE COURT: I've never done it, and I'm not inclined  
4 to do it. I'll look it over and consider it, but I'm not  
5 inclined to allow the defense to split closing arguments.

6 MR. HARPOOTLIAN: We would agree to a two hour limit.  
7 That may incentivize to look at this.

8 THE COURT: We'll look at it. I'm not inclined to do  
9 it. It's unprecedented, as far as I know, in the State of  
10 South Carolina except perhaps where you've been able to  
11 convince someone to the contrary.

12 MR. HARPOOTLIAN: No, I've actually objected to it  
13 when I was on his side of the courtroom.

14 THE COURT: Well, we have some days to think about  
15 that.

16 MR. HARPOOTLIAN: Yes, sir.

17 THE COURT: Regarding closing arguments, I think we  
18 emailed you all a few days ago concerning any requested  
19 charge or charges that you might have.

20 MR. WATERS: Yes, sir. We'll get those to you this  
21 weekend, if that's acceptable.

22 MR. HARPOOTLIAN: We'll try to do that, Your Honor,  
23 but we're preparing witnesses. How about Monday night?

24 THE COURT: Fine.

25 Anything else before we adjourn?

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

2 MR. HARPOOTLIAN: Nothing from the defense, Your  
3 Honor.

4 THE COURT: Okay, 4:49. We are adjourning for the  
5 weekend.

6 (Whereupon, the case was at ease.)

7 *MONDAY, FEBRUARY 27, 2023*

8 (Court resumed at 9:40 a.m.)

9 THE COURT: I want to remind everyone in the courtroom  
10 that the courtroom decorum must be maintained at all times.  
11 You are not allowed to react to any testimony, cheer, jeer,  
12 nor speak in the courtroom unless it's during the time I  
13 say let's take a stretch break. You can speak at that  
14 time, but otherwise we need to maintain decorum.

15 Anything before the jury comes?

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

17 MR. HARPOOTLIAN: Your Honor, a couple of important  
18 housekeeping matters. One is we with expect to rest today.  
19 We've got three witnesses. I don't know how they could go  
20 all day but they -- I mean, direct ought to be relatively  
21 quick. We're going to rest today, I believe, and then the  
22 State is going to call several -- somewhere we've been told  
23 up to four, maybe it's five, maybe it's six, whatever. I  
24 think there's a high likelihood that we will -- they will  
25 rest on their reply case by tomorrow afternoon, or

1 Wednesday morning?

2 MR. WATERS: Tomorrow afternoon I believe we can get  
3 done and be on track to close and charge on Wednesday, Your  
4 Honor.

5 MR. HARPOOTLIAN: With this caveat. We believe it  
6 would be useful for the jury to visit Moselle, both the  
7 area in the -- the area of the kennels and the house just  
8 to get some understanding of the spacial of relationships,  
9 and so what we would ask is that you ask the jury if they  
10 want to do that. I mean, I know -- I wouldn't -- if they  
11 don't want to do it, I don't want them to do it. If they  
12 want to do it, that would be fine with me, and it needs to  
13 be done in an expeditious way.

14 And obviously Your Honor has dealt with this before.  
15 I don't know what -- we're not going with them, but I don't  
16 know who does go with them. No one is obviously going to  
17 be able to answer questions. They can see it. And  
18 that's -- I don't know whether that should take any more  
19 than -- Moselle is about 30 minutes from here? About 40  
20 minutes from here, so that's 40 there, 40 back. And I want  
21 to say maybe 3 hours -- and I just throw that into the mix,  
22 not wanting to get this case closed, but we believe they  
23 ought to be given the opportunity to ask to see if they  
24 want to see it. I don't know whether that's done by  
25 majority vote, I don't know how all of that is done, but

1 we're asking they be allowed to do that if they want to do  
2 it.

3 MR. WATERS: Your Honor, I don't know that I've heard  
4 of just asking the jury and have them take a vote on that.  
5 I'm -- the State is not asking for there to be a jury view  
6 of the scene. If anything, I think that that would require  
7 additional testimony because the scene is different than it  
8 existed on the night of June 7, 2021. And a big factor  
9 which I think is very relevant to some of the issues here  
10 is that trees that were planted that separate the kennels  
11 and the house are remarkably taller and thicker than they  
12 were on June 7th. The State is not asking that, that there  
13 be a jury view, and I don't think the defense is either.  
14 I'm not aware of procedure where we just kind of throw it  
15 into the jury's, you know, hands to take a vote, so we  
16 would object to that proposal.

17 MR. HARPOOTLIAN: Your Honor, if Your Honor wanted to  
18 instruct them they're only there to see the kennels,  
19 there's no issues. They should be viewing the house or  
20 because the scene -- that has -- we've conceded that that's  
21 changed, but the kennels, the spacial -- you know, how  
22 small the feed room is, the space between where -- and, and  
23 they've seen the pictures -- where the feed room is  
24 compared to where Maggie's body was, compared to the where  
25 the quail pens are, where the dog house is. I mean, you

1 just can't really appreciate the spacial issues without  
2 actually seeing them. And if you want to limit it to just  
3 the kennels and them not being allowed to any way deal with  
4 the relationship between the house and the -- we've got --  
5 actually do have some photos that night and the next day.  
6 I mean, I think you can put restrictions on it that would  
7 assist the jury if they want it.

8 I don't know that they vote, or whether you ask the  
9 forelady. I mean, I have seen it done where the judge asks  
10 the jury, do you want to go to the scene? Now, I can't --  
11 it's been awhile. I can't remember whether it was a vote,  
12 but he did ask the jury. It was some time in the dark ages  
13 or the early days.

14 MR. WATERS: And we certainly would object to putting  
15 any sort of vote to the jury at this point in time. I've  
16 never heard any such a thing. Generally jury views are at  
17 the request of a party and --

18 MR. HARPOOTLIAN: I'm requesting.

19 MR. WATERS: Well, again, I don't know that it's  
20 necessary in this particular instance, or that it would be  
21 a particular help or aid to the jury, and, if anything, it  
22 may confuse the issues, again, because the property has  
23 changed since the night of June 7, 2021.

24 THE COURT: All right. Anything else?

25 MR. HARPOOTLIAN: No, sir.



1 MR. WATERS: Nothing from the State.

2 THE COURT: Upon request of either side, the Court  
3 will allow a jury view. I will not ask the jury to decide  
4 whether or not they want to do it. I think that would  
5 invite -- would clearly invite premature deliberations in  
6 the case. So, just the mere fact they would discuss that  
7 issue I think would invite premature discussions of  
8 relevant facts, what might be relevant facts.

9 If either side wants the jury to view -- arrange a  
10 view, a jury view, then the Court will go. The lawyers may  
11 go if you want to go. Of course, there are so many lawyers  
12 that's a mammoth team in and of itself. I think I can  
13 advise the jury that part of going to the scene that the --  
14 certain things may not be the same as they were two years  
15 ago, whenever the period of time is. So -- and if the  
16 defense wants to jury view, then the Court will arrange a  
17 jury view.

18 MR. HARPOOTLIAN: Your Honor, thank you. And I just  
19 bring this to the Court's attention. There were literally  
20 dozens of people at Moselle last weekend trespassing to get  
21 selfies in front of the feed room. I mean, most  
22 distasteful kinds of things I've ever seen. So, perhaps  
23 before they head out there, could some of the security  
24 could be in place and --

25 THE COURT: We'll have law enforcement secure the

1 scene and ensure no -- no one is there. Unless, you  
2 know --

3 MR. HARPOOTLIAN: John Marvin, his brother, is  
4 maintaining that property. He had to call the sheriff's  
5 department to come and remove them, and it seems they have  
6 a more sort of carnival attitude about this case than what  
7 we have to deal with. So, I don't want the jury influenced  
8 by, you know, crazy paparazzi.

9 THE COURT: No one can be there. The scene will be  
10 secured; no one will be there during a jury view. Now, do  
11 you want a jury view -- does the defense want a jury view?

12 MR. HARPOOTLIAN: I do. I just want to ensure that  
13 security is not caught unaware as to what a circus it's  
14 going to be outside of the property. And they might --  
15 they've got the authority to close off the road, so, I  
16 mean, I'm not telling them how to do their job, but I am  
17 suggesting these are things that we became aware of over  
18 the weekend.

19 THE COURT: We'll arrange for a jury view with law  
20 enforcement.

21 All right, anything else?

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

23 MR. HARPOOTLIAN: Nothing else, Your Honor.

24 THE COURT: Okay. You may bring the jury.

25 (The jury returned to the courtroom.)

1 THE BAILIFF: The jury is present, sir.

2 THE COURT: All right. Thank you.

3 Good morning.

4 (Jury responded good morning.)

5 THE COURT: Welcome back once again, day number  
6 twenty-five. The defense's case.

7 You may proceed.

8 MR. HARPOOTLIAN: Please the Court, Your Honor? The  
9 defense would call Dr. Jonathan Eisenstat to the stand.  
10 And, Your Honor, while he's coming around, Dr. Eisenstat is  
11 a pathologist. We're going to be, first of all, showing  
12 some pretty graphic photos on the computer and the ELMO.  
13 And secondly, we're going to be talking about some pretty  
14 graphic details. So, we will be offering exhibits. We  
15 should -- and I don't think -- we don't have to do it out  
16 of the gate, but certainly 10 minutes into his testimony  
17 we're going to be showing some pictures and discussing  
18 matters that -- it's going to be pretty graphic. So, a  
19 number of these exhibits, not all of them, but 90 percent  
20 of them are going to be introduced under seal. Some of  
21 them are already introduced under seal, and we've warned  
22 the family if it gets too graphic, they can leave. So, if  
23 Your Honor sees some of Murdaughs getting up and walking  
24 out, that would be because it's again extremely graphic.  
25 So --

1 THE COURT: Yes, sir.

2 The witness, JONATHAN EISENSTAT, M.D., was first duly  
3 sworn and testified as follows:

4 THE CLERK: Take a seat in the witness stand. You can  
5 adjust the mic. Please state your name again for the  
6 record. Spell your last name.

7 THE WITNESS: Jonathan Eisenstat, E-i-s-e-n-s-t-a-t.

8 VOIR DIRE EXAMINATION

9 BY MR. HARPOOTLIAN:

10 Q Doctor, what do you do for a living?

11 A I am a medical doctor whose specializes in forensic  
12 pathology.

13 Q And where do you practice medicine?

14 A In the State of Georgia.

15 Q Can you tell the jury, please, what forensic pathology  
16 is?

17 A Sure. Forensic pathology is a subset of pathology,  
18 which really deals with investigating the cause and the  
19 manner of someone's death.

20 Q Okay, and let's get a little bit of your history. So,  
21 if -- and I'm looking at this. You went to the same  
22 medical school as Dr. Riemer?

23 A I did.

24 Q And then after -- I think you went to the University  
25 of California-Davis undergraduate?

1 A That's correct. I grew up in California.

2 Q And graduated from there in '93. You went to the  
3 Sacra School of Medicine, as did Dr. Riemer, and you  
4 graduated in '98?

5 A Yes, sir.

6 Q And then you did a residency where?

7 A Well, when I came out of medical school I initially  
8 wanted to be a surgeon, so I started out in general surgery  
9 in Staten Island, New York, and quickly realized it was not  
10 profession I wanted. A beautiful profession but not for  
11 me. So, I transferred into a pathology program. This is  
12 all up in New York out in Long Island. And to become a  
13 forensic pathologist, you first have to do what's called  
14 anatomic pathology, which is hospital based pathology. If  
15 you've ever had anything taken out of your body, surgery,  
16 or blood, or anything, that goes to the pathology  
17 department. We look at it, we diagnose it, we tell your  
18 doctor, and your doctor will tell you what the diagnosis  
19 is. After doing all of that training, I did a year of  
20 pediatric pathology at New York University to study  
21 diseases of childhood. After that I did a year of forensic  
22 pathology fellowship in the Office of Chief Medical  
23 Examiner in New York City. I then stayed on one more year  
24 in New York City as a medical examiner, or a forensic  
25 pathologist, while doing more training in forensic neuro

1 and cardiac pathology.

2 Q And that would have been in 2000 -- well, that would  
3 have been through 2004.

4 A Correct. My forensic pathology training started in  
5 2004 until 2005; then from 2005 until 2006 I did my  
6 forensic neuro and forensic cardiac training.

7 Q So, would that have been with the Office of the Chief  
8 Medical Examiner of the City of --

9 MS. GOUDE: Objection. Leading.

10 Q Who would that have been with?

11 A With the Office of the Chief Medical Examiner in New  
12 York City.

13 Q Okay, and how long did you do that?

14 A Well, the forensic pathology was one year, and  
15 forensic neuro and cardiac another year. So, that's two  
16 total.

17 Q At some point did you leave New York?

18 A Yes. After I completed those forensic subspecialties,  
19 I was offered a job at the Georgia Bureau of Investigation  
20 in Atlanta. I accepted the job and moved to Atlanta in  
21 July of 2006.

22 Q Did the Georgia -- what if -- I mean, did the Georgia  
23 Bureau of Investigation have their own medical examiner?

24 A Yeah. So the State of Georgia, there are -- Metro  
25 Atlanta has its own medical examiner officers, so there's

1 Fulton County, Cobb, DeKalb, Gwinett. So, four of the 159  
2 counties in the State of Georgia has their own medical  
3 examiner.

4 Q Per county or total?

5 A Per county.

6 Q Okay.

7 A So, one for each of those counties. And then the GBI,  
8 for short, covers the other 155 counties in the state, and  
9 when I first started there, there were, I believe, five or  
10 six offices, and then over time it sort of shrunk down to  
11 three offices. And I was at the headquarters office in  
12 Atlanta.

13 Q So, when you initially started with the medical  
14 examiner's office in Georgia, who did you start with?

15 A So, I was with the GBI as my full-time job.

16 Q Right.

17 A But I did do some moonlighting pretty much while at  
18 the Fulton County office, the Cobb County office, and the  
19 DeKalb County office.

20 Q So, those three counties are -- they comprise the  
21 metropolitan area of what city?

22 A Of Atlanta.

23 Q Okay. So -- and is that a rather large metropolitan  
24 area?

25 A Yes. That's why each one of those have counties their

1 own freestanding medical examiner office.

2 Q And -- but you did part-time work for all three?

3 A Yes, and I actually still do now for Fulton County,  
4 and then hopefully soon one of the other counties.

5 Q Okay. So, tell me about your work with the GBI, and  
6 how did that differ from what you're doing for these other  
7 counties?

8 A So at the GBI, that was my full-time job.

9 Q What did you do? Was your job?

10 A My job was -- I was one of workhorse pathologists  
11 doing -- when I first started, I believe it was about 250  
12 autopsies each year, and then as time went on the caseloads  
13 increased, and so I would say I was doing anywhere between  
14 250 to maybe 350 autopsies per year. I would be testifying  
15 in court. We have residents that would rotate. So, the  
16 hospital pathology residents would rotate in our office.  
17 We would lecture, and then that went until 2014 when I was  
18 promoted to deputy chief medical examiner.

19 Q Okay. Now, on the autopsies you were doing and --  
20 would you generate reports for each one of those?

21 A Absolutely.

22 Q And were these -- you indicated earlier in your career  
23 you were doing general pathology. That is if you had a  
24 polyp taken out during your colonoscopy, you would be doing  
25 those.



1 A Yes. That's a requirement to be able to take the  
2 forensic pathology fellowship and boards.

3 Q So, at this stage in your career when you're doing  
4 autopsies, typically how did those folks expire?

5 A So, those are sudden, unexpected deaths. Whether they  
6 are just -- we don't know what happened, you know. A  
7 forty-five year old individual found dead in their  
8 residence, no one knows why they died, we would get those  
9 cases. But then obviously all of the traumatic and  
10 non-natural deaths would be investigated by the medical  
11 examiner. So, anything from car accidents, to gunshot  
12 wounds, stab wounds, fights and somebody died, things of  
13 that sort.

14 Q Okay. So, you did autopsies on people who died under  
15 traumatic circumstances?

16 A Absolutely.

17 Q Including gunshots.

18 A Yes.

19 Q And now you were -- you just indicated promoted to  
20 deputy chief medical examiner for the GBI. How did that  
21 change your duties?

22 A So, that adding a little bit of administrative duties,  
23 thus I sort of dropped back a little bit in the number of  
24 cases. So, I -- probably at that time I would be doing  
25 about 200 autopsies. That was just for one year until

1 2015, so maybe about 100 autopsies, but now I was  
2 overseeing other doctors, investigators. And then we have  
3 a unit at the GBI which is called the Child Abuse  
4 Investigative Support Center, and so we would actually  
5 do -- I oversaw it but I wasn't a doctor in it. So, I know  
6 that sounds a little weird, but the person who did most of  
7 work in that was a doctor and an investigator. But as I  
8 moved up, you know, that sort of became under the umbrella  
9 of what I would oversee.

10 Q Were those child deaths or --

11 A They were living consults and deaths. So, district  
12 attorneys would, or CFR, I'm sorry, the Child Protective  
13 Services from around the state may come and ask, hey, is  
14 this an accidental injury? Could the child have fallen off  
15 a bike? Or was this abuse?

16 Q And did you review those cases?

17 A A few of them. But really the vast majority was done  
18 by one of the other doctors.

19 Q Were you still reviewing death cases?

20 A Oh, absolutely.

21 Q Okay. So, if somebody did an autopsy on somebody who  
22 died of trauma, would you review their findings and the  
23 evidence?

24 A Well, I was doing plenty of autopsies still myself.

25 And what we had started doing was we would do rounds on all

1 of the bodies that were in the morgue in the morning, and  
2 so we would discuss them all. It really wasn't -- excuse  
3 me, and then in the afternoon we would revisit all of those  
4 in the meeting and discuss. Hey, does this look -- if  
5 we're focusing on gunshots -- do you think this is a  
6 contact? A close range? A distant range? If we're not  
7 sure about the directionality, we would discuss that. That  
8 wasn't specifically me. That was all of the doctors. But  
9 then when I became chief all of that, the scheduling and  
10 the meetings become my responsibility.

11 Q So, did you -- what -- after you were the deputy, what  
12 happened?

13 A So, then in November of 2015 I became the chief  
14 medical examiner for the state.

15 Q For the State of Georgia?

16 A Yes, sir.

17 Q And you continued to do autopsies?

18 A I did because I wanted to -- I didn't want to lose my  
19 skills, so I did continue doing autopsies. At that time I  
20 dropped down to about 100 autopsies that I would --

21 Q Per year?

22 A -- personally perform per year.

23 Q Per year?

24 A But I, you know, I was now involved in more policy  
25 writing, administrative duties, going down to the

1 legislature and lecturing. You know, it was during the  
2 opioid epidemic, so there were a lot of things going on.  
3 But if there was a case that was very difficult, it's  
4 written in the policy of the GBI Medical Examiner's Office  
5 that the chief medical examiner was the final arbiter of  
6 those cases.

7 Q Okay. Now you did that, you said, until January of  
8 '22.

9 A That's correct.

10 Q Which would have been last year.

11 A Yes, sir.

12 Q What -- now, have you been doing other things during  
13 that period of time in addition to being chief medical  
14 examiner?

15 A Well, yes. I was doing some consulting work. I would  
16 do that at night and on the weekends unless I, you know,  
17 was in a deposition. Then I would take personal leave to  
18 go do that. But those were the two main things I was  
19 doing.

20 Q Did you form a private consulting firm in 2008?

21 A I did. Not in 2008. I started -- my first consulting  
22 case was in 2008. It was a cardiac death in New York, and  
23 the ME's office in New York referred the attorney to me.  
24 But I don't believe I started my actual, you know, business  
25 probably until about 2013 or '14.

1 Q Okay. I misread this. So, tell us what that's called  
2 and what you do.

3 A So, that's called Eisenstat Forensic Pathology. It's  
4 nothing fancy. And really what I do is an attorney or a  
5 family may call me asking me to review a case or to perform  
6 a private autopsy, and if I have the time I'll accept that.  
7 I will look over the documents. I may do an autopsy if  
8 that's what the family has requested. And then if it's an  
9 autopsy, I'll tell the family what my findings were, and,  
10 you know, I recently had one who I referred the family to  
11 a -- I told them to go to their cardiologist and get tested  
12 because I believed the person had a genetic disease that  
13 could be transmitted to their offspring. If it's just a  
14 record review, I will review the records and I will tell  
15 the attorney what my opinions are. If my opinions support  
16 what they are hoping, then I may hear back from them. If  
17 my opinions don't, I probably don't ever hear back from  
18 them.

19 Q So, did you have permission from the GBI to do that?

20 A I did. Every single -- while I was at the GBI, every  
21 single consult case that I did, I got written approval by  
22 my superior, who was the deputy director of the agency.

23 Q Now, have you ever been qualified to testify as an  
24 expert in the area of forensic pathology, especially in  
25 gunshot wounds, in any state or federal court?

1 A Yes. So, throughout the State of Georgia, obviously.  
2 As far as gunshot wounds in other states, I've been  
3 qualified as an expert in forensic pathology in a number of  
4 states.

5 Q How many states have you been qualified to testify in  
6 as a forensic pathologist?

7 A Oh --

8 Q Just --

9 A -- probably in the area of twenty, twenty-five.

10 Q Okay, and you've been qualified in the State of  
11 Georgia by both state and federal courts to testify about  
12 gunshot wounds specifically?

13 A Yes, sir.

14 Q And have you done autopsies on people who were the  
15 victims of a shotgun wound?

16 A Yes, sir.

17 Q Do you have any idea on how many occasions you've done  
18 that?

19 A Oh, I'm sure myself I've probably done 75 to 100, or  
20 something to that effect, and then been involved in many  
21 more.

22 Q Okay. Tell me what the National Association of  
23 Medical Examiners is.

24 A So, that's actually the primary national organization  
25 that -- you know, every profession has their own national

1 organization and for us, for short we call it NAME. NAME  
2 is really the main national organization for forensic  
3 pathologists, and they write position papers. We have  
4 annual meetings. There's a journal that comes through that  
5 organization. So, it's the prime organization for forensic  
6 pathologists.

7 Q And do you enjoy any position with NAME?

8 A I do.

9 Q What, what, what position, or what positions?

10 A So, I'm currently on the board of directors, and I sit  
11 on a few committees for NAME.

12 Q Okay. Now, you're licensed in the State of Georgia  
13 and New York?

14 A Not New York anymore. When I left New York, I let my  
15 license lapse because I had a feeling I wasn't going back  
16 for quite awhile, so currently I'm licensed in Georgia.

17 Q Are you board certified?

18 A Yes, sir.

19 Q In forensic pathology?

20 A Yes, sir.

21 Q And you've got a number of different articles and  
22 books, and you teach at what schools?

23 A So, I was teaching at Augusta University, and that's  
24 the medical school Forensic Pathology Fellowship Training  
25 Program that I started at GBI. They were the sponsoring

1 agency. But I've lectured at St. Louis University at their  
2 Master's course in death investigation. I've lectured all  
3 over the State of Georgia to law enforcement, to coroners.

4 Q How about Emory School of Medicine?

5 A Yes. Well, at Emory I -- we had residents and fellows  
6 that would rotate through the medical examiner's office in  
7 Fulton County, as well as actually GBI, so we would teach  
8 them at well.

9 Q Okay.

10 MR. HARPOOTLIAN: Your Honor, I move to have Dr.  
11 Eisenstat qualified as an expert in the area of forensic  
12 pathology.

13 THE COURT: What says the State?

14 MS. GOUDE: No objection, Your Honor.

15 THE COURT: He's so qualified.

16 DIRECT EXAMINATION

17 BY MR. HARPOOTLIAN:

18 Q Okay. Let me talk to you -- let's get to this before  
19 they get to it. Are you being paid for your testimony?  
20 When I say paid for your testimony, are you being  
21 compensated to evaluate and testify?

22 A Yes. I'm being compensated for my work.

23 Q And how much are you being paid?

24 A So, up until this point I've been paid \$3,000. And  
25 then I have another invoice that will come out after trial,



1 which will probably be a number of thousands of dollars. I  
2 don't recall exactly.

3 Q Are you compensated by the hour or by the task or  
4 what?

5 A No, by the hour. So, when I review documents, I  
6 charge \$600 an hour, and then for testimony I charge per  
7 day, so 24 hours, and that's \$5,500 per the day.

8 Q Okay. So -- and is that unusual for doctors who  
9 testify, consult and testify, or is that the normal  
10 practice?

11 A In my field of forensic pathology, I've been told I  
12 actually undercharge. But, you know, there's some that  
13 charge less than me. There's some that charge more than  
14 me.

15 Q Okay. I've got a number of topics I want to talk to  
16 you about today. But some testimony we had last week -- I  
17 was going to say earlier this week. The weeks are  
18 beginning to bunch together.

19 MS. GOUDE: Objection. Comments.

20 MR. HARPOOTLIAN: I'm sorry, Your Honor. I'm an old  
21 guy. I forgot things. I'm not sure what week it was. I  
22 apologize to the Court and the State for my faulty memory.

23 THE COURT: You may proceed.

24 Q So, some time, I believe, last week we heard from the  
25 coroner for Colleton County. Were you -- did you watch

1 that testimony or hear that testimony?

2 A Not the coroner. I saw Dr. Riemer's, the medical  
3 examiner's, but I did not see the coroner's.

4 Q Okay. Tell the jury, please, if a medical examiner or  
5 coroner comes on the scene of a suspected homicide, how  
6 would one as a physician or medical examiner, how would one  
7 determine time of death? What procedure would you follow?

8 A Oh, well, whether it be a homicide or not, any --  
9 there -- any death scene, you want to try to get an idea.  
10 It's not an exact science, but you want to try to get an  
11 idea of what the body temperature is as compared to the  
12 ambient temperature.

13 Q Why?

14 A Why? Because it can give you an idea of how long the  
15 body has been there, but there's -- there is a lot of  
16 factors. So, the way that I always taught the  
17 investigators and coroners is that if you walk into a room,  
18 or you walk into an environment where there's a dead body,  
19 the first thing you do is put the -- put a thermometer  
20 down. Don't look at the thermostat on the wall. Don't,  
21 you know, look at the computer to see what it says. Put  
22 the thermostat down, look in the area, start your  
23 investigation, come back and look at the thermometer. That  
24 will be your ambient temperature.

25 Q Ambient temperature means what?

1 A The temperature of the air in that area.

2 Q Okay.

3 A And obviously you want to put it near where the body  
4 is. And then you take the thermometer and you do a rectal  
5 temperature. You put it in the rectum, but you leave it  
6 there and you start doing more of your scene investigation.  
7 Then you come back, you take it out, and then you have the  
8 closest to what we can get for a core body temperature, and  
9 you document those two. And then there's other things you  
10 look at. You look at blood settling, and you look at  
11 what's called rigidity, so stiffening of the muscles.

12 Q So, why would you want a core temperature and ambient  
13 temperature? What do you do with that?

14 A Well, then you can -- the body -- the body will  
15 equilibrate.

16 Q Will what?

17 A Will sort of even out with the ambience, or the  
18 outside temperature between 1 to 1 and a half degrees per  
19 hour. I will say it's not an exact science because  
20 obviously if -- you know, right now I'm sure my body  
21 temperature is a little higher because I'm on the stand, so  
22 I may not be 98.6 degrees right now, which is normal.

23 Q And if you were to die right now, it would not be  
24 appropriate -- I mean, I'm not saying you should die right  
25 now -- but so your temperature is up a little bit. Does

1 that mean that you would start at a -- in your calculations  
2 at a higher temperature? What do you would?

3 A Right. So, that's the problem is, is that let's say  
4 I'm 99.5 right now, so that's one degree higher. That  
5 already moved -- we're starting to move that timeframe out  
6 to it could have an hour faultiness to what you're going to  
7 do. So, it's 100 degrees outside, my core body temperature  
8 is 99 degrees, so we have one degree difference. So, you  
9 may say it's been about an hour but, you know,  
10 unfortunately television shows have made it seem like you  
11 can say it happened at this time. But in all honesty you  
12 can't, but by far the best methodology is to do a core body  
13 temperature.

14 Q And an ambient temperature.

15 A And an ambient temperature, yes.

16 Q So, tell me what you would learn by sticking your hand  
17 under the armpit of a deceased.

18 A You wouldn't learn anything.

19 Q Really?

20 A Well, you may learn that the arm can't come down  
21 because of rigidity, but as far as temperature, you have  
22 your own body temperature. You have -- you're sticking it  
23 in an armpit, which is exposed to the ambient temperature,  
24 so it's just not a valid method to try to make a  
25 determination of time of death.

1 Q It's just a guess.

2 A It's a guess, yes.

3 Q Okay. So, let's talk a little bit about --

4 MR. HARPOOTLIAN: Do we have -- we're going to be  
5 dealing with some sealed material. Is everybody -- is that  
6 TV off over there?

7 (Break in proceedings.)

8 Q So at our request, and we're Mr. Murdaugh's lawyers,  
9 did you examine materials in this case?

10 A Yes, sir, I did.

11 Q And let me first of all ask you if you examined these  
12 two documents.

13 (Break in proceedings.)

14 MR. HARPOOTLIAN: Your Honor, I'm showing the witness  
15 Defendant's Exhibit 177 and 178.

16 A So, 178, yes.

17 Q And tell us what that is.

18 A That is the Medical University of South Carolina's  
19 autopsy file. So, it's more than just the report. It's  
20 essentially the file for the medical examiner.

21 Q Okay, and you examined this?

22 A Yes, sir, I did.

23 Q Okay. Go ahead. What's the next one?

24 (Break in proceedings.)

25 A So, 177 I did examine, and this is the MUSC file for

1 Maggie.

2 Q This being 177?

3 A Yes, sir.

4 Q So, Maggie is 177 and Paul is 178.

5 A Yes, sir.

6 MR. HARPOOTLIAN: Your Honor, we would offer these  
7 into evidence.

8 THE COURT: What says the State?

9 MS. GOUDE: Your Honor, the State would object to  
10 these documents coming into evidence.

11 MR. HARPOOTLIAN: I'm sorry, I don't understand the  
12 basis.

13 THE COURT: The basis for the objection?

14 MS. GOUDE: Your Honor, Dr. Riemer testified to her  
15 reports. These are reports by Dr. Riemer. These are not  
16 reports generated by Dr. Eisenstat. He has reviewed those  
17 reports. He can testify to the substance of those reports,  
18 but we would object to the reports themselves coming in as  
19 evidence.

20 THE COURT: All right. What says the defense?

21 MR. HARPOOTLIAN: Your Honor, these are business  
22 records that are kept that the ordinary court of business,  
23 according to Dr. Riemer, and there's nothing in here other  
24 than her findings basically. So, we would object -- I  
25 mean, these are what Dr. Riemer relied on, these documents.

1 Certainly under the business records exception they would  
2 be admissible. I don't quite understand the State would  
3 not want this jury to be able to see --

4 THE COURT: Well, they've objected so they --

5 MR. HARPOOTLIAN: I'm sorry.

6 THE COURT: The State has objected. The argument is  
7 not why they would not want them.

8 MR. HARPOOTLIAN: Business records exception, I'm  
9 sorry.

10 THE COURT: I haven't seen the exhibit. I can't rule  
11 without seeing what those are.

12 (Break in proceedings.)

13 THE COURT: They are admitted over objection.

14 MR. HARPOOTLIAN: Thank you, Your Honor.

15 (RECORDS MARKED AS DEFENDANT'S EXHIBIT NUMBER 177 WERE  
16 RECEIVED INTO EVIDENCE.)

17 (RECORDS MARKED AS DEFENDANT'S EXHIBIT NUMBER 178 WERE  
18 RECEIVED INTO EVIDENCE.)

19 Q And, Doctor, we'll come back to these in a little bit,  
20 but I'm primarily interested in just her determinations and  
21 some sketches that she did that were in there. Okay?

22 A Okay.

23 Q So, you examined her -- her report, correct?

24 A Yes, sir.

25 MR. HARPOOTLIAN: And can I have the ELMO, please?

1 (Break in proceedings.)

2 Q Let's talk about Maggie to begin with. Okay?

3 A Okay.

4 Q And I'm going to put this on the ELMO. Can you tell  
5 me what this is, please?

6 A That's a standard body diagram for a female.

7 Q And you reviewed this?

8 A Yes, sir.

9 MR. HARPOOTLIAN: Okay. Let's put this on the ELMO.  
10 Could I have the easel?

11 (Break in proceedings.)

12 Q So, what do you see on the screen?

13 A I see the female body diagram from the autopsy of  
14 Maggie Murdaugh.

15 MR. HARPOOTLIAN: Okay. So, let's -- you know, if you  
16 could put it in that doorway over there, that might allow  
17 the jury to see it a little better. Maybe push it back.  
18 There you go. So, let's put this on it.

19 Q Okay. So, by way of -- let's walk through the wounds  
20 on Maggie. Okay?

21 A Okay.

22 Q So, look at the sketch in front of you and walk the  
23 jury through -- and if you need to come down here with a  
24 pointer or could can you do it from up there? Whatever is  
25 more convenient for you.



1 A There's a lot of writing, so it may be easier for me  
2 to point it out. I don't know if is a touch screen or not.

3 Q Okay.

4 MR. HARPOOTLIAN: So, we had a pointer. Do we still  
5 have a pointer? I actually had a pointer, but that's okay,  
6 we'll use that.

7 Q Okay. So, what I want you to do is step down here,  
8 please. And I would like for you to stand here so that  
9 those jurors over there can see, so you probably need to  
10 stand over there.

11 A Sure.

12 Q Okay. So, how about walk them -- yeah, okay. Walk  
13 them through the --

14 A So, I think the easiest would go -- would be to go  
15 from the bottom up.

16 Q Okay.

17 A So, we have a -- these are all rifle wounds. They're  
18 all caused by a rifle. We have an entrance wound on the  
19 left thigh, and then the entrance wound on the left thigh  
20 has on the diagram little dots, which is stippling, which  
21 makes it an intermediate range rifle wound.

22 Q What does that mean, intermediate range?

23 A We're talking up to, you know, 1 to 3 feet. The end  
24 of the barrel to the actual skin where the bullet goes  
25 through.

1 Q Okay.

2 A And I agree with what Dr. Riemer put here. That's the  
3 medial left thigh. Now, we flip the body over and we have  
4 the -- on the diagram, so this is now the left side, and we  
5 have the corresponding exit wound on the back of the left  
6 thigh. So, I agree with the range of fire, the  
7 directionality, that it's an intermediate range rifle  
8 wound.

9 Q So, you and Dr. Riemer agree.

10 A Yes, we agree on this one.

11 Q Okay. Next.

12 A Moving up, we can go here to the torso. So, we have  
13 another entrance rifle wound on the upper right torso.  
14 It's as per -- I obviously can't see the inside in this,  
15 but as per the autopsy, it goes through a number of organs.  
16 It goes across and comes out the bottom left back of the  
17 torso. And I agree with that, with her finding on that as  
18 well.

19 Q Let me interrupt you one second.

20 A Yes, sir.

21 Q Prior to your agreement or disagreement, did you look  
22 at the autopsy photos?

23 A Oh, absolutely.

24 Q Did you look at her report and her notes?

25 A Absolutely.

1 Q Anything else you looked at?

2 A I looked at some scene photos, and I believe that was  
3 it.

4 Q Okay, but you're relying on her photos.

5 A Yes. The most important for me is the autopsy report,  
6 the autopsy diagram, and the autopsy photos.

7 Q Okay. I'm sorry. Go to the next one.

8 A Okay. So, we now have -- we've talked about one  
9 gunshot wound, a rifle wound, two rifle wounds. Now we  
10 have a rifle wound on the left wrist and forearm. We have  
11 an entrance on the back of the left wrist, which is the  
12 dorsal surface, and this is the ventral or volar surface,  
13 and the exit is on the volar left forearm. I agree with  
14 that as well. Oh, I'm sorry, I also looked at x-rays.

15 Q Okay.

16 A That was part of the photos. On the x-ray there are  
17 some little fragments of -- you can tell it's a rifle round  
18 in the left wrist.

19 Q It went through?

20 A It went through, yes.

21 Q And entrance on which side?

22 A On the back of the left wrist.

23 Q Okay. Next?

24 A So, we've now talked about three of them. Now we have  
25 two. I'll start with the first one, which I agree with her

1 findings, and then the second one is where I have --  
2 there's a discrepancy. So, if we now look at rifle wound  
3 E, which is the one that's here on the back of the head,  
4 the directionality is correct. And I can explain why I  
5 believe the one on the left breast, the directionality was  
6 wrong.

7 But we have a almost tangential, meaning that it  
8 doesn't go super deep into brain. It comes here, but a  
9 rifle has a lot of kinetic energy and can -- so, it has a  
10 lot the force to it, and it can cause severe disruption.  
11 And it's coming along here. It goes through the brain, and  
12 when this one goes through the brain, it causes an injury  
13 to the brain stem. That would make her die immediately.  
14 So, this one came here -- and then -- which is the entrance  
15 on the back right of the head --

16 Q And that's labeled what?

17 A That's labeled E.

18 Q Okay.

19 A And then the -- you can see on the x-ray there's a  
20 little fragment, or a few little fragments in the head.  
21 And so a rifle round will fragment. We call it a lead  
22 snowstorm. It's sort of -- on x-ray looks like a  
23 snowstorm, a bunch of little white pieces. It breaks up.  
24 Pieces of projectile come through down into the back and  
25 continue down into the right chest. So, this is -- now,

1 remember, we're talking about directionality. This is top,  
2 this is bottom, and so on the body it's going downwards,  
3 but obviously we have a moving situation. So, if she's  
4 like this, it may have been coming straight, but on the  
5 body the directionality is downwards. And there are some  
6 up arrows here on the injuries to the upper back. I don't  
7 know why because in her report they go down, so that's all  
8 part of gunshot or rifle wound E. That's actually the  
9 lethal rifle wound immediately.

10 And now I'll focus on A, C, and then the abrasions, or  
11 the graze wound to the abdomen, and this is where I differ  
12 in opinion of the directionality.

13 Q So, you agree with her on everything except this one?

14 A On Maggie, that's correct.

15 Q Okay. Go ahead.

16 A Okay. So, if we look at the autopsy photos, that's  
17 going to be extremely important.

18 Q We will in a minute.

19 A Okay. So, we do have a wound on the left breast, we  
20 do have a wound on the left chin, and we do have this  
21 abrasion under the left breast. And sometimes there are  
22 characteristics that we look for to try to give us  
23 directionality of the superficial gunshot or rifle wounds.  
24 And what you're looking for when it's a tangential wound is  
25 you're looking for a skin tag. So --

1 Q Tell me what a skin tag is.

2 A Sure. So, if you think about it, if a bullet is  
3 coming and it hits the skin, and you can see how it's  
4 pushing the skin like this, so you're going to get these  
5 tears in the skin, and the tears in the skin are going to  
6 be in the direction that the bullet is coming. But if you  
7 let that go, between those two tears is a triangular piece  
8 of tissue left, right? So, we have a tear over here, we  
9 have a tear over here, and then you let it go and you have  
10 a skin tag. You have a piece of tissue pointing in the  
11 direction that the bullet came from.

12 And so when I look at the picture of the rifle wound  
13 to the back of the head, you can see all of those skin tags  
14 are pointing up this way, so the bullet came here. When I  
15 look at the left breast, and I look at the wound to the  
16 left side of the head -- or excuse me, the left chin or  
17 jaw, I see skin tags pointing this way. So, that would  
18 make this rifle wound come from here. It would be  
19 superficial. But remember we have all of that kinetic  
20 energy, so that's why we get the splitting of the skin, the  
21 fracture of the chin. Then it comes down through the  
22 breast, and then it grazes the upper left chest. And it  
23 sort of makes sense when you think about it. If a person is  
24 leaning forward and you've got one going down this way,  
25 you've got another one going essentially in the same exact

1 direction. So, there's the scientific aspect by looking at  
2 the actual outline, or the actual look of the wound, and  
3 then you also have two wounds from a rifle that are right  
4 next to each other going in the same direction.

5 Q And you indicate that both of the directions -- both  
6 of those, one that goes down this way to the -- and severs  
7 the brain stem, and then the other one that goes down and  
8 through her breast, unless somebody were very, very tall,  
9 is there an explanation on how those wounds would have come  
10 about?

11 A Yes. So, I mean, really we know it's coming from the  
12 top of the head downwards, right? So unless someone is  
13 standing in an elevated position, or someone is lying down  
14 on their stomach and then you have a sniper who's on the  
15 ground going this way, really, and we see this in people  
16 who are going to open the door because someone is knocking  
17 on the door and a gunshot comes through, if you're  
18 leaning -- as I was saying earlier, if you're leaning  
19 forward, let's say the first shot here gives her  
20 significant pain, and I agree with Dr. Riemer on that, and  
21 she's leaning over like this, then if I have -- I don't  
22 mean to hit you, I'm sorry. I have a gunshot coming like  
23 this, now I look at it -- the body lying flat on the table,  
24 you can see how it goes straight down. So, the explanation  
25 that I think is probably most feasible to it is that she's

1 leaning forward, most likely probably in pain from the  
2 abdominal wound.

3 Q And the second shot?

4 A Same thing.

5 Q So, she's leaning forward, one back in the -- one back  
6 here, and where does the second shot come from?

7 A The second shot goes right next to the left ear. And  
8 on the autopsy photos you can see a ring of contusion, or a  
9 bruise, and it looks very, very similar to her earring that  
10 was found there. And, again, that's from the energy would  
11 push the earring up. It comes -- the bullet comes down, it  
12 goes through the breast, and out.

13 Q So, that shot blew her earlobe off or blew --

14 A Pretty much, yes.

15 Q And the earring they find at the scene, right?

16 A Correct.

17 Q So, let's walk through the photos. And if you would  
18 stay right where you are, then I'm going to maybe have you  
19 draw something up there. I haven't quite decided yet.

20 MR. HARPOOTLIAN: Can I have Defendant's Exhibit 169,  
21 please? And I would remind everyone we should be covered  
22 for this. I'm sorry, 159, not your fault. Right.

23 Q And again, I apologize for the graphic nature but this  
24 is what you do every day, right?

25 A Yes, sir.



1 Q Okay. So, tell us what this depicts.

2 A So, this depicts Maggie's body on the autopsy table.  
3 And when we're doing our measurements on the body, that's  
4 how we're looking at the body, lying on her back or on the  
5 person's back on the autopsy table. And we're looking at  
6 the left side. Here is that wound with the left ear and  
7 left chin, and here is her left breast, and then right  
8 above this wound here we have that semicircle, which is  
9 consistent with the earring.

10 Q So, this is the shot you would disagree with  
11 Dr. Riemer about?

12 A Yes. This is the only shot I disagree with.

13 Q And her explanation of this is what? What would -- I  
14 mean, that it was going up?

15 A Yeah. She stated that it was going upwards.

16 Q It would have entered the breast and then gone up.

17 A Right.

18 Q And the reason you disagree with that is?

19 A Well, number one, there's skin tags. When we look  
20 closer at the breast and we look closer at the left side of  
21 the chin, skin tags are pointing upwards, showing that  
22 that's where the bullet came from. And the other is, you  
23 know, there's also a part of our job where just sort of  
24 common sense, and I just -- it just seems very odd that  
25 that when you have one going this way, you have to be in a

1 very bizarre position to able to get it to go up. But from  
2 a scientific standpoint, it's how the wound looks.

3 Q And you believe those wounds -- those wounds are  
4 caused by bullets fired in succession?

5 A Oh, I wouldn't be surprised.

6 Q Okay.

7 MR. HARPOOTLIAN: Could we go to Defendant's  
8 Exhibit 160?

9 Q What does this depict?

10 A So, this is the left side of her jaw, and it's pulled  
11 forward but you can see up here, and I want to -- I'll use  
12 any finger. You see this skin tag is pointing this way,  
13 right? The laceration is coming down here, and if I were  
14 to flip this back up, these skin tags point up as well.

15 Q Point to a skin tag again.

16 A This is a great example of a skin tag that's like  
17 this.

18 MR. HARPOOTLIAN: Could you blow that up a little bit  
19 for me, please? Right around the -- right below the ear.  
20 Yeah, right. Perfect.

21 Q Okay. Show me the skin tag.

22 A Okay. Well, there's -- if we were to -- you see here  
23 that this is sort of in a triangular shape, and if I  
24 flipped it back up, it would fit right into here.

25 Q Right.

1 A So, the skin tag is pointing upwards in the  
2 directionality of where the bullet comes. It will be  
3 easier to see on the breast actually.

4 Q Okay.

5 MR. HARPOOTLIAN: So, could we go to --

6 Q Doctor, this one?

7 A Yes.

8 MR. HARPOOTLIAN: Okay, that would be Defendant's  
9 Exhibit 161.

10 Q Okay. Tell me, is that the area you want -- does that  
11 help?

12 A Yes, but I think before we blow it up, I think what's  
13 important is for orientation purposes you can see that her  
14 head is up here. So, this would be up. This would be  
15 down.

16 Q Okay.

17 A And now if we need to blow that up -- you can see the  
18 skin tags are pointing up. The lacerations, the splitting  
19 in the skin is pointing down. So, that indicates an up to  
20 down directionality.

21 Q Okay.

22 MR. HARPOOTLIAN: And could we see State's Exhibit  
23 498?

24 Q Tell me what this depicts.

25 A This is a beautiful depiction. I hate to -- I don't

1 mean to use that word. I'm sorry.

2 Q Beautiful is not --

3 A I didn't mean that. That's -- from a forensic  
4 pathologist, it's a classic book example of the lacerations  
5 coming and pointing downwards. The skin tags are pointing  
6 upwards. So, skin tag, skin tag, skin tag, all pointing up  
7 where the bullet is coming from. The lacerations are  
8 pointing down, which is the direction the bullet is going  
9 in.

10 Q Now, did you and Dr. Riemer agree or disagree on this?

11 A We agreed on this.

12 Q Okay. Now, the other thing is it appears her head was  
13 shaved. Why is that?

14 A Right. So, any gunshot wound to the head, if you're  
15 trying to make a determination of entrance or exit, or  
16 trying to get a better idea of what it looks like, you also  
17 want to look for -- if there's any gunshot residue, you  
18 shave that area. Most of the time it's to look at the  
19 actual outline of it; sometimes it's to preserve evidence  
20 for further testing.

21 Q Okay.

22 MR. HARPOOTLIAN: Could I have 168, please?

23 Q And what is this an x-ray of?

24 A So, this is an x-ray of her head and neck. And  
25 it's -- it might be hard to see, but we have -- right here

1 in the center we have a fragment of possibly jacketing  
2 or -- but a fragment of a projectile right here in the  
3 midline with a few smaller pieces. We have nothing over on  
4 the left side where this injury is, so nothing went in here  
5 and stayed. All of the projectiles -- and then we'll  
6 continue down to the chest. It's one rifle that went down,  
7 and then you'll see that lead snowstorm, which is  
8 consistent with it going back into the back and down to the  
9 chest.

10 MR. HARPOOTLIAN: Okay, and could you go to 169,  
11 please?

12 A So, you can see here how it continues down into the  
13 right chest, and it sort of looks like a snowstorm? That's  
14 a rifle round.

15 Q Okay. Thank you. Go ahead, and take the stand,  
16 please. So, your job is to look at the photos and  
17 determine whether or not the original pathologist was  
18 correct or incorrect. Is that -- that's what we hired you  
19 to do, right?

20 A Well, really, you know, what you asked me to do was  
21 look at the autopsy report, look at the photos, and give my  
22 opinion on the gunshot wounds. That was it. I wasn't even  
23 asked to say, you know -- I wasn't even asked is she right  
24 or wrong. You just asked me to look at them and give you  
25 my opinion.

1 Q And how many bullet holes do we have here? How many  
2 shots?

3 A Well, we have five shots.

4 Q And of the five, you agree with her on four?

5 A Yes, sir.

6 Q And disagree with her on one?

7 A Correct.

8 Q Okay. So, let's move on for just a moment, and let's  
9 look at -- we'll go to Paul's autopsy report, and we'll go  
10 to his sketch. Put this material away. Okay. So, let's  
11 have you step down with your pointer, please. It's right  
12 here.

13 MR. HARPOOTLIAN: Your Honor, may he?

14 THE COURT: Yes.

15 MR. HARPOOTLIAN: Thank you.

16 Q So, how about detail what she indicates are the wounds  
17 to Paul, and we'll start, I guess, at the bottom and go up?

18 A Sure.

19 Q Okay.

20 A So, there's two shotgun wounds to Paul. One is on the  
21 chest, and one is on the head.

22 Q Okay. Let's talk about the chest wound first.

23 A Sure. So, the chest wound is also an intermediate  
24 range, so 1 to 3 feet, shotgun wound that goes across the  
25 chest, does not enter into the chest cavity. It leaves

1 near the armpit, and then the pellets themselves disperse  
2 and some of them go through the arm. I agree with her on  
3 that, both on the range of fire and the directionality.

4 Q Okay. So, the other shot resulted in his head  
5 exploding?

6 A Correct.

7 Q Okay. Explain to the jury what she said, and then  
8 what you believe, and we'll talk about why the difference  
9 is in just a minute. Okay?

10 A Sure. So, in her autopsy report, she stated that she  
11 believed the entrance was coming from the left side, went  
12 up, and then it exited the top of the head. To me this is  
13 a contact wound: shotgun wound to the top of the head that  
14 caused extreme pressure build-up in the head from it being  
15 contact, leading to these types of fractures. And that the  
16 pellets -- so that the shotgun wound comes in, the wadding  
17 will start to open up, all of that pressure basically, for  
18 lack of a better term, will explode what's there because  
19 the pressure needs to get out somehow. And then the head  
20 would have been down like this, and the pellets lodged here  
21 and went into the left shoulder, and then you can see that  
22 the pellets are going down into the tissues of the left  
23 shoulder.

24 Q So, you believe the wound that resulted in his head  
25 exploding was where? Where would the shotgun have been?

1 A Well, it would have been to the top back of his head.

2 Q And how far away from that?

3 A Oh, no, it would have been pressed against that.

4 Q So, it would be a contact wound to the back of the  
5 head.

6 A Correct.

7 Q And that would result in -- and we're going to talk  
8 about this in more detail in a minute, but if it was in the  
9 back of the head, tell me how we have the hole here and  
10 then a wound here. How does that work?

11 A Well, you're shooting -- it's different than shooting  
12 into a space where it can expand. It's not up against a  
13 firm surface, so shooting into the abdomen is different.  
14 The pressure will still go in if it's a contact to the  
15 abdomen, but the abdomen can stretch the, the, the, the  
16 pressure and the gas can disperse because it's sort of an  
17 open space with skin that can stretch out and back. The  
18 skull really only has one hole at the very bottom. So, if  
19 I'm taking -- if I were to take a shotgun and press it  
20 against this, a pile of paper here, and I were to shoot it,  
21 this paper would blow up because the pressure has nowhere  
22 to go, so it's got to blow everything up that's right  
23 there. If I were to take that shotgun and shoot it from  
24 here, the pressure is open. It's open to the free  
25 atmosphere, right? So, it's going to come out of the



1 barrel, and it's going to spread out. It'll go a little  
2 distance, and that's why we get soot in close range shotgun  
3 wounds. It'll go a little distance, but then it'll  
4 disperse. So, if you were here and I were to shoot down at  
5 this paper, the paper is going to get a whole bunch of  
6 holes in it, but it's not going to completely explode.

7 Q And this is birdshot, correct?

8 A In the head it's birdshot.

9 Q In the chest it was --

10 A It appears it was buckshot.

11 Q Now -- so, her opinion was -- and tell me the path.

12 A So, unfortunately the top of the head wasn't shaved,  
13 so I can't tell you the exact entrance, but it absolutely  
14 is a contact range shotgun wound to the head. And from the  
15 way it was described by Dr. Riemer, which she described as  
16 an exit wound, was that it was near the top of the head and  
17 a little bit back on the right. So, probably about right  
18 here.

19 Q Okay. Now, let me talk to you a bit if you would take  
20 the witness stand again, please.

21 MR. HARPOOTLIAN: Defense Exhibit 116. Okay. So --

22 Yeah. If you can blow that up a little bit.

23 Q This is in evidence. Where did this exhibit come  
24 from? Is there a book?

25 A Yes. This is from the main textbook on gunshot wounds

1 by Vincent Di Maio.

2 Q And it has been described as the bible for gunshot  
3 wounds. Is that correct?

4 A Yes, sir.

5 Q And that's -- I think we have asked Dr. Riemer about  
6 this book and she agreed, right?

7 A Yes, sir.

8 Q And this -- these pictures are from that book.

9 A Yes, it is.

10 Q Okay. So, this depicts a shotgun shell being fired,  
11 correct?

12 A Yes, sir.

13 Q And tell the jury, please, this is the initial firing,  
14 correct?

15 A The very top image? Correct.

16 Q And what is that coming out?

17 A What's coming out are actually flames and gas. So,  
18 sometimes you'll see a little bit of burning because the  
19 gunpowder is ignited, so you have a little bit of flame and  
20 then gas.

21 Q Now, if they had shaved Paul's head -- which they did  
22 not, correct?

23 A Correct.

24 Q Would they have seen some evidence of that gas and  
25 flame coming out?

1 A I would say most likely, yes. You don't always see  
2 it. But, yeah, most likely there would be some soot or  
3 what we call searing burning.

4 Q Okay. The next one down, B, what is that showing us?

5 A So, now what we're seeing is at the front you can see  
6 all the pellets that are still sort of in a cylindrical  
7 form because the wadding itself has not completely opened  
8 up yet. So, you know, the pellets are all -- you have a  
9 plastic tube in essence, and then the pellets are all at  
10 the top, and then there's a piece of wadding, so like a  
11 plastic disc or something, and then underneath it you have  
12 the gunpowder. The gunpowder gets ignited, the heat builds  
13 up the pressure, it pushes out the plastic tube between the  
14 barrel of the weapon, and that's when -- that first image  
15 you see that. The second image, you see that the -- we  
16 still have all of the shot where the pellets are still  
17 within the plastic tube, and so that's going to go for a  
18 little distance. Behind it we see the cloud of gas. We  
19 see the pressure from the cloud of gas. And this is still  
20 very early on in the shot.

21 Q Okay, and what's the next -- C, what does that depict?

22 A Right. So, now we're a little bit further out, a  
23 little bit later after the weapon has been fired. We still  
24 see that the pellets are in sort of a cylindrical form, and  
25 you can see that the cloud of gas is getting bigger, right?

1 The reason the cloud of gas is getting bigger here is  
2 because it's going to go where? Via the path of least  
3 resistance. So, it's going to go -- it's going out into  
4 the atmosphere. This is not pressed against anything.  
5 This is just if I were shooting in the air and the gas is  
6 coming out.

7 Q And the last one, D?

8 A A little further on you can now see the pellets are  
9 just starting to separate, and we see this big cloud of  
10 gas, so the pressure is dispersing into the atmosphere.

11 Q And if we've had another shot 3 foot down or 4 feet  
12 down, what would be happening with those pellets?

13 A So, now you're starting to get individual pellets that  
14 are -- that the pellets would be opening up, so they  
15 wouldn't still be in that cylinder if we're talking 3, 4  
16 feet, or further. So, on the skin we would start seeing a  
17 little outline of individual holes from individual pellets.  
18 It's not like they all have separated yet, but we would see  
19 a sign.

20 Q 10 feet, would they be separated?

21 A Oh, yes.

22 Q Okay. So, you see a pattern of shot.

23 A Correct.

24 Q Individual pellets.

25 A Correct.

1 Q Okay. So, let's follow this back. If -- let's go  
2 with her scenario first.

3 A Okay.

4 Q And the testimony, I think, has been 3 feet, the  
5 muzzle of the shotgun was 3 feet from -- and let me maybe  
6 put one of these.

7 MR. HARPOOTLIAN: Okay. Let me have State's Exhibit  
8 478, please.

9 Q Now, the wounds in the center of his chest, you and  
10 she agree on directionality. It came out under his arm,  
11 pellets penetrated his arm, and then went on. I think  
12 we've heard out the back window.

13 A Right. So, directionality and range of fire, I agree  
14 with her on that one.

15 Q Okay. So, when you look at the wound in his shoulder  
16 and his neck, and, of course, his head, tell us where Dr.  
17 Riemer got it wrong.

18 A Well, I think she has it reversed. And the reason  
19 being is now that you've seen where all the pressure would  
20 go, if the entrance wound is here on the left shoulder --  
21 and we're saying that we're at least 3 to 4 feet away from  
22 there because we have no soot, we have no stippling on the  
23 skin -- then by the time it gets to the left side of the  
24 chin or over here at angle of the mandible, the jaw, we've  
25 lost a lot of energy. And so, yes, you can get some

1 pellets still going up into the head, but you're not going  
2 to have the top of the head completely blown off.

3 And if you look at the photograph here you can see,  
4 you know, for all of us it curves over and goes around  
5 because the top of our skull is there. If you look here,  
6 it goes flat. He's missing the top of his skull. That  
7 would not have happened from a 3 to 4 foot -- 3 or -- I  
8 should say 3 feet or further shotgun wound coming in on the  
9 left side.

10 MR. HARPOOTLIAN: And the wound on his shoulder, let's  
11 look at that real quick.

12 SPEAKER: Say that again, Counsel.

13 MR. HARPOOTLIAN: Shoulder, please.

14 Q That's a pretty big wound, is it not?

15 A It is. And there's pellets that are going down into  
16 the tissue.

17 Q And what is the evidence of that?

18 A Well, there's photographs that are taken looking down  
19 into the wound, and you can see pellets there, and there  
20 are x-rays that are taken that you can see there's pellets  
21 down into the left shoulder.

22 Q Okay.

23 MR. HARPOOTLIAN: If you go to Defendant's  
24 Exhibit 162.

25 Q Okay. Step down here, please.

1 A Yes, sir.

2 THE WITNESS: May I?

3 MR. HARPOOTLIAN: Your Honor, may he step down?

4 THE COURT: Yes, sir.

5 MR. HARPOOTLIAN: Thank you.

6 Q Show the jury, please, the individual pellets.

7 A Oh, well, this is probably the easiest one to see,  
8 round and silver. I'm going to have to come around for a  
9 moment, I'm sorry. There is one here. There is one here.  
10 It's not projecting well, but I know that I saw a few down  
11 here, but then on x-ray it will become more apparent.

12 Q Okay. Well, let me do this. Let's go ahead and put  
13 the x-ray up while we're talking about this, which would  
14 be -- which one of these --

15 A We can do this one.

16 (Break in proceedings.)

17 MR. HARPOOTLIAN: Any objection? Your Honor, I would  
18 offer into evidence Exhibit -- Defense Exhibit 112 and ask  
19 that these would be put under seal.

20 THE COURT: What says the State?

21 MS. GOUDE: No objection.

22 THE COURT: It's admitted.

23 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 112 WAS  
24 RECEIVED INTO EVIDENCE FOR A SECOND TIME.)

25 Q All right. Tell us what exhibit --

1 MR. HARPOOTLIAN: Do you have that? 112?

2 SPEAKER: 112? I do not actually have that one.

3 (PHOTO OF BOOK PAGE MARKED AS DEFENDANT'S EXHIBIT  
4 NUMBER 189 FOR IDENTIFICATION.)

5 Q Tell the jury, please, what we're looking at here.

6 A Sure. So, any case that comes to a medical examiner's  
7 office that has any type of penetrating injury, the medical  
8 examiner will do x-rays to see if there's anything left in  
9 the body, and then also for safety reasons. But what we're  
10 looking at here is this is the spine. These are the ribs.  
11 So, we're looking at the chest, the left shoulder because  
12 we're coming out here to the left arm, and all of these  
13 dots are the pellets from the shotgun wound. And what we  
14 can see here is that these pellets are coming down all the  
15 way. So, this is the first rib right here. The first rib  
16 is about right here, so we have pellets all of the way down  
17 to this level.

18 Q Is that consistent or inconsistent with a shot being  
19 fired from his left, apparently going upward to the brain?

20 A Right. That wouldn't be consistent, and the reason  
21 being is then it would have to -- the pellets would have to  
22 go up, curve, and come down, while the rest of them are  
23 continuing this way.

24 Q Okay. So, can I have this one next?

25 A Sure.



1 Q Defense Exhibit 111. Okay. This should be up on the  
2 screen now. Can you -- we're talking about the lower right  
3 hand --

4 A The left side of body?

5 Q The left side of the body.

6 A The R stands for right, so the x-ray is being taken  
7 like this, right side, and this is the left side.

8 Q Okay.

9 MR. HARPOOTLIAN: So, could you blow up the lower  
10 right corner, please? There you go.

11 Q Now, what does this depict?

12 A So, this is showing here on the left side of the jaw.  
13 And we see all of these pellets that are here. So, the jaw  
14 is right here, and you can see these pellets are in the  
15 left side of the jaw, in the neck, and they're going down  
16 into the upper left chest.

17 Q So -- and you believe the directionality of these is  
18 down.

19 A Well, from the totality of the evidence, I believe,  
20 yes, they're down, yes.

21 Q Okay, and --

22 A But this x-ray has other findings, I think, that are  
23 important for that opinion.

24 Q Okay.

25 A And, I mean, you can see the severity of the fractures

1 of the skull. The skull should -- actually I think it was  
2 better if we go back. The severity of skull should  
3 obviously come all the way around, right? There's no skull  
4 here. That's probably the area where the shotgun was  
5 pressed against the head, and we've got all of these  
6 fractures. In medical terms we call it multiple comminuted  
7 fractures. This is, I mean, textbook for a contact range  
8 shotgun wound to the head, to the top of the head, not  
9 down.

10 Q And -- okay. So, in your opinion if it had happened  
11 the way Dr. Riemer said, you would not have the  
12 directionality of those pellets in the shoulder down.

13 A Correct.

14 Q And you would not have that kind of devastation to the  
15 skull. There wouldn't be enough energy.

16 A That's correct. You may have some what we call linear  
17 fractures, some little lines of fractures, but you wouldn't  
18 have the top of the skull completely gone.

19 Q So, explain to me, not being a hunter, how does the  
20 gas -- you've got gas coming first, pellets coming second,  
21 right?

22 A Yes, sir.

23 Q So, how do you get the gas going in and the pellets  
24 continuing on?

25 A Well, the pellets are projected by the gas causing

1 pressure to push out the shot and then the pellets within  
2 it. So, you know, think about a rocket that's going up  
3 into space, right? So, you see all of the cloud underneath  
4 the rocket, and the rocket will continue going up but the  
5 cloud goes out because that's the area of the least  
6 resistance, but the rocket will still continue, so that's  
7 pretty much the same mechanism. The shot puff is going to  
8 be pushed out. The energy from all of that gas needs to go  
9 somewhere, and when it's being pressed up against a firm  
10 surface like a skull, that pressure is going to build up in  
11 the -- it's going to go through the hole that's caused by  
12 the entrance wound, and it's got nowhere else to go. So,  
13 it's -- and, of course, this is all happening in  
14 milliseconds, but all of that gas is expanding the inside  
15 of the skull, and the least resistance is right here at  
16 that opening now. So, it's going to cause that area to  
17 basically pop out.

18 Q And some of the pellets would go through -- most of  
19 the pellets would go through?

20 A Oh, the pellets will continue through. There may  
21 be -- the brain is not here, right? And so there's  
22 probably pellets within the brain, but I -- we don't have  
23 an x-ray of the brain.

24 Q They didn't x-ray the brain.

25 A Correct.

1 Q So -- and the skull, I mean, the brain would leave the  
2 cavity? Or in this case did it leave the cavity?

3 A Yes, it did.

4 Q And under what kind of force?

5 A I can't give you an exact, you know, number. The  
6 forces are usually called Newtons, but it -- the build up  
7 of that pressure in the skull, it's -- even in that  
8 textbook, the brain is being eviscerated in, in shotgun  
9 cases from contact wounds.

10 Q So, if you're the person holding the gun to the skull,  
11 does any of that energy go up the barrel of the gun?

12 A Well, yes. Once that -- like I said, it builds up in  
13 the head, and then it comes back up. So, that's what  
14 causes the brain to be pushed out. There's going to be  
15 pellets that will come out. There will be other bodily  
16 fluids that will come out and will go up along -- it'll  
17 basically be what we call back spatter or back motion.

18 Q But in a violent way.

19 A Yes.

20 Q And the person holding that gun, would they be subject  
21 to being covered in that material?

22 A Yes, they would.

23 Q In a very forceful way?

24 A Yes.

25 Q Okay. So, let me show you a couple other pictures.

1 MR. HARPOOTLIAN: Would you put Defense Exhibit 113,  
2 please? I believe this is in evidence. Okay.

3 Q Tell us what that depicts.

4 A So, now we've moved over to the side, to the left --  
5 more of the left shoulder and showing some of left arm.  
6 And, again, you see how the pellets are sort of dispersed,  
7 and they're coming down. This is your shoulder blade, your  
8 scapula, and so it's even down to the level of the collar  
9 bone here and the shoulder blade.

10 Q Is that consistent with a shot coming up and across  
11 the shoulder and into the neck, or is it consistent with  
12 something coming down?

13 A Well, yeah, with the totality of everything, this is  
14 absolutely going down.

15 Q Okay.

16 MR. HARPOOTLIAN: Now let me see State's Exhibit 487.  
17 I'm sorry. I'm sorry.

18 (Break in proceedings.)

19 Q Tell us what we learned from this.

20 A Well, for lack of a better term, we have no brain at  
21 the top of the skull. It's completely gone with multiple  
22 fractures.

23 Q Was his hair shaved?

24 A No, sir, it was not.

25 Q Would that have been the normal practice? The prudent

1 practice? The required practice?

2 A Yes. I would have like to have seen it shaved to help  
3 determine the entrance and exit wounds.

4 Q Okay, but with this autopsy photo, you can't really  
5 tell. What would you expect if it was an entrance wound, a  
6 contact entrance wound?

7 A Right. Well, I can tell with this photograph that it  
8 is a contact entrance wound due to the severity of the  
9 injury. But what would have been nice is if the hair was  
10 shaved, I would be looking for gunpowder residue. I would  
11 be looking for burning on the skin itself with -- on the  
12 brain itself, and on the skull itself.

13 Q So, when this goes to --

14 MR. HARPOOTLIAN: Back up for just a second.

15 Q The first shot, I believe you agree is to the chest,  
16 if Dr. Riemer is correct.

17 A I do.

18 Q This shot, which would be on the top right back, is --  
19 can you tell, or would you have an opinion as to his  
20 posture at the time of that shot?

21 A Well, it's sort of similar to what we were talking  
22 about with Maggie. Unless somebody is in an elevated  
23 position where they're high enough where it can come down  
24 like this, he's most likely bent over --

25 Q Further than that, about that? I mean --

1 A That's hard for me to say. I mean, his head is over  
2 like this because we have the smaller wound. The bigger  
3 wound as it's expanding out here, the directionality goes  
4 like that. I can't tell you how far down he was actually  
5 bent over.

6 Q And why would he be bent over?

7 A Well, the second you get this shot, you're immediately  
8 deceased.

9 Q No, I'm talking about before the shot.

10 A Right, and so that -- and we know that he fell  
11 forward. He has abrasions to his face, so that indicates  
12 to me that the belly shot was first --

13 Q When you say the belly shot --

14 A I'm sorry, the shot that comes across the chest, not  
15 the belly, and that would be extremely painful. So, that  
16 would cause -- you know, he may be bent over from the pain  
17 and then came the shot.

18 Q Would that first shot affect his ability to breath at  
19 all?

20 A It would.

21 Q In what way?

22 A Well, Dr. Riemer documented what's called pulmonary  
23 contusion, so bruising of the lung. It's hard on a  
24 postmortem x-ray to see if you have what's called a  
25 pneumothorax, so air that's around the lung, so it will be

1 difficult for him to breath.

2 MR. HARPOOTLIAN: Can you take that down, Doug,  
3 please?

4 Q Okay. So, you believe that he was in pain as he bent  
5 over, and then the -- somebody shot him at the top of the  
6 head?

7 A Well, yes. This is a painful injury.

8 Q Okay. Now, let me ask you about just a couple of more  
9 things.

10 A Should I go back up?

11 Q Yes, please. Well, yeah, go back up.

12 MR. HARPOOTLIAN: Could I have Defendant's  
13 Exhibit 189, please?

14 Q Tell us what this is, please.

15 A So, this is --

16 Q Wait one second.

17 A Oh, I'm sorry.

18 (Break in proceedings.)

19 Q Have you seen this before?

20 A Yes, sir, I have.

21 Q And is it from the same book as the gunshot, the  
22 shotgun?

23 A Yes. It's from the Di Maio gunshot wound book.

24 Q And what does it depict? I mean, I'm not telling you  
25 specifically, but what does it depict?



1 A What the appearance on the body would be at different  
2 ranges for shotgun wounds.

3 Q Okay.

4 MR. HARPOOTLIAN: I offer this into evidence, Your  
5 Honor.

6 MS. GOUDE: Your Honor, the State objects. This is  
7 hearsay. This is a bullet -- page from a book by somebody  
8 else, not the witness who's testifying.

9 MR. HARPOOTLIAN: Your Honor, she has not objected to  
10 two other -- her witness and this witness relating to the  
11 same book, different page. It's a learned treatise, and  
12 it's the bible of gunshot wounds for -- I mean, both  
13 Dr. Riemer and this witness have testified it's something  
14 they all rely on. I can have him sketch it out, or we can  
15 just put this in.

16 THE COURT: What says the State?

17 MS. GOUDE: It's hearsay, Your Honor.

18 THE COURT: May I see it?

19 MR. HARPOOTLIAN: Yes, sir.

20 THE COURT: Ladies and gentlemen, I'll have you go to  
21 the jury room for a break. Please do not discuss the case.

22 (The jury left the courtroom.)

23 THE COURT: Everyone be seated.

24 (Break in proceedings.)

25 THE COURT: Doctor, this page 189, what is it?

1 THE WITNESS: So, this is a photocopy from the page of  
2 the gunshot wound book that gives a pictorial diagram of  
3 what different range of fires would look like on the skin  
4 of a shotgun victim.

5 THE COURT: Okay. Anything else from the State or the  
6 defense?

7 MR. HARPOOTLIAN: Your Honor, under 803 hearsay,  
8 the -- number 18:

9 Learned treatise, to the extent called to the  
10 attention of an expert witness on cross-  
11 examination or relied by the expert on direct  
12 examination, statements contained in a  
13 published treatises, periodicals, or pamphlets on  
14 a subject of history, medicine, science, or art,  
15 established as a reliable authority by the  
16 testimony or admission of the witness or by other  
17 expert testimony or by judicial notice. If  
18 admitted, may be read into evidence but may not  
19 be received as -- I'm sorry.

20 So, I'll withdraw it as an exhibit and I'll have him  
21 do a drawing.

22 THE COURT: All right. Okay. Well, take 15 minutes.

23 (A break was taken.)

24 THE COURT: You may bring the jury.

25 (The jury returned to the courtroom.)

1 THE BAILIFF: The jury is present, Your Honor.

2 THE COURT: Thank you. You may proceed.

3 The last exhibit has been withdrawn.

4 MR. HARPOOTLIAN: Beg the Court's indulgence one  
5 moment, please.

6 (Break in proceedings.)

7 CONTINUED DIRECT EXAMINATION

8 BY MR. HARPOOTLIAN:

9 Q So, let me have you do some things. We attempted a  
10 moment ago to use a page out of a book, and I think we're  
11 going to have you sketch this out. So, how about step  
12 down, please, with permission of the Court?

13 THE WITNESS: May I?

14 THE COURT: Yes.

15 Q How about stand on that side there. And do you  
16 remember what that page was in the book?

17 A Yes.

18 Q And so what I want you to do is you can't put that in,  
19 but replicate that for the jury and tell them what it  
20 means.

21 A Sure.

22 Q And do you want to take them one at a time?

23 A Yes, I will.

24 Q Okay, great. Thank you.

25 A So, talking about shotgun wounds to the body and

1 trying to figure out what the range of fire is, a perfect  
2 circle, which I am not a great artist, but let's just say  
3 that's a perfect circle. That means that the end of the  
4 barrel, right, that circle is pressed up against the skin.  
5 Now, this would be down here on the abdomen where you have  
6 leeway. It would end up being a perfect circle. If you  
7 have it up where it's going up against something firm, then  
8 you would have the circle, but you would have the splitting  
9 from that build up of pressure. So, this is a contact  
10 range. If we have some burning around it, contact range or  
11 close range, if we have soot around it we're close range.

12 Now, from the initial -- the first picture that we  
13 looked at, all of those pellets come in, and then they  
14 start to slowly open up, so now what we've got is sort of  
15 looks like a cloud, right? We call it scalloped margins.  
16 So, now we're moving out a little bit further. We are, you  
17 know, in that area of maybe 2 to 3 feet or so, and then as  
18 we continue moving further and further we get the scalloped  
19 margins, but then we get holes. And it doesn't have to be  
20 perfectly around it, but we get holes from the individual  
21 pellets that have now moved out. And so if we start seeing  
22 individual pellets, we're saying usually the end of the  
23 weapon is 4 feet or further, and then to be more specific,  
24 is it 4 foot or 5 feet or 6 feet? Then you have to test  
25 fire.

1 Q Okay. So, as the muzzle gets closer to the wound,  
2 there either is no spreading of the pellets within a  
3 contact wound, but the further away pellets begin to  
4 expand, and the further away, you get more of an  
5 individualized pellet pattern?

6 A That's correct. It is like a -- when it comes out, it  
7 comes out, and it goes triangular. So, it gets bigger, and  
8 as it goes triangular -- it's almost like playing pool.  
9 And you take the cue ball and you hit the pool balls, the  
10 billiards, and they start to open up.

11 Q Okay. Let me -- if you put up --

12 MR. HARPOOTLIAN: Is Defense Exhibit 162 in evidence?  
13 I don't believe it is.

14 (Break in proceedings.)

15 MR. HARPOOTLIAN: Okay, well let me show it. Any  
16 objection?

17 MS. GOUDE: No objection.

18 MR. HARPOOTLIAN: Well, let me -- while she's doing  
19 that, let me push this out of the way.

20 (Break in proceedings.)

21 MR. HARPOOTLIAN: Is everything off over there?

22 (Break in proceedings.)

23 MR. HARPOOTLIAN: I offer this into evidence, Your  
24 Honor without objection and ask that it be sealed.

25 THE COURT: What says the State?

1 MS. GOUDE: No objection, Your Honor.

2 THE COURT: It's admitted without objection.

3 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 162 WAS  
4 RECEIVED INTO EVIDENCE.)

5 MR. HARPOOTLIAN: Put it up on the screen, please.

6 Q Okay. Now, here we see -- and there's measurements  
7 here -- a rather large wound on the shoulder. Is that  
8 correct?

9 A Yes, sir.

10 Q And then a smaller wound in his chin.

11 A Yes, sir.

12 Q What does that tell you about the directionality?

13 A Well, it's not just that. It's also that we have no  
14 surrounding individual pellets, pellet holes. To me  
15 looking at this, this is not going left to right. I can  
16 understand the thought that maybe it was like a tangential  
17 graze, but then the pellets wouldn't have gone down and  
18 they would have opened up onto the left chin. So, again,  
19 using the totality of the evidence, these are pellets that  
20 are coming down from the top. They're starting to open up.  
21 They go through here, and they have to go through another  
22 bone so they're going to open up further and disperse  
23 through the left shoulder.

24 Q So -- and maybe this is too simplistic. Do shotgun  
25 wounds, do they -- and, of course, as you've just testified

1 they expand, right? The pattern --

2 A The -- you'll get a different pattern, and for a  
3 certain distance the actual hole will expand, but then you  
4 lose that hole and it becomes just individual small holes.

5 Q So, you've got a smaller hole in his chin and a larger  
6 hole in his shoulder. Does that indicate anything? I  
7 mean, am I being too simplistic? Smaller meaning it's  
8 expanding at that point?

9 A Right. Not to be offensive, I think that it is a  
10 little too simplistic because we also have to look at  
11 what's around the wound. But yes. Again, the totality of  
12 everything, this is definitely coming downwards from right  
13 to left. The only way I could see larger wound on the left  
14 shoulder, smaller wound on the left chin is if you consider  
15 this a graze wound. But again, using the totality of  
16 everything, the size of this wound, the location of the  
17 pellets going down into the shoulder, this is not going  
18 left to right.

19 Q Okay. Now, let me also ask you this. If the wound is  
20 in the head, then why isn't the brain macerated? Why isn't  
21 the brain shredded by those pellets? Why does the brain  
22 exit the skull, as we saw a minute ago, without being shot  
23 to pieces?

24 A Because, again, you're having one -- the shotshell --  
25 MR. HARPOOTLIAN: Take it down.

1 Q I'm sorry. Go ahead.

2 A That's okay. Everything is still within that  
3 shotshell as it goes in. The pressure is just going to  
4 form around it and push it out. Sometimes you'll see, in  
5 my experience, a complete intact brain that may have some  
6 holes here and there. Sometimes you'll see a brain that is  
7 split in half, and sometimes you will see completely  
8 macerated. But from what I saw in the photograph in  
9 reading Dr. Riemer's autopsy report, she does state that  
10 the brain was received in another bag and that it was -- I  
11 don't remember exact words -- but that it was severely  
12 traumatized.

13 Q But there's no x-rays to that brain.

14 A There's no x-rays of the brain. I'm sure there are  
15 pellets within the brain.

16 Q And are there -- were there any shots -- do you see  
17 any actual autopsy photos of the brain? I mean, just the  
18 brain.

19 A No. I saw scene photos, but I did not see autopsy  
20 photos of just the brain.

21 Q Okay. So, you would not -- well, let me back off for  
22 just a second. You've actually done autopsies on contact  
23 wounds by shotgun to the head?

24 A Yes.

25 Q And what you're telling us is based on that



1 experience?

2 A Well, experience, training, the textbooks. I mean,  
3 articles aren't written about it because it's fairly common  
4 knowledge.

5 Q Okay, and let me do a little housekeeping. I've got a  
6 number of photos I want to show you that may be used -- or  
7 were they used by you in your reaching your opinion? Okay.

8 A Okay.

9 MR. HARPOOTLIAN: Your Honor, I intend on showing this  
10 witness Defendant's Exhibits 169, 168, 161, 160, and 159 to  
11 determine whether or not he relied on these to come to the  
12 conclusion he has come to. I don't think there's any need  
13 to publish them to the jury at this point, and I believe  
14 the State consents to their admission.

15 MS. GOUDE: No objection.

16 MR. HARPOOTLIAN: If I might proceed.

17 Q Would you look at these photos, please?

18 A Yes, sir.

19 (Break in proceedings.)

20 Q Okay. Are those photographs autopsy photographs, or  
21 x-rays, that you relied on in reaching the opinions you've  
22 expressed to this jury today?

23 A Yes, sir.

24 MR. HARPOOTLIAN: Your Honor, we would offer these  
25 into evidence.

1 MS. GOUDE: No objection.

2 THE COURT: They're admitted.

3 MR. HARPOOTLIAN: Your Honor, for the record we're  
4 offering Defendant's Exhibit 160, 161, 168, 169, and 159,  
5 and 160 -- I think I already said 160. Give those to you.  
6 And, again, all under seal, please.

7 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 159 WAS  
8 RECEIVED INTO EVIDENCE.)

9 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 160 WAS  
10 RECEIVED INTO EVIDENCE.)

11 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 161 WAS  
12 RECEIVED INTO EVIDENCE.)

13 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 168 WAS  
14 RECEIVED INTO EVIDENCE.)

15 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 169 WAS  
16 RECEIVED INTO EVIDENCE.)

17 Q So, just a couple of more questions.

18 MR. HARPOOTLIAN: 162 is already in evidence, right?  
19 So let me hand that back to you before I do something with  
20 it.

21 Q So, the opinions you've given here today you've given  
22 to a degree of medical certainty more probably than not?

23 A Yes.

24 Q And you would agree with me that you are not an expert  
25 on the vectors of this shot, either one -- any of these

1 shots, except you've talked about a probability on Maggie  
2 on the two shots that would go down, right?

3 A Right. I just -- I want to make sure I'm answering  
4 correctly. So, I'm an expert on the directionality within  
5 the body that projectiles go: entrance, exit, the direction  
6 within the body. As far as -- and I think this is what  
7 you're asking. As far as crime scene and reconstructing,  
8 things of that sort, that's not my area of expertise.

9 Q Okay, but you have given an opinion, and I want to  
10 make sure that we all understand what you've said. You've  
11 given an opinion that Dr. Riemer was wrong on the shot that  
12 blew Paul's brain out of his skull and it landed on the  
13 ground, correct?

14 A That's correct.

15 Q And you believe it was a shot in the back right of the  
16 skull?

17 A Yes, sir.

18 Q And you believe that it was going through his skull,  
19 out his neck, and into his arm.

20 A Into the left side, yes, sir.

21 Q Left side. All right, and we found a number of x-rays  
22 showing the pellets. We've seen forensic evidence that  
23 you, in the normal course of your work, rely on to draw  
24 opinions, right?

25 A That's correct.

1 Q And you've done that thousands of times.

2 A Yes, sir.

3 Q Let me make sure the jury understands this. When  
4 you're submitted materials like we submitted to you in  
5 cases, you report -- I mean, are you paid to give an  
6 opinion, a specific opinion?

7 A No. I wouldn't accept a case if someone said this is  
8 what we want.

9 Q Okay, and you come to conclusions based on the  
10 materials given to you?

11 A Absolutely.

12 Q And that's your conclusion here today?

13 A The conclusions that I've stated? Yes.

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

15 (Break in proceedings.)

16 Q So, you've indicated and testified that it would be --  
17 the blood, brains, pieces of skull, other material would  
18 blow out the direction of the hole and the muzzle of the  
19 gun would have been pressed against the skull, correct?

20 A The muzzle of the -- the end of the barrel of the  
21 shotgun would be pressed against the skin firm enough that  
22 there would be pressure onto the skull, and then you would  
23 have blowback as the skull opened up.

24 Q And would that blowback follow the barrel of the gun?

25 A Well, it would come back up the barrel of the gun, but

1 it would also distribute.

2 Q Right, and what about the barrel of the gun? Would  
3 there be biological material jammed into that?

4 A Absolutely.

5 Q I'm sorry?

6 A Absolutely.

7 Q Okay. So, there would be brains, blood, skull,  
8 whatever jammed back up the barrel of the shotgun?

9 A Right. What we say is biologic material.

10 MR. HARPOOTLIAN: Okay. Thank you. Please answer any  
11 questions Ms. Goude has.

12 THE COURT: Cross-examination.

13 MS. GOUDE: Thank you, Your Honor.

14 (Break in proceedings.)

15 CROSS-EXAMINATION

16 BY MS. GOUDE:

17 Q Hi, Dr. Eisenstat.

18 A Good morning.

19 Q Now, when you first started your testimony, you talked  
20 a little bit about time of death.

21 A Yes.

22 Q Is it the pathologist's job to determine the time of  
23 death?

24 A Depends on the jurisdiction, but pathologists are  
25 trained in talking about what is consistent or what's not

1 consistent. But I believe -- like in Georgia, I believe  
2 here in South Carolina the coroner, in the majority of  
3 counties, the coroner goes to the scene and does the  
4 investigation. So, I don't know how it works here, but  
5 there's no doubt that part of a forensic pathologist's  
6 training and knowledge is determining cause of death from  
7 information given -- excuse me, time of death from  
8 information given to them.

9 Q And it's not customary for a pathologist to actually  
10 go out to the crime scene, is it?

11 A I would say more often than not the pathologist does  
12 not go out.

13 Q All right, and now in this case, because this appeared  
14 to be homicides, the county coroner would be the one to  
15 have requested an autopsy. Is that right?

16 A That's my understanding. Definitely in Georgia. It's  
17 my understanding here, yes.

18 Q And Dr. Riemer performed the autopsy here?

19 A Yes, ma'am.

20 Q And she performed an independent autopsy.

21 A She did.

22 Q Did you perform an autopsy of either of the victims in  
23 this case?

24 A I did not.

25 Q And you relied on, I think you testified, on

1 Dr. Riemer's x-rays, crime scene photos, and autopsy photos  
2 in determining your opinion.

3 A That's correct.

4 Q And you were hired, right?

5 A Yes, I was.

6 Q And you were here on Friday, weren't you?

7 A I was.

8 Q Okay. So, that would mean you've made over \$10,000 in  
9 evaluating or taking part in this case.

10 A At the end of the day, that's correct.

11 Q Did you do a report?

12 A I was not asked to do a report, no.

13 Q Wouldn't you agree that a report would have been  
14 helpful to explain the scientific methods or investigation  
15 that you used to come to your conclusions?

16 A Oh, I -- you know, different jurisdictions do it  
17 differently, so I have no idea how it's done here. But, I  
18 mean, my report would have been exactly the same as my  
19 testimony, so I guess it would be on paper instead of, you  
20 know, verbally.

21 Q Well, you saw Dr. Riemer's report and that was  
22 actually entered into evidence, right?

23 A Yes, I did.

24 Q All right. You spoke a little bit about Maggie --

25 A Yeah, that's correct.

1 Q -- and her autopsy. And I believe you said in your  
2 testimony that Maggie's shooter could be taller than  
3 Maggie. Is that right?

4 A Oh, no, that's not what I said.

5 Q What did you say?

6 A No. No. What we were talking about was if Maggie's  
7 gunshot or rifle wounds to the top of her head and to the  
8 side of her head were with her standing up, that would have  
9 to be somebody at an elevated position. So, I did not -- I  
10 didn't give an opinion that the shooter had to be taller  
11 because we talked about how she could be bent over.

12 Q But an elevated position could mean the shooter was  
13 taller, right?

14 A Oh, but that -- I mean, it could be. It could be that  
15 the shooter was taller, but that would still have to be  
16 somebody in an extremely elevated position shooting down.  
17 I'll leave it at that.

18 Q And you said that determining trajectory is not  
19 something that you do.

20 A At the scene, that's correct. On the body, that's  
21 what I do all the time.

22 Q All right. Let's move on to Paul. Would you agree  
23 that when a gun is shot, a lot of energy and momentum is  
24 generated, and that momentum and energy tears through a  
25 person's body?



1 A Depending on the range of fire, the type of  
2 ammunition, yes, I agree with that.

3 Q And when pellets are shot, they spread out.

4 A Eventually, yes.

5 Q So, if Paul was shot in the back of the head and those  
6 pellets start spreading out, did they come back together  
7 when they exited this way?

8 A No. No. No. But that's, that's where we're talking  
9 about the same thing as range of fire. So, those  
10 pellets -- I mean, if you go from the top of the head down  
11 to here, this is about 6 inches, so about 6 inches -- we  
12 have maybe a foot, right, from here to here. Those pellets  
13 can still be together and starting to spread out. So, no,  
14 they're not going to go out and come back together.

15 Some -- that's why I was talking about that billiard  
16 ball effect, some -- if you, you know, hit that cue ball,  
17 the side ones are going to pop out, and the middle ones  
18 will still be together. So, no, they won't go out and come  
19 back. But I have no issue with 1 foot from here to here,  
20 and having still a whole cluster of pellets going through.

21 Q But the pellets would be closer together when they  
22 first enter the body.

23 A For a certain distance, yes.

24 Q And we also talked about soot or stippling. Now in  
25 Dr. Riemer's report, she does note that there was soot and

1 stippling for certain injuries, right?

2 A Yes, ma'am.

3 Q And she did not note that for the injury to the  
4 shoulder and head.

5 A Agreed.

6 Q And wasn't the top of Paul's skull missing?

7 A Yes, it was.

8 Q And Paul's face, it wasn't blown off, was it?

9 A It was not.

10 Q His brains weren't splattered all over the floor?

11 A Well, I mean, it depends on what you mean by that.  
12 But his brain left his head and ended up being on the  
13 floor. There were some smaller pieces in other areas and a  
14 large piece in one area.

15 Q I'm going to show you what's been entered as State's  
16 24 under seal. I don't know if you can tell from this  
17 picture.

18 A I can.

19 Q Can you?

20 A Yes, ma'am.

21 Q Does that brain look macerated or splattered  
22 everywhere?

23 A No, but that brain has been extruded from the head,  
24 and there are, when you do a zoom-in on it -- unfortunately  
25 no x-ray, but when you zoom in on it, you can tell if

1 there's injury to the brain. But the brain, yes, I agree  
2 it's not macerated.

3 Q And there were pellets on the floor of that feed room?

4 A That's my understanding.

5 Q I'm going to show you State's 26 and 43. Do you see  
6 that is the door to the feed room?

7 A I do.

8 Q And State's 43. Is that blood spatter on top of the  
9 door?

10 A That looks like blood spatter at the top of the door,  
11 yes.

12 Q And no blood spatter out there on the sidewalk from  
13 his brain being blown out from his head and his face being  
14 left intact, right?

15 A Right. The brain would come out the top of the head.

16 Q And it's on the top of that door.

17 A I'm sorry, ma'am?

18 Q And the blood spatter is on the top of the door there.

19 A Right, that's blowback. That's from here, the  
20 pressure pushing it backwards.

21 Q And did you see any crime scene photos of the feed  
22 room where there were some containers on the shelf?

23 A I did.

24 Q So, the containers on the shelf, I believe, would be  
25 to the right side on this picture?

1 A Looking at the picture I believe, yes, inside on the  
2 right there's some shelves with a number of items on it.

3 Q And was there kind of a demarcation line showing blood  
4 going to the top of the feed room?

5 A Oh, I don't recall. In all honesty, you're starting  
6 to get into an area that's not my area of expertise.

7 Q Into trajectory, right?

8 A Outside of the body, yes.

9 Q And did you determine the manner of death for these  
10 victims?

11 A I did.

12 Q What was that?

13 A For both of them it was homicide.

14 MS. GOUDE: Thank you. Nothing further.

15 THE COURT: Anything further?

16 MR. HARPOOTLIAN: Nothing further, Your Honor.

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

18 THE WITNESS: Thank you.

19 (The witness exited the stand.)

20 MR. HARPOOTLIAN: Your Honor, may the witness be  
21 excused?

22 THE COURT: Yes.

23 MR. HARPOOTLIAN: Thank you.

24 THE COURT: Your next witness.

25 MR. GRIFFIN: Thank you, Your Honor. The defense

1 calls Tim Palmbach to the stand, please.

2 The witness, TIM PALMBACH, was first duly sworn and  
3 testified as follows:

4 THE CLERK: Take a seat in the witness stand. You can  
5 adjust the mic if you have to. State your name again for  
6 the record. Spell your last name.

7 THE WITNESS: Timothy Palmbach, P-a-l-m-b-a-c-h.

8 VOIR DIRE EXAMINATION

9 BY MR. GRIFFIN:

10 Q Mr. Palmbach, will you tell the jury where you're from  
11 and what do you do?

12 A I'm from Connecticut. Been up in that state for the  
13 majority of my life. Most of my career has been in the  
14 Connecticut State Police, and I actually started out in a  
15 road position. Then I was transferred into a major crime  
16 unit. And then from there I spent a good deal of my time  
17 in the lab. I retired as a major from the lab in 2004, and  
18 at that time I was head of the whole division of the  
19 Scientific Services for the State of Connecticut.

20 I then went back to the school which is my alma mater,  
21 which was University of New Haven, to teach. I took the  
22 chair of Forensic Science position, which is a large  
23 forensic science program with both graduate and  
24 undergraduate students, and I managed that program as well  
25 as teaching. In addition to that, I was doing some degree

1 of consultation, expert consultation, but not much just  
2 because of the volume of work that I had.

3 In August of last year, the university offered me an  
4 early retirement incentive package, which I gladly  
5 accepted, and so now I just teach part-time, assist with a  
6 couple of grants that I had, and have a little bit more  
7 time to do consulting.

8 Q When you were with the Connecticut Forensic Science  
9 Division, did you work -- who did you work under? Who did  
10 you train under?

11 A Dr. Henry C. Lee?

12 Q And who is Dr. Lee?

13 A Within the field, he is one of the founding fathers  
14 and very, very well regarded holistically as a forensic  
15 scientist, but very much so as a crime scene reconstruction  
16 expert.

17 Q And you mentioned in addition to teaching and your  
18 prior work in the field, you currently do consulting as  
19 well?

20 A Yes, I do.

21 Q Before we get to that, do you have -- hold any  
22 certifications in your field of specialty?

23 A So, certifications, I have memberships. It's more of  
24 a membership organization than certification.

25 Q Sure. So, what's the American Academy of Forensic

1 Science?

2 A Sure. American Academy of Forensic Science is like  
3 the American Medical Academy or American Bar Associations.  
4 It's just kind of the large entity that all of the  
5 professionals belong to. You have to be a practicing  
6 practitioner in good faith in order to do that. And then  
7 you go -- it ranks from an associate member to a member,  
8 and eventually if you meet the criteria, you could be a  
9 fellow. So, I'm a fellow of the American Academy of  
10 Forensic Sciences.

11 Q And what is the International Association for  
12 Identification?

13 A So, yeah. The IAI, or International Association of  
14 Identification, they tend to have membership and  
15 certification in areas like fingerprint examination, as  
16 well as crime scene analysis.

17 Q And you're a member of that --

18 A I am.

19 Q -- association? And are you a member of the  
20 International Association of Blood Spatter Analysis?

21 A I am, and the name is exactly that. So, they have  
22 membership there, or individuals who've had the requisite  
23 level of training, experience. I believe they even make  
24 you -- or demonstrate if you've been qualified in court  
25 before, and then they'll grant you membership in that

1 organization.

2 Q What -- it seems self explanatory to you but maybe not  
3 everybody in the courtroom. What is blood spatter  
4 analysis? And it's spatter, not splatter, correct?

5 A It is spatter, correct.

6 Q All right.

7 A Well, basic course would be 40 hours, and I don't  
8 think they want to hear the basic course, and I don't mean  
9 that flippantly. There's just -- there is a fair amount to  
10 it. The simple way to explain it is we're looking at  
11 energy and force applied to sources of blood, or other  
12 mechanisms and activities applied to blood, and then  
13 determining the patterns that result from that. But once  
14 we understand that, you know, it's much of what the  
15 training is, is in a lab and environment, you create these  
16 patterns. You study the patterns so you understand them.  
17 Then it's going to a scene, seeing these patterns, properly  
18 interpreting them, and drawing conclusions from them. So,  
19 that's the short version of what it is.

20 Q And I believe you're also a member of the  
21 Massachusetts Forensic Science Oversight Board. Is that  
22 correct?

23 A Yes, I am.

24 Q And what is that?

25 A It's a governing -- a governor's board that the --



1 they bring in experts from around the country of different  
2 specialities, and we look at practices and protocols within  
3 the forensic science community, within the state of  
4 forensic science, so it's essentially an advisory board.

5 Q I believe you also have a law degree?

6 A I do, sir.

7 Q Why would you do that?

8 A That's a good question. I haven't practiced law. It  
9 was back in the -- at the time, like, early 90s, it's --  
10 there was a lot of stuff going on related to new  
11 technologies, DNA being the biggest of all of them. And  
12 what was happening for lab directors -- and I was an  
13 assistant lab director at that time -- is we spent more  
14 time in the court or writing papers in support of new  
15 testing and not knowing anything about it. So, many of us,  
16 myself included, said if this is going to be a big part of  
17 our job, we have to go back and learn it. So, that's what  
18 motivated me to go back and do it.

19 Q And then currently professionally are you the  
20 executive director of Henry C. Lee Institute of Forensic  
21 Science at UNH?

22 A I was, but I gladly, when I went to emeritus status,  
23 gave that position up and got a little bit of time back.  
24 But I had been for nineteen years prior to that.

25 Q And have you, as part of your consulting work, have

1 you been qualified as an expert in state and federal courts  
2 in various states?

3 A I have.

4 Q Do you know what states?

5 A All right, Connecticut, New York, Pennsylvania, New  
6 Jersey, California, Illinois, Alabama -- yeah, I think so.  
7 North Carolina for sure. I think I got it.

8 Q And what, what are your areas of expertise that -- for  
9 what you've been qualified and that you wish to be  
10 qualified in this court?

11 A In the big genre, it's crime reconstruction and  
12 analysis, and subdisciplines underneath that independently  
13 are blood stain pattern interpretation and shooting  
14 incident reconstruction.

15 Q One of the cases, I believe, were *State v. Michael*  
16 *Peterson*. Were you an expert in that case?

17 A I was, sir.

18 Q Was that the stair step case?

19 A I think it's known as the staircase case, yeah.

20 Q All right. The -- have you ever not been certified --  
21 excuse me, qualified as an expert in crime scene  
22 reconstruction and blood stain analysis and shooting  
23 reconstruction in any court, state or federal?

24 A No.

25 MR. GRIFFIN: Your Honor, at this time I would offer

1 Mr. Palmbach as an expert witness in the area of crime  
2 scene reconstruction, blood stain analysis, and shooting  
3 incident reconstruction.

4 THE COURT: What says the State?

5 MS. GOUDE: Is it blood stain analysis, or blood  
6 spatter analysis, or splatter analysis?

7 THE WITNESS: The field is referred to as blood stain  
8 analysis. Blood spatter would be a subcomponent of the  
9 greater field, yeah.

10 MS. GOUDE: No objection.

11 THE COURT: He is admitted without objection.

12 MR. GRIFFIN: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. GRIFFIN:

15 Q Mr. Palmbach, were you hired by Mr. Harpootlian and I  
16 on behalf of the defendant, Alex Murdaugh, in this case?

17 A I was.

18 Q And what were you hired to do?

19 A To review the case, look at the forensics evidence,  
20 the pattern evidence, crime scene documentation, lab  
21 analysis, autopsies, and related investigative reports that  
22 dealt with the scene activity and the physical evidence.

23 Q And what -- are you charging for your time?

24 A I am.

25 Q How much do you charge?

1 A I do it as a block rating just simply because I don't  
2 want to keep track of hours. So, my initial retainer fee  
3 was \$5,000. I will have another finalizing as I complete  
4 here. Last night I scratched it out. I believe it's going  
5 to be \$8,000 more, plus travel expenses.

6 Q And did you come down here Friday and did not get to  
7 testify, and spent the weekend in the Lowcountry?

8 A Yeah. I showed up Thursday actually, but yeah, I've  
9 been here for a bit.

10 Q All right. What have you reviewed in this case? What  
11 materials are you been provided?

12 A Again, lots of photographs: crime scene photographs,  
13 evidence photographs, autopsy photographs. Autopsy  
14 records, data, x-rays, various lab reports, investigative  
15 reports, diagrams created by investigating personnel, and  
16 reports that were related to those diagrams.

17 Q Now, when you -- upon your initial review of the  
18 autopsy reports, did you make any suggestions to us?

19 A Yeah. Once I agreed to take the case, that material  
20 was submitted and I began to just review it, and that's  
21 what I usually do is read through it and see and get a  
22 sense of what makes sense. One of areas that I was very  
23 concerned with right away was looking at the shotgun wound  
24 to Paul. And based on all of my training and experience,  
25 what I -- what we visualized in the head is absolutely

1 consistent with a contact wound.

2 Reading through the report, it didn't say that. It  
3 was written obviously as an exit wound with the contact  
4 being down in the left shoulder and the left face. I think  
5 within a day I called back to Attorney Harpootlian and  
6 yourself and said this doesn't look right to me. It's  
7 inconsistent with my interpretation of the results, and my  
8 best advice for you would be to hire a forensic pathologist  
9 to review the case.

10 Q And were you sitting here in the courtroom when Dr.  
11 Eisenstat testified?

12 A I was.

13 Q Before coming to town to Walterboro Thursday or  
14 Friday, had you ever met Dr. Eisenstat before?

15 A No.

16 Q Had you ever worked with Dr. Eisenstat before?

17 A No.

18 Q Did you talk to Dr. Eisenstat at any point in time  
19 before you arrived here in South Carolina for this case?

20 A No.

21 Q Did you have an opportunity to go to Moselle?

22 A I did.

23 Q And when was that?

24 A Friday morning.

25 Q Okay. Was that your first physical trip to Moselle?

1 A Correct.

2 Q And we'll get to some of the things that you located.  
3 Generally overall I want to first address the shooting of  
4 Paul. As you reviewed everything and tried to reconstruct  
5 the crime scene, can you give the jury an overall picture  
6 of Paul's murder? How did it occur?

7 A Sure. I believe it began with Paul with his right  
8 shoulder to the open feed door. This is inside the feed  
9 room and he's facing straight ahead, and he's upright, and  
10 his arms are more or less at his side. And the first comes  
11 at a very oblique angled shot into his chest, travels  
12 through his chest, exits the side of his chest into his  
13 left arm, exits his left arm, and then continues on and  
14 exits through a window pane in the feed shed, which is the  
15 opposite side from the doorway.

16 Q Roughly where would the shooter have been on the first  
17 shot on Paul?

18 A Where would the shooter have been?

19 Q Yes, sir.

20 A Okay. They're definitely going to be outside the  
21 door, and how close they are to the door is subject to a  
22 lot of different factors. So, first of all, with what's  
23 reported is a, a small amount of gunshot residue in that  
24 area, not a lot of it. And, in fact, as I looked at it,  
25 yeah, I could see some of a particular matter adjacent to

1 the medial side of that -- of the injury, but I couldn't  
2 see much more gunshot residue beyond that.

3 Now in fairness, when you have an article of clothing  
4 and you're shooting through the article of clothing, the  
5 majority of the gunshot, if not all of it depending upon  
6 the distance, will stay on the outside of the clothing. In  
7 this case it was black clothing, blood-filled clothing, and  
8 you wouldn't be able to see that unless you did some  
9 enhancements, or do something what we call a modified  
10 reagent test.

11 Q Well, let me stop you there. Did you see whether --  
12 did you see any indication that SLED did any GSR testing of  
13 the clothing?

14 A I did not.

15 Q All right. If you could please continue.

16 A A GSR pattern testing of the clothing.

17 Q Correct. I'm sorry.

18 A However, I'm not going to dispute what I read, that  
19 there was a minor bit of stippling there. But a minor bit  
20 of stippling there with a shotgun is going to give you a  
21 necessary minimal distance of 2 to 3 feet from the wound to  
22 the end of the barrel.

23 The other factor you have to take into consideration  
24 is both of the shotshells that have been associated with  
25 the shooting of Paul were found within the feed room. Now,

1 while the shotgun has never been recovered and we really  
2 don't know the action and how it worked, it is a reasonable  
3 assumption that it is a semi -- semiautomatic variety, and  
4 then, therefore, as an individual pulls a trigger, it will  
5 eject to the right out of the port. So, in order for the  
6 two casings to be within the feed room, the probability is  
7 that at least the receiver part of the ejection area has  
8 got to be just inside the doorway minimally in order for  
9 the casings to stay inside there.

10 Q All right. I'm going to stop you right there. You  
11 said it was a semiautomatic firearm. Why do you say that?

12 A Well, we don't know; I mean, we clearly don't know  
13 because we don't have the weapon. You know, an option  
14 could be a single shot. That doesn't make much sense. You  
15 would have to shoot, stop and reload, and shoot again. It  
16 could alternatively be a double barrel. But in my review  
17 of the firearms report from the state lab, they indicated  
18 that their examination of those two shot cartridge cases  
19 were that they came from the same weapon, that they were  
20 co-aligning them to one weapon.

21 In the case of a double barrel, you have separate  
22 breach face areas, you have separate firing pins, and  
23 you're not going to get the two casings to look exactly  
24 alike. So, that more or less took the probability of a  
25 double barrel shotgun away, and I think the logical



1 inference is it's a semi. It could also be a pumped based  
2 action, but again, that's an additional stipulation.

3 Q Sure. The -- is there any indication that Paul had an  
4 opportunity to defend himself with, any defensive  
5 indication?

6 A So, I frankly think he was startled by that shot. He  
7 was -- his right shoulder was at a door. I mean, if he  
8 knew somebody was coming and/or saw somebody coming, he  
9 would be facing the door or turning trying to run, which he  
10 wouldn't have anywhere to go. But he was essentially  
11 facing this way, and the door is this way. I don't think  
12 he even perceived it until he was shot the first time. And  
13 you asked the question did I see any defensive injuries, or  
14 any indication of defensive actions on him or the feed  
15 room, the answer is no.

16 Q What type of defensive indications have you seen in  
17 the past that would indicate that there was a struggle of  
18 some sort?

19 A Well, I think obviously your hands always kind of come  
20 up, and his hands would be going up in the direction of the  
21 shooter and the weapon. So, the orientation of his body  
22 would have changed. His hands coming up means that he  
23 likely -- they could have been injured. Certainly there  
24 could be gunshot residue distribution on them. There could  
25 be --

1 Q Sure.

2 A -- that would be the main difference.

3 Q Okay. The -- and what was the -- what was the  
4 ammunition in the first shot into Paul?

5 A That was buckshot. So, it's nine, about, 38 caliber  
6 pellets.

7 Q And I think you mentioned the shell, spent shell was  
8 found inside the feed room. Is that correct?

9 A Correct.

10 Q All right. Let's move on to the second shot of Paul.  
11 Can you reconstruct that generally, and then we'll look at  
12 some photographs.

13 A Sure. Based on the general morphology of what  
14 happened to the head, this explosive nature, I'm -- it's  
15 taught that way, we've learned it that way and through  
16 personal experience, you never see that except when you  
17 have a high energy source contact wound. The reason I say  
18 a high energy source contact wound, if you took a little  
19 .22 caliber revolver and held it to the head, you will not  
20 see what we saw here, the simple reason being is it's not  
21 creating anywhere near the volume of what we're talking  
22 about these gasses, these high voluminous gasses that you  
23 get with a shotgun or a rifle.

24 Effectively why? Well, the barrel of the shotgun is  
25 going to be longer, it is wider, and so you have this whole

1 big area within the barrel that's being pressurized, and  
2 that just creates exponentially a whole lot more gaseous  
3 material than you would have seen in a handgun. So, seeing  
4 that head in the condition it was, that is a contact wound  
5 from a high energy source weapon, which would  
6 understandably be a shotgun or a high powered rifle.

7 Q Now, and I don't want to repeat what the jury just  
8 heard, but were you sitting here in the courtroom when Dr.  
9 Eisenstat explained the --

10 A Sure.

11 Q -- mechanism of the head to the shot?

12 A I heard that, yeah.

13 Q I mean, the shot to the head? I'm sorry.

14 A Yeah. Yeah.

15 Q And is that -- do you agree or disagree with that --

16 A Yeah. No, I fully agree, completely agree.

17 Q We'll get to this shortly, but the -- there's -- on  
18 the door as it swung open at the top, there's hair that  
19 looks like Paul's, and there's blood at the top. Is that  
20 inconsistent with your assessment of how the shot happened?

21 A No. Actually it's completely consistent with that.

22 Q Well, explain that, please.

23 A So, what happens is the barrel is in alignment and  
24 tightly against the head. And, again, the shot goes into  
25 the head. The gaseous material begins to build, and,

1 again, this is -- again, milliseconds is right, very, very,  
2 quickly it's beginning to swell and build. At the same  
3 time the shot -- the wadding is starting to move down  
4 toward the exit area and come out, and then the head  
5 finally goes from the pressure. It can't go -- and as it  
6 goes, the gas, the pressurized gasses are going to find the  
7 quickest area to escape, and then they're going to redirect  
8 in that -- in that format that ends up being in the  
9 entrance hole. So, you kind of get, like, a shift in  
10 action here, and all of the energy now is re -- is kind of  
11 re-categorized. It's now pushing up towards the corner of  
12 the ceiling and the door.

13 Q Now, you -- have you seen Dr. Kinsey's photograph of  
14 the door and what -- it's a crime scene photo, and there's  
15 a little ding in the door.

16 A I have seen that, yeah.

17 Q Did you go out and inspect that on Friday?

18 A I did because you can clearly a little ding. And I  
19 totally agree that could be a pellet impact, but it was  
20 taken -- at that time it was taken at a little bit of an  
21 angle, and I felt it would be better to get up and get a 90  
22 degree and closer view and examine it myself, and I did.

23 Q And while you were there, did you also see any other  
24 pellets in the feed room that you attribute to --

25 A Yeah.

1 Q -- the shooting of Paul in the head?

2 A Yes. So, first of all, in close examination of the  
3 impact on the door, I do believe that's from a pellet, and  
4 actually the dimensional side of it is consistent with a  
5 diameter of a number two steel shot pellet. And it is  
6 also -- it was elongated, so you could see that it was  
7 coming from the bottom up. Quite near there, probably only  
8 a foot away, the header, the trim header on the door, there  
9 was another one of these steel pellets. Again, the right  
10 diameter, actually embed in the wood, and it's still there  
11 today.

12 Going back -- and I'll be honest with you. I did not  
13 see that in the photograph. I'm going back and looking at  
14 the photographs. I confirmed, yeah, it actually was  
15 present the day of the shooting.

16 Q So, Mr. Palmbach, how is it that a shot going down  
17 into the head could lead to pellets causing indentations in  
18 the door and getting stuck in the header of the door?

19 A An explosion really is the best way to do it. But  
20 it's not this kind of explosion, it is -- the military  
21 would call it a chaff charge where you focus the explosion  
22 in a narrow pathway, and that creates a much larger damage  
23 area, and that's what happened here. You expanded the  
24 skull plate, and it pushed back through -- first of all, it  
25 pushed back through the actual entrance hole of the skull,

1 and as that happened then the skull breaks and pulls out.  
2 But there's now a very large energy moving this way, and  
3 it's drawing with it things as heavy and large as the  
4 entire brain, but it's also grabbing blood, it's grabbing  
5 issue, it's grabbing skin, it's grabbing hair, it's  
6 grabbing the bone fragments, and it's grabbing part of the  
7 steel shot that's still in the skull cavity, and it's  
8 pushing it at a pretty reasonable velocity up and toward  
9 that corner of the door and the ceiling.

10 Q There's -- and we'll get to the photos, but there  
11 appears to be the wadding that -- in the middle of the feed  
12 room on the floor. In your opinion, where did that come  
13 from?

14 A It came out from inside of the brain. That obviously  
15 made it through the brain and it was in the brain. And  
16 again, remember the wadding has these little fingers that  
17 tend to open and flare up. Matter of fact, if you look at  
18 it in the photograph, you can see that it was flanged, the  
19 finger were folded back. So, it -- kind of braking power,  
20 right? It's not going to go through the rest of the brain  
21 and out the side of the face into the shoulder as easily as  
22 the pellets will. So, it stopped more or less in the  
23 brain, and then it got caught up in this explosive force.  
24 I'm assuming it just went up and hit -- it could have gone  
25 up into the shooter. It could have gone up under the door.

1 It could have gone up the ceiling and wherever -- any one  
2 of those areas could have happened and fallen down on the  
3 floor where we find it.

4 Q And I want to talk about the shooter. Where -- how  
5 close would the shooter have been in relation to the shot  
6 into Paul's head?

7 A Well, so this is contact, so he's got to be close  
8 enough to get the barrel in contact, firm contact with his  
9 head. We don't know where that gun is. I don't know if  
10 it -- is it an 18 inch barrel? A 26 inch barrel? We don't  
11 know that. Obviously that's going to change the  
12 difference. But -- and the shot is somewhat overhead  
13 downward. So, all of that is bringing this shooter much  
14 closer to Paul than when he would -- took the first shot  
15 with Paul standing upright.

16 Q So, we see indentations from a pellet in the door. We  
17 see a pellet stuck in the threshold of the door. What's  
18 happening to the shooter in this that you -- in your  
19 reconstruction of a contact shot to the back of the head,  
20 what's happening to the shooter at that point?

21 A He's getting hit with large amounts of brain material,  
22 blood, skin, hair, bone fragments, and I believe very  
23 likely some of the pellets.

24 Q And what would be the force of that hitting the  
25 shooter?

1       A     Substantial. And the reason we know that is, one,  
2       we've seen what happened to the skull, how badly damaged it  
3       was. And secondarily, we have two of the pellets. One is  
4       actually denting this metal door, and the next -- another  
5       one embedding in the wood above it. That -- you know, I  
6       can't quantify that force, but that's substantial force,  
7       and that's kind of energy that's taking all the brain, all  
8       the fluid, all the tissue, and all the hair, and all the  
9       broken skull places and sending it -- principally it's  
10      going to follow right along the barrel pathway, you know,  
11      around it for sure, but that is going to go in the same  
12      direction essentially that the barrel had been placed.

13      Q     Would you expect to see any type injuries to the  
14      shooter?

15      A     That's quite possible. I mean, for sure, for sure  
16      they're literally covered in all of that material for sure.  
17      But given the size of the bones, the amount of bone, and  
18      now pellets coming back at them, if any of them hit him  
19      it's going to be an injury, whether it's substantial or  
20      just a stinging injury. Yeah. I think that that's  
21      possible, actually probable.

22      Q     And when you -- how much biological material and blood  
23      is going to be on the shooter's clothing and on the  
24      shooter's person?

25      A     A lot. A lot on the upper body and head.



1 Q If the shooter has thick hair, something a lot  
2 different than what I have, would you expect it to be  
3 matted in the shooter's hair?

4 A Certainly. I mean, and you're going to be covered on  
5 any surface. But, yeah. I guess the thicker the hair is  
6 probably more will retain in there.

7 Q And you -- we have pictures of the room showing blood  
8 in various places throughout the room, correct, consistent  
9 with --

10 A Exactly. So, you have this core high, high velocity,  
11 kind of high volume pattern going up to the corner. But  
12 you also -- this hole in the side of the head is like --  
13 it's this -- it's, like, very large. And so once that's  
14 open, there's still a lot of energy right there, and  
15 there's blood and tissue right there. You're also trying  
16 to just literally blow volumes of that, and that's what  
17 we're seeing throughout the room. That's why you're  
18 seeing, you know, on shelves and on the door and trims, and  
19 on this wall and this wall over here with the exceptions --  
20 if you really look at it, there are some areas that what  
21 we -- they have a void appearance, which to us would  
22 indicate there was something there that absorbed the blood  
23 that should have been there, and in this case it would be  
24 the shooter, the shooter's position.

25 Q Now, again, we're going to get to some photos and walk

1 through that a little bit more, but I want you to now  
2 address just sort an overview. Dr. Kinsey's, I guess,  
3 reconstruction based on Dr. Riemer's autopsy where the shot  
4 is being made from a different angle, do you think that's  
5 possible in this case?

6 A Oh, I don't think at all it's possible that that  
7 was -- the shot came the way that Dr. Riemer articulated  
8 it. I think probably Dr. Kinsey, and I don't blame him,  
9 relied on that information that was provided to him by  
10 the -- by Dr. Riemer. He began to conduct his analysis  
11 based on that information, which was wrong.

12 Q But as to the angle of the gun, do the angles work out  
13 where you could take this shot from the outside?

14 A So, you have to look at the shot distribution  
15 evidence. We'll talk about gunshot -- gunpowder residue.  
16 We'll look at where blood spatter is located. And then  
17 we'll look at where we see, you know, this pellet and other  
18 projected spatter coming back. None of that is consistent  
19 with the lower trajectory upward shot that Dr. Kinsey  
20 articulated, and all of it is consistent with an overhead  
21 contact shot to the back of Paul's head.

22 Q Okay. Well, let's start walking through these photos.  
23 And we'll start with Defendant's Exhibit 162, which is in  
24 evidence.

25 MR. GRIFFIN: And please cover your screens. This is

1 under seal and it's --

2 Can you pull it up, Doug?

3 Q Do you recognize this photo?

4 A I do.

5 Q What is --

6 A This is showing the left side of Paul's face and the  
7 left shoulder and the injury in that area.

8 Q Now, can you explain the significance of the size of  
9 the two different wounds, one in the side of the jaw and  
10 one in the shoulder?

11 A Yes. The shoulder is much larger and much more  
12 diffused and spread out. The side of the neck is a bit  
13 more circular and certainly smaller. And then if you look  
14 at the shoulder injury, again, it's substantively larger,  
15 and you can see, you know, damage, a lot of tissue damage  
16 in that area. You can even, from this photograph,  
17 visualize easily one of the pellets that's still present  
18 more or less up on top of that area.

19 Q Sure. Now, as the shotgun pellets even entered the  
20 body, do they continue to spread out, or exit the body and  
21 spread out?

22 A Yes. Again, it's all about distance. You know, in  
23 order -- you're spread -- distribution of spread is a  
24 factor of distance travel.

25 Q And we're not going to pull up the other autopsy

1 photo, but do we, in fact, see that under Paul's arm  
2 individual pellets as it exits under the armpit?

3 A Sure, and then you actually can see the effective  
4 spread over distance. Because by the time those pellets  
5 hit the window behind there, which is, you know, 5, 6, 7  
6 feet, now you start to see the spread of the shell.

7 (Break in proceedings.)

8 Q Okay, I'm going to show you, Mr. Palmbach, Defendant's  
9 Exhibit 190 and 191 and ask if you relied upon these in  
10 your analysis.

11 A I did.

12 Q All right.

13 MR. GRIFFIN: Your Honor, we would move Exhibits 190  
14 and 191 into evidence under seal at this time, I believe  
15 without objection.

16 MS. GOUDE: No objection.

17 THE COURT: They're admitted.

18 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 190 WAS  
19 RECEIVED INTO EVIDENCE.)

20 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 191 WAS  
21 RECEIVED INTO EVIDENCE.)

22 MR. GRIFFIN: Doug, if you could pull up 190, please.

23 Q Now, will you tell us, Mr. Palmbach, what this photo  
24 depicts and how it relates to your analysis?

25 A Well, this is showing the final resting position of

1 Paul, and this is obviously after both of the shots and  
2 where he's, he's, he's, he's located. As you can see, the  
3 brain is located on -- to the left of him against his left  
4 leg. And there's a substantial amount of spatter in this  
5 area around and transfer and pooling by his feet in the  
6 doorway. And you see that his feet are more or less on  
7 the -- if you were standing on the outside, it would be  
8 more or less on the right side of the doorway, and then the  
9 rest of his body angles a little bit more toward the left  
10 from that once he's outside.

11 Q Does this photo inform your opinion as to where Paul  
12 was probably standing or kneeling at the time he received  
13 the fatal blow to his head?

14 A Well, this photo, in conjunction with several other  
15 photos in that area. But, yes, it does inform me -- to me  
16 his, his motion between the two shots.

17 Q And let's go to -- excuse me, 191, also under seal.  
18 And, again, is this the same, just from a different angle?

19 A From the other side, yeah, so you're now looking more  
20 at the left side. And again, you can see the large brain  
21 mass, you know, somewhat near his left knee area. But you  
22 can also see a fairly large piece by his -- of brain  
23 material by his left ankle. And then there's more maybe  
24 18 inches away from his body kind of adjacent with his belt  
25 or hip area. There's also what appears to be a large

1 fragment of skull on the ground, maybe a foot off of the  
2 cement path.

3 Q All right. Let me show you two more photos, three  
4 more photos. Let me show you Defendant's Exhibit 192, 192  
5 and 165, and ask if you relied upon those in reaching your  
6 conclusions.

7 A I did.

8 Q And what are they?

9 A They're views principally of the floor area within the  
10 feed room.

11 Q All right, thank you.

12 MR. GRIFFIN: Your Honor, we would move Defendant's  
13 165 and 192 into evidence at this time without objection, I  
14 believe.

15 MS. GOUDE: No objection.

16 THE COURT: They're admitted.

17 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 165 WAS  
18 RECEIVED INTO EVIDENCE.)

19 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 192 WAS  
20 RECEIVED INTO EVIDENCE.)

21 MR. GRIFFIN: And, Doug, if you would pull up 165,  
22 please.

23 (Break in proceedings.)

24 Q And what do we see here, Mr. Palmbach?

25 A Again, it's looking downward at the feed room, so you

1 can see this -- from the area the stoop, and then heading  
2 back into the -- kind of the feed bag, and you'll see that  
3 yellow placard number one. And what -- from -- what I can  
4 deduce from that, and let's focus with the placard area  
5 number one and the blood stain that's on the floor in that  
6 area. That is classified as we call a vertical drip  
7 pattern, and that occurs when blood from above comes down.  
8 I believe that what that blood is attributed to is the  
9 chest wound, and so, you know, the chest -- the shot came  
10 into the chest.

11 Of course, the chest entrance is going to start  
12 bleeding, but as long as Paul is upright, it really just --  
13 gravity is going to kind of just flow that down, you know,  
14 on his shirt. That will kind of catch it. It's not -- you  
15 won't see that on the floor for a period. But the shot  
16 then came out of his chest, into his arm, and out of his  
17 arm. So, you've got, you know, eighteen -- you know,  
18 seventeen or eighteen different holes here. There's lots  
19 of opportunity for this to bleed, and, in fact, it did, and  
20 you can see the blood running down his arm. So, I think  
21 what you're seeing in those accumulations of droplets on  
22 the ground is that -- the positioning now post that first  
23 shot of his left arm bleeding, and then you can begin to  
24 see some movement away from that toward the door.

25 Q All right.

1           MR. GRIFFIN: Now, Doug, go back to -- yeah, thank  
2     you.

3     Q     So, the -- did we see the wadding there by the number  
4     one?

5     A     Correct.

6     Q     And is that the wadding from the head shot?

7     A     Yes, it is.

8     Q     And -- all right.

9           MR. GRIFFIN: Back up, Doug, and go to the threshold,  
10    the entry of the -- and enlarge that. Yes, thank you.

11    Q     Can you tell us what this is?

12    A     So, there's a couple of things going here. You know,  
13    one, it might be -- can I come down and point?

14    Q     Yes, please.

15    A     It might just be easier.

16           THE WITNESS: Your Honor, is that okay?

17           THE COURT: Yes.

18           THE WITNESS: Thank you.

19           MR. GRIFFIN: Doug, go to regular size and then --  
20    don't make that so tight. Cut it in half. There you go.

21    Q     And you probably want to stand over here so you won't  
22    be blocking the jurors.

23    A     Okay. First of all, again, these areas here are the  
24    vertical drip patterns that I was alluding to. And, again,  
25    you can see them begin to move in this direction, and



1 you'll even see a couple of the larger droplets here, again  
2 moving toward the door. Again, these are coming from Paul  
3 as he's moving away with more or less -- kind of from the  
4 center part of the room toward the doorway.

5 But an area that I think is worth paying attention is  
6 this area of the floor here, and then this little bit of  
7 trim here. And what I -- and this is a second impact area,  
8 as this is not directly related to what we're seeing up on  
9 the ceiling, although it is related to the overall event of  
10 him receiving the head shot. And I believe what we're  
11 seeing here is after -- I think he's moved sufficiently --  
12 that he's now moving toward that doorway and the door jam  
13 right here, and in this area here is where he's going to  
14 receive the shot. And as he receives the shot here, it's  
15 going to exit from his lower base and it's going to hit the  
16 shoulder. As it's coming out of the lower phase, it's  
17 coming with a volume of blood and tissue, and then that's  
18 going to get slammed basically right into the shoulder  
19 where the shots are, and that's going to create another  
20 projection independent. And that's going to line up for us  
21 that his head is located right in -- you know, it's about a  
22 foot or so off of the ground in pretty close proximity to  
23 the edge of this trim board, and you can see the resulting  
24 spatter in this area, which also supports that impact  
25 spatter and is consistent with that being the projection of

1 the shot out of his head through his lower side of his face  
2 and into his shoulder.

3 Q So, are you saying that the blood spatter on the floor  
4 there that you just pointed out is from the exit wounds  
5 from the chin and back into the shoulder?

6 A Correct.

7 MR. GRIFFIN: Now, Doug, if you don't mind pulling up  
8 Defendant's 192, please? Just another similar photo. Are  
9 you sure that's 192? Yeah, there we go.

10 (Break in proceedings.)

11 Q Does that depict the same?

12 A It's the same basic area. I mean, we can highlight  
13 here. Again, there are larger pieces of brain-like matter  
14 or tissue, bone fragments here, here, and here, and there's  
15 even more that are beyond placard number one.

16 Q Now, Dr. Kinsey, in relying upon Dr. Riemer, where  
17 does he have Paul being shot to the -- on this side or on  
18 the other side, or do you know?

19 A Well, with his claim of it coming from the left  
20 shoulder and the left side of the face, he'll always  
21 have -- the weapon will also have to be lower than that  
22 area and to the left side of the victim --

23 Q Okay.

24 A -- of Paul.

25 Q Well, from the spatter on the floor here, where is --

1 in your opinion, where is Paul physically located at the  
2 time of the shot?

3 A He's right here. He's right against -- he is right up  
4 against that doorway.

5 Q And where is the shooter?

6 A The shooter cannot be there because Paul is there.  
7 The shooter is going to be into the same doorway area,  
8 probably even, you know, maybe 1 foot there and 1 foot in  
9 the -- actually in but adjacent to the open door, the  
10 opposite side of the door.

11 Q Do you see what's referred to as a voiding area on  
12 that door?

13 A Yes.

14 Q All right. Let's look at State's Exhibit 26, which is  
15 already in evidence.

16 A And if --

17 MR. GRIFFIN: Hold on. Don't move on yet, Doug.

18 A As I say, we could actually see on the floor there --

19 MR. GRIFFIN: Again, Doug, go back to 192, I believe,  
20 is what we're looking at.

21 A So, if you look at the area immediately --

22 Q All right. Let's stop right there. Sorry. What's a  
23 voiding area?

24 A So, a voiding area is an area where we would expect,  
25 looking at all of the other areas around it, to see blood

1 stain. So, in other -- in this case, you really have blood  
2 projecting everywhere just because of the volume of this  
3 explosion of the head. And so if we look at an area that  
4 seems like it has less blood than the immediate adjacent  
5 areas, then the best explanation for that is something was  
6 there to block it and capture it. That is to say that that  
7 blood didn't make it to the floor, or didn't make it to the  
8 floor because it's physically on the body of the shooter  
9 that's now gone and has left the scene.

10 Q Okay. So, point out the voiding area that you see.

11 A Again, with the shooter standing in this area here,  
12 which is the door side of the door jam right, there is much  
13 less blood. Now, again, there is some here, but -- and, I  
14 mean, if I'm standing here and blood is being projected all  
15 the way up and showering all the way down, in addition to  
16 this big stream of it that's coming this way, then of  
17 course droplets can still kind of make their way up and  
18 come down, and come here and around, just not as many. My  
19 presence here is going to absorb a lot of those droplets  
20 but not all of those droplets. And so we see much less of  
21 that blood here.

22 And if you look at the face of the door, the lower  
23 half of the door, there's much less than there is above it.  
24 Again, will you see some droplets on it? Yes. But  
25 actually most of those droplets, when you really look at

1     them, have a downward trajectory, which is again very  
2     consistent with them coming up and over and downward. So,  
3     it's by volume there's less blood there than we're seeing  
4     in the immediate adjacent areas and, and the, the  
5     logical -- not logical, the defense side -- the defensible  
6     explanation for that, the reasonable explanation for that  
7     is that we have a voiding effect taking place.

8           MR. GRIFFIN: Let's go to State's Exhibit 26, Doug,  
9     please. And if you could sort of blow out the door,  
10    please.

11    A     I mean, you almost don't have to. You can --

12    Q     Well, it doesn't really help when you do that.

13    A     Yeah, if you go back to the original that helps. So,  
14    literally across the whole top of the door, but most  
15    particularly in the upper left quarter, right, by the  
16    inside, the upper top, you see large, large amounts of  
17    blood transfer. You see what looks like a contact transfer  
18    of material. And as we blow up on that area, we'll see  
19    bits of what look like brain debris. We'll see lots and  
20    lots of hair in that area. This is also the area where we  
21    saw the pellet impact. So, this is exactly -- you know,  
22    following the barrel back up to the shooter, this is the  
23    area right in alignment that you're seeing up here on the  
24    upper part of door, and that's where this is a very  
25    substantial amount.

1 Q Is that -- does that indicate it went above the  
2 shooter?

3 A Well, as I say, if that volume is there and that much  
4 is coming back, then logically why are we seeing such  
5 diminished below that? Why is that, you know? Yes,  
6 there's blood there, but the volume difference between that  
7 is substantial. And that can be explained by, again, the  
8 fact that that is a shooter location, and much of the  
9 blood, not all of it, but much of it is being transferred  
10 onto their clothing.

11 Q And --

12 A Or face or hands or them or the gun.

13 Q How off the ground does Paul have to be for that much  
14 blood to go up that high?

15 A Well, I think that the best -- we have some pretty  
16 good data as to where Paul's head was because of that  
17 secondary impact location that I showed you. The exit  
18 portion of the head has got to be in that general vicinity.  
19 Obviously the 8 or 10 inches up is where the entrance part  
20 of it is. But that does give us a pretty good  
21 approximation of where Paul's head was when that shot  
22 occurred.

23 Q So, 2 feet off the ground, 3 feet?

24 A Not even that.

25 Q Not even that. The -- is there enough force to send

1 his hair to the top of the door with the --

2 A Well, clearly there was because we see it, yes.

3 Q I have a few more door photos. Defendant's 193, and  
4 I'm going to show you down here, Defendant's 193. And is  
5 that a photo that you relied upon --

6 A It is, yes.

7 Q -- in your analysis?

8 A It is.

9 MR. GRIFFIN: Your Honor, we move Defendant's 193 into  
10 evidence without objection and under seal at this time.

11 MS. GOUDE: No objection.

12 THE COURT: It's admitted.

13 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 193 WAS  
14 RECEIVED INTO EVIDENCE.)

15 MR. GRIFFIN: Thank you. Doug, can you pull up 193?  
16 And you can just hold it right there.

17 Q Can you tell us what that is?

18 A So, now we're looking at a little closer view of just  
19 the top of the door. Again, you can see the extent of the  
20 blood spatter in this area of the door, and then also the  
21 adjacent area of the door trim. Of note isn't also that  
22 it's there, and there's lots of it, but lots of it is quite  
23 small, and in the blood stain analysis field what makes  
24 blood droplets smaller is by increased energy. So, as we  
25 start seeing an accumulation of droplets, which we do on

1 the trim up here and also on this door here, that means  
2 that they are subjected to much more energy and -- than  
3 virtually the other drops that we're seeing around the  
4 room. And that's because these are -- these are the ones  
5 that are coming directly back under the explosive power,  
6 coming out of the entrance hole and moving up, much of it  
7 into the shooter, some of it up, and over, and into the  
8 ceiling, and the top of the door.

9 MR. GRIFFIN: Doug, can you blow the -- well, hang on.

10 Q Do you see the pellet in the threshold of the door in  
11 this?

12 A Yes. It's going to be in this area right here.

13 MR. GRIFFIN: Can you find it and blow it up, Doug?

14 Q I think --

15 A Well, yeah, he got the other -- he got the actual  
16 bullet, and that is the actual pellet, and then I was  
17 pointing -- which is here. I believe it's right here.  
18 Yeah, and that's the actual physical pellet that was  
19 observed in the door.

20 Q So, this photo is from the crime scene, correct?

21 A Correct.

22 Q And when you went out Friday, did you see that exact  
23 pellet?

24 A I did.

25 Q And tell the jury, again, in your opinion how that



1 pellet got there.

2 A It has been projected back along the access -- again,  
3 of the barrel of the gun -- because of this high voluminous  
4 material that's now escaped, and it's pushing back out the  
5 entrance hole, and it's moving all of this area with a lot  
6 of energy, a lot of velocity back up in this corner.

7 Q Now, Mr. Palmbach, if the shooter was on the outside  
8 and angling toward Paul's shoulder and up through his head  
9 and out the top of the ceiling, would you expect pellet and  
10 the markings on the door to be in that area?

11 A Well, for starters I wouldn't expect the patterns --  
12 in the scenario where the top of the head is going to be  
13 the terminal point of the gunshot -- in other words, of the  
14 theory that it started in the left shoulder, went through  
15 the left cheek, went into the head -- I do not believe that  
16 you would even have a fracture of the skull, that you  
17 wouldn't even have an exit wound. That those pellets --  
18 because of two reasons. Mostly it's not contact. All that  
19 gaseous material is not going up into the cranial ball.  
20 It's just going free form, so you don't get any of the  
21 explosive value. And secondarily, the number two pellets  
22 are much lighter, their mass is less, and so they're not  
23 going to have the energy that's necessary, particularly  
24 after moving through his shoulder, through the face, and up  
25 through the brain, to penetrate and break out of the skull.

1 I think you wouldn't even see any of them outside of the  
2 skull. You certainly would not see this, that rearward  
3 projection or blast of blood and hair and the bone and  
4 pellets that we did see.

5 Q I'm going to show you Exhibit 190 -- excuse me, 181,  
6 183, 188, and 186. And can you identify these as -- are  
7 those photos you took on Friday?

8 A They are.

9 MR. GRIFFIN: Your Honor, we would move 181, 183, 186,  
10 and 188 into evidence at this time without objection.

11 MS. GOUDE: No objection.

12 THE COURT: They're admitted.

13 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 181 WAS  
14 RECEIVED INTO EVIDENCE.)

15 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 183 WAS  
16 RECEIVED INTO EVIDENCE.)

17 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 186 WAS  
18 RECEIVED INTO EVIDENCE.)

19 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 188 WAS  
20 RECEIVED INTO EVIDENCE.)

21 Q Just working through these, Exhibit 181.

22 MR. GRIFFIN: Well, let's go to 188, Doug.

23 Q And tell me what 188 is.

24 A This is an overall photo of that same area of the door  
25 that I took on Friday, and you can see the impact dent

1 right here in the upper corner. Same relative position as  
2 you saw in the crime scene photos.

3 Q Can you also see the pellet lodged in the --

4 A Yes, sir. Yeah. And the actual pellet is up here on  
5 the door trim, and again, it's in the same relative  
6 position as observed in the crime scene photos.

7 Q Okay, and then I guess let's look at 181, and just  
8 briefly point out --

9 MR. GRIFFIN: 181, Doug.

10 A So, this is a close-up view, 90-degree on, of that  
11 pellet in the -- up in the -- into the door trim. And what  
12 it was demonstrating is a couple of things. One, that it  
13 is a steel pellet. You can see the coloration. You can  
14 also see that the diameter fits the general profile,  
15 diameter of a number two pellet. A number two pellet is  
16 .15 inches, or 3.8 millimeters. And so if you --  
17 unfortunately this particular protractor ruler had it  
18 backwards, yeah. So, you have to kind of protract down.  
19 But that is very consistent with that 3.8-millimeter, so --  
20 this is just to demonstrate that it's actually embedded  
21 into the wood, and it's the right kind of structure and  
22 size of what the number two pellet would be.

23 MR. GRIFFIN: And 186, please, Doug.

24 Q Just tell us what that is, Mr. Palmbach.

25 A So, that's a close up. That's actually a close up of

1 that impression on the metal door that we saw. And you can  
2 see that it's kind of oblong in shape, and it's more round  
3 and fatter here toward the bottom. And this ruler, by the  
4 way, is running parallel to the floor, and the floor is  
5 below it, and then it tapers angularly this way, which  
6 shows that the direction of that pellet is actually coming  
7 in an upward direction. It's not coming straight on.

8 Q Lastly I'm going to show you on this set Defendant's  
9 182. Can you identify that?

10 A Yes, I can.

11 Q What is it?

12 A It's a picture of me on the external part of the  
13 doorway just showing what the relative positioning would  
14 have to be to hold a shotgun in roughly the position that  
15 Dr. Kinsey was alluding to.

16 MR. GRIFFIN: Your Honor, we would introduce -- move  
17 to introduce Defendant's Exhibit 182 into evidence, I  
18 believe without objection.

19 MS. GOUDE: No objection.

20 THE COURT: It's admitted.

21 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 182 WAS  
22 RECEIVED INTO EVIDENCE.)

23 MR. GRIFFIN: Can you pull up 182, please?

24 A So as you can see, I'm crouched very tightly against  
25 the right doorway. It's about as far over as I could go,

1 and still I was trying to -- how far can I go over and  
2 still manage, you know, a firearm in this kind of relative  
3 position here. Right out of the gate what you realize is  
4 my body is physically in the position where Paul is passing  
5 through. And we previously identified this area right  
6 here, like right in my right shin area, you know, about a  
7 foot off the floor and here where I'm seeing the impact  
8 spatter associated with the exit out of the lower face and  
9 into his shoulder.

10 So, Paul is moving through here, and his head is at  
11 about this location very close to this door, and then  
12 outside of the door where we finally found him, and it's in  
13 that location that from the other side the shotgun comes  
14 down into his head.

15 The other thing that I wanted to show in this  
16 photograph, and it should be noted, you see a shelf here on  
17 the right? That -- that's a change from the original  
18 scene, not that that shelf is the same, the best I can  
19 determine, but they cut out the rest of it. So, you know,  
20 it actually went down the whole length of that wall. There  
21 was a refrigerator on it and other objects. And if you  
22 look at the distance between the edge of that shelf, it's 4  
23 inches or so. It's not possible that the shooter could  
24 have gotten in the room and have -- there's just not enough  
25 room for them to be on the left side of Paul. So, they

1 would have to be outside reaching in with the shotgun in  
2 order for that to happen, but in my attempt to do that,  
3 that I was in the wrong location.

4 And I think very -- and another -- well, a critical  
5 thing about that is, again, we do not know the length of  
6 the gun because we don't have it, so I don't know how long  
7 it was, you know, but we can make a general assumption  
8 it's -- this would be pretty short. It would be probably  
9 longer than that. But because there was no observed --  
10 nobody talked about seeing any gunshot residue even on the  
11 shoulder of Paul, then you've got to have, again, a  
12 minimum -- and that area was fairly well exposed, 2 to 3  
13 feet minimum where the barrel would have to be. So, if the  
14 barrel was placed inside on the floor and in an upward --  
15 again, so it's got to come across his shoulder, upward, and  
16 out the back. It's this kind of a trajectory. You can't  
17 even have the shoulder until about 2 feet from there, and  
18 then the side of head here, and Paul's head here. None of  
19 that is -- creates a pattern consistent with anything that  
20 we see.

21 Now, that would account for lack of gunshot residue if  
22 that was true, but what it definitely would have changed  
23 is -- the pellets coming out of here now would have  
24 definitely begun to spread, and you would have seen pellets  
25 all across the side of his -- left side of his face, which

1 you didn't.

2       So -- and then finally if you look at this angle  
3 here -- again, imagine door here, gun in this thing, then  
4 even if, even if, and I think there's no evidence of it,  
5 but even if the shot could go through Paul's head and  
6 create an exit pathway, then that would project whatever  
7 pellets and bone matter that way. Whereas if you move the  
8 shooter to the other side and we shoot into Paul downward  
9 this way, then all of this material comes back at the  
10 shooter, but also it's going this way into that upper  
11 corner, which is where we see the pellet defects of the  
12 heavy blood and the hair.

13 Q     I was going to -- okay. You can take a seat.

14 A     Thank you.

15       MR. GRIFFIN: You can take that down, Doug.

16 Q     Mr. Palmbach, let's talk a little bit about the  
17 reconstruction of the murder of Maggie Murdaugh. Did you  
18 assess the crime scene as it relates to her?

19 A     I did.

20 Q     And what were your observations?

21 A     Well, generally there's a couple of really key  
22 observations. One, all of her wounds were facing the  
23 direction of the shooter, so at all times during this --  
24 her shooting she's facing the shooter. Now, she is moving  
25 for sure. There is some degree of movement, you know, from

1 where the initial shooting most likely occurred, which  
2 is -- we can't give you an accurate estimation for that.  
3 We can give you a really good estimation of where it ended,  
4 and that's where we find her, and I'll talk about which  
5 wounds were associated with that in a minute.

6 So, you have her facing the attacker the entire time.  
7 At no point did she turn or go blade or anything other than  
8 face him, and moved a little bit in the area, although not  
9 much. And then the shooter, based on the overall  
10 distribution of the shell casings, also moved again  
11 somewhat, moving, you know, toward where -- the ultimate  
12 location where we find Maggie.

13 Q I'm going to show you two photos, Defendant's  
14 Exhibit 163 and 164, and ask if you relied upon those in  
15 reaching your conclusions.

16 A I did.

17 MR. GRIFFIN: Your Honor, we would move Defendant's  
18 Exhibits 163 and -64 into evidence at this time without  
19 objection.

20 MS. GOUDE: No objection.

21 THE COURT: Admitted.

22 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 163 WAS  
23 RECEIVED INTO EVIDENCE.)

24 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 164 WAS  
25 RECEIVED INTO EVIDENCE.)



1 MR. GRIFFIN: So, if you don't mind pulling up 163,  
2 Doug. Thank you.

3 Q And the jury has seen this, but just give us an  
4 overview of what this is.

5 A Well, so Maggie is underneath a blanket there, and  
6 she's in a face down position there.

7 MR. GRIFFIN: Just leave it like that.

8 A Her head is more toward us, and her feet are pointed  
9 more toward what I think has been identified as a dog  
10 house. You'll see placards in the foreground 3 and 4,  
11 which are two of the Blackout 300 casings. You'll see a  
12 placard 12, which is over on the grass more in alignment  
13 heading, you know, more toward Maggie's head area, and that  
14 was a large piece of what appears to be brain-like  
15 material. And while you can't see the numbers, there are  
16 additional placards immediately to the left side -- well,  
17 they're on Maggie's right side, but as we view the  
18 photograph, they're to the left of where she's currently  
19 located. So, this just gives us some general orientation  
20 of approximate locations of the shooter, and certainly  
21 where at least the fatal shot to Maggie was taken.

22 Q All right. I'm going to show you Defendant's  
23 Exhibit 149 (sic.)

24 MR. GRIFFIN: And the other two we would move those be  
25 under seal and 149 under seal.

1 Q Is this -- you relied upon this in reaching your  
2 conclusions?

3 A I did.

4 MR. GRIFFIN: Your Honor, we would move -- excuse me,  
5 Exhibit 194, not 149, 194 into evidence under seal at this  
6 time.

7 MS. GOUDE: No objection.

8 THE COURT: It's admitted.

9 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 194 WAS  
10 RECEIVED INTO EVIDENCE.)

11 MR. GRIFFIN: And if you don't mind pulling up, Doug -  
12 - well, before I do that, let's go to 164 and -- which is a  
13 close-up -- closer up area around the side-by-side, as they  
14 call it.

15 Q What's the significance of this photo?

16 A Again, I think this is an area in which Maggie  
17 passed -- would pass by during this incident. It's also an  
18 area that's being highlighted now where what appears to be  
19 a damaged loop earring, which is consistent in shape and  
20 design and structure to the one that's still on the right  
21 here. This one would have come out of her left ear at the  
22 time of that impact shot to her left ear, and more or less  
23 just been blown over this structure.

24 Q And the jury has seen the autopsy photo of the injury  
25 to her left ear. Is this -- do you believe this earring is

1 a byproduct of that injury?

2 A I do.

3 Q Okay, and then just briefly I'm going to pull up 194  
4 and ask if you can -- just generally I think you were --  
5 hair on her body. What significance is that?

6 MR. GRIFFIN: And if you'll blow up her legs, Doug,  
7 please?

8 A Right. So, you know, when you find a body you also  
9 have to wonder is that really the position that the body  
10 remained in, or, you know, through medical -- you know,  
11 maybe the defendant or the accused or the shooter did  
12 something to the body. More likely in a medical evaluation  
13 they do something to it. We always just want to know is  
14 it -- are we looking at it in the right orientation, or did  
15 somebody flip it over and whatnot. And so I think it was  
16 valuable in this case to have seen that injury in the back  
17 of her head, the massive amount of hair that came off that.  
18 And then if you look close up on the back of her legs,  
19 you'll see just dozens and dozens of hairs laying on top of  
20 her legs, which would be a good indicator that she didn't  
21 get moved, that this is -- we can count on this being the  
22 final position, unaltered position of Maggie.

23 MR. GRIFFIN: Doug, can you go back to 163?

24 (Break in proceedings.)

25 Q You mentioned a marker 12 a moment ago in 163. And,

1 again, what do you understand 12 to be?

2 A It's physiological material. I mean, it looks  
3 structurally like brain material but it's tissue.

4 Q And in your opinion, would the shooter of Maggie have  
5 any blood spatter, blood, biological material on him or  
6 her?

7 A I think it's possible. I think it's possible because  
8 as we're seeing here, that you have a projection of brain  
9 material backwards toward the direction of where the  
10 shooter would have been located. We also have a couple of  
11 the shots, the left thigh shot and the abdomen shot, which  
12 have been identified as having stippling around them. By  
13 virtue of being stippling, that does make it in the  
14 intermediate distance, and that's going to move the shooter  
15 anywhere from -- I would agree with what Dr. Eisenstat  
16 said. I think 3 feet is probably a good approximation.

17 Q Mr. Palmbach, do you have an opinion based upon more  
18 probably than not whether there was one or two shooters who  
19 murdered Maggie and Paul on the night of June 7th?

20 A I do have an opinion on that.

21 Q And what's your opinion?

22 A My opinion is the totality of the evidence is more  
23 suggestive of a two-shooter scenario.

24 Q And what -- please explain the basis of your opinion.

25 A Okay. So, let's go back to Paul. In Paul's scenario,

1 we know where the shooter of the shotgun had to be, and  
2 that would have been orientated really directly over Paul's  
3 head. And we also got a chance to see what, you know, what  
4 was the affect of this dynamic explosion in the contact.  
5 And you can see outside and throughout the feed area,  
6 again, multiple and many large pieces of skull. We also  
7 saw large amounts of tissue that were projected all the way  
8 up onto the ceiling and the door. You see hair all the way  
9 up into the door. And, of course, you see blood literally  
10 everywhere within there. And finally you see the pellets.  
11 The pellets, you know, some of the pellets are on that same  
12 pathway, and they have enough inertia to even angle or dent  
13 the door and, you know, put themselves up and stick into  
14 the casing.

15 All of that activity was in direct alignment with the  
16 shooter. And so I think minimally, minimally that shooter  
17 is getting covered with this material, getting more or less  
18 the shock wave of that effect, and more than likely getting  
19 hit with at least something that could have done injury, a  
20 bone fragment and/or a pellet fragment. Therefore, I think  
21 that particular shooter, for a brief period of time, is  
22 kind of out of this. It's not as if they can  
23 instantaneously suffer that, drop the shotgun, run to  
24 wherever the AR -- the Blackout rifle is, pick that up, and  
25 then in any kind of a reasonable time period engage in a

1 meaningful assault, an effective assault able to shoot  
2 straight and make hits. So, that I think is one of the  
3 major indicators of concern.

4 I think the other things to consider is that all of  
5 this is very temporal. It's very close. I know when I  
6 looked at the photographs versus being there, I'm, like, it  
7 is much closer together than it looks like in the photos,  
8 so it is happening very close.

9 With Paul, as I articulated, I believe he was shot  
10 first. I believe he had no idea it was coming, and he took  
11 the shot to the chest and very soon thereafter the one in  
12 the back of his head. Anybody in the near proximity to  
13 that -- if Maggie had been anywhere in that area walking  
14 around down there, she would have heard that, and her  
15 response would have been in the direction of the shooter,  
16 or the activity, or run, or do something different. So, I  
17 think that the temporal location suggests that these things  
18 more probable than not happened fairly quickly, and that  
19 the -- and that the individual who shot first with the  
20 shotgun minimally was stunned, probably blood and material  
21 in his eyes and maybe have been injured, and would have  
22 taken some degree of time to recover.

23 And lastly, I think there is just a more or less --  
24 anybody who deals with firearms, a logical argument here,  
25 why would you bring -- why would one shooter bring two long

1 rifles, two long weapons to the event? You can't handle  
2 and shoot two of them. So, you've either got to put one  
3 down, use one, or -- and then swap out and grab the other  
4 one, or I suppose you could have other one in a sling, but  
5 that's quite awkward and it's slipping around and it's  
6 banging around in an environment we know is very, very  
7 tight.

8 Finally, if one of the weapons is the Blackout 300,  
9 well, that comes with a high magazine capacity. My  
10 research in that showed that the Palmetto State Armory  
11 Upper, which that -- which we don't know, we have no idea  
12 what gun this is because it hasn't been identified, but if  
13 -- the State, I think, has alluded to. If that's the case,  
14 then a weapon that had that Palmetto State Armory in a 300  
15 Blackout, a person could purchase a 10 round capacity clip,  
16 a 20 round capacity clip, or a 30 round capacity clip.

17 Where I live in Connecticut, we are really restricted  
18 on what kind of weapons we can have and what kind of clips  
19 we could have. We would have the -- even if we could have  
20 an AR, which is very restricted, we would have to get a 10  
21 round clip. Other than that, it wouldn't make sense for  
22 anybody to buy a 10 round clip when you can buy a 20 or 30  
23 round clip. But having said, if it was a 10 round clip,  
24 there were only eight shots fired, you still have two more  
25 to go, and you could have more than easily not reloaded.

1 So, to me there's -- structurally difficult for the same  
2 shooter to have two long arms and no practical reason for  
3 that to happen. Add that to what I believe happened to the  
4 shooter who fired first with the shotgun, and I think it  
5 tips in favor of the probability of two shooters.

6 Q Mr. Palmbach, this person who shot Paul, was he or she  
7 standing in the feed room at least 1 foot?

8 A Yes.

9 Q Was there an opportunity to do a footprint analysis to  
10 illuminate more clearly the existence of footprints there?

11 A For sure. I mean, all of this -- I mean, several. I  
12 can speak for myself, and I believe others have opined  
13 about this, including some of the analysts in the case.  
14 There are what appear to be partial footprints in blood in  
15 the feed room and on the cement around it. And while I'm  
16 not a footwear pattern expert, I can generally recognize  
17 what appears to be footwear, or partial footwear  
18 impressions. I would agree with that.

19 But in order to go beyond it's a general pattern to  
20 something more specific, then generally what you do, and I  
21 have done this countless and countless times, is you spray  
22 enhancement reagents on them, and you spray a reagent -- we  
23 generally call them blood -- blood pattern enhancement  
24 reagent, or you can even use a straight protein spray.  
25 Amneal Black would be an example of one of those. And by



1 spraying those reagents in the area, it reacts with the  
2 presence of blood or proteins, and it brings up the  
3 transformation, gives you a lot more clarity, a lot more  
4 detail, and you can tell an awful lot more about a  
5 particular footwear pattern. Absolutely should have been  
6 done in this case.

7 And I also believe, second to that, you had a lot of  
8 dirt in the immediate area that should have had at least  
9 partial footwear impressions, and I saw no indication of  
10 any attempt to either look for it, photograph -- properly  
11 photograph it, or analyze it.

12 Q Thank you.

13 MR. GRIFFIN: One moment, Your Honor. Begging the  
14 Court's indulgence.

15 (Break in proceedings.)

16 Q And did, Mr. Palmbach, did you see any fingerprint  
17 analysis or attempt to obtain fingerprints from the feed  
18 room area?

19 A I did not.

20 Q Would you -- could you use reagents like you described  
21 to enhance fingerprints, or is that a whole different  
22 methodology?

23 A Well, if you thought that the fingerprints could  
24 contain blood, which maybe they easily could have, then,  
25 yes, you could also use those reagents to enhance partially

1 or fully bloody fingerprints. But I think you could also  
2 use basic fingerprint processing techniques at least on, on  
3 the door and any surface in the area. Since we know this  
4 is a very confined area and the shooter has to be in that  
5 general area, and the possibility of touching something is  
6 there, it would have been wise to look for that.

7 MR. GRIFFIN: Okay. Thank you. That's all I have.  
8 Please answer any questions the State may have.

9 THE COURT: By the State?

10 CROSS-EXAMINATION

11 BY MS. GOUDE:

12 Q Is it Dr. Palmbach?

13 A No, ma'am.

14 Q Just Mr. Palmbach?

15 A I'm not a doctor.

16 Q Okay. Wanted to get it right. Now, you said you were  
17 hired by the defense to investigate and come up with your  
18 own conclusions here, and you just got the chance to go out  
19 to Moselle. Was it last Friday?

20 A That's correct.

21 Q And so between last Friday and today, you've had the  
22 chance to determine all of these things you've testified  
23 about.

24 A No. Before I arrived here, everything else was  
25 predetermined, and I had done all of the work and the

1 analysis. What I didn't know, or didn't perceive, was  
2 these two pellets, and the fact that the energy was able to  
3 project two pellets upward. That was the only new  
4 information.

5 Q And you formed your opinion by reviewing reports and  
6 things that were provided to you by the defense?

7 A Correct.

8 Q Do you know if you reviewed the entire case file?

9 A No, I wouldn't know that.

10 Q You just reviewed materials that were provided to you?

11 A Correct.

12 Q Did you prepare any kind of report?

13 A I did not.

14 Q You did not.

15 A Correct.

16 Q But you did review reports made by Dr. Kenny Kinsey  
17 and a pathologist and other witnesses for the State.

18 A I did.

19 Q All right. Let's talk about the feed room a little  
20 bit. You testified a lot about that. Now, you said the  
21 shooter stepped in the feed room, could have stepped in the  
22 feed room to shoot Paul in the back of the head?

23 A Correct.

24 Q And when he would have shot Paul, he would have been  
25 covered in blood.

1 A As a result of the back spatter from the head shot,  
2 yes.

3 Q Covered in blood.

4 A Yes.

5 Q And in the picture of the feed room, were there any  
6 other bloody footprints clearly apparent?

7 A Any other?

8 Q Yes.

9 A Other than what?

10 Q Other than Paul's footprints.

11 A Well, all I've seen is partial footprints that have  
12 been observed in the feed room. I've yet to read a report  
13 that said conclusively they were Paul's.

14 Q I'm going to show you State's 27. And there have been  
15 testimony that those footprints we're looking at do belong  
16 to Paul Murdaugh.

17 MR. GRIFFIN: Objection to the statement, Your Honor.

18 Q Were there any other clearly visible footprints that  
19 you can see in that picture from a bloody shooter?

20 A So, first of all -- and again, I, I am not a footwear  
21 examiner, so I'm not going to make a determination about  
22 whether or not it's -- definitively is Paul Murdaugh's  
23 shoe. All of the reports I've read generated by the State,  
24 the ones that I've seen, would say that they didn't exclude  
25 it, but that also does not mean that it's Paul's. Now, I'm

1 not disagreeing that it doesn't maybe have some  
2 characteristics similar, but I don't know that they're even  
3 at a point where that has been fully identified as Paul's.

4 Q So, you haven't seen the report that identified those  
5 as Paul's footprints.

6 A Definitively identified as Paul's? No, I did not.

7 Q You only saw the reports the defense wanted you to  
8 see.

9 A I got the reports that I -- that were supplied it me,  
10 yes.

11 Q Now, about the damage to the door, we saw this picture  
12 where there's blood in the corner of the doorframe, and  
13 that was the Defense's Exhibit, Exhibit 165. And I think  
14 we were emphasizing the blood in the right corner, the  
15 bottom of the doorframe there.

16 A Yes.

17 Q Were there any defects from pellets in the doorframe  
18 down there?

19 A Not that I saw.

20 Q It's defects from the top of the door, right?

21 A That is correct.

22 Q And you referred to Paul being shot in the back of the  
23 head kind of like an explosion.

24 A Correct.

25 Q And I'm not a physicist or anything here, but when you

1 fire a shotgun, things are going in a direction that the  
2 gun is fired, right?

3 A Correct.

4 Q So, there wouldn't be just like a boom explosion like  
5 from a bomb when you fire a shotgun.

6 A Actually, that's more exactly what it would be like,  
7 yes.

8 Q So, you're saying a shotgun when you fire it, the  
9 impact is all around like a bomb instead in the direction  
10 the gun is fired?

11 A Only when you confine it. And, again, that's why it  
12 makes the classical determination of a contact wound in  
13 something like the cranium. It's not -- you shoot a person  
14 anywhere else, you will not trap the gaseous material and  
15 allow the pressure to build up, but then eventually, yeah,  
16 it does look like a bomb going off. That only happens in a  
17 cranium vault.

18 Q So, if there was an explosion of this type, wouldn't  
19 Paul's whole head be blown off?

20 A I would say the fact that his entire brain came out  
21 and a large portion of his skull is missing, that's pretty  
22 dynamic. I don't know how much you want.

23 Q But his brain wasn't destroyed, was it?

24 A There were pieces of his brain throughout the room,  
25 including out on the ground.

1 Q Most of his brain was intact, right?

2 A The majority of the structure was physically together,  
3 but whether it was injured is absolutely not for me to  
4 decide. That's a pathologist that needs to do that.

5 Q I believe you testified that his brain was a mass on  
6 the ground?

7 A Yes.

8 Q And his face wasn't destroyed either from this  
9 explosion, was it?

10 A No. Because, again, the energy source is going to  
11 find the easiest egress, and that's where the entrance hole  
12 came. So, that's why none -- that explosive value did not  
13 go down with the shot, which it's kind of the logical  
14 inference that all should come this way or this way to his  
15 left. But in this capacity, because this is in this sealed  
16 vault, this is this large hole there, then you get kind of  
17 a shift, and all of this now starts pushing back that way  
18 following the exit point out the entrance hole.

19 Q And you're talking about pushing up, but the shooter  
20 was firing down?

21 A The explosive release of the gas trapped in the  
22 cranial will push back upward in the direction of where the  
23 barrel was. Absolutely some of the projectile and energy  
24 has gone through the brain, exited the left side of the  
25 face and into the shoulder, and created exactly that

1 pattern that you were pointing to a minute ago on the door  
2 jam.

3 Q So, all of these pellets that were being pushed  
4 downward when they were shot, we don't have any defects  
5 downward, just upward.

6 A Correct.

7 MS. GOUDE: Okay. Nothing further.

8 THE COURT: Anything further?

9 MR. GRIFFIN: No, Your Honor.

10 THE COURT: You may step down.

11 THE WITNESS: Thank you, Your Honor.

12 (The witness exited the stand.)

13 THE COURT: We will break for lunch now until 2:45.

14 The jury is excused.

15 (The jury left the courtroom.)

16 (A lunch break was taken.)

17 THE COURT: Bring the jury.

18 (The jury returned to the courtroom.)

19 THE BAILIFF: The jury is present, sir.

20 THE COURT: Very good, thank you.

21 Madame Forelady, how is the jury?

22 THE JUROR: We're okay. They're doing okay.

23 THE COURT: Very good. Thank you.

24 Your next witness.

25 MR. GRIFFIN: Thank you, Your Honor. The defense



1 calls John Marvin Murdaugh.

2 The witness, JOHN MARVIN MURDAUGH, was first duly  
3 sworn and testified as follows:

4 THE CLERK: Adjust that microphone to where it suits  
5 you. State your full name, and spell your last name for  
6 the record.

7 THE WITNESS: John Marvin Murdaugh, M-u-r-d-a-u-g-h.

8 DIRECT EXAMINATION

9 BY MR. GRIFFIN:

10 Q Mr. Murdaugh, will you tell the jury just briefly some  
11 background information? Where you are from, what do you  
12 do?

13 A Yes, sir. So, I was born in Columbia, grew up in  
14 Hampton. Attended public schools from first grade through  
15 high school. Graduated Wade Hampton. I went to University  
16 of South Carolina and got a degree in criminal justice, and  
17 I'm now self-employed. I've opened some companies in the  
18 heavy equipment business.

19 Q What's the name -- what's the name of your company?

20 A Well, the main company is Murdaugh Rental Center, but  
21 I've got Murdaugh Kubota, Murdaugh Equipment, LLC. So,  
22 generally speaking I'm in the construction equipment,  
23 agricultural tractors, and implements -- I'm in the  
24 equipment business.

25 Q And do you have offices? I mean, locations, multiple

1 locations?

2 A I have two, one in Hampton, and one in the  
3 Okatie/Bluffton area.

4 Q Are you related to the defendant, Richard Alexander  
5 Murdaugh?

6 A I am. I'm his brother.

7 Q Do you have any other brothers?

8 A I do. Randy Murdaugh is my brother.

9 Q And do you have a sister?

10 A I do, Lynn. Both are here.

11 Q And your parents are whom?

12 A Randolph and Libby Murdaugh.

13 Q Are you the only son of the three that didn't go to  
14 law school?

15 A I am, and I'm quite proud of it.

16 Q Tell the jury generally about the Murdaugh family,  
17 your family in this area.

18 A Well, I mean, obviously we're probably like most  
19 families, or a lot of families. We're very close. I mean,  
20 the siblings, we stay in touch. We do holidays together.  
21 We -- you know, you try to interact and keep your family  
22 core together. I mean, we're just, you know, a normal  
23 family doing normal family things.

24 Q All right. Do your parents -- we've heard about your  
25 father, Randolph Murdaugh, who died on June 10th. Is that

1 correct?

2 A That's correct.

3 Q And then your mother is Ms. Libby?

4 A She is.

5 Q And she's still alive, correct?

6 A She is. In fact, yesterday was her birthday.

7 Q And you went by to see her, I understand.

8 A I did, with my kids.

9 Q In the spring of 2021, were they both alive? Was your  
10 dad alive?

11 A Yes, sir.

12 Q And what was his health in the spring of 2021?

13 A Well, for some -- he had been battling cancer, and not  
14 just cancer. I'll use that term loosely, he had multiple  
15 forms of cancer. But he had been battling cancer, had  
16 health issues. He had been through heart surgeries. Just  
17 overall his health was not good, you know, just in and out  
18 of the hospital. Just age --

19 Q Right.

20 A -- and diseases were catching up to him.

21 Q And would you check in on your mom and dad any chance  
22 you got?

23 A I would. I would. So, I didn't tell y'all this. So,  
24 I don't live in Hampton. I live -- my wife and family and  
25 I, we live down in Beaufort, or just outside of Beaufort,

1 and so my drive is just about an hour's drive to do it.

2 So, I didn't visit as often as Randy and Alex because they  
3 were in Hampton. But absolutely. Any time I had the  
4 opportunity to work in Hampton at my office, I would always  
5 take time to stop by, and then sometimes I would just, you  
6 know, just wanted to go see my mom.

7 Q The -- and was it routine for one -- either of your  
8 brothers who lived in Hampton to stop by and check on them  
9 routinely?

10 A Oh, absolutely. In fact, you know, I don't know every  
11 time they went because I wasn't there, but I feel confident  
12 that they visited more just because of the proximity. It's  
13 just an easier visit.

14 Q So, let's talk about proximity. Your brother Randy,  
15 where does he live?

16 A He lives in Hampton in town.

17 Q And then your sister, Lynn, where does she live?

18 A She leaves in Summerville.

19 Q Okay, and then Alex, where did he live in the spring  
20 of 2021?

21 A Well, I think in the spring of '21 he was living in  
22 Moselle. I think all of them were.

23 Q And was Moselle close to Almeda?

24 A Well, it's further than Randy's house but much closer  
25 than mine.

1 Q Right, and your mother's house -- I'm saying Almeda,  
2 but is Almeda a town, or --

3 A No, Almeda is correct. That's the -- that's the, the  
4 location. That's the property name, if you will, the  
5 intersection name. I think that's just the general --

6 Q Just tell the jury where that's located.

7 A It would be just east of Varnville, maybe 2 or 3 miles  
8 outside of the town limits.

9 Q Is it basically at the intersection of -- I don't  
10 know. What's that main --

11 A Intersection of 278 and Highway 68. That would go  
12 to -- one goes to Ridgeland, and one goes to Yemassee.

13 Q Okay, and would Alex visit your mom and dad frequently  
14 in the spring of 2021, to your knowledge?

15 A Oh, absolutely.

16 Q We'll get to more of that. How well -- I want to talk  
17 about Paul. How well did you know Paul?

18 A I knew Paul very well. Excuse me, I'm going to have a  
19 hard time talking about Paul because we had a very special  
20 relationship. But I knew him very well, and I'll do my  
21 best to answer any questions about him.

22 Q Well, did he have a nickname?

23 A He did. They called him Little Rooster.

24 Q And did they call him anything else?

25 A Well, he's been called Little Rooster. Been called,

1 as you heard, Paul-Paul. I mean, that's what my family, my  
2 kids called him.

3 Q What did you call him?

4 A Well, it depends on where we were and what we were  
5 doing. When, when we were -- excuse me -- when we were  
6 doing something fun at a social event, I would refer to him  
7 as Paul-Paul. Now, y'all haven't heard this yet, but he  
8 worked for me, so when he worked for me it was Paul or it  
9 was Paul Terry because I was trying to be, you know, a  
10 little more authoritative.

11 Q Who else call him Paul-Paul?

12 A Most all of the family. And that's not -- you know,  
13 that's not a name that was said at all times. But when we  
14 were having fun, the kids would say is it, my wife would  
15 say it. It was just a name that was used in fun times and  
16 in normal times.

17 Q And you mentioned Paul worked for you. When did he  
18 work for you?

19 A You know, that's -- I thought you were going to ask  
20 that and unfortunately I don't know. He's worked for me  
21 maybe -- prior to June of '21, he was working, or he was  
22 working then, and I think he worked the two summers prior  
23 to that, and it was just summer work. I mean, you know, it  
24 would only last a month or so, month and a half.

25 Q And was he working for you in June of 2021?

1 A He was.

2 Q What was he doing for you?

3 A Anything I asked him to do.

4 Q Where was he working?

5 A He was working at my Bluffton/Okatie store. He would  
6 do anything from powerwash equipment or deliver new  
7 tractors that were being sold, talk to customers, help  
8 customers load and unload rental equipment. He did -- as  
9 you heard someone testify, that boy would work, and so  
10 whatever was asked of him he would do.

11 Q Was he on the phone the whole time or did he actually  
12 work?

13 A Not at work he was not. Well, not while I was there.

14 Q Was he a good worker?

15 A He was an excellent worker.

16 Q Did you spend time with Paul -- well, let me back up.  
17 Do you have a place where you hunt? Do you have a  
18 property?

19 A I do.

20 Q Do you have a name for that property?

21 A We call it Greenfield.

22 Q And would Paul and Buster come out to Greenfield to  
23 hunt?

24 A They would, absolutely.

25 Q Okay. Let me just back up. What was the relationship

1 between Alex, Paul, and Buster?

2 A Oh, it was a great relationship. You know, anything  
3 that the boys were doing Alex wanted to do, and the boys  
4 always came first to him. And some of y'all may have been  
5 on dove hunts before, but we would have -- I have a very  
6 small field, and, you know, I've got ten stands in the  
7 field, and I have -- before the hunt, I have it organized  
8 where I know who sits where. Well, Alex will say can the  
9 boys come? Well, of course they can come, so now I've got  
10 to rearrange for that. Or if they said they were coming  
11 and the boys backed out, Alex always backed out. I was  
12 thinking about this. To this day, I don't believe he has  
13 ever come hunting with me since his boys have been old  
14 enough to hunt without his boys. It's always with the  
15 boys.

16 Q Did he do other things with them?

17 A He did sporting events, you know, football games,  
18 baseball games.

19 Q Was he close with his sons?

20 A Very close.

21 Q All right, and how about Maggie? What, what did you  
22 observe of his relationship with Maggie?

23 A It was, you know, it was a great relationship. I  
24 mean, all marriages I am sure have hiccups here and there,  
25 but I'm telling you, it was a good marriage. In coming



1 here, I was trying to think of ways to describe it. My  
2 wife and I, and Alex and Maggie, we went to a concert  
3 together. It was the Darius Rucker concert. And, of  
4 course, we're sitting in there, Alex and Maggie are sitting  
5 just below us, and I had just gone -- I hope I can say this  
6 in court -- I had just gone and bought one of those \$15  
7 beers, and I was back in my seat, and a song was playing,  
8 and my wife taps me, and Alex and Maggie are holding hands  
9 swaying together. And she was, like, why aren't you  
10 holding my hand? And so my \$15 beer got put down.

11 Q The --

12 A They had a great relationship. I mean, that's just  
13 one of many. Football games, they would put out a tailgate  
14 spread. They would welcome the kids, family, friends. It  
15 was just a wonderful --

16 Q And did they do a lot of family things together with  
17 Paul and Buster, and Paul and Buster's friends?

18 A Yes, they did. You know, I knew of -- or knew of  
19 trips that they would take, family trips, you know,  
20 vacations. They had a house at Edisto that y'all have  
21 heard about, and they would have -- you know, they would  
22 always have friends come over, particularly the boys'  
23 friends.

24 Q There's been some discussion during this case about --  
25 during this trial about Paul leaving guns and stuff around.

1 Did you ever experience that?

2 A I did.

3 Q And tell the jury a little bit about your experience.

4 A Well, you know, I've heard the testimony about it, and  
5 it's accurate. I mean, I could tell y'all a hundred  
6 stories of him leaving things. But he was notorious. He  
7 would come stay with us at our house. He would leave. Liz  
8 would have all of his clothes washed and, you know, he  
9 just, like, he just left and didn't care about where his  
10 clothes were.

11 In fact, Paul came duck hunting with me one time  
12 and -- at Greenfield, and I smiled fondly on this when I,  
13 you know, think back on all of this. So, we had a great  
14 duck hunt. I think there were three of us in the blind,  
15 great duck hunt. We picked up, picked up all the birds,  
16 decoys, and we left to go back up and have a nice  
17 breakfast. You know, doing all the post hunt -- all of the  
18 fun things that you do. Well, I went back hunting, I don't  
19 know, it was probably a week and a half, maybe two weeks  
20 later, and his hunting gear is still in the blind. I mean,  
21 I just I had to smile when I saw it. I was, like, that's  
22 Paul.

23 Q Right. Did -- I want to ask you a little bit about  
24 riding property. Do you ride your property down at  
25 Greenfield?

1 A I do.

2 Q And have you --

3 A Riding in what --

4 Q What? Like checking on the property? Do you --

5 A Oh, you mean like just riding around, joyriding, or  
6 checking feeders, or --

7 Q Right.

8 A Yes, sir.

9 Q And do you always carry a gun when you do that?

10 A I don't.

11 Q And have you ridden property like at your dad's place  
12 with your dad and maybe Alex or others? Is that a frequent  
13 occurrence?

14 A I would say almost never when I rode the property with  
15 my dad.

16 Q Almost never carry a gun.

17 A Almost never would we carry a gun. We would just  
18 joyride. Now, you know, if it was later in the afternoon  
19 and we would consider maybe getting in a deer stand at the  
20 last minute, possibly. But typically with my dad and us,  
21 we didn't carry a gun then.

22 Q Right. Speaking of your dad, what was -- do you  
23 recall what was going on with his health the weekend -- the  
24 Saturday/Sunday before June the 7th? So, I guess it would  
25 start -- Friday would be the 4th, Saturday would be the

1 5th, Sunday would be the 6th.

2 A Right. So, he was actually in the hospital, I  
3 believe, in Columbia that weekend, and I think he got out  
4 of the hospital on Sunday.

5 Q Okay, and did you pick him up? Your brother pick  
6 up --

7 A I did not. I did not. I didn't -- I may have been  
8 out of town. I can't recall. You know, I've heard the  
9 testimony about it. I did not pick him up.

10 Q Did you end up taking your father to the doctor on  
11 that Monday, June the 7th?

12 A I did.

13 Q And where did you take him?

14 A I took him to Savannah to his -- what I would call his  
15 normal doctor. I think Columbia was -- maybe he had to go  
16 up there for some different things but I'm not sure.

17 Q Okay, and was he having some breathing issues on  
18 that --

19 A He was having some major breathing issues.

20 Q And when you went to the doctor on Monday, June 7th,  
21 was there a decision made to admit him to the hospital?

22 A It was. So, when I took him it was -- we were only  
23 going to a doctor's appointment. We were -- we were not  
24 going to the hospital. It was just me taking him to a  
25 doctor's appointment to try to find out what the breathing

1 issues were. Maybe, you know, some type of a treatment, or  
2 medication or something to help him. While we were there,  
3 while -- you know, as soon as -- not as soon as the doctor  
4 saw him, but when the doctor saw him and went through some  
5 things, he immediately told both of us that he had to be in  
6 the hospital, that he was not getting the oxygen that he  
7 needed.

8 Q And was he admitted on that Monday?

9 A He was.

10 Q And what was, as you understood it, the prognosis when  
11 he was put back in the hospital on Monday the 8th -- I  
12 mean, the 7th.

13 A On Monday the 7th, yeah. So, my understanding was  
14 that the doctor that we were seeing, or that he was seeing,  
15 had some really strong beliefs that the cancer that he had  
16 was not causing the breathing obstructions, that it very  
17 likely could be pneumonia. And he told us, he said if it's  
18 the cancer, that's the worst, but if it's pneumonia like I  
19 think it is, I think we've got some treatment options.

20 Q So, was there hope on June 7th?

21 A Oh, absolutely. When he told me that, I mean -- well,  
22 first of all, when he said he had to go in the hospital, it  
23 scared me, you know. Obviously it scares you when a doctor  
24 tells you you immediately have to check in. But, yes, him  
25 explaining that he was optimistic that it was going to be

1 pneumonia and that there would be a breathing treatment to  
2 help it, I felt pretty good.

3 Q Now in evidence, and I'm not going to read it again,  
4 but did you and your brother send out emails -- I mean,  
5 excuse me, text messages to family members giving them an  
6 update?

7 A We did.

8 Q And that was on the 7th.

9 A That was on the 7th.

10 Q And in the update, did you explain the doctor believed  
11 it was pneumonia?

12 A Yes. I gave a basic summary of what I was told by the  
13 doctor and what I believed it to be. I think Randy and I  
14 had a few minutes to talk, and he typed up another email  
15 just to make sure that everybody was in the loop.

16 Q Okay, and --

17 A I'm sorry, not an email. A text message.

18 Q A text message.

19 A I'm sorry.

20 Q And did the diagnosis and prognosis subsequently  
21 change on your dad?

22 A It did. It did.

23 Q When was that?

24 A Well, so on Tuesday afternoon we're back out at  
25 Almeda -- I mean, sorry, we're back at Moselle. And, you

1 know, we still hadn't heard much. I mean, all of this  
2 other stuff going on, as you can imagine, it's just -- it  
3 was so much going on. Randy, Randy called me and told me  
4 that they had done everything that they could do, and that  
5 he would be coming home in an ambulance under hospice care.

6 Q And did he die on June the 10th?

7 A He died, I think, two days later.

8 Q There's -- take your time.

9 A That's all right.

10 Q Going back to taking your dad to the doctor and then  
11 checking him into the hospital, there's some vehicles being  
12 switched around a little bit, and we'll get to, you know,  
13 that. Can you explain to the jury how all of that  
14 transportation went to get your dad to the hospital or  
15 doctor --

16 A You're talking about on that Monday for me to get  
17 him --

18 Q Yes, on June the 7th.

19 A It's a little bit complicated, but I'll do my best to  
20 explain it. So, Randy on Monday morning -- Dad had been in  
21 the hospital Sunday, got out Sunday, knew that he needed to  
22 been seen by the regular doctor but did not have an  
23 appointment. And so Randy was doing everything he could to  
24 get him in as early as he could on that Monday, and just  
25 asked me, says if I get an appointment, can you take him?

1 And I said absolutely. I would be delighted to. A little  
2 while later, an hour or two, I don't know, still that  
3 morning, Randy calls me and says okay, they have an opening  
4 for him but he has to get there right away.

5 So, Hampton is what an hour and a half from Savannah,  
6 hour and -- I don't know, hour and a half. He said you  
7 don't have time to drive to Hampton to get him. I will  
8 meet you in Ridgeland about halfway, which is not far from  
9 my house, and then you just take him and I'll go back. He  
10 had some time sensitive things to work on. So, we met at  
11 Palmetto Coop in Ridgeland. I got in my mom's car with my  
12 dad, Randy got in my truck and drove it back to Almeda  
13 where Randy had come to pick up my dad. So, Randy's truck  
14 is back at Mom and Dad's house.

15 I drive Dad to Savannah in my mom's car, go through  
16 what we just talked about, the doctor's appointment,  
17 getting checked in. And back then there was -- Covid was  
18 still going on and there were several restrictions. They  
19 wouldn't let me go back with my dad at that time. So, I  
20 was going to be driving home, and now I'm stuck in my mom's  
21 car. So, I knew Paul was working, and it was -- I guess it  
22 was around 5:00 or so, and that's when we closed. I called  
23 Paul and said, Paul, listen. I need you to, if you would,  
24 drive my mom's car back to Almeda, pick up my truck, and  
25 bring it to work the next morning, and then just leave



1 your -- he was driving a, like, a farm truck that day. I  
2 said leave it and I'll drive it and we'll just swap back  
3 the next morning. And so that's how our cars got swapped.

4 Q All right. So, when you got back on the evening of  
5 the 7th, did you see Paul?

6 A I did.

7 Q And where did you see him?

8 A At my house.

9 Q And, and he, he got into your mom's --

10 A Got into my mom's car, right, and drove it to Alameda,  
11 and then got in my truck and drove it to Moselle.

12 Q Okay, and you said the farm truck was at your house.  
13 Do you remember where Paul's truck was?

14 A Paul's normal truck was in the shop being worked on.

15 Q Was that Jimmy Butler's?

16 A It was a shop in Varnville, Jimmy Butler's, yes, sir.

17 Q Okay. Now, when you last saw Paul, was he just as  
18 normal as you see him every day or was --

19 A Oh, absolutely. He was playing with my kids in the  
20 yard waiting on me to get there. In fact, that particular  
21 day he was pretty dirty, so whatever he'd been doing back  
22 at work had him pretty dirty, but he was playing with the  
23 kids in the yard being Paul.

24 Q Is that the last time you saw him?

25 A That is the last time I saw him.

1 Q When did you learn that, and how did you learn that  
2 Maggie and Paul were murdered on the night of June the 7th?

3 A Well, I -- Alex called me, and Liz and I, we don't --  
4 we have three young kids, younger kids. Our youngest is  
5 eight now, so would have been six at the time, so we don't  
6 have a lot of free time to ourselves. But that night we  
7 were watching television, and --

8 Q Well, let me back up. Had Alex called you earlier in  
9 the night when he was on his way to his mom's?

10 A Oh, yes, sir. Yes, sir.

11 Q And we've got phone records of that. What do you  
12 recall of that conversation?

13 A He called, you know, just checking on me. Just said,  
14 you know, I saw the news about dad. Things looked good,  
15 you know. It was a brief conversation, and I hate to say  
16 it but I just kind of said listen, man, Liz and I finally  
17 have a few minutes. Can we talk tomorrow? We're watching  
18 a movie.

19 Q And what was his demeanor when you spoke with him on  
20 the evening of the 7th?

21 A Same as always, just normal.

22 Q And then later on that night, you got another phone  
23 call from him?

24 A And I got the -- when you asked the question how did I  
25 learn, that's -- yes, Alex called me just absolutely

1 hysterical. As soon as I heard his voice, I knew something  
2 bad was going on. Didn't know what. And, you know, I'm in  
3 my pajamas. He said, you know, something bad has really  
4 happened. I don't know his exact words, but I think he  
5 said Maggie and Paul have been hurt really badly. Please  
6 get here as fast as you can. And, you know, I dropped what  
7 I'm doing. I go get dressed. I'm hurrying. I'm, you  
8 know -- just so many things are going through your mind,  
9 you don't know what to do.

10 So, I get dressed and I run outside, realize I don't  
11 have a car. I have -- Paul's car is out there, and it's a  
12 hunch a junk. I mean, you know --

13 Q This was the farm truck?

14 A This was the farm truck, and so I knew I couldn't take  
15 my wife's car because she was taking the kids to school.  
16 At this point, you know, I knew something bad. I just  
17 didn't know how bad it was.

18 Q And so did you then get in the farm truck and head to  
19 Moselle?

20 A I did. I did.

21 Q And what happened along the way?

22 A Well, so along the way I'd spoken to Randy. He asked  
23 me to try to get in touch with a close family friend, one  
24 of their law partners, Danny Henderson. I was just  
25 constantly trying to call him. I'm driving. I'm fast,

1 just trying to get to Moselle. And, you know, and once I  
2 got Danny and told him that he needed to get up there, you  
3 know, I had just a few minutes to myself, and I guess I was  
4 crying. And somebody called me shortly after that. I  
5 don't know -- I don't know who it was, I can't remember,  
6 but I remember -- it was either Alex or Randy, I believe,  
7 and they said -- the sheets were being pulled over them.

8 Q Did the farm truck breakdown?

9 A It did.

10 Q How did you end up getting to Moselle?

11 A Well, let me back up in the day. So, the route that -  
12 - from my house down in Okatie/Beaufort takes me to  
13 Coosawhatchie and I get on 95 to go to Yemassee and getting  
14 off and coming that way. Well, another close family  
15 friend, his name is Greg Alexander, he is the chief police  
16 in Yemassee, I reached out to him and I just say Greg, you  
17 know -- I gave him -- said something bad had happened.  
18 Again, I don't know when I was told about the sheets, but I  
19 told him, I said listen, something bad has happened. We've  
20 got to get out there. When I get to Yemassee, can you  
21 please help make sure I get to Moselle because this truck  
22 is sputtering and I know it wasn't good, and he met me at  
23 Yemassee. He fell in behind me, and we started driving  
24 until he finally passed me in Varnville and -- okay.

25 Q And did he end up driving you the rest of the way?

1 A Well, he did. So, he passed me shortly before  
2 Varnville and he took a right on 63, and he was a little  
3 ways ahead of me when the truck quit on me. I called him  
4 and said Greg. I said, you know, come back and get me.  
5 The truck has broken down. And, of course, picked me up  
6 and took me straight on to Moselle.

7 Q Did -- were there any guns in the farm truck that Paul  
8 had left when you got in it?

9 A I have no idea. It was dark when I got in it. As  
10 y'all can imagine, I was frantic. I jumped in it and I  
11 took off.

12 Q Did you ever see any guns in it?

13 A That night? Never. I mean, I didn't look. I mean,  
14 it just -- I wasn't looking in the back seat. I wasn't  
15 worried about anything except getting to Moselle.

16 Q Okay. Do you remember about the time that you got to  
17 Moselle? What time was it roughly? Or better yet, who was  
18 there when you got there?

19 A Well, there were -- I mean, well before I got to  
20 Moselle -- we got to Moselle, you could see the lights  
21 flashing. It was just -- there were tons of people, mostly  
22 what you would describe as first responders of some sort.

23 Q And when you pulled up, where did you go?

24 A So, we came in the main gate and came around, and they  
25 had created, I guess, a small crime scene. And when we

1 pulled up I saw Alex, and I think before Greg even stopped  
2 the car I jumped out and ran to him.

3 Q And what was his condition, Alex's?

4 A Oh, he was just broke. I mean, distraught. I mean,  
5 everybody was. There were a few other people there. He  
6 just -- all we did was hug and cry. We didn't -- I don't  
7 know who talked.

8 Q How long did you stay down adjacent to the crime  
9 scene? Do you recall?

10 A Quite some time. You know, I have to assume that I  
11 probably was there at 11:00ish. I don't know what time I  
12 got there, but I don't think we went back up to the house,  
13 you know, until well after midnight, maybe 2:00, 3:00.

14 Q And when you went to the house, do you recall if any  
15 SLED agents came up there?

16 A Well, I did not see any. I overheard some testimony  
17 that someone came and got some clothes, but I did not see  
18 any SLED agents at the house. The last officer that I  
19 remember seeing that night were officers -- were the ones  
20 that told us that we needed to leave that area, that they  
21 were going to be doing stuff with the bodies and we needed  
22 to go to the house.

23 Q Right. When you went into the house, were there other  
24 people in there when you got in?

25 A There were. You know, most people that I knew: some

1 of Alex's partners, Randy's partners, family members, Lynn.

2 Q Was there food out, or had food -- what was -- had  
3 anything -- well, did you see food?

4 A I didn't see any food, but I saw pots and pans, and I  
5 saw folks that were cleaning up. They were removing pots  
6 and pans, but, you know, I never opened it and looked in  
7 it, so I presumed it was food. We cleaned dishes and put  
8 pots and pans away or in the refrigerator.

9 Q Was the TV on in the house? Do you remember?

10 A You know, based on what I know, I would say it is, but  
11 I can't -- I can't tell you 100 percent that it was on, but  
12 I would be willing to bet it was.

13 Q Well, what do you mean when you say based on what you  
14 know?

15 A Well, I don't think I had ever been in that house  
16 without the TV being on if Alex and Maggie were there.

17 Q After -- well, did you ultimately go to Almeda that  
18 evening with Alex, Buster, and his girlfriend, Brooklynn?

19 A We did.

20 Q Do you remember what Alex was wearing when he went to  
21 Almeda?

22 A Not precisely. He was wearing shorts and a t-shirt.  
23 I can't tell you details, but it was shorts and a t-shirt,  
24 you know, like relaxed shorts.

25 Q Do you know whether he had had a shower or not?

1 A It appeared he had. I mean, his hair was not -- yeah.  
2 I didn't see him in the shower, but I can tell you I think  
3 he had a shower.

4 Q I understand. So, then let's move forward to the  
5 morning of June the 8th, I guess. Did you get any sleep  
6 the night of June the 7th?

7 A Very little. I don't know that I fell asleep. I  
8 certainly laid in the bed. It just -- as you can imagine,  
9 just the thoughts and -- I don't know if I slept. When I  
10 got up and started moving the next day, I certainly didn't  
11 feel like I had slept.

12 Q What did you do the next day when you got up?

13 A You talking about precisely or generally?

14 Q Just generally.

15 A I got up, and Alex was up. I don't think Buster was  
16 up. I told Alex that I was going over to -- Greenfield, my  
17 farm that I told y'all about, is 2 or 3 miles away, so it  
18 was very close. I have all -- you know, plenty of clothes  
19 over there. So, I told him I was going over there to  
20 shower and put on fresh clothes and that I would meet him  
21 at Moselle.

22 Q And did you go to Moselle?

23 A I did after I left Greenfield, yes, sir.

24 Q And do you remember who was there when you got to  
25 Moselle?



1 A I was the first one there.

2 Q And what did you do?

3 A Just went and stayed there until -- I knew Buster,  
4 Brooklyn, and Alex were coming. I suspected that other  
5 family members and partners -- I knew others were coming,  
6 so I just kind of sat there just, you know, just in  
7 disbelief still. It was just, you know, moments of just --

8 Q Was the door to the house unlocked? Do you remember?

9 A You know, that's a good question. I thought about  
10 that. I don't remember.

11 Q Okay.

12 A It either was unlocked or I had the code because there  
13 is a keypad on a side door. But I can't tell you which  
14 door I went in. I don't know.

15 Q The -- did you eventually go down to the kennels?

16 A I did. I did. You know, once everyone got there and  
17 it was just -- there was, you know, a fair amount of  
18 activity in the house with family and law partners, Alex's  
19 law partners, Randy's law partners. You know, I just felt  
20 like I needed to go down. I needed to see for myself what  
21 had gone on and just, you know, kind of take it in, I mean,  
22 maybe for some type of understanding.

23 Q How long did you stay down there at the kennels?

24 A Well, I can't -- I don't know. But I will say this.  
25 Before I went, I was -- I was unsure whether I was allowed

1 to go because I knew it was a crime scene. And so I  
2 reached out to a friend of mine in law enforcement and said  
3 listen, I don't know who's handling the crime scene, I  
4 don't know whatever, and he said, well, I'll find out and  
5 make sure that it's clear for you to go. And he said don't  
6 go until, you know, I tell you. And he called me back in a  
7 few minutes later and said he had spoken to -- oh, I  
8 believe it was Captain Ryan Neill, and had given the okay,  
9 that everything was released and it was okay to go there.

10 Q And was it cleaned up?

11 A No, Jim, it was not cleaned up.

12 Q Were there skull fragments?

13 A Yeah. You know, so -- excuse me, y'all, this is going  
14 to be really difficult. So, I could easily see where  
15 Maggie had been. You know, I saw the night before where  
16 the sheets were, but -- and somebody had told me that --  
17 who was who, and so I could see where Maggie had been. And  
18 it was grass, and you know, they had covered it up with  
19 dirt, so there really was nothing to see where Maggie was.

20 I walked over to the feed room, and y'all have heard  
21 the description. Y'all saw it. I've never seen pictures,  
22 and I've told them before I come to this court that I was  
23 not going to see pictures. But y'all can imagine what I  
24 experienced. It had not been cleaned up. I saw blood. I  
25 saw brains. I saw pieces of skull. And when I say brains,

1 it could just be tissue. I don't know what all -- it was  
2 terrible.

3 And for some reason I thought it was my -- something  
4 that I needed to do for Paul to clean it up. I felt like  
5 it was the right thing to do. I felt like I owed him, and  
6 I started cleaning, and I can promise you. No mother or  
7 father or aunt or uncle should ever have to see and do what  
8 I did that day. I don't know. I'm not blaming anybody,  
9 but it's -- I was just overwhelmed. I did everything I  
10 could. And I would have moments where I would stop crying  
11 for a moment and just -- we were just in disbelief.

12 At one point I called my brother Randy and told him  
13 what I was doing, trying to describe what I was doing, and  
14 he immediately told me to stop doing it, that it was not  
15 good for me. It was not healthy for me to be there. I  
16 couldn't stop. I just -- I had to do it for Paul, that's  
17 just what I had to do.

18 And I don't know, it's probably 15 or 20 minutes later  
19 Mark Ball shows up. Y'all heard Mark Ball testify. And he  
20 came and hugged me and told me it was okay to leave, okay  
21 to leave what was left of Paul, that they would clean it  
22 up. It was the hardest thing I've ever been through in my  
23 life.

24 Q Yes, sir. What did you do next?

25 A You know, Mark basically got me -- and I'm sure I was

1 just a basket case, but he got me back to the house, and,  
2 you know, got me back around family, and, you know, just  
3 got back to, you know, the support of others that were  
4 there. And, you know, there were a lot of people at the  
5 house at that point.

6 Q Do you remember when you got back to the house at some  
7 point in time people raising questions, or bringing up the  
8 fact that Maggie's phone had not been located?

9 A Yes. So, there were -- you know, particularly the  
10 lawyers, they were all, you know, being lawyers, you know,  
11 they were questioning things amongst themselves, and, you  
12 know, how could this happen, trying to figure things out.  
13 But it was brought to my attention that Maggie's phone was  
14 not there, and that law enforcement had not found it. And  
15 I can't say that -- in fact, I can probably say that I  
16 didn't think of it because I'm not a big phone user or a  
17 big app user or whatnot, but somebody brought to my  
18 attention, said listen, if Buster or Alex, if they have an  
19 app on their phone like Find My Phone or Find My Friends,  
20 or an app like that, they said you very likely could find  
21 out where the phone is if the battery is not dead.

22 And so I went to Buster, and sure enough, I said,  
23 Buster, do you have one of these apps like there are  
24 talking about? And he said yeah, sure I do. And I said,  
25 well, open it up. He opened it up and he handed me the

1 phone, and I see Maggie's name, and I press it to activate  
2 it, and it pings Maggie's phone just out front of the  
3 property. I was like -- I hate to say it. I said holy  
4 shit, there it is. And I said, Buster, I'm taking your  
5 phone and I'm going to go back down to the shed and show it  
6 to law enforcement.

7 Q And did you -- who did you approach first about the  
8 phone?

9 A Well, I don't know who it was. Presumably it was SLED  
10 agents because, keep in mind, I didn't know any of these  
11 guys with SLED. I mean, I did know a couple of faces that  
12 I had seen before, but I don't know these guys. I've come  
13 to know them, but I don't know them, or didn't know them  
14 then.

15 So, I went up to a SLED agent -- or two SLED agents  
16 and I said -- presumably SLED agents, and say hey, I've got  
17 Buster's phone here, and it's got an app on it that can  
18 find a phone, and it's showing Maggie's phones right out  
19 here. Let's -- y'all want to -- let's go get it? And he  
20 said no need. We have technology coming later today that  
21 we should be able to find it. And it just -- it blew me  
22 away that I'm sitting here showing them where Maggie's  
23 phone is, but they won't take the time to walk with me or  
24 take this phone itself. I mean, I would give them the  
25 phone to go find it.

1           So, I walked over -- I knew Duffy Stone. He was the  
2           solicitor. I knew one of his investigators. I walked over  
3           there and said the exact same thing, and they immediately  
4           said absolutely. Let's go find this thing before the  
5           battery goes dead.

6           Q     And what happened?

7           A     We did that. Well, we started -- actually we started  
8           walking down the back entrance or the kennel entrance, if  
9           you will, and as we were -- at that time the agent was  
10          holding the phone and I'm looking at it with him. And  
11          the -- when it pings, it creates a dot or a location, and  
12          that dot jumped from right at the end of that road down the  
13          road, I don't know, maybe a half mile or 3 quarters of a  
14          mile. And so we walked back, got into a car, and drove  
15          down to where it was showing the phone.

16          Q     And was the phone --

17          A     And I rode -- I rode with those agents, the  
18          solicitor's office agents.

19          Q     Was the phone ultimately located on the side of the  
20          road?

21          A     Oh, absolutely. We found it in a matter of minutes.

22          Q     Do you remember how it was collected? I mean, were  
23          you present when it was collected?

24          A     I was. So, I was on the -- there was a cow pasture on  
25          one side and it's wooded on the other side, and I was on

1 the side that the cow pasture was on, and I heard him say I  
2 got it. And so, you know, of course, I walked back beside  
3 his car, and -- you know, I'm a good ways from it, but I  
4 see him over there. And I think he took either some ribbon  
5 or some flagging -- or flagging tape, and marked the phone.  
6 And I don't think he touched it. I think he, he left it  
7 right where it was, called SLED, and maybe at that time --  
8 maybe they had been communicating, but SLED had blocked off  
9 the road at this pint, and one of the agents came up and  
10 picked the phone up. And I don't know which agent. Again,  
11 I didn't know him.

12 Q Did any law enforcement officer ask you if you knew  
13 the password?

14 A Yes. So, once they -- and I'll say this. They did  
15 pictures of it while it was on the ground before they  
16 touched it. They picked it up. I think they had gloves  
17 on. They picked it up and brought it back to the trunk of  
18 the car and opened it up, and the power is on, and they  
19 then asked, you know, what's the password. And, of course,  
20 I didn't know it.

21 Q Did you find out the password?

22 A I did. I called Alex and he gave me the password. I  
23 repeated it to the agent. He put the password in and said  
24 it's open.

25 Q So, Alex provided you the password, you passed it to

1 the agents, and it opened the phone. Is that correct?

2 A Yes, sir, that's correct.

3 Q John Marvin, were you aware after a news release that  
4 was issued that morning, Tuesday, June 8th, that the public  
5 had no need to be alarmed or concerned for their safety?

6 A Yes, sir.

7 Q What was your reaction to that?

8 A I mean, it's quite baffling. It still is. Two people  
9 have been killed and you're telling me that everybody is  
10 safe. That tells me that whoever has done this is in jail  
11 and they are 100 percent positive that -- because if  
12 they're not in jail, nobody is safe.

13 Q Did you go back to the residence at Moselle after  
14 finding the phone? Did you go back up to the house?

15 A Yes, sir, I did.

16 Q And did SLED agents come through and search it while  
17 you were present?

18 A They did. I don't know how long I had been back up  
19 there, but they came, and we kind of talked in the  
20 playroom, or I think someone described it as the gun room.  
21 Yeah. They talked about that they needed to come in the  
22 house and search for things.

23 Q And did you escort -- I think it was Agent  
24 McCallister, throughout the house?

25 A Yes, it was Katie McCallister.



1 Q And did she tell you what she was looking for?

2 A Well, initially she says -- well, the way she  
3 presented it was, you know, there were so many people in  
4 the house, she said listen, I don't want to just go barging  
5 in and make everybody run out of the house, but I'm going  
6 to take my badge off and my gun off, and if you would just  
7 walk me through each room. And particularly I'm looking  
8 for 12 gauge shotguns and 300 Blackout and the ammunition  
9 for those calibers.

10 Q And as you are walking through the house, were  
11 there -- did it appear she was looking for other things  
12 besides just guns?

13 A Well, yeah. I mean, she -- I mean, you could tell  
14 she's looking because she looked in spaces that guns  
15 wouldn't fit, so it makes sense that she could be looking  
16 for something else.

17 Q Such as what?

18 A Well, I don't know.

19 Q Well, I understand, but you said spaces. Did she look  
20 in the bathrooms?

21 A Well, I mean, like I opened up a -- up in the upstairs  
22 area there's some cabinets that, you know, a couple of them  
23 are pretty small that, you know, she could find ammunition  
24 in there, but I don't know how you could get a gun in  
25 there.

1 Q Did she search bathrooms?

2 A She did. I took her through every room in the house.  
3 I mean every single room.

4 Q Did you observe her looking in sinks and toilets,  
5 and --

6 A You know, so -- yes, sir. It -- what I observed is  
7 like the shower, for example, you know, it's a door. It's  
8 not an open shower. She opened the door and she looked  
9 around and, you know, she was looking at -- she easily  
10 would have known there was no gun in it when she opened it,  
11 but it was obvious that she was looking a little deeper.

12 Q What kind of guns were there at Moselle?

13 A Well, it sounds like the -- guns of all kinds, you  
14 know, rifles, shotguns. I've seen bow and arrows, I've  
15 seen crossbows. Most anything that you would hunt with.

16 Q Right. The -- and were guns mostly in the gun room,  
17 to your knowledge, when you were over there?

18 A Well, when I went through the house, we identified --  
19 I remember one gun in particular that was in the bedroom, a  
20 shotgun. I picked it up and said do you need to take this  
21 one? And we looked at it, and it was a 20 gauge. She said  
22 no, put that one back, so I put it back. Predominately all  
23 the guns were in the gun room or the playroom.

24 Q Right. Sort of an aside briefly, did you hunt with  
25 Alex over the years?

1 A I have.

2 Q And did he have a go-to gun, to your knowledge, that  
3 he would use?

4 A Not to my knowledge.

5 Q When is the last time you've ever seen him hunt with a  
6 12 gauge?

7 A You know, I would say that when he bird hunt, he's  
8 either shooting a 20 gauge or a 28. You know, there was a  
9 time -- and please don't ask me when, but I would say it  
10 was a few years prior to this -- that we were turkey  
11 hunting on another piece of property down on the Savannah  
12 River, and I know he was hunting with a 12 gauge then. But  
13 I don't know whether it was his gun or somebody else.

14 Q Did that gun have a sticker on it? Do you know?

15 A It did. And --

16 Q Do you remember what the sticker said?

17 A No, I don't remember what the sticker said. But I do  
18 remember teasing Alex when you turkey hunt and you don't  
19 want to be seen, and a big sticker on the side of your  
20 barrel is kind like waving a white flag to a turkey.

21 Q Did you serve as somewhat of a liaison or the point  
22 person with SLED and the family initially?

23 A I don't know that I would call it a liaison or point  
24 person. But I had absolutely -- I had come to know Agent  
25 David Owens, and I absolutely told David, I said listen, if

1     you need anything from me or anybody and you can't get in  
2     touch with them, you reach out to me. I'll either see to  
3     it that they call you back, I will see to it that you get  
4     the answers that you're looking for, or I will put you in  
5     touch with the person you're trying to reach. So, I did  
6     make myself available.

7     Q     And did Alex give, to your knowledge, carte blanche to  
8     law enforcement to search anywhere that they wished?

9     A     Oh, he did. In fact, before I was going to just do  
10    something, you know, I knew that to be the case, but yes,  
11    he confirmed it with me: anything they needed, any time  
12    they needed it.

13    Q     And you provided consent to search the house the  
14    afternoon on the 8th on his behalf, did you not?

15    A     I did, and I've consented every time they've ever  
16    asked.

17    Q     We'll get to that. Were you ever asked to provide  
18    consent, or see if you could obtain consent for any law  
19    enforcement to search your mom's house where Alex had been  
20    the night before?

21    A     Can you say that to me one more time?

22    Q     Did any law enforcement ask you to consent or obtain  
23    consent so that law enforcement could search Almeda -- and  
24    I'm talking about on the 8th -- because Alex had just been  
25    there the night before?

1 A Right.

2 Q Did anybody ask you, hey, can we go search Almeda?

3 A No one asked anything.

4 Q Okay. If asked, would you have obtained consent for  
5 law enforcement?

6 A I would have given them consent, and I would have  
7 taken them over there just like I did at Alex's house, and  
8 I would have helped facilitate the search to show them  
9 areas that they may not know about.

10 Q Do you remember law enforcement SLED agents coming to  
11 your Greenfield property on June the 10th?

12 A Yes, sir, I do.

13 Q And what was that about?

14 A Well, I assume they coordinated it with Alex or Randy.  
15 You know, I'm not sure who they coordinated it with, but  
16 yes, my understanding is they were coming to interview me,  
17 Randy, Alex, Buster, I think that's it, but they wanted to  
18 do interviews with all of us.

19 Q And did everyone congregate there at Greenfield?

20 A Yes, sir. Oh, we were at Greenfield. Of course, you  
21 know, that's where -- we're staying there because of all  
22 this -- and so it keeps me close to Hampton, so -- but,  
23 yes, we all congregated there.

24 Q And when the agents arrived, did they come inside and  
25 sit down and talk with each of you, or how did that work?

1 A No, sir, I offered them -- I offered them to come  
2 inside. As you can imagine, it was hot. I said come in  
3 and, you know, offered them a drink of water, whatever,  
4 just being polite. And they said no, you know. We would  
5 like to go ahead and start our interviews.

6 Q And where did the interviews take place?

7 A In their cars.

8 Q And were they all done simultaneously?

9 A Yes, sir.

10 Q How many SLED agent cars were out there? Do you  
11 remember?

12 A Well, there was one for each person they were  
13 interviewing, and I would go ahead and guess that there  
14 were probably two or three more.

15 Q And I'm not sure that we need to actually play this,  
16 but have you been in the courtroom and even heard this  
17 audio tape of Alex being interviewed on that June 10th  
18 where he is -- states something either I did him so bad or  
19 they did him so bad? Have you heard that?

20 A I have.

21 Q And you know Alex's voice?

22 A I know his voice very well.

23 Q And what is he saying on that tape?

24 A Crystal clear: they did him so bad.

25 Q Have you heard him say that before his interview that

1 day?

2 A You know, I think I heard him say it either the night  
3 of or the day after, but I've have also heard him say it  
4 many times after.

5 Q Well before this trial started or anything.

6 A Well before any of this, that's right. When he was --  
7 when he was staying and living with us or between my  
8 brother and us.

9 Q After Maggie and Paul were murdered on that night of  
10 June 7th, was -- were you or other family members with Alex  
11 for the most part, you know, for that week, and the week  
12 after that?

13 A You're talking about the days following?

14 Q Yes, sir.

15 A Yes, sir, I was. I made a conscious effort to be with  
16 him. I mean, as devastating as it was for me, it was a  
17 thousands times worse for him, so I knew as a brother I  
18 needed to be there for him. And I was, you know. Of  
19 course, I didn't sleep with him, but when we were awake,  
20 you know, he was -- you know, I may not be standing beside  
21 him, but we would be in the room together. Or if we needed  
22 to go to the gas station, he wanted dip, you know, I would  
23 ride with him. It just -- I just knew that's -- I just  
24 thought that's what I needed to do.

25 Q What was his demeanor in that immediate aftermath of

1 these murders?

2 A Oh Jim, that night, or days, or --

3 Q That night, the next day, the day after?

4 A Like I just said, he is -- you can use words that he  
5 was destroyed. I heard somebody said he was broken. You  
6 can use any words you want to use to describe, but I can  
7 promise you words don't do it justice; I would have to  
8 create a new word to describe how distraught he was. It  
9 was just terrible.

10 Q And did -- carry it forward all through the summer,  
11 did he -- how was he coping afterwards, say, later June and  
12 July going forward?

13 A You know, it's hard to tell. I thought he -- at  
14 times I thought he was doing okay. Other times, you know,  
15 it would be just sheer grief. I mean, just uncontrollably  
16 crying and just -- you know. Of course, it makes me crazy.  
17 As y'all can tell, I'm a pretty emotional guy. We would  
18 just -- we would cry together. It was -- and there's no  
19 answers. It's just -- and there's nothing I can say to  
20 make it better other than just hug him.

21 Q Did he start losing weight?

22 A Oh, yes, sir, absolutely.

23 Q Was he eating? Sleeping?

24 A He was pretty heavy going into this, and he -- you  
25 know, he lost a good bit of weight. I don't know how many



1 pounds, but it became very obvious in a very short period  
2 of time he lost weight.

3 Q I skipped over something in my outline. I apologize,  
4 but going back on the evening of June 7th or early morning  
5 hours, did folks who were there at Almeda raise questions  
6 about perhaps the murder of Maggie and Paul were  
7 somehow associated --

8 A You mean at Moselle?

9 Q Yeah, the -- Moselle. Going back to -- on the evening  
10 of June 7th and June 8th, did folks at Moselle raise issues  
11 or associate the potential motive for the murder to be  
12 related to the boating accident at some point?

13 A Well, I heard it. I heard it numerous times that  
14 night. I heard it at Moselle, and I actually heard it  
15 by -- well, Greg, Chief Alexander, mentioned it. You know,  
16 once I got over the chaotic part of describing what we were  
17 doing and why I needed to get to Moselle, he asked me --  
18 you know, he's driving in front of me, and he asked me do  
19 you think it's related to the boat accident? And, of  
20 course, I said, Greg, I don't know. I don't know anything  
21 about what's happened.

22 Q You're aware of the boating accident and Paul's  
23 charges --

24 A Yes, sir.

25 Q -- and you're aware -- and was there a backlash in the

1 community with that?

2 A Well, it was. There was a lot of backlash. I would  
3 not say quite as much in the community, but as on social  
4 media, and media inflamed rumors is the way I would  
5 describe it.

6 Q Right.

7 A That just -- it was just totally blown out of  
8 proportion. And I don't want to downplay the accident, but  
9 what they were saying about the -- the stuff about Paul and  
10 Alex, it was just totally inflamed.

11 And you asked about the boating accident. So, I told  
12 y'all that I called Michael Paul, my friend, to make sure I  
13 could go to the crime scene the next morning. Well,  
14 Michael Paul is one of my best friends, if not my best  
15 friend. I called him that night while we were still down  
16 at the crime scene, not because he's in law enforcement,  
17 not because of anything. Because he's my friend. And I  
18 actually told him on the phone, I said MP, is what I -- I  
19 said MP, I don't even know why I called you. I just needed  
20 to talk to somebody. And we talked and, you know, cried a  
21 little bit after I -- and he didn't know what had happened,  
22 so I told him, and, you know, I cried, and you could tell  
23 he was upset. But in that conversation he asked me also do  
24 you think --

25 MR. CONRAD: Objection.

1 A -- do you think it could be related to the boating  
2 accident?

3 THE COURT: I sustain the objection.

4 Q Switching gears a little bit, John Marvin. When -- I  
5 want it talk to you about visiting at your mom's house,  
6 your mom and dad's house. There's -- let's talk -- where  
7 do you routinely park, or where do you park sometimes when  
8 going over to your mom and dad's house?

9 A Are you asking where I parked?

10 Q You and others in the family.

11 A Well, there's a couple of places you could park  
12 depending on who is there, whether there's other cars  
13 there, you know. You can either park at the -- what you  
14 call the carport, and there's a big dirt area beside it.  
15 You can park there, walk up to the side door, or you can  
16 pull around to the back corner and park there. You know,  
17 it's -- we always used both spots.

18 Q I'm going to pull up and, you know, look at it on your  
19 screen --

20 A As a matter of fact -- I told you it was my mom's  
21 birthday. I went there yesterday, and I pulled right into  
22 the back of the house, but I didn't turn around. I circled  
23 the house. So, there's --

24 Q I'm going to pull up State's Exhibit 524.

25 MR. GRIFFIN: It's in evidence, Doug, and go to slide

1 38. This is the GPS OnStar data. And, Doug, if you will  
2 blow up around the house, please, sir.

3 Q Mr. Murdaugh, this is your mom's house, and this is  
4 GPS data from the night of June the 7th. Do you see the  
5 red line there?

6 A It's pretty blurry on my screen. I don't know about  
7 y'all's.

8 MR. GRIFFIN: Well, do you want to back it out a  
9 little bit, Doug?

10 Q Is that better?

11 A Yes, sir. It's still blurry, but I can see.

12 Q Where is that in relation to your mom's house?

13 A You're talking about the -- right there where the  
14 arrow is pointing?

15 Q Yes, sir.

16 A That's in the back corner of the house.

17 Q Okay.

18 A That would be exactly where I parked yesterday.

19 Q All right.

20 MR. GRIFFIN: And if you'll pull up, Doug,  
21 Exhibit 136.

22 Q This will be Defendant's Exhibit 136 in evidence. Can  
23 you tell me where that is?

24 A That's the same area. That's what I'm talking about.

25 Q Is that the same area we just saw on the last exhibit

1 with the red dots?

2 A Yes, sir.

3 Q Okay.

4 A Generally speaking. I mean, there's no -- it's such a  
5 wide open area, so when you pull up, you're not, like,  
6 pulling into the exact same spot each time to where you're  
7 creating a road or whatnot. It's just a nice grassy area.  
8 You pull up, walk to the back door, and you're right there  
9 at the back of the house.

10 Q And why do you go to the back of the house?

11 A With my mom -- when my dad was alive, there's a little  
12 breakfast room there with a recliner in it. He was either  
13 in that recliner, at the table eating, in the bed, or not  
14 at home. I mean, that literally was his --

15 Q Okay.

16 MR. GRIFFIN: So, Doug, if you'll pull up Defendant's  
17 137.

18 A So, everything is at the back of the house.

19 Q Right.

20 A They don't use -- it's a large home and they just  
21 don't -- you know, as old as they are -- and my mom can't  
22 get out of bed -- as old as they are, they don't want to go  
23 to the front.

24 MR. GRIFFIN: I'm sorry, just skip that. 131.

25 Defendant's 131 in evidence, please.

1 Q Again, is this sort of the same area photographed from  
2 a different direction?

3 A Yes, sir.

4 Q Now, what's that structure that we see in the  
5 background past that big oak tree?

6 A That was my dad's cook house, or man cave as some  
7 people would call it. That's --

8 Q Okay, and how far is that from the house roughly?

9 A You know, I would guess 60 to 80 yards.

10 Q Okay, and that's -- and is it open around there? I  
11 mean, from the photo, is that accurate?

12 A Oh, absolutely.

13 Q All right.

14 A That whole area is a grassy area with oak trees and  
15 pecan trees.

16 Q Okay. Great, thanks. John Marvin, I want to go to  
17 Labor Day weekend of 2021. Where were you that weekend?  
18 Do you remember?

19 A Labor Day weekend '21?

20 Q When Alex went to the hospital.

21 A Okay. Yeah. Yes. Yes. So, I had been out West  
22 fishing and I came in on Saturday night.

23 Q Prior to Labor Day weekend 2021, were you aware as to  
24 whether or not Alex had an opioid addiction?

25 A No, sir.

1 Q Did you transport Alex, driving Alex from the hospital  
2 in Savannah to a detox facility in Atlanta that weekend  
3 or --

4 A Well, I believe it would have been on that Monday. I  
5 was not driving. Randy and I took him. Randy was driving,  
6 I was in the back, but yes, sir, we did take him to a detox  
7 facility.

8 Q And where was the facility located?

9 A Just outside of Atlanta.

10 Q And what was -- can you describe for the jury Alex's  
11 condition, like, physical condition in the car?

12 A Yes, sir. So, when I met Randy over in Savannah, he  
13 had Alex, and I got in the car, or Randy's truck, with  
14 them, I had never seen anything like it. I've seen  
15 television shows of talking about the leg twitching and the  
16 squirminess (sic), if you will, and that's the first thing.  
17 I mean, you could just tell he was sweating. He was  
18 thrashing about. You know, Jim, it -- I don't know how  
19 much detail you want me to go into.

20 Q Well, did he turn around in the seat of the car, and  
21 what was he doing?

22 A Yeah. So, maybe halfway there, at one point he had  
23 taken his seat belt off and he had his head down where your  
24 fanny would be in the seat trying to stretch his legs and  
25 just kind of steady, like, thrashing and kicking them.

1 It's just -- again, I've seen TV, but I've never seen  
2 something like this in real life.

3 Q And was he able to control himself?

4 A No, sir. No. Like I said about details, so he messed  
5 himself. He had diarrhea. He just couldn't control it.

6 Q And then --

7 A And I say diarrhea. I'm not talk about at a restroom.  
8 I'm talking about in the car in his pants.

9 Q And after he spent some time in the facility in  
10 Atlanta, did you and your brother go pick him up and take  
11 him to another facility in Orlando, Florida?

12 A Yes, sir, we did.

13 Q Do you remember that?

14 A Yes, sir, I do.

15 Q On the drive to Orlando, do you remember anything that  
16 happened that stands out to you?

17 A You know, so that drive he was much different. He was  
18 more subdued. He was not -- it not the thrashiness (sic),  
19 not the twitching, not the jerkiness, if you will. I don't  
20 know the words that you would use for that, but that's what  
21 I'm saying.

22 The only thing that really stood out for me is he  
23 was -- and he slept a lot of the time, but he woke up from  
24 sleeping, and when he woke up, I mean, he jerked forward,  
25 and you could just tell that -- I mean, it was sheer terror



1     that -- just -- he just woke up out of a horrible, horrible  
2     dream. And I believe it was him dreaming about what he  
3     found with Paul and Maggie.

4     Q     Keep going a little further, Mr. Murdaugh. At some  
5     time in September, did SLED actually come and search the  
6     house at Almeda?

7     A     Yes, sir.

8     Q     Were you present?

9     A     I was.

10    Q     And did -- were you informed as to what items were  
11    seized during that search?

12    A     I was informed of one item that was seized.

13    Q     And what item was that?

14    A     It was described as a coat.

15    Q     What kind of coat?

16    A     Well, they didn't tell me what kind of coat.

17    Q     Okay, and did they tell you where the coat was found?

18    A     Yes, sir. And so I would assume that the searching of  
19    the house, all of that was winding down, so Agent David  
20    Owens and I -- I believe Randy was outside near us but he  
21    may have been talking to somebody else. I'm not sure. He  
22    may have been talking to another agent. I'm not sure. But  
23    David Owens or Agent Owens came up to me and said we found  
24    a coat back on the property. Do you know anything about  
25    it? And I said, well, David, I said, if you found it back

1 on the property, I said, it's a large piece of property,  
2 some 400 and something acres. I said my dad rides this  
3 Kubota side-by-side. It's probably his. I said if you  
4 show it to me, I can try to identify it. And, of course,  
5 he said he couldn't show it to me, or wouldn't show it to  
6 me. I'm not sure what it was.

7 Q Were you some time later asked to view a photo of a  
8 blue raincoat?

9 A I was. Well, I was asked to view a raincoat and  
10 listen to an audiotape.

11 Q Of the kennel?

12 A Yes, sir.

13 Q On the blue raincoat, were you informed where it was  
14 seized from?

15 A Well, I knew where it was seized from because he'd  
16 already told me. But I was -- in this instance, I was told  
17 that they wanted us to -- when I say us, they asked Randy,  
18 Lynn, and I to go view the coat and the tape. At this  
19 point I knew where it had been recovered, but they said we  
20 want you to view a coat that had come -- been recovered out  
21 of a closet.

22 Q Okay, and was that different from what you were led to  
23 believe when you --

24 A Oh, absolutely.

25 Q Had you ever -- did they ever provide any -- anybody

1 provide an explanation about why you were given two  
2 different locations where the coat was found?

3 A To this day, no one has told me that.

4 Q The photo of the coat that they showed you, had you  
5 ever seen that raincoat before?

6 A No, sir.

7 Q Was it the blue raincoat that --

8 A Well, it certainly looked similar to the one -- I saw  
9 a picture. I didn't see the coat itself, but it certainly  
10 looked to be similar or the same.

11 Q Have you ever seen it before?

12 A No, sir.

13 Q Did you recognize what closet it came out of from the  
14 photos during this trial?

15 A Well, when I saw that I think I knew what closet  
16 they're referring to. There's only two --

17 Q Let me ask you, and I'm sorry. The closet as you go  
18 up on the first flight of stairs before you go at the  
19 landing right there, what -- what's kept there?

20 A Clothing. Not everyday clothing. Clothing that's  
21 more or less in storage. Junk. You know, it's not a --  
22 it's not a -- first of all, my dad wouldn't climb the  
23 stairs even if he could, but he couldn't.

24 Q Right. The -- there's some testimony that there's GSR  
25 on that raincoat. Have you got any idea on how there could

1 be GSR on clothing in your dad's closet at Alameda?

2 MR. CONRAD: Objection.

3 THE COURT: Sustained.

4 Q Did your dad carry guns around with him?

5 A No, not like -- not in the sense that you're saying.  
6 So, he was not like Paul that always had guns with him.  
7 You know, he would keep a gun. If he went dove hunting,  
8 for example, and we went on a dove hunt, that gun may ride  
9 with him for two months. It just would stay with him. He  
10 just wouldn't -- the same with golf clubs back when he  
11 would play golf. It was just a bunch of junk in his truck.

12 Q During hunting season, was there normally a gun in the  
13 back seat?

14 A During hunting season, I would say that there usually  
15 would be. In fact, during hunting season -- because he  
16 always hunted. He always loved to go on a bird hunt.

17 Q Did he have a specific gun that he used frequently?

18 A Oh, he had one gun.

19 Q Did that gun have a name?

20 A It did. It was called Bowoop.

21 Q And did he clean it often?

22 A I'd never seen him clean it. He got that gun in 19 --  
23 I believe in 1957 for his high school graduation, and he  
24 used it for every game that he chased. I'm sure it got  
25 cleaned somewhere with along the way, but I had never seen

1 him clean it, and I still haven't seen him clean it.

2 Q Got it.

3 A I don't know how the thing still worked.

4 Q Along the way, have you been receiving updates from  
5 SLED on their investigation in the -- Maggie and Paul's  
6 murder?

7 A Usually when I call, I would call Agent Owens and ask  
8 for updates, and he would try to provide some updates. It  
9 almost always seemed like there were stuff that he  
10 really -- I don't know, and I don't know whether he didn't  
11 know or just -- he wasn't able to say at the time. I'm not  
12 sure. But, yeah, I think he would try to give updates as  
13 best as possible.

14 Q And you provided information on evidence that they had  
15 against your brother?

16 A I have been, yes, sir, some of it.

17 Q And the information -- some of the information that  
18 you've been provided turned out not to be accurate  
19 information.

20 A Yes, sir.

21 Q What type information?

22 A Well, I was told that -- at one point that there was  
23 a t-shirt that he was wearing, and -- can I back up and  
24 tell you how we got in this conversation?

25 Q Sure.

1 MR. CONRAD: Objection.

2 A So, I'm having a meeting with SLED --

3 MR. CONRAD: Calls for hearsay.

4 THE COURT: Hold on. Yes, sir, the nature of the  
5 objection?

6 MR. CONRAD: Calls for hearsay.

7 MR. GRIFFIN: A statement of an opponent, Your Honor,  
8 an agent.

9 THE COURT: Say again?

10 MR. GRIFFIN: It's a statement of a party opponent.

11 THE COURT: Party opponent.

12 MR. GRIFFIN: The agent of the party opponent. It's a  
13 SLED agent.

14 THE COURT: Agent of the party's opponent.

15 MR. GRIFFIN: Yes, sir.

16 THE COURT: All right, ladies and gentlemen, I'm going  
17 to have you take a break. Please do not discuss the case.

18 (The jury left the courtroom.)

19 THE COURT: All right, everybody be seated.

20 I will hear this. I will hear this objection again.

21 MR. CONRAD: The State is objecting. It calls for  
22 hearsay.

23 THE COURT: All right, and your response to the --  
24 Mr. --

25 MR. GRIFFIN: Yes, Your Honor --

1 THE COURT: Just a moment, sir.

2 MR. GRIFFIN: Oh, I'm sorry.

3 THE COURT: Mr. Conrad's response to Mr. Griffin.

4 MR. CONRAD: Your Honor, I think his argument was it's  
5 a statement, it's an admission by a party opponent, and I  
6 don't think we're talking about --

7 THE COURT: He said an agent of a party opponent.

8 MR. CONRAD: Right, and the subsection 801D2 I think  
9 is what we're referencing, and it talks about admission by  
10 a party opponent, and it doesn't necessarily talk about the  
11 statement. And I think what we're getting into are some  
12 statements by -- particularly law enforcement officers  
13 who've already been on the stand, and I don't think those  
14 are admissions to the issues that's at relevance in this  
15 case.

16 THE COURT: Mr. Griffin?

17 MR. GRIFFIN: Your Honor, it's directly relevant. The  
18 statements relate to evidence that they told the family  
19 they have against Mr. Murdaugh.

20 THE COURT: You said it's directly relevant?

21 MR. GRIFFIN: Yes, sir.

22 THE COURT: So, the objection not based on relevance.

23 MR. GRIFFIN: Oh, I thought that's what -- so, a  
24 statement of a party opponent is non-hearsay under the  
25 definition of hearsay, Your Honor. It's -- I don't have

1 the rule in front of me, but --

2 THE COURT: The State of South Carolina is a party  
3 opponent in this case?

4 MR. GRIFFIN: And SLED is the investigating agency,  
5 yes, sir. If -- otherwise, the rule would not apply in a  
6 criminal case. I mean, that's -- it has to be the  
7 investigating agency. I'm not asking for Colleton County's  
8 statements or -- it's the --

9 THE COURT: Well, you've gotten those in already, the  
10 newspaper statements of Colleton County, the newspaper or  
11 whatever.

12 MR. GRIFFIN: Yes, sir.

13 THE COURT: What else, Mr. --

14 MR. CONRAD: Mr. Conrad, Your Honor.

15 THE COURT: -- Conrad.

16 MR. CONRAD: I would also object for the relevance as  
17 well, Your Honor, because the State has not offered this  
18 shirt into evidence. The defense is attempting to kind of  
19 backdoor here, and it simply doesn't go to anything that's  
20 -- issue in this trial.

21 THE COURT: He has already testified to a shirt.

22 MR. CONRAD: Well, to the shirt. But he's trying to  
23 get in evidence -- and maybe we need to proffer it to see  
24 exactly what he would say, but my assumption was that he  
25 was going to start talking about a report by Mr. Bevel,



1 which we've talked about several times in this case, and I  
2 would object to the relevance and -- to particularly  
3 Mr. Murdaugh bringing it up.

4 THE COURT: All right. What -- tell me again what  
5 you're asking the witness. Or proffer it to the witness.

6 MR. GRIFFIN: Yes.

7 PROFFERED EXAMINATION

8 BY MR. GRIFFIN:

9 Q So, Mr. Murdaugh, what information were you provided  
10 by -- was it a SLED agent that provided you that  
11 information?

12 A Yes, sir.

13 THE COURT: You were asking him about Agent Owens, so  
14 he's a SLED agent, yes.

15 Q And what information were you provided that -- leading  
16 up to this that, that turns out to be inaccurate?

17 A Right, and if --

18 THE WITNESS: Is it okay for me to speak freely?

19 THE COURT: Yes, sir.

20 A Yes, sir. So, what I was asking -- I was saying I  
21 wanted to back up to get to where I was getting this  
22 information. So, I had been called to SLED, not  
23 headquarters, but their office in Waltherboro to view the  
24 blue coat and to listen to an audio. After my interview  
25 with them, Captain Ryan Neill, I believe we were in his

1 office, is the one that -- and I'm going to use my  
2 terminology here, but described the white t-shirt covered  
3 in blood. Even went so far as to describe that Alex took  
4 the bottom of it and wiped his face with it, and that  
5 that's how they knew he was involved. That's how they knew  
6 he was there. And I don't know where the question goes  
7 after that.

8 THE COURT: Does that answer your question, or are you  
9 trying to dig more out of him?

10 MR. GRIFFIN: That's it.

11 END OF PROFFER

12 THE COURT: All right. What's your objection?

13 MR. CONRAD: I would renew my objection to the  
14 relevance. Nothing has been put -- this jury hasn't heard  
15 any evidence about any blood being on this t-shirt, and the  
16 State has not offered any reports to suggest as such.

17 THE COURT: The objection is overruled. We're going  
18 to take 10 minutes.

19 MR. GRIFFIN: Thank you.

20 THE COURT: You may step down.

21 (Break in proceedings.)

22 THE COURT: Are you may bring the jury.

23 (The jury returned to the courtroom.)

24 THE BAILIFF: The jury is present, sir.

25 THE COURT: All right, thank you. The objection is

1 overruled.

2 MR. GRIFFIN: Thank you.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. GRIFFIN:

5 Q Mr. Murdaugh, when we broke, the question on the table  
6 was about a conversation that you had with a SLED agent  
7 regarding some matter of evidence. Can you provide your  
8 answer, please, sir?

9 A Yes. So, as I was about to say, what led me to this  
10 conversation was that SLED asked my brother, my sister, and  
11 I to come over to identify, or attempt to identify, a coat  
12 and -- or a recording, and we did that. And so I did my  
13 interview with them.

14 And then after the interview we went into Captain Ryan  
15 Neill's -- I think he's Captain, but Agent Ryan Neill's  
16 office at the same SLED office. And in that office -- or  
17 in that -- in his office, we were all in there, they made  
18 reference to a -- the shirt that they said Alex was  
19 wearing. They told us it was covered in blood. They went  
20 so far as to tell me on the police body cam that he takes  
21 his shirt and wipes his face, and that's how they knew that  
22 Alex was at the scene and that he was the one.

23 Q John Marvin, just finishing up, what was Alex's  
24 relationship with Maggie and Paul's parents -- Grandmar and  
25 Papa T as we've heard?

1 A Grandmar and Papa T, that's correct. They had a great  
2 relationship. Alex and Papa T played golf together  
3 regularly. It was just a really good  
4 father-in-law/son-in-law relationship and mother-in-law.

5 Q And have you --

6 A They would travel together, you know, vacation  
7 together with different places.

8 Q And have you stayed in contact with them as best you  
9 could?

10 A Yes, sir, we communicate.

11 Q And just briefly --

12 A Now Papa T has taken -- has taken ill and is homebound  
13 now.

14 Q I was going to ask you. He's --

15 A Yeah. He's had a stroke and is basically homebound.  
16 And Ms. Kennedy stays at home and takes care of him, but  
17 they are wonderful people. I mean, just going a little bit  
18 further, wonderful people in and of themselves, but their  
19 relationship was absolutely great.

20 Q John Marvin, I want to go back to that morning of June  
21 the 8th when you were down at the kennels cleaning up. Do  
22 you remember making a promise that morning?

23 A Well, Jim, as I've told y'all, you don't know what I  
24 saw, you don't know what I was doing. It was difficult,  
25 and it was nearly impossible. You know, I was in a bind,

1 and I told Paul that I loved him. I don't know, I just  
2 loved him and I promised him that I would find out who did  
3 this to him. It's just -- just don't know what to do. It  
4 was tough.

5 Q And you promised him you would find out who did this  
6 to him.

7 A Yes, sir, I did.

8 Q Have you found out?

9 A I have not.

10 Q All right.

11 MR. GRIFFIN: Thank you, Your Honor. That's all the  
12 questions I have.

13 THE COURT: Cross-examination.

14 MR. CONRAD: Please the Court?

15 THE COURT: Yes.

16 CROSS-EXAMINATION

17 BY MR. CONRAD:

18 Q Good afternoon, Mr. Murdaugh.

19 A Good afternoon.

20 Q I think you would agree with me that no matter which  
21 way your cut it, your family has suffered a great tragedy,  
22 hasn't it?

23 A Absolutely. Including the death of my dad and the  
24 sickness of my mom, it's just -- it's tough.

25 Q And I'm sorry that you and your family has been

1 through this.

2 A Well, thank you.

3 Q All right, and I think you testified a little while  
4 ago about the cooperation you and particularly your brother  
5 provided SLED. Is that correct?

6 A Did I provide cooperation with SLED?

7 Q Yes.

8 A Absolutely.

9 Q To your knowledge --

10 A I have and will continue to.

11 Q And to your knowledge, your brother was providing  
12 cooperation to SLED as well, correct?

13 A I believe everyone in my family was, yes, sir.

14 Q Okay. All right, and would you consider that  
15 cooperation full cooperation, not only for yourself but  
16 your brother as well from what you have observed?

17 A I mean, to me, full cooperation? Yeah. I mean, it's  
18 wide open. You tell us what you need and, I mean, I'll  
19 provide it, and I told them I would provide it.

20 Q And from what you've observed, your brother was  
21 providing the same full cooperation as well, correct?

22 A Yes. So, I believe any time that they asked to search  
23 something, any time they asked to do something, they asked  
24 for information, it typically came to me, and yes, I would  
25 provide it.

1 Q Okay. I'm asking about your brother right now. I  
2 understand you, though. But to your knowledge, did your  
3 brother provide full cooperation? Or did he tell you he  
4 was providing full cooperation?

5 A Well, he didn't tell me, but it appeared to be obvious  
6 by him providing -- giving them access to anything they  
7 asked for that he was --

8 Q So, when did you first learn that your brother was  
9 down at the kennels just before the murders? Two days ago  
10 like the rest of us?

11 A No. No. You know, I -- so, obviously I went in  
12 into -- for an interview with SLED, the one I told you  
13 about where we talked about the shirt, talked about the  
14 blood, all of that. That was the reason for me being there  
15 was to hear that audio, and I saw the kennel. And, of  
16 course, at that point I heard his voice and I knew that was  
17 him.

18 Q Okay. You knew that was him when you saw that video,  
19 correct?

20 A That's correct.

21 Q Or listened to the video, I should say.

22 A When I listened to it.

23 Q And do you recall the date of that interview when you  
24 first listened to that video?

25 A I do not.

1 Q All right. Would you disagree me if I say it was  
2 August 12th of 2022?

3 A I have no way to agree or disagree.

4 Q Or at least during the month of August of 2022?

5 A Again, I'm sure they have my interview recorded for  
6 that date, but --

7 Q All right. Before August of 2022 at that interview  
8 when you heard your brother's voice at the kennels, had he  
9 ever told you that he was down there just prior to the  
10 murders?

11 A No, sir.

12 Q Did he ever tell you that afterwards, after you  
13 listened to that video?

14 A No, sir. And I'm trying to think if we've been able  
15 to have an opportunity to even speak.

16 Q Okay. All right. So, you would agree that if he had  
17 not told SLED that, that was not full cooperation, correct?  
18 If he had not told SLED that he was at the kennels just  
19 before the murders, he had not actually been fully  
20 cooperative.

21 A What's your question?

22 Q Would you agree that that is not full cooperation?

23 A By him not telling SLED that he was at the kennel?

24 Q Correct.

25 A I would say that, yes, he lied.



1 Q Okay. All right. So, I don't want to go through the  
2 whole kind of vehicle shell game that we talked about  
3 earlier. It's confusing, probably to me most of all. But  
4 let's just focus on -- so Paul's -- what was Paul's normal  
5 daily driving? What vehicle did he drive on a daily basis?

6 A On a normal basis, he drove a white F150 Platinum.  
7 And I'm going to confuse you a little bit more because I  
8 drive the identical truck.

9 Q Okay. All right. So, you testified that, that Paul's  
10 F150 Platinum was at Jimmy Butler's over the weekend. Is  
11 that right?

12 A It was being worked on at Jimmy Butler's, that's  
13 correct.

14 Q And then Monday there's a series of car swaps, and I  
15 don't want to go through them, but at the end of the day  
16 you end up in the F250 farm truck, correct?

17 A That's correct.

18 Q And Paul ends up in your F150 Platinum.

19 A Ultimately he does. He drives my mom's car back to  
20 Alameda.

21 Q I know there were several swaps.

22 A Yes, sir, that's correct.

23 Q I'm just kind of talking at the end of the day. And  
24 he drove your F150 back to Al -- Moselle, excuse me,  
25 though, correct?

1 A To Moselle, yes, sir.

2 Q And you testified that you came over later that night  
3 after Alex had called you about the murders, correct?

4 A That's correct.

5 Q Where was your truck parked when you first got there?  
6 And we'll talk about how you got there in a minute, but  
7 where was Paul's truck parked?

8 A Well -- so first of all, that night --

9 Q Your truck, I'm sorry.

10 A That's right, I understand. So, when I got there we  
11 didn't go anywhere near the house. I went straight to  
12 where everything was happening.

13 Q Okay.

14 A As we went to the house later that night, I saw my  
15 truck. So, it was probably 4:00 in the morning, or  
16 whatever time we -- 3:00 or 4:00 in the morning. It was  
17 parked in front of the house normally where you would park  
18 cars.

19 Q Okay. So, just kind of about straight out the front  
20 door?

21 A That's correct.

22 Q And the keys that Paul had been using, do you recall,  
23 were they left in the truck, or have any recollection of  
24 where those keys might have ended up?

25 A Well, they were sitting in the ignition in the same

1 place I always leave them.

2 Q Okay.

3 A Because I drove it to Almeda that night.

4 Q Okay, and meanwhile you were in that F250 farm truck,  
5 correct?

6 A For a short period of time.

7 Q Refresh my memory. Was that at -- was white as well  
8 or is that --

9 A It's white as well, yes, sir.

10 Q And it broke down on you on the way to Moselle,  
11 correct?

12 A That is correct, on Highway 63.

13 Q All right. You left it on the side of the road,  
14 correct?

15 A I did.

16 Q And I think -- did you call Chief Alexander at that  
17 point?

18 A Well, we were riding -- you know, we were driving  
19 separate cars but together.

20 Q Okay.

21 A And so at that point he had gotten in front of me, and  
22 I had to call him and tell him to turn around.

23 Q Okay, and he came back and picked you up.

24 A Came back and I jumped in his car, or truck, or  
25 whatever.

1 Q I'm sorry. I'll try not to talk over you. My  
2 apologies. And you left the F-250 there on the side of the  
3 road.

4 A I did.

5 Q Okay, and rode with Chief Alexander to the property?

6 A That's correct.

7 Q Okay, and were you aware that your brother Alex had  
8 loaned Chief Alexander money at several points over the  
9 past several years?

10 A I was not.

11 Q And you testified that you learned of your brother's  
12 opioid addiction the weekend of Labor Day of 2021. Is that  
13 correct?

14 A That's when it started coming out, yes, sir.

15 Q Okay. So, did you have any idea that he had an opioid  
16 or drug problem prior to that?

17 A Prior to that, I did not.

18 Q So, from your observations of him on a daily basis, he  
19 seemed to be sober at most times, or not under the  
20 influence of any -- did you ever observe him --

21 A Well, keep in mind now -- so, again, I'm not a lawyer  
22 in the firm. I live in Beaufort, so I, you know, I don't  
23 see him daily.

24 Q Okay.

25 A But our encounters usually would be during non-working

1 hours. But even then, yes, I had -- he had no -- I had no  
2 reason to think he was on pills.

3 Q Okay. All right. He was able to function pretty  
4 normally on a daily basis, to your observations?

5 A Yes, sir.

6 Q Okay. So, let's talk about the morning of June 8th.  
7 You said that you were the first person over to the house  
8 at Moselle that morning. Is that -- did I understand that  
9 correctly?

10 A That's correct.

11 Q And you're the first person inside the house at that  
12 point?

13 A That's correct.

14 Q And so do you recall when Blanca Simpson got there?

15 A I don't. What I can tell you is I was the last to  
16 leave the house and the first to come back in.

17 Q Okay. So, she would have gotten there at some point  
18 after you?

19 A Yes, sir, and I heard her testimony that instead of  
20 going to Moselle, she went to Alameda.

21 Q But when she came to Moselle, it would have been after  
22 you, correct?

23 A I think other folks were there as well, but well after  
24 me.

25 Q Okay, and you testified about being in that -- I guess

1     some folks call it the gun room when SLED came in and  
2     started looking at some of those guns in the gun room,  
3     correct?

4     A     That's correct. Well, I wasn't in the gun room. I  
5     was in the main part of the house.

6     Q     Okay. Did you ever go into the gun room while SLED  
7     was there?

8     A     I did.

9     Q     Okay, because I think there's a video in evidence, and  
10    we're not going to go dig it up, but -- of SLED with  
11    camera, or body camera footage, and I think you do appear  
12    in it.

13    A     I think so. I think probably what -- the best  
14    recollection I have is I was in the main part of the house  
15    with Alex and family, and someone came and told me they  
16    were there and that they wanted to look around. And, of  
17    course, I went to make sure that they had full access.

18    Q     When you were in there, do you recall who was in there  
19    with you other than the SLED agents? Because there were  
20    several other people, correct?

21    A     Well, I don't recall without seeing the video. I saw  
22    the video. I saw Mark Ball, I saw Lee Cope, I saw the --  
23    Agent McCallister, but I don't think I would have  
24    remembered that.

25    Q     Okay, but there were several attorneys in there,

1     though, correct?

2     A     Friends and attorneys, friends.  Yeah, that's right.

3     Q     Was Chris Wilson in there at that time?

4     A     You know, I don't remember.

5     Q     Okay.

6     A     I don't have any recollection of him being there.

7     Q     Okay.  All right, and then let's go to June 10th when  
8     SLED came over to -- I believe it was Greenfield where they  
9     came --

10    A     That's correct.

11    Q     -- to interview?  It was you, Buster, Randy, Alex, I  
12    guess that's four, right?  Is that all who were interviewed  
13    that day, to your recollection?

14    A     Randy, me, and Buster, that's correct.

15    Q     Okay.  I think you testified that they didn't want to  
16    come inside.  Is that what you testified to?

17    A     Well, I don't think they did not want to come inside  
18    because of any particular reason.  I just think they just  
19    wanted to get about their business.

20    Q     So, you don't recall --

21    A     I offered for them -- I offered to come in, use the  
22    restroom, anything of that nature, drink of water, anything  
23    like that, but they did not.

24    Q     You don't recall Lieutenant Ghent coming in and  
25    introducing himself?

1 A Inside the lodge?

2 Q Yeah.

3 A I do not.

4 Q All right, and you've either been interviewed or sat  
5 in several interviews by SLED over the last few years,  
6 haven't you, correct?

7 A I've been in a few, yes, sir.

8 Q And I'm going to direct your attention to October 12th  
9 of 2010 -- and let me make sure I have that date correct.  
10 Or, excuse me, not 2010. That would have been 2021, and I  
11 believe SLED came to your house that day. Do you recall  
12 that?

13 A I do recall SLED coming to my house.

14 Q Okay.

15 A Now, I can't tell you that's the date, but they  
16 certainly came.

17 Q This would have been the day that they interviewed  
18 both Buster and your wife that day. Does that help you  
19 out?

20 A It does. I remember them coming. It was Jeff --  
21 Agent Croft and, I believe, Agent Ryan Kelly.

22 Q Okay, and you sat in both of those interviews,  
23 correct, with both Buster and your wife?

24 A Well, I think the interview with -- one was an  
25 interview for Buster, and one was an interview with me and



1 my wife.

2 Q Okay. All right. So, you --

3 A That's the way I thought it was. I didn't think it  
4 was three interviews.

5 Q All right, and do you recall during that October 12th  
6 interview the subject of this blue jacket coming up with  
7 Buster? Specifically I'm talking about the one with  
8 Buster.

9 A The conversation at my house?

10 Q Yes.

11 A I do not recall it coming up.

12 Q You -- so, you don't recall SLED bringing up -- asking  
13 Buster about a blue jacket on October 12th of 2021.

14 A I do not recall that.

15 Q So, you don't recall his response.

16 A I don't recall them bringing up a jacket.

17 Q Okay. Do you recall Buster responding that he did not  
18 recognize the blue jacket that was presented to him?

19 A I don't recall the blue jacket being discussed.

20 Q Okay, and I think you also looked at it. You don't  
21 recall --

22 A They did not show me a blue jacket. There was no blue  
23 jacket discussion in that interview, to my knowledge.

24 Q Okay.

25 MR. CONRAD: Beg the Court's indulgence.

1 (Break in proceedings.)

2 Q Do you recall Buster's response in that interview to  
3 being asked if that could be Randolph's jacket, and him  
4 saying if it was over \$15, no, it wasn't.

5 MR. GRIFFIN: Objection, Your Honor. Hearsay about  
6 Buster's -- he's asking him to recall what Buster said.

7 THE COURT: I sustain the objection.

8 Q And then you agreed with what Buster said right  
9 afterwards. You don't recall that?

10 A No, Mr. Conrad. What I'm telling you is I don't  
11 recall any discussions of a blue jacket in that interview.  
12 I just don't recall that. I don't -- so you're asking me  
13 that. I'm just telling you I don't know of any discussions  
14 about a jacket in that interview.

15 Q Okay. All right. You testified about driving up to  
16 rehab, I think, that Monday after Labor Day -- or, excuse  
17 me, detox, correct?

18 A It was detox, that's correct.

19 Q And you said your brother kind of woke up startingly  
20 as if from a dream. Is that what you testified to?

21 A No, sir. I said that when I was driving, or Randy and  
22 I were driving him from detox to the rehab facility down --  
23 that was down in Orlando, Florida --

24 Q Okay.

25 A -- is when that happened.

1 Q Okay, and you said -- and again, I want to make this  
2 as clear as we can. You said that you thought that he was  
3 waking up in response to a dream about the night of  
4 June 7th. Is that -- did I understand that correctly?

5 A That is the way I -- that's what it appeared to be to  
6 me, and that's -- of course, I can't tell you what he was  
7 dreaming, but that's certainly what it appeared to me.

8 Q So, you're not saying that because he said that,  
9 right?

10 A That's right. He didn't wake up and say that. It was  
11 just such a startling -- just the way he woke up out of his  
12 sleep, it was just so startling. It was fear, it just --  
13 and it took him several seconds to realize that whatever he  
14 just saw was not real or was not -- he was not living it.

15 Q Okay. You testified about the day of June 7th and  
16 the -- taking your dad to the hospital and him getting  
17 admitted, correct?

18 A I did.

19 Q And that you were -- you and your brother Randy were  
20 sending out multiple group texts about your dad's status.  
21 Is that correct?

22 A Well, I sent a text, and I believe Randy sent one as  
23 well.

24 Q Okay, and --

25 A Along with phone calls. I know Randy and I discussed

1 it on the phone as well.

2 Q And if I understood your testimony correctly, you said  
3 that June 7th was actually kind of a hopeful day. Is that  
4 based off of what the doctors were saying?

5 A Well, yes. Based on all of the bad news that he's  
6 been receiving, it was one little piece of hope that, you  
7 know -- certainly if the doctor would have said at that  
8 point, you know, you're going home with hospice tomorrow,  
9 it would have -- that would be the worse case. But him  
10 saying that there was hope that it was pneumonia and not  
11 the cancer, that there was some breathing treatments that  
12 may help, it gave us some hope.

13 Q And you sent out at least one group text with this  
14 information, correct, to your family members, right?

15 A I know I sent one; I could have sent another, but I  
16 know there was one.

17 Q Okay, and do you recall if your brother was included  
18 in that, Alex specifically was included?

19 A You know, I saw the record showing it, and so yes. I  
20 believe it was my family and -- I think it was just our  
21 family actually.

22 Q All right, and so there was hope, at least on the  
23 afternoon of June 7th, that your dad had pneumonia which  
24 could potentially be treated, and there was a little bit of  
25 hope about that, correct?

1 A Yes, sir.

2 Q Okay. So, if your brother had told Jeannie Seckinger  
3 that day that your dad was taking a major turn for the  
4 worse, that would not be truthful, correct?

5 A That would be correct. And the testimony I heard is  
6 he didn't say that.

7 Q He didn't say what?

8 A He didn't say it was terminal or dire or whatever,  
9 whatever you're saying.

10 Q Based off of Alex's testimony?

11 A Yes, sir.

12 Q Okay. So, if Jeannie Seckinger --

13 A Well, I can tell you this. If somebody said that day  
14 that it was terminal, one of two people was wrong or both.

15 Q So, if Jeannie Seckinger was told that --

16 A If Jeannie Seckinger said that, she was wrong.

17 Q Well, were you present for any conversations between  
18 your brother and Jeannie Seckinger on June 7th?

19 A I wasn't.

20 MR. CONRAD: One moment, Your Honor.

21 (Break in proceedings.)

22 Q One last thing, Mr. Murdaugh. Would you say that the  
23 Murdaugh name and legacy is something that's important to  
24 you and your brothers?

25 A Yes. I think any family's name and legacy is

1 important to them. Do I think my family's name is more  
2 important than yours or any of y'all's? No, I don't.

3 Q But it's important to your brother as well, correct?

4 A I think he would feel the exact same way as what I  
5 just said, that all families are important.

6 Q Okay.

7 MR. CONRAD: Nothing further.

8 THE COURT: Any redirect?

9 MR. GRIFFIN: No, Your Honor.

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

11 THE WITNESS: Thank you, Judge.

12 (The witness exited the stand.)

13 THE COURT: Mr. Harpootlian?

14 MR. HARPOOTLIAN: Defense rests, Your Honor.

15 THE COURT: All right, ladies and gentlemen, that is  
16 the defense's case, and we will excuse you for this day and  
17 have you come back at 9:30 tomorrow morning. Have a good  
18 evening.

19 (The jury left the courtroom.)

20 THE COURT: Everyone may be seated.

21 The defense has rested. Any matters of law at this  
22 time?

23 MR. GRIFFIN: Your Honor, we would -- the defense  
24 would just renew our motion for a directed verdict on the  
25 grounds previously argued at the close of the State's case.

1 THE COURT: All right, and Mr. Waters?

2 MR. WATERS: Your Honor, again, we would rely on our  
3 arguments previously made that the motion should be denied.  
4 I would be happy to answer any specifics issues that Your  
5 Honor may have, but I would rely on previous arguments.

6 THE COURT: The motion is denied based on all of the  
7 reasons stated at the close of the State's case.

8 Now, with regard to the reply, what do you have,  
9 Mr. Waters?

10 MR. WATERS: Yes, sir. We have maybe four witnesses,  
11 maybe five at this point in time. I'm hopeful that we can  
12 accomplish that in a day. Obviously as is the nature of  
13 reply, we will, you know, assess that tonight, but right  
14 now I have four definite witnesses, and perhaps a fifth  
15 that, as it stands right now, we would have. I don't think  
16 many of them, except for one, would be very lengthy. And  
17 by lengthy I don't mean exceptionally so.

18 THE COURT: Any comment, Mr. Harpootlian or Mr.  
19 Griffin?

20 MR. HARPOOTLIAN: Your Honor, I am in no way critical  
21 of Mr. Waters, but his estimate of time is a little mushy,  
22 I think to put it -- and I'm not criticizing him. I'm just  
23 saying this was going to be a three week trial and now it's  
24 a six week trial. I'm just a little skeptical that we  
25 could get it all done tomorrow. I'm just saying I'll be

1 happy, I'll be ecstatic if it happens, but for planning  
2 purposes, perhaps midday Wednesday would be better. Oh,  
3 and somewhere in this process, Your Honor has indicated you  
4 would allow the jury visit the site.

5 THE COURT: At the close of the reply.

6 MR. HARPOOTLIAN: Okay. So, I guess Mr. Waters --

7 THE COURT: Mr. Waters, are these witnesses who you  
8 anticipate contradict issues presented by the defense, or  
9 what's the -- the credibility of matters raised by the  
10 defense?

11 MR. WATERS: It will be focused on issues that were  
12 raised during the defense case, yes, sir.

13 THE COURT: All right. All right. 9:30 tomorrow  
14 morning.

15 (Whereupon, the case was at ease.)

16 *TUESDAY, FEBRUARY 28, 2023*

17 (Court resumed at 9:34 a.m.)

18 THE COURT: Good morning.

19 (Audience responded good morning.)

20 THE COURT: Anything before the jury comes?

21 MR. HARPOOTLIAN: Yes, sir. Your Honor, we were  
22 informed this morning by the State there's potentially  
23 seven reply witnesses, and before we get into that, you  
24 know, we've looked at the cases on reply, including *State*  
25 *v. Prather*, which is a 2020 case. And I want the Court --



1 and we want the State to understand we think many of these  
2 witnesses have already testified and they're repeat -- I  
3 mean, just a very few witnesses. They've already testified  
4 in this case, and they've been called in reply to -- the  
5 way we read the cases new matters, new evidence, something.  
6 But -- and we're -- we have a right under the case law of  
7 *State v. Watson*, which is a 2003 case, 353 SC 620, 579 SC  
8 2nd 2048, to surrebuttal. So --

9 THE COURT: You said a right to?

10 MR. HARPOOTLIAN: It's discretionary with the Court.

11 THE COURT: Right. Okay.

12 MR. HARPOOTLIAN: But I would submit to the Court that  
13 under the criteria set out in this case, you would  
14 determine that if they raised new matters, we would have  
15 the right to respond to those.

16 Now, we're told that Dr. Riemer, their pathologist, is  
17 going to testify. And if you remember correctly, Your  
18 Honor, I've looked at the YouTube -- that's all we can get  
19 at this point, which is a video of it. Dr. Riemer has  
20 previously testified that she did not believe this to be a  
21 contact wound, a contact wound to the head. I submit  
22 they're going to try to repeat that testimony, or elaborate  
23 on that testimony, and that was the only issue that our  
24 pathologist raised, that he believed it was a contact wound  
25 and why. She's already testified to why it wasn't a

1 contact wound -- it wasn't a contact wound to the head and  
2 why.

3 So, are we going to have get our pathologist back here  
4 to counter hers if she raises some new issue? Or perhaps  
5 Your Honor -- seven reply witnesses. It was two. Now it's  
6 four. Now it's seven. I mean, this is a process that's  
7 got to stop at some point. We're going to be here next  
8 week. Their two expert witnesses that have already  
9 testified in this case, one of them I would concede, Kenny  
10 Kinsey, probably an appropriate reply witness based on  
11 Mr. Palmbach's testimony yesterday. But the pathologist  
12 again to testify it wasn't a contact wound to the head,  
13 she's already testified to that. And some of these other  
14 witnesses, law partner members, to testify as to what they  
15 do or do not remember about the night in question. Again,  
16 they've already asked them that on direct in their previous  
17 testimony.

18 So, I just -- this has got to end at some point.  
19 We've been weeks on financial -- two and a half weeks of  
20 the six weeks on financial matters. In my opinion, it  
21 could have been done in a day. That's just my opinion.  
22 But I would ask the Court as we make objections to  
23 consider, and maybe even proffer what they're going to put  
24 up before we get in front of the jury so that we  
25 can utilize and make an evaluation before we start down

1     that road for a half a day witness that may not add  
2     anything that they -- to the case. Thank you, Your Honor.

3             THE COURT: Yes, sir.

4             MR. WATERS: Your Honor, the State is certainly aware  
5     of the scope of reply testimony as it relates to the  
6     pathologist. There are actually a number of issues on  
7     which their pathologist challenged the findings of  
8     Dr. Riemer, and she's here to explain why those conclusions  
9     are incorrect, including his reliance in particular factors  
10    and why ultimately his conclusions are wrong, and I think  
11    that's directly in the scope of reply testimony.

12            My focus here on reply is not to just repeat  
13    testimony, but to focus on specific issues raised during  
14    the defense case that specific witnesses have something  
15    that contradicts or puts that in the appropriate context,  
16    and that is our focus. And we intend to move very  
17    expeditiously through that.

18            But ultimately her -- as it relates to the  
19    pathologist, just like Kenny Kinsey, it relates  
20    specifically to the conclusions offered by the defense  
21    experts. These are not just mere repetition of the  
22    testimony already received, but comment on factors  
23    identified by those defense experts and why those are  
24    incorrect.

25            MR. HARPOOTLIAN: Your Honor, just briefly. Let's

1 take Mr. Kinsey for instance. There was testimony  
2 yesterday that our expert believes there were two shooters.  
3 Obviously something that he was not asked, obviously  
4 something that's a new matter, obviously proper for reply.  
5 But there are minute details perhaps that will be -- these  
6 witnesses will be questioned about, and simply because  
7 there might be a hook doesn't mean they get to go into  
8 everything.

9 I mean, this is -- again, we've taken -- this was an  
10 estimated three week trial. We're now in week six. This  
11 will be into week seven. It seems to me the State's  
12 position is let no dead horse go unbeaten. This has got to  
13 stop. Thank you.

14 THE COURT: Yes, sir?

15 MR. WATERS: Of course, the defense, of course, you  
16 know, when we had the meeting with Judge Price, at the time  
17 we all agreed with that estimate. It was not just the  
18 State. I realize this is going long. I intend to move  
19 expeditiously, but the State has the right and the  
20 opportunity to do appropriate rebuttal evidence to a  
21 defense case, and that will be the focus of the testimony  
22 here today.

23 MR. HARPOOTLIAN: Your Honor, the right they have is  
24 the same right I have. It's the right you allow. I just  
25 want to make sure. He hasn't got a right to do anything.

1 Thank you.

2 THE COURT: All right. Well, certainly the State  
3 cannot retry the entire case, but the State has the right  
4 to reply to contradict certain issues presented by the  
5 defense, or certain issues of credibility. It has to be  
6 finely tailored such that we don't create a situation where  
7 the court will be compelled to allow surrebuttal, which is,  
8 you know, almost unheard of.

9 You know, you mention *The State v. Prather*. You know,  
10 that was my trial. I was the trial judge in that case in  
11 Lexington County, a murder case wherein I allowed reply  
12 testimony actually by a SLED agent. The Court of Appeals  
13 in a two-to-one decision reversed the conviction; then the  
14 Supreme Court reversed the Court of Appeals and reinstated  
15 the conviction that was obtained before me. So, it can be  
16 a controversial and contentious issue almost -- it almost  
17 always is because there has to be a limit to the back and  
18 forth.

19 I'm surprised to hear the number of reply witnesses  
20 that the State says that it intends to offer. I do not  
21 know -- the case is so complex. We've had so much  
22 testimony. I cannot sit here in advance and rule as to  
23 what would be appropriate and whatnot. I just have to deal  
24 with it on an issue by issue, objection by objection basis.

25 And with that, let's bring the jury.

1 (The jury returned to the courtroom.)

2 THE BAILIFF: The jury is present, sir.

3 THE COURT: Thank you.

4 Good morning.

5 (Jurors responded good morning.)

6 THE COURT: Day number twenty-six, twenty-six. You  
7 have heard the defense's case. Now the State gets an  
8 opportunity to reply.

9 And you may call your first witness.

10 MR. WATERS: May it please the court, Your Honor? The  
11 State calls Ronnie Crosby.

12 The witness, RONNIE CROSBY, was first duly sworn and  
13 testified as follows:

14 THE CLERK: If you will have a seat on the stand. If  
15 you would, state your name for the record and spell your  
16 last name, please.

17 THE WITNESS: Ronnie Crosby, C-r-o-s-b-y.

18 DIRECT EXAMINATION

19 BY MR. WATERS:

20 Q Good morning, Mr. Crosby.

21 A Good morning.

22 Q I just want to go over a few things very quickly in  
23 reply to some of the defense case. And the first thing I  
24 want to ask you is you had previously testified about your  
25 close relationship with Paul, didn't you?

1 A Yes, I did.

2 Q All right, and over the years, did you ever have call  
3 to ride around the property with Paul, yours or his?

4 A More on my property but some on -- one or more  
5 occasions at Moselle as well.

6 Q What, if anything, would y'all carry when you rode  
7 around the property?

8 MR. HARPOOTLIAN: Objection, Your Honor. Not proper  
9 reply. This is about Paul.

10 THE COURT: All right. In response?

11 MR. WATERS: Yes, sir. This will be in specific  
12 response to the defendant's testimony and his statements  
13 as well. I can be specific. I don't want to do a speaking  
14 response but -- I can ask another question and maybe put it  
15 in focus, Your Honor.

16 THE COURT: Okay.

17 MR. WATERS: All right.

18 Q You heard prior testimony that you don't go around  
19 looking for hogs in the daytime because they're nocturnal  
20 from the defendant, did you not? Are you familiar that  
21 that was what was said?

22 MR. HARPOOTLIAN: Objection, Your Honor, if it's based  
23 on what he's heard or seen. I mean, is this a comment made  
24 to him or are we going to go into -- delve into the  
25 appropriate way to hunt hogs day or night? I mean, this is

1 not proper reply. I object.

2 THE COURT: The objection is overruled.

3 Q All right. Do you want me to --

4 A Yeah. If you don't mind, ask your question again.

5 Q Sure. All right. The first question is have you gone  
6 riding around the property with -- your property or the  
7 Moselle property with Paul?

8 A I have.

9 Q And what, if anything, would y'all carry when you  
10 would go riding the property?

11 A I believe the only time I rode with Paul was -- would  
12 have been looking -- riding, looking for hogs, and then  
13 more so on my property.

14 Q All right, and what, if anything, would you carry when  
15 y'all were looking for hogs?

16 MR. HARPOOTLIAN: Objection, Your Honor. Riding with  
17 Paul on his property, not Moselle.

18 THE COURT: The objection is overruled.

19 A Well, people who have hogs on their property, as a  
20 general rule you would always take a rifle with you, be it  
21 day or night, because you never know when you're going to  
22 see hogs. And because they are such a nuisance, as I spoke  
23 to earlier in my testimony, you always want to be, you  
24 know, prepared to shoot them. So, you would generally have  
25 some type of rifle with you, a long gun.



1 MR. HARPOOTLIAN: Objection, Your Honor. He's giving  
2 an opinion. He's not been qualified as an expert.

3 THE COURT: The objection is overruled.

4 Q All right. You've had plenty of experience in killing  
5 hogs on your property?

6 A Yes. I would disagree with Mr. Harpootlian. I am  
7 pretty much an expert about killing hogs.

8 Q You've had plenty of opportunity to go hunting with  
9 Paul?

10 MR. HARPOOTLIAN: I withdraw the objection, Your  
11 Honor. I apologize to the witness.

12 Q And you've had plenty of opportunity to go hunting  
13 with Paul or have him hunt on your property?

14 A Yes. I've been with him and he's been on my property  
15 many more times -- I didn't go with him every time he was  
16 on my property, but that's the general rule that you would  
17 have a rifle of some sort. Paul, as this jury has been  
18 told over and over, was fond of that 300 Blackout. I've  
19 been with him while he had it. I usually use some other  
20 type of AR framed gun to shoot hogs.

21 Q A .223?

22 A Well, a .223 or a 6.5 Creedmoor, which is on an AR10  
23 frame.

24 Q Would -- is it common, though, to carry your rifle and  
25 look for hogs in the daytime and to see hogs in the

1 daytime?

2 A Yes. You don't always see them. Sometimes night is  
3 better if you're using a night vision scope, but I've  
4 killed hundreds of hogs in the daytime riding. It's just  
5 something -- because they're such a nuisance in the  
6 Lowcountry and really across the state right now and across  
7 the South that we have a rule that you don't ride the  
8 property without a rifle because you want to try to  
9 eliminate as many hogs as you can. And we also trap them.

10 Q To your observation, did Alex have a good relationship  
11 with the local law enforcement community?

12 A My observation was Alex had a very good relationship  
13 with -- probably better than the rest of us saving his  
14 father.

15 Q Did you on multiple occasions go over in great detail  
16 Alex's original story as to what he did on the night of the  
17 murders?

18 A On more than one occasion, we discussed his story. As  
19 I testified to, I don't know how many weeks ago that was,  
20 but it was awhile.

21 Q And what, if anything, did the defendant tell you  
22 about whether or not he checked Paul and Maggie before  
23 calling 911?

24 A My understanding of what he told me was that he'd  
25 checked them before he called 911.

1 Q And was he clear on that point to you?

2 A That was clear to me.

3 Q When was the first time you've heard the defendant's  
4 latest story admitting that he was, in fact, at the kennels  
5 minutes before the victims were killed?

6 A I haven't watched all of this trial like a lot of  
7 people have, but when I heard that Alex was taking the  
8 stand -- I believe it was last Thursday -- I did set up my  
9 work station so that I could watch his testimony, and it  
10 would have been when he told you that he was at the kennels  
11 was the first time that I'd ever heard that.

12 Q Did Alex ever tell you that he thought the boat case  
13 had anything to do with the murders?

14 A Consistent with what Alex told in his testimony, he  
15 specifically told me that and told us that he did not  
16 believe that anyone on the boat had anything to do with it.  
17 I don't recall any other conversations with him related to  
18 the boat case, but he specifically did not believe, and I  
19 think that's what he said last week, that anybody on the  
20 boat -- but as far as anybody outside, you know, there was  
21 a lot of speculation going on, but I don't remember ever  
22 discussing that with him.

23 Q With him?

24 A Right, because we wouldn't know because everything  
25 beyond was, you know -- I don't know. It would have been

1 speculation, but I didn't have a conversation with him  
2 about that.

3 Q Did you ever have a conversation with the defendant  
4 about Barrett Boulware needing money because of his  
5 illness?

6 A And you're referring to -- yes, I did in -- I believe  
7 it would have been June of 2018.

8 Q And what was that discussion?

9 A Barrett and Alex were very -- what I considered to be  
10 very close --

11 MR. HARPOOTLIAN: Your Honor, again I object. This is  
12 improper reply.

13 THE COURT: All right, just a moment. Mr. Waters?

14 MR. WATERS: Yes, sir. He, the defendant, during  
15 cross-examination specifically asked that -- this  
16 particular transaction we're about to discuss, and Mr.  
17 Crosby's testimony would be a response to what the  
18 defendant said about the money inasmuch as he tried imply  
19 that, well, Barrett owed me money and it was justification  
20 for him stealing the money from one of his best friends.

21 MR. HARPOOTLIAN: He did not ask him about a  
22 conversation he had with Mr. Crosby about that money. This  
23 isn't proper reply. This is going off on another tangent.

24 THE COURT: I overrule the objection.

25 Q Can you tell us about that conversation, please, Mr.

1 Crosby?

2 A Yes. In the -- and if my year is wrong, but I believe  
3 -- because I didn't know exactly what you were going to ask  
4 me and I can go back and look at documents, but I'm sure  
5 it's in one of these exhibits when that occurred, the  
6 materials that Ms. Seckinger put in. I believe in June of  
7 2018, Barrett, who was a good friend of Alex's, a lot  
8 closer than me -- I think they were, in my perception, very  
9 close friends, but I had become friends with him and had  
10 done a couple of real estate transactions with him. That  
11 summer I received a call from his son-in-law. Barrett was  
12 in the Mayo Clinic with stage IV colon cancer.

13 MR. HARPOOTLIAN: Objection. Hearsay, Your Honor.

14 THE COURT: Objection is overruled.

15 A I do know for a fact that he was in the Mayo Clinic  
16 suffering -- being treated for stage IV colon cancer, and I  
17 received a call as to whether I could help Barrett  
18 financially --

19 MR. HARPOOTLIAN: Objection, Your Honor. Hearsay, a  
20 call.

21 THE COURT: The objection is overruled.

22 A Because his wife did not have enough money to stay.  
23 Barrett had some waterfront lots --

24 MR. HARPOOTLIAN: Objection, Your Honor. Hearsay.

25 All of this material came from somebody else.

1 THE COURT: The objection is overruled.

2 A I do know this from firsthand knowledge, Mr. Waters.  
3 I had already bought a lot from him. But anyway, he had a  
4 lot that he asked if I would buy so that they would have  
5 money to be able to -- for his wife to stay down in  
6 Jacksonville while he was receiving cancer treatment, and I  
7 had a conversation with Alex about that --

8 Q Tell us about the conversation you had with Alex about  
9 that. A I just told him, man, it's bad, you know.  
10 Barrett looks like he's going to die, and he did die in  
11 September of that year, and he acknowledged it and he said  
12 that it was good what I was doing for Barrett because he  
13 knew that he was in bad financial shape and obviously bad  
14 health.

15 Q And you were obviously a member of this law firm. In  
16 your review of records as all of this came to light, was  
17 that -- did that conversation take place around the time  
18 that the defendant was stealing some of Barrett's money?

19 A Yes. Through this investigation that y'all have heard  
20 about into the financial stuff, starting in early September  
21 of 2021 we started going through a lot of files, and as  
22 part of that process, somewhere I determined that in June  
23 of 2018, I believe, and I can't tell you the exact figure,  
24 but I believe it was a 70 something thousand dollars  
25 insurance check that was -- came to the firm on behalf of

1 Mr. Boulware that didn't go through the firm. It was just  
2 -- Alex took it that same month that we had that  
3 conversation. And then later there was some more money  
4 taken after he died.

5 Q I'm going to show you what's been marked as Exhibit  
6 575, State's 575, and see if you recognize that.

7 A Is that one of the SLED agents?

8 Q Do you not recognize him?

9 A Is that David Williams?

10 Q I'm asking you.

11 A I believe that's David Williams.

12 Q Okay.

13 MR. WATERS: Your Honor, at this time I would offer  
14 State's 575 into evidence.

15 MR. HARPOOTLIAN: Objection. Relevance.

16 THE COURT: What is the relevance?

17 MR. WATERS: Your Honor, the defendant specifically  
18 testified that when he had that initial interview with  
19 David Owen on June 8th, you know, as he manufactured his  
20 decision to lie about such a crucial fact, it was because  
21 he thought that David Williams was the guy interviewing  
22 him. This is simply a picture of David Williams so the  
23 jury can assess the legitimacy of that claim.

24 MR. HARPOOTLIAN: Your Honor, I object. He never ever  
25 said David Williams. He said David. That's the record.

1 THE COURT: All right. The objection is over --

2 MR. HARPOOTLIAN: He never said it was that guy.

3 THE COURT: It's admitted over objection.

4 (PHOTOGRAPH RECEIVED INTO EVIDENCE AS STATE'S EXHIBIT  
5 NUMBER 575.)

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

7 (Break in proceedings.)

8 Q That's who you recognize as David Williams?

9 A Yes. I didn't know him. I got to know him through  
10 this investigation, and I do believe he was the agent that  
11 was involved in the case with Mr. Greg -- Chief Greg  
12 Alexander that was referenced.

13 Q Clearly not David Owen, though, correct?

14 A Well, that's not David Owen.

15 Q Have you ever tried cases with Alex?

16 A I handle a lot of cases with Alex. I believe the only  
17 case I tried to a jury with Alex was actually here in this  
18 courtroom.

19 Q Did you observe him being able to get emotional during  
20 that closing argument?

21 A Yes. A couple months ago when we talked and you asked  
22 me what kind of lawyer Alex was and I told you he was a  
23 good lawyer, and one of the things that I think I explained  
24 to you was that he was a theatrical type presence in the  
25 courtroom and he could get very emotional doing closing



1 arguments in front of a jury.

2 MR. WATERS: Thank you. Please answer any questions  
3 the defense may have.

4 MR. HARPOOTLIAN: Thank you.

5 CROSS-EXAMINATION

6 BY MR. HARPOOTLIAN:

7 Q I hate to go here, but talk about hog hunting, which I  
8 know nothing about --

9 A You might not want to go there then.

10 Q I've been here so long I think I probably do need to  
11 learn how to hog hunt, but I guess my first question is  
12 this. Did you ever ride Moselle with Alex? Did you ride  
13 around Moselle with Alex?

14 A Probably -- I know I dove hunted there, so I believe I  
15 rode on a Ranger, but I don't ever remember doing much  
16 riding with Alex at Moselle. But I know I dove hunted  
17 there, and I'm sure I rode in a Ranger or some type of ATV  
18 with Alex, but I don't have a specific --

19 Q Well, when you're riding around dove hunting, you've  
20 got a gun with you, right?

21 A You would.

22 Q Would you take a shotgun to hunt dove?

23 A Yes.

24 Q Would you take an AR weapon, too?

25 A No.

1 Q Why? I mean, hogs are out there, right?

2 A Well, they don't usually come in a dove field when  
3 you're shooting dove, so I don't know. You just wouldn't,  
4 Mr. Harpootlian, typically. I mean --

5 Q But daytime, you're riding around the property, you've  
6 got a shotgun. Have you got a slug in that shotgun or are  
7 you using birdshot?

8 A You would shoot birdshot.

9 Q Okay. So if a hog came up, nothing you could do.

10 A If a hog came into a dove field with a bunch of dove  
11 hunters, they would shoot at him regardless.

12 Q Well, maybe you're on your way to the dove field. You  
13 don't -- the dove field is not right next to the house, is  
14 it?

15 A It's -- yes, it's right within a few -- a couple -- a  
16 few hundred yards.

17 Q Bordered by the swamp?

18 A The swamp is on one end of it, yeah.

19 Q Okay, and where do the hogs live during the day  
20 primarily?

21 A Well, they can live in the swamp; they can live in a  
22 bay. You know, it can be anywhere, but largely in the  
23 swamp.

24 Q Swamp. So, a hog could have come out of that swamp.

25 A Yes.

1 Q And you were unarmed.

2 A As I said, if a hog came in a dove field near somebody  
3 dove hunting, they would have probably shot it with a  
4 birdshot.

5 Q Would that kill a hog?

6 A If it was close enough, but unlikely.

7 Q But unlikely. So you have, in fact, ridden around  
8 Moselle without a gun to kill a hog, an appropriate gun to  
9 kill a hog.

10 A Well, yes. If I was going over to the dove field, I  
11 wouldn't have one.

12 Q But you've never ridden as Paul and Alex did that  
13 afternoon just looking at different -- like where deer --  
14 what do they call them, where they plant stuff for deer?

15 A The food plots?

16 Q Yeah, or looking around at how these fruit trees were  
17 doing. Do you remember the Snapchat video?

18 A I've never done that with Alex that I recall. I could  
19 have in the past, but I don't have a specific recollection.

20 Q Or where they plant some corn for -- I guess you use  
21 corn for deer and ducks.

22 A You do, but you don't plant them in the same spot.

23 Q I get that. One would be near a pond or in a pond or  
24 around a pond?

25 A Correct. They had a duck pond.

1 Q Right, and then the others would just be out where the  
2 deer might come out and try to be, right? Well, we don't  
3 need to go there.

4 A Yeah, I don't think -- yeah.

5 Q But you've never rode around like that with them  
6 looking at different plantings that you remember.

7 A I don't have a specific recollection of doing that  
8 with Alex.

9 Q But -- and -- would you -- you're not telling this  
10 jury that they would not do -- they would not -- they would  
11 do that without a Blackout. They could -- I mean, would it  
12 bother you or offend you or scare you that they're riding  
13 around the property during the daytime without the  
14 Blackout?

15 A No. I was answering questions about what's normal if  
16 you're looking for hogs or for just riding my property. I  
17 mean, most people carry a gun. But no, I have no idea what  
18 they had with them or what they were doing.

19 Q And I think Alex testified they were looking for signs  
20 of hogs because you could come back -- it would be a lot  
21 easier to find those hogs at night, right? They would come  
22 out more likely at night than they do during the day.

23 A They can become nocturnal when they have a lot of  
24 pressure. But as I said before, I've shot -- I mean, we've  
25 shot a lot of hogs in the daytime. You can ride up on them

1 and -- yeah.

2 Q Does anybody -- has anybody testified they were out  
3 looking to shoot hogs that afternoon?

4 A I don't know what all of the testimony has been in  
5 this trial.

6 Q All I'm saying is there seems to be some implication  
7 they would not ride around the property without an AR or  
8 some sort of Blackouts. You can't testify to that, right?

9 A I cannot.

10 Q Okay. So, let's talk a little bit about what you  
11 heard from Alex the night of June 7th. You would agree  
12 with me that -- well, let's ask it this way. What -- your  
13 practice is primarily personal injury. Is that correct?

14 A It is.

15 Q Catastrophic injuries.

16 A Well, I handle a lot of catastrophic injury cases.

17 Q Cases, for instance, where a husband and wife were  
18 riding down the road and hit by a tractor trailer. And, by  
19 the way of example, maybe you could give me something more  
20 specific. Husband is killed, wife is severely injured,  
21 that kind of thing. A Yeah.

22 Q Now, is it your experience that people who undergo --  
23 maybe they're not hurt but their loved one is hurt, maybe  
24 killed. In that situation, that's a traumatic experience  
25 for the surviving person, correct, to see their loved one

1 killed?

2 A Yes.

3 Q Okay, and so when you sit down with those folks and,  
4 you know, begin to recount with them what happened that  
5 night, often times -- I do a little work like you do --  
6 often times those folks misremember or get times wrong, or  
7 because they went through this very traumatic experience,  
8 and the closer to that experience, the more likely they are  
9 to get some things wrong. Times, for instance. Is that  
10 your experience?

11 A They can, but I also find that people who have been  
12 involved in traumatic experiences try to be very -- they  
13 try to be very accurate with the details because they know  
14 it's important to me representing them.

15 Q And typically you don't go out to the scene of the  
16 crime and interview -- or the scene of the accident and  
17 interview them that night, do you? Typically?

18 A Well, typically you don't because, you know, you don't  
19 know that it's happened.

20 Q Sometimes in the old days they used to do that, but  
21 they don't do that anymore, right?

22 A That would be very rare.

23 Q So, you're seeing them in your office weeks later?

24 A It can be. It can be days, it can be weeks.

25 Q Okay, and in that atmosphere, it was a little more

1 conducive to them being as accurate as possible, right?

2 A It is. But, you know, often times we also have the  
3 benefit of recorded interviews. When there's a  
4 catastrophic injury, typically the highway patrol will get  
5 -- try to interview people as quickly as they can, and they  
6 will -- we often times have it on video off a dash cam or  
7 sometimes body cam and a lot of times written statements.

8 Q And written statements from witnesses who saw it  
9 happen.

10 A Correct.

11 Q And so when you interview those people, they have the  
12 benefit of reviewing whatever you have to help them get a  
13 better recollection of what happened, correct?

14 A That's correct.

15 Q Okay. So, the instance you're talking about where  
16 Alex told you he turned them over before he made the 911  
17 call, whatever it was, I'm not quite sure -- before I think  
18 is what he said -- if that would be inconsistent with  
19 something he says later on after having reviewed other  
20 people's statements, looking at video, that would not be  
21 unusual in your business. I think you just said it would  
22 not be unusual, correct? Strike that.

23 A You're trying to take me somewhere that you probably  
24 don't want to.

25 Q No. I think I want to --

1 MR. WATERS: I would ask that the witness answer the  
2 question.

3 MR. HARPOOTLIAN: Withdraw the question.

4 Q Let me ask you this question. Maybe this gets to the  
5 meat of the matter here. Have you had to come out of  
6 pocket to pay back the money he stole?

7 A Yes, and if you --

8 Q How much? And don't tell me you don't know.

9 A Well, we're still counting, Mr. Harpootlian.

10 Q Well, how much have you paid so far?

11 A We have had to borrow millions to pay back because of  
12 his stealing.

13 Q No. How much have you had to come out of pocket?

14 A Well, when you borrow it, you've got to pay it back,  
15 and I couldn't tell you how much has exactly been paid back  
16 as of we sit here today. But, yes, and if you're implying  
17 that I would come in here and somehow shade truth in any  
18 way because of that, that's -- I would take high offense  
19 with that, Mr. Harpootlian.

20 Q Well, I'm not concerned about your high offense. Are  
21 you angry at him for stealing your money?

22 A I have no feeling one way or the other.

23 Q You don't have any feeling about Alex Murdaugh  
24 betraying you and stealing your money? You are -- I admire  
25 you. I don't know that I could look beyond that.



1 MR. WATERS: Objection, Your Honor

2 THE COURT: The objection is sustained. There's not a  
3 question. The jury is to disregard the argument.

4 Q You're not angry with Alex Murdaugh?

5 A I have had anger with him, extreme anger, Mr.  
6 Harpootlian, because of what he did to my law firm, my  
7 partners, my clients, his clients, our clients, what he did  
8 to his family, what he's did to so many people. Yes, I  
9 experience a lot of anger.

10 Q And that hadn't --

11 A But you can't walk around with anger. You have to  
12 find a way to deal with it and move forward, and I have  
13 done that. And if you suggest -- you're dead wrong. If  
14 you think I've come in here and told this jury something  
15 because of money when we're talking about two people who  
16 were brutally murdered, then you're headed in the wrong  
17 direction.

18 Q Do you think he did it? Do you think he --

19 A I don't have an opinion. I don't have the benefit of  
20 the materials you have.

21 Q Well, let me ask you this. You're angry with him. He  
22 stole million of dollars from your firm. You admit your  
23 firm is not even called the Murdaugh firm anymore, right?

24 A It is not. I don't admit that I'm angry right now; I  
25 told you I've gotten away from that. I don't have any

1 feelings because you can't walk around with anger. I have  
2 been very, very angry about it because of what he's done,  
3 and he did it in a very callus way, a very deceitful way.

4 Q And you carry no -- I'm sorry, maybe I just saw some  
5 anger there. Were you angry just a moment ago?

6 A No. You keep trying to push a question and don't want  
7 to accept my answer, which is what it is.

8 Q That you've just given -- you're -- you're zen, you're  
9 Nirvana, you're whatever the --

10 MR. WATERS: Your Honor, objection --

11 A Mr. Harpootlian --

12 Q Have you forgiven him?

13 A -- I came to the scene of these murders to support my  
14 partner. I was there. I saw things that haven't even been  
15 talked about in this courtroom. I was there. I loved Paul  
16 very much. I thought I knew who Alex was. I did not. And  
17 it's hard to -- you might not understand, but it's just  
18 hard to walk around with anger, and hard to even walk  
19 around with it when it's with somebody who you didn't know  
20 and didn't understand. So, you might have beat it in that  
21 way, but, you know, I've got to function. I've got a  
22 family. I've got to move on with life.

23 Q Were you aware that he went to rehab in 2017?

24 A I was not, other than what was said by Alex in this  
25 courtroom.

1 Q You never were aware he had a drug problem?

2 A I was unaware.

3 Q Okay. Sort of --

4 A And if I would have been -- known, I would have tried  
5 to help him.

6 Q You indicated that he could be emotional in trying a  
7 case, correct?

8 A He could be. He was theatric much like -- his father  
9 and grandfather had a courtroom theatrics and he could be  
10 emotional.

11 Q Any of your other partners that way? Johnny Parker?

12 A No, Johnny is quite the opposite. Johnny is very --

13 Q Laconic, I believe, is the best way to describe him.

14 A Yeah. He doesn't show emotion.

15 Q And how -- and nobody else in your firm was theatrical  
16 or emotional?

17 A Not to Alex's level.

18 Q You don't know any other lawyers in the state that go  
19 to that level?

20 A You're asking me a question right now I don't know.  
21 You might yourself. I don't know. I don't know what other  
22 lawyers do. I'm usually trying cases against defense  
23 attorneys, so I don't get to see plaintiffs lawyers  
24 anymore.

25 Q Okay. Well, I want to thank you for -- let me ask you

1 one last thing. This Boulware guy that he stole all of the  
2 money from, Mr. Boulware, do you remember him?

3 A Yes, I remember him.

4 Q How much money did he steal from him? Do you  
5 remember?

6 A He stole 70 something thousand in June of 2018. Mr.  
7 Boulware died in September, I believe, of 2018, and I  
8 believe another 270 something thousand after Mr. Boulware's  
9 death sometime in or around February 2019.

10 Q Have you and your partners paid Mr. Boulware's estate  
11 or his folks back?

12 A Yes. I met with them personally.

13 Q Okay, and even though it has cost you, your firm, and  
14 has cost millions of dollars to you, you have forgiven him?  
15 You buried those --

16 A I didn't say I forgave him.

17 Q You're just not angry about it anymore.

18 A I said I have no feelings, and I had to work on that,  
19 Mr. Harpootlian. You know, when you go through what we've  
20 gone through, not only the trauma of losing people we loved  
21 in a double homicide, seeing the aftermath, and then  
22 learning that someone you'd worked with for more than  
23 twenty years had been stealing throughout a period of time  
24 and deceiving us, there's a lot of emotion there. And,  
25 yes, it was bad in the fall of 2021, and I have found a way

1 to have no feelings. It's not forgiveness. It's just I  
2 don't have any feelings.

3 Q And you're not angry at him today. You're not angry  
4 at him at all.

5 A I'm not angry. If I raised my voice, it's only  
6 because of the implications you were trying to make out of  
7 it.

8 Q The implication that you might not want to help him in  
9 front of this jury here today because -- let me finish the  
10 question -- because he destroyed your firm, and he stole  
11 millions of dollars you had to pay back, he deceived you,  
12 all of that's away and is not influencing your testimony  
13 here today at all. If you would answer that yes or no,  
14 then you can explain.

15 A All of those things happened, and it does not  
16 influence my testimony. I take the oath that I just took  
17 very seriously, and if you've got any indication that  
18 anything I said was inaccurate, I'll be glad to address it  
19 with you.

20 Q Well, the jury can judge that.

21 MR. HARPOOTLIAN: Thank you.

22 REDIRECT EXAMINATION

23 BY MR. WATERS:

24 Q How long did you know Alex?

25 A Since the late 90s.

1 Q And knowing what you know now, was he able to look you  
2 in your eye and lie convincingly to you day in and day out?

3 A He did.

4 Q And was he able to look juries in the eye and display  
5 emotion?

6 MR. HARPOOTLIAN: Objection, Your Honor. That is not  
7 appropriate redirect, and it's leading.

8 THE COURT: The objection is sustained.

9 MR. HARPOOTLIAN: Thank you.

10 Q Mr. Harpootlian asked you about some of the things  
11 that you have gone through. And is your issue with Mr.  
12 Harpootlian's questioning the implication that you would  
13 come in and shade things in front of this jury?

14 MR. HARPOOTLIAN: Objection. Leading.

15 Q What is your concern with Mr. Harpootlian's  
16 questioning of you? Can you express that to the jury,  
17 please? All of that that he just went through with you,  
18 sitting up on the stand having to deal with this, what is  
19 your problem with what he was trying to say?

20 A Well, I fortunately -- well, let's start with I took  
21 an oath to tell the truth, but we as lawyers also have  
22 oaths and obligations to a court, and it goes a lot deeper  
23 than just that oath. We are bound by rules of professional  
24 conduct, ethical rules that I take very seriously as a  
25 lawyer. To my knowledge, I enjoy a very good reputation as

1 far as being a person of integrity, and that's what I took  
2 issue with was him attempting, because he cannot impugn my  
3 integrity.

4 Q That's fair. Would you take a .22 if you went out  
5 looking for hogs?

6 A Possibly a .22 Magnum, which is a long rifle.

7 Q It's just a long rifle?

8 A Yes.

9 Q You would take a long rifle, not a pistol. Is that  
10 correct?

11 A Yeah. I would never -- I'm not a good shot with a  
12 pistol, but I would never take a pistol.

13 Q And what was Paul's favorite gun for shooting hogs  
14 with?

15 A I knew he -- he always had a 300 Blackout, but I don't  
16 know if he shot them with anything else.

17 MR. WATERS: Thank you. Nothing further.

18 THE COURT: Anything further?

19 MR. HARPOOTLIAN: I'm sorry, Your Honor, I just can't  
20 leave this alone.

21 RECROSS-EXAMINATION

22 BY MR. HARPOOTLIAN:

23 Q Is the 300 Blackout that's in evidence his favorite,  
24 the 300 Blackout with a thermal scope on it?

25 A Yes.

1 MR. HARPOOTLIAN: No further questions.

2 THE COURT: You may step down.

3 (The witness exited the stand.)

4 THE COURT: You may call your next witness.

5 MR. WATERS: Your Honor, the state calls Dr. Riemer.

6 The witness, ELLEN RIEMER, M.D., was first duly sworn  
7 and testified as follows:

8 THE CLERK: Take a seat on the witness stand. If you  
9 will, state your full name again, please, and spell your  
10 last name for the record.

11 THE WITNESS: Yes. It's Dr. Ellen Riemer,  
12 R-i-e-m-e-r.

13 MR. WATERS: Just to advise, if everybody could seal  
14 the monitors please. If the media would be advised of  
15 that.

16 DIRECT EXAMINATION

17 BY MR. WATERS:

18 Q Dr. Riemer, I just want --

19 MR. WATERS: Just a moment.

20 (Break in proceedings.)

21 Q Dr. Riemer, I don't know if I'm necessarily even going  
22 to put them up on the screen. I am going to show you some  
23 images, and I know you have already seen these, and I don't  
24 want to belabor the point and I want to move quickly. But  
25 just very quickly, you've been previously qualified as an



1 expert in this trial in Forensic Pathology. Is that  
2 correct?

3 A Yes.

4 Q And you've done how many autopsies? Remind the jury,  
5 please.

6 A Around 5,500. Since I was last here, I've done a few.  
7 (Break in proceedings.)

8 Q You actually conducted the autopsies of Paul and  
9 Maggie in this case?

10 A Yes. I did both the autopsies at the request of the  
11 Colleton County Coroner, who called MUSC Forensic Pathology  
12 requesting autopsies on two individuals that died under his  
13 jurisdiction. I was not asked by the prosecution to  
14 perform an autopsy. It was an independent autopsy.

15 Q Your autopsy is independent. You're not hired by the  
16 prosecution or law enforcement or anything like that.

17 A No. It's just at the request of the coroner.

18 Q All right. You've had a chance to hear the testimony  
19 of the pathologist for the defense that testified  
20 yesterday?

21 A Yes.

22 Q All right. I want to ask you a couple of general  
23 questions, and then specifically to some of the conclusions  
24 that that individual reached. Just very quickly, with skin  
25 tags, can you tell me the reliability of that in

1 determining directionality just as a general matter?

2 A Yeah. Well, you know, we look at these things, but  
3 just like every other thing at -- you know, finding at the  
4 autopsy, we take it in the context. So, sometimes skin  
5 tags support your findings, and sometimes they're not  
6 really so reliable. So, you know, skin tags don't tell you  
7 necessarily the direction of a wound, especially going  
8 through very soft tissue.

9 Q All right. I'm going to show you a couple of the  
10 exhibits that have been previously introduced in this  
11 particular case. I'll be very careful with these. I'm  
12 going to show you what's been marked as Exhibits -- Defense  
13 Exhibits 159, 160, and 161. And if you could take those  
14 out and just tell me if you recognize those, and then  
15 please be mindful of the direction in which each individual  
16 is presented.

17 A Yes, I've seen these.

18 Q All right, and what are those images of?

19 A They're autopsy photographs of Maggie.

20 Q All right. You heard the testimony of the defense  
21 pathologist who testified yesterday that the directionality  
22 of the injury to the side of Maggie's head with the  
23 associated injury to the breast and the abrasion actually  
24 was coming from the top down as opposed to -- when I say  
25 top down, as if somebody standing upright as opposed from

1 going towards the bottom of the body up, correct?

2 A Yes, that's right.

3 Q All right, and can you please look at the images that  
4 you have and explain to the jury your conclusions, and why  
5 that defense pathologist is incorrect -- who didn't conduct  
6 the autopsy to begin with -- why he is incorrect?

7 A Okay. Well, do you want me to show the photos?

8 Q You can. And let's just go ahead and put them up on  
9 the screen. If you could step down, please.

10 MR. WATERS: If that's okay with, Your Honor?

11 THE COURT: Yes.

12 (Break in proceedings.)

13 Q First I'm going to show Defendant's Exhibit 160.

14 MR. WATERS: Are we secure? Are we good?

15 Q And that's Defense 160. And, Dr. Riemer, if you  
16 could, again, explain to me your specific findings and how  
17 they relate to the testimony from yesterday.

18 A Yes. So, we have the abrasion on the shoulder  
19 clavicle area. And then we have an entrance defect in this  
20 left side of the face. And you can see a hole, it's a  
21 hole, and it's a defect in the left temporal lobe, which is  
22 included in my autopsy report. That could only have  
23 happened from that being an entrance wound.

24 Q Okay, and you mentioned during your testimony the  
25 concept of a diastatic fracture. Does that in any way

1 relate to your conclusion in this regard?

2 A Yeah. The diastatic fracture is when there's a  
3 separation of skull bones along suture lines, which form  
4 during -- which solidify during childbirth. And usually it  
5 takes a lot of intracranial pressure to fracture the skull  
6 along the suture lines.

7 Q All right, and does that relate to the conclusion that  
8 this had to be an entry wound?

9 A Yeah. Well, that's a finding. That doesn't prove  
10 that this is an entrance wound, but what I do, I have a  
11 path through the left temporal lobe, and there's a -- you  
12 know that -- and that is the -- that was associated with  
13 the diastatic fracture because of the increased pressure  
14 wound.

15 Q All right, and one of things you're telling this jury  
16 is you, who actually --

17 MR. HARPOOTLIAN: Objection. Leading.

18 Q Were you actually able to observe a hole associated  
19 with an entry wound when you physically performed this  
20 autopsy?

21 A Yes. I physically performed the autopsy. And the way  
22 I determine direction is I have a hole below the left ear,  
23 which went into the brain, and so that's not going to  
24 happen in the opposite direction. And I understand that  
25 people can look at pictures. Does not -- that's like a two

1 dimensional view, but doing the autopsy makes certain  
2 information available to the pathologist that is not  
3 available to an individual not performing the autopsy. And  
4 I have that information in my report, which was not, you  
5 know, not -- which was, I guess, overlooked or something.

6 Q Overlooked by the defense pathologist.

7 A Yes, I'm sure.

8 Q All right. I'm going to show you now Defense  
9 Exhibit 161. And there was some testimony from the defense  
10 pathologist about trying to determine directionality from  
11 this particular image. And can you please tell the jury  
12 why that pathologist is wrong?

13 A All right. Well, you know, when we have tears of the  
14 skin -- and this is a lot of tears of the subcutaneous  
15 tissue, especially in a very soft area of the body where  
16 there's a lot of fat, there's a lot of stretching, and it  
17 doesn't necessarily -- we can move the tissue of the breast  
18 and sort of -- you can either get the points to go in two  
19 different directions. This is not very impressive. It's  
20 not even really worth observing any of the -- any of the  
21 skin tags. It's really very nonspecific. And I think he  
22 has a very good imagination for -- for seeing that in this.

23 And it's -- you know, skin tags can be there.  
24 Sometimes they support your findings, sometimes they don't  
25 support it, but they don't take the place of determining

1 the path of the wound by actually following it through the  
2 body.

3 Q I'm going to show you finally what's been marked as  
4 Defense's 159. And is this also a representation, sort of  
5 a hole that you determined and were able to physically  
6 observe as an entrance wound on the side of Maggie's head?

7 A Yes.

8 Q All right. Let's talk a little bit about Paul. And  
9 you heard the defense pathologist and their subsequent  
10 expert talk about there being a contact wound to the top of  
11 Paul's head. Is that correct?

12 A That's what he said.

13 Q All right, and you, of course, have already testified  
14 during your direct testimony that there's no way for this  
15 to be a contact wound, but now you have specific  
16 observations about the defense's conclusions.

17 A Yes. Well, you know, I didn't think it was necessary  
18 for me to point out every feature, physical feature of the  
19 wound that demonstrates that the entrance was to the top of  
20 the left shoulder and then went into the left side of the  
21 head before exiting the top of the head.

22 Now, before I go on, I do want to say that I agree  
23 with the book that keeps being brought up: that when there  
24 is a contact shotgun wound to the head, there is massive  
25 gas expansion within the cranial cavity, within the skull.

1 And what that does, it doesn't just create a hole with  
2 some, you know, bones. This was -- I understand this was,  
3 like, the most severe thing you have ever seen, and you  
4 probably can imagine that the damage to the head couldn't  
5 be any worse, but a contact shotgun wound to the head with  
6 the associated gas expansion to the skull would not have,  
7 you know -- his face was basically intact. We would have  
8 had tears of the skin, and his eyes would have been either  
9 displaced from the orbital bones -- the orbital bones were  
10 intact.

11 Any time there's massive gas build up within the  
12 cranial cavity from a contact shotgun wound to the head,  
13 which the book does say, is when we have the worst gas  
14 expansion. The entire face -- he would have not even had a  
15 face left. I mean, it sounds like -- I know what you saw  
16 was awful, and it was absolutely awful, but the damage  
17 would have been a lot worse. He would have had -- like the  
18 sides of his head would have gotten -- he would had -- you  
19 know, his entire face would have been split open. Because  
20 there's no way all of that gas expansion could occur and  
21 not cause fractures of these delicate bones in the face.  
22 His forehead was even still there. So, you know, it is --  
23 I agree with the book, that a contact shotgun wound would  
24 cause severe gas expansion and damage to the head.

25 What we have here is not consistent with a contact

1     shotgun wound to the head. The damage to the head would  
2     have been much worse, even though this was already  
3     horrible. Okay. That being said, there are  
4     photographs here.

5     Q     Yeah, and I'm going to show you what's already been  
6     admitted into evidence as State's 486. And if you could,  
7     Doctor, just talk a little bit about this image as it  
8     illustrates what you're talking about with the face, but  
9     also, if you could talk -- go ahead and talk about with the  
10    face, and then I want to talk about shoulder a little as  
11    well.

12    A     Yeah. There's, like, no skin torn apart in his face.  
13    His eyes are still in the correct locations. You know,  
14    it's hard to imagine that, you know, anything can be worse  
15    than a hole at the top right side of the back of the head.  
16    But in my twenty-plus years of experience doing autopsies  
17    and seeing contact gunshot -- contact shotgun wounds to the  
18    head, which are associated with massive gas expansion in  
19    the skull, this entire face, he would have had tears, you  
20    know. Eyes would have been either hanging down or lost or  
21    blown out. There's no way that this -- these features are  
22    consistent with a contact shotgun wound to the head.

23    Q     All right. Now, there's been some -- there was some  
24    discussion by the defense pathologist about shaving the top  
25    of the head for stippling or checking for stippling, and



1 can you comment on the necessity of that in your actual  
2 autopsy that you conducted for the jury?

3 A Okay. So, you know, he also said that sometimes we  
4 actually don't see the soot at all, and if Dr. Riemer had  
5 shaved there, she would have had the opportunity to see  
6 this.

7 So, suppose I didn't see soot or I did see soot.  
8 First of all, I'm confident there would not have been soot  
9 because this -- the features of this wound are not  
10 consistent with a shotgun wound to that location. First of  
11 all, the damage to the head and the face would have been  
12 far more severe than it was. And then also the wounds to  
13 the shoulder and left side of cheek have all the features  
14 of entrance wounds.

15 Q All right, and one of the things discussed by the  
16 defense experts was sort of the large sort of oblong shape  
17 of the shoulder. Can you explain how that does not  
18 contradict your findings of that shot coming this way that  
19 we see this injury here? And I'm going to actually put up  
20 Defense Exhibit 162 to illustrate what we're talking about.

21 A All right. Well, you know -- so, we've got basically  
22 an oblong wound here, and that's because the wound is  
23 entering at an angle along the top of the shoulder. It's  
24 not hitting the shoulder at a perpendicular angle. So,  
25 we -- it kind of is grazing along the top of the shoulder.

1     Okay. Now, is this -- okay, and so actually, you know, he  
2     did say -- he said that the pellets are going down. Okay.  
3     Well, if you look at it as an entrance wound, they're  
4     actually going up, so it depends where you're looking at it  
5     from.

6             If he's thinking that this is an exit wound, that this  
7     is -- you know, we're at the end of the wound path, then it  
8     would look to him as if the pellets are going down. But we  
9     can see this is actually an entrance wound for a few  
10    reasons. First of all, if it were an exit wound, do you  
11    remember all of those pellet exhibit wounds on Paul's left  
12    arm that came from the chest? The pellets are not just  
13    going to stop in the shoulder. There's, like, no  
14    resistance there. The pellets are going to continue going  
15    until they exit the left side of the arm. Okay. So, they  
16    don't just stop there. The reason they're here is that's  
17    because they started there. Okay?

18            In addition, you see all of this white material here  
19    on the edge of the entrance wound? That's styrofoam  
20    packing material that's between the pallets, you know. So,  
21    the pellets are contained within wadding, and there's  
22    styrofoam packing material between, and that would never  
23    have been deposited there. So, I did not think it was --  
24    when I was telling you the direction, my determination of  
25    the direction of this wound, I did not have to necessarily

1 -- it was my, you know, my expert -- I'm an expert at  
2 determining -- forensic pathology includes establishing the  
3 direction of the wounds. And because of all of these  
4 things, this was my determination.

5 Okay, and now, there's another feature of this  
6 photograph. Do you see that this -- this coming into the  
7 left side of the -- this is what I determined, left side of  
8 the cheek, and we've got all sorts of abrasions around  
9 here. Now, it doesn't have the classic -- you know, what  
10 we saw on Paul's chest had that -- those little petals, so  
11 we knew that the wadding was starting to open up. But in  
12 this case, there was wadding that was probably open as  
13 well, so we have some pellets already starting to come out.  
14 You know, they're not -- it's not entering within the  
15 wadding, but the wadding was going along and entering  
16 there. We don't have all of this abrasion around the left  
17 side of the cheek -- the chin/neck area, and that's  
18 consistent with -- we don't -- we're not going to have that  
19 abrasion if it's coming out. It's going to push the skin  
20 out. We're not going to have an abrasion, so, you know,  
21 all that we have -- and, you know -- but even common sense,  
22 we have that styrofoam packing material on the outside of  
23 the arm.

24 In my determination, this went up, through the left  
25 cheek, out the right side of the top of the head. If it

1     were a shotgun entrance wound contact to the head, I don't  
2     care whether -- there's no -- there's no way his entire  
3     facial bones and skin -- his ears would have been flopped  
4     down. There's so much gas expansion that the damage to his  
5     head would have been much worse. So, that's based on my  
6     experience for doing this.

7             And, you know, I just don't know how -- I didn't  
8     mention that styrofoam packing, but that's from when the  
9     pellets are coming in. And he said, oh, you can see  
10    they're going down. That's because he's looking from  
11    above, so he -- but if you look at where I believe and I  
12    determined by doing this autopsy that entrance wound is,  
13    it's actually going up. So, it depends which side of the  
14    pellets you're looking at.

15            And just logically, if this was an exit, the pellets  
16    wouldn't have just stopped there. They have a huge amount  
17    of energy. They're going to continue through the arm and  
18    have individual pellets. They wouldn't have all just been  
19    concentrated like that. So, you know, we can use our  
20    powers of logic, which I think, you know, we all have to  
21    understand how this is an entrance wound that exited the  
22    right side of the top of the head.

23    Q     Dr. Riemer, having specifically -- and you can take a  
24    seat now. Thank you very much. Having specifically  
25    addressed the specific criticisms of the defense

1 pathologist, in your expert opinion, having actually done  
2 the autopsies in this case, is there any way that could  
3 have been a contact wound to the top of the head?

4 A No.

5 Q All right, and having addressed the specific concerns  
6 of the -- and testimony of the defense pathologist as it  
7 relates to Maggie, is your conclusion still that the shot  
8 went in the direction as you described before this jury?

9 A Yes. I disagree with his conclusions.

10 Q All right.

11 MR. WATERS: Thank you very much, Dr. Riemer. Please  
12 answer any questions that the defense counsel may have.

13 CROSS-EXAMINATION

14 BY MR. HARPOOTLIAN:

15 Q Dr. Riemer, good to see you again.

16 A Hello.

17 Q So, you took pictures, correct?

18 A I took pictures. I wish I took more pictures now, but  
19 I took pictures.

20 Q I'm sorry, what --

21 A Yes. I would -- wish I took more, even more pictures.

22 Q So do we. So, you made notes which you converted into  
23 an autopsy, of course.

24 A Yeah. It's a standard operating procedure.

25 Q Yeah, yeah, I know. And so -- and that's done so that

1 somebody else can look at your work and see if they agree  
2 or disagree with you because --

3 A No. The notes are, are work product for me while I'm  
4 preparing, doing my examination. I don't always -- I take  
5 notes, I write numbers, but that is really for me so I can  
6 incorporate findings into to an autopsy report that I'm  
7 going to write. And I don't write it the same while I'm at  
8 the table. I need to go in -- maybe I'm going to do it the  
9 next day, that night.

10 So, you know -- but it's not done -- you know, people  
11 say, oh, can I have the copy of the autopsy diagram? Well,  
12 these are not autopsy diagrams that are meant for other  
13 people to look at, and sometimes they're not even  
14 completely accurate because I mark things on the outside of  
15 the body that later on during the course of the autopsy I  
16 determine -- I'm, like, oh. Well, that's what that is.  
17 And it may not be what I initially wrote down. But by the  
18 time the autopsy is over, I put it all together. And  
19 that -- a diagram or notes do not necessarily reflect  
20 everything, you know, that I concluded.

21 Q Do you still have your notes in this case?

22 A They -- I imagine they would be in the file, but as I  
23 told you, this is -- this is -- my notes are not  
24 necessarily the conclusion that I came to.

25 Q Did you produce them to the State?

1 A I don't know what I did. I did -- personally -- yeah.  
2 If they were asked for, I'm sure I did.

3 Q Did you produce them to us?

4 A No. I don't think -- I don't remember producing them  
5 at all. I don't have a request for those notes in my file.

6 Q But those notes would be your present sense impression  
7 as you're doing the autopsy, correct?

8 A Well, they can have a lot of things written down on  
9 them.

10 Q But we don't know because we didn't get them, right?

11 A Well, they're not important. What's important is  
12 they're my notes. They're for me. They're an aid to the  
13 pathologist to -- so if -- even if I thought something  
14 initially, and then I -- after I -- while I do the autopsy,  
15 by the time I get to the end I could disagree. I don't  
16 necessarily go back and change the diagram. I'm not --  
17 it's my work product. It's for me, to aid me in writing my  
18 autopsy report. It's not for public view. It's not a --  
19 it's not a statement of my conclusions.

20 Q Okay. Did you review those notes before your  
21 testimony previously or today?

22 A No.

23 Q Okay. So, you just go with your report.

24 A Well, I reviewed my report, correct.

25 Q Right, but you don't go back and look at your notes.

1 A No.

2 Q So, let me ask you some basic questions here. You  
3 previously testified that the muzzle of the shotgun for  
4 this wound here that goes through his neck and out the top  
5 of his head was about 3 feet away.

6 A That would be about right.

7 Q Okay. Now, you're familiar with this page from -- I  
8 believe you described it --

9 A Oh, yes, I've seen it many times.

10 Q Okay, and as you, see the gas comes out, right, in the  
11 first shot.

12 A Yes.

13 Q And then actually there's sort of a blowback of gas as  
14 the -- we can see right here, the projectile, which is the  
15 pellets are extruding from the barrel, right? I mean, the  
16 gas pushes the pellets out.

17 A Well, there's gas expansion and that helps propel the  
18 pellets, yes.

19 Q Okay.

20 A I agree with the book. This was not a contact shotgun  
21 wound to the top of the head.

22 Q Okay. Well, the book doesn't say that. But what the  
23 book does say is that as the pellets come out, at some  
24 point they begin to -- the container opens and the pellets  
25 expand, or move out in a pattern, a circular pattern, that



1 becomes bigger as the -- the further away you get, correct?

2 A Yes, and that's what we have here. But this is  
3 actually demonstrating specifically a contact shotgun wound  
4 to head. But we do have splaying outward of the pellets.  
5 We can see on the left shoulder they're fairly clustered  
6 together because they're first starting to be released from  
7 the wadding, and they did spread out. We have some of them  
8 down in the neck, some of them in the brain, and so they  
9 are spreading out. I don't see how, you know, you're --  
10 yes, it's a respected treatise, but this is specific to a  
11 contact shotgun wound to head. This is what this is  
12 describing.

13 Q Really?

14 A Well, it's -- you know, it doesn't matter. I can look  
15 at my photos. I can look -- if you're going to talk about  
16 theory, the photos --

17 Q Doctor --

18 MR. HARPOOTLIAN: Your Honor, I would ask you --

19 MR. WATERS: I would ask him to allow her to complete  
20 her answer --

21 MR. HARPOOTLIAN: I would ask you to tell the witness  
22 to be responsive. She is going on a diatribe --

23 MR. WATERS: I object.

24 MR. HARPOOTLIAN: Excuse me, I'm asking the Court to  
25 instruct her to answer the question as specifically as she

1 can. She goes off on tangents and --

2 MR. WATERS: Your Honor, I object --

3 MR. HARPOOTLIAN: I'm sorry. I'm sorry.

4 THE COURT: Mr. Harpootlian.

5 You may continue answering the question.

6 Q Do you remember what the question was?

7 A No. That's your question.

8 Q Is this series of shots from the book depicting a  
9 contact wound? I think that's what -- understand --

10 A Yes.

11 Q Yes. Okay. So where -- if you'd step down here, show  
12 me, please, where the contact is with the body or the head.  
13 Here, let me give you this pointer.

14 A Well, the contact would be at the first area.

15 Q Right here?

16 A Yes.

17 Q Well, what's it contacting?

18 A It's not -- it's just a theoretical depiction. It's a  
19 theoretical --

20 Q Is that what the book says?

21 A Well, I don't recall the exact -- why don't you read  
22 it to me.

23 Q Well, why don't you tell me. Is that a contact wound?

24 A I don't know what is. This?

25 Q That's a shotgun.

1 A That's a shotgun.

2 Q That's a shotgun being fired. Those are the pellets  
3 coming out.

4 MR. WATERS: Object, Counsel is testifying.

5 A I think, you know, this is -- this is a book, you  
6 know, showing, showing the series of steps after a shotgun  
7 is fired.

8 Q If this --

9 A But it has nothing to do with what I found in the  
10 body, and does not help me determine the direction of the  
11 wound.

12 Q All right. So --

13 A And I'm not going to describe to you -- you can read  
14 it in the book. I don't remember what -- how he says all  
15 of this.

16 Q The book isn't testifying. You are. You've testified  
17 that depicts a contact wound, yes?

18 A Well, I don't, you know, I don't know what this is  
19 depicting. It could be that this is a contact wound. I  
20 don't know where you're going with this.

21 Q Well, here's where I'm going. Is that barrel in  
22 contact with anything?

23 A It's not in contact with anything. It looks like it's  
24 just blowing into the air.

25 Q Okay, and you had --

1 MR. WATERS: Let me stand on the other side, please.

2 MR. HARPOOTLIAN: That's fine.

3 Q And your testimony is that barrel is at least 3 feet  
4 away from Paul's shoulder. Is that correct?

5 A It could be. You know, depending on the weapon it  
6 could be. It's not closer than 2 feet because we don't  
7 have the stippling, but we do have packing material.

8 Q Okay. So as we see here, these pellets are beginning  
9 to separate. Is it your testimony that those pellets have  
10 separated when they hit Paul's shoulder at all?

11 A There is -- they are starting to separate. We don't  
12 have the complete, you know, widening of it. They're still  
13 relatively clustered together, but they're not as close as  
14 they would be if they were still contained within the  
15 wadding.

16 Q Okay. Now at 2 feet, is there any gas left, or is it  
17 all dissipated like this picture shows?

18 A Well, you know, what we have here, if there was more  
19 gas, if it was a contact wound to here --

20 Q It's not a contact --

21 A I understand.

22 MR. WATERS: Your Honor --

23 A The gas -- you know, you're wanting me to say yes or  
24 no --

25 Q Yes or no.

1       A     -- and I can't because I have the knowledge to explain  
2       how this relates to examining the body. I don't give  
3       theoretical talks or -- you know, I don't start looking up  
4       in this book while I'm doing an autopsy. I use my  
5       practical reasoning and my experience and knowledge of  
6       that.

7       Q     If, if there had been gas in the wound when it hit his  
8       shoulder or his neck, would you expect to find some  
9       physical manifestation of that?

10      A     Well, there would have been, you know, a lot more  
11      expansion, shoulder expansion. This was fairly contained  
12      on the left side.

13      Q     So, you would -- your testimony is it would have been  
14      little or no gas going through his shoulder to his neck.

15      A     Well, there was always some gas, but it's not the kind  
16      of gas that we get in contact shots.

17      Q     Exactly. So -- and let me -- you can go ahead and  
18      take the stand again, please.

19             (Break in proceedings.)

20             MR. HARPOOTLIAN: I'm sorry, it's going to take a  
21      minute to get -- no, not that one. Paul.

22             THE COURT: Ladies and gentlemen, I'll have you go to  
23      the jury room for a break. Please do not discuss the case.

24             (The jury left the courtroom.)

25             THE COURT: Doctor, you may step down. Please do not

1 discuss your testimony with anyone.

2 We'll take about 10 minutes.

3 (A break was taken.)

4 THE COURT: You may bring the jury.

5 (The jury returned to the courtroom.)

6 THE BAILIFF: The jury is present, sir.

7 THE COURT: All right. You may continue.

8 MR. HARPOOTLIAN: I'm sorry. I've got it right here.

9 CONTINUED CROSS-EXAMINATION

10 BY MR. HARPOOTLIAN:

11 Q Doctor, I would ask you to look at this photo and tell  
12 me if this is one of the photos from your autopsy.

13 A Yes.

14 Q Okay. That's all I need. Thank you.

15 MR. HARPOOTLIAN: Your Honor, I would offer this  
16 Defense Exhibit Number 195 into evidence, please.

17 MR. WATERS: No objection, Your Honor.

18 THE COURT: It's admitted.

19 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 195 WAS  
20 RECEIVED INTO EVIDENCE.)

21 MR. HARPOOTLIAN: So, could we put that up on the  
22 screen, please? And before I lose it, let me hand this  
23 to you. Thank you.

24 Q So, what are we looking at here?

25 A Do you want me to come -- oh, here it is.

1 Q No. Just tell me what it is.

2 A So, this is an entrance shotgun wound to the left  
3 shoulder area.

4 Q Okay, and you a moment ago said something about  
5 packing material. What is packing material?

6 A Yes. So, there is foam that is frequently within --  
7 between pellets --

8 Q I'm sorry. Just a moment.

9 MR. HARPOOTLIAN: Your Honor, I can't hear her because  
10 of the noise coming through the door. I apologize, but I  
11 just need to understand what she's saying. I apologize.  
12 May I begin?

13 THE COURT: Yes, sir.

14 Q The packing material, let's start over again. Tell me  
15 again.

16 A Yes. So, it's frequently present in the wadding along  
17 with the pellets that sort of help keep them together.

18 Q Okay. So the wadding -- you've got the powder,  
19 wadding, shotgun pellets, and are these -- is it in the  
20 pellets or is it closer behind it in the wadding?

21 A It's within the wadding.

22 Q Okay, and you indicated you saw some packing material.

23 A Well, that is very consistent with, you know, with a  
24 little bit of packing material that would -- as we have  
25 pellets going into the shoulder, and some of the packing

1 materials are depositing on the skin.

2 Q And is this a picture of the packing material?

3 A There is -- there is some of the white material, yes,  
4 on the skin, correct.

5 Q Did you note that in your autopsy report?

6 A No, it's just a general observation.

7 Q Okay. Is it important it was there?

8 A It didn't matter to me whether it's there or not, but  
9 it does reinforce that it is an entrance wound.

10 Q But you concede it was not in your autopsy report.

11 A Well, all of the totality of my findings I -- I don't  
12 always write every little thing in my autopsy report. I  
13 can go on, you know -- it could be 50 pages, an autopsy  
14 report. I include the findings, my determinations, and I  
15 could have mentioned it, but I did not.

16 Q And why not?

17 A Because it's not always necessary to mention that kind  
18 of thing.

19 Q Is it evidence of anything?

20 A Well, I do believe that that supports an entrance  
21 wound, although it's -- I don't -- I'm not -- I don't  
22 require myself to see it in order to make that  
23 determination.

24 Q But you agree with me it supports your conclusion,  
25 correct?



1 A Yes.

2 Q And you didn't put it in your autopsy report.

3 A That's correct.

4 Q Would it be in your notes?

5 A No.

6 Q Okay. So -- and could you step down here and show me  
7 what the packing material looks like? And there's a  
8 pointer over there behind you. You probably want to stand  
9 over here so the jurors over there can see it.

10 A This is what I believe to be consistent with a packing  
11 material.

12 Q And did you remove any of that to be analyzed or  
13 forensically examined?

14 A No, I did not.

15 Q Okay, and while we're looking at this picture, you can  
16 see -- actually see some shot in there, right?

17 A Yes.

18 Q And that shot is -- is that -- I mean, that's  
19 pretty -- that area right there is much wider than this  
20 entrance wound in his cheek, is it not?

21 A The -- yes. This entrance wound is larger than this  
22 entrance wound here. And I believe I actually went over  
23 this last time. Frequently there is an enlargement of the  
24 wound as it goes along, but in this case we have a wound  
25 going along the top of the shoulder, so it's going to be

1 oblong. As it enters the left neck area, it's entering  
2 more at a right angle perpendicular to the jaw, so it's  
3 going to appear smaller, and that has nothing to do with  
4 spreading of pellets.

5 Q Okay. Well, let's ask -- we'll pursue that a little  
6 bit more. You see that pellet that's clear, it's there --

7 A This pellet?

8 Q Right, and then you see a pellet above it. Do you see  
9 that right --

10 A Where?

11 Q Right -- let me put my glasses on. Is that a pellet?

12 A Yes. It may be a pellet, yes.

13 Q Okay. So, we have -- if you would step back just a  
14 little bit so this juror can see? We have pellets coming  
15 in like this, correct?

16 A Well, you know, they're all -- they're kind of banging  
17 against each other. We have -- the wound track is from  
18 left to right, and we do have pellets that are in there.  
19 They didn't continue -- they stopped in there, so they're  
20 not all continuing through.

21 Q Okay. How many pellets were captured in his shoulder?

22 A I captured -- I don't know how many I captured. I  
23 collected a sampling of the pellets that were along the  
24 wound path.

25 Q But you took x-rays.

1 A Yeah. But, you know, that doesn't -- that's not  
2 necessarily the total amount because some of them, you  
3 know, exited. Some were in the brain. So, the x-rays were  
4 taken without the brain and the head where the brain is.

5 Q Okay, but you did -- they did send you the brain.

6 A Yes.

7 Q Did you take x-rays of the brain?

8 A No.

9 Q Why not?

10 A I didn't take x-rays of the brain --

11 Q And the reason is --

12 A -- because I determined that that wasn't necessary for  
13 me at the time.

14 Q To support your conclusion.

15 A I didn't take x-rays of the brain. I guess hindsight  
16 is always 20/20. I could have taken x-rays of the brain.  
17 I could have taken more photos. I could have taken a photo  
18 of the brain at the autopsy. I did not. And I would have  
19 liked to, but, you know -- I can tell from the examination  
20 of the body that I had an entrance wound on the left  
21 shoulder and it's exiting at the top of the head. It's not  
22 a contact wound to the top of the head. That's my  
23 determination.

24 Q Okay, but the reason you didn't take x-rays of the  
25 brain was you'd already reached your conclusion, correct?

1 That you didn't need it because this was an entrance wound.

2 A Well, I did not because I felt comfortable with my  
3 determination.

4 Q And decided, therefore, not to take x-rays of the  
5 brain.

6 A Well, I don't always take x-rays of every organ. I  
7 was comfortable I would be able to recover some elements of  
8 the brain, and it wasn't necessary to show the spread.

9 Q How many cases have you been involved in where the  
10 brain literally exploded out of the head, I mean, that  
11 weren't suicides?

12 A Where the brain exploded out of the head?

13 Q Well, as the book describes it.

14 A Well, I think that the determination that an entrance  
15 wound to the top of the head contact range, all of that gas  
16 expansion would not have -- the brain would not have  
17 escaped that. It would have -- there would have been a  
18 defect cavity, or fragmentation of the brain, which was not  
19 there. You can see the brain actually --

20 Q Do you remember what my original question was?

21 A What was your question?

22 Q Okay. My question was how many cases have you done an  
23 autopsy of a contact wound to the top of the head which  
24 wasn't a suicide?

25 A Very, very few.

1 Q Less than one?

2 A I don't remember exactly, but it's not a -- usually  
3 contact shotgun wounds -- usually contact shotgun wounds  
4 are suicides.

5 Q And typically it's on the mouth.

6 A They can be under the chin --

7 Q Under the chin.

8 A -- in the mouth. Sometimes they're to the side of the  
9 head. There are people that do shoot themselves on to the  
10 top of the head as well. And I can't recall exactly if I,  
11 you know, if I remember any of this.

12 Q On all of those cases, did the brain explode out of  
13 the cranium?

14 A No.

15 Q So, you would agree me that, that, that the way that  
16 a -- well, strike that. Let's go a little bit further with  
17 where we're going here.

18 MR. HARPOOTLIAN: Could you put up the x-ray of the  
19 shoulder, please?

20 You can go ahead and take your seat and testify from  
21 up there.

22 (Break in proceedings.)

23 Q Can you tell us what this is?

24 A Yes, they are -- they are pellets. And I have his  
25 shoulder, you know, kind of out when I take the wound. We

1 have some pellets remaining in the shoulder area. We have  
2 some disruption of the shoulder tissue here, some of the  
3 bone, and then we have some -- we actually have this  
4 less -- we have more spread. They're more spread out as  
5 they're going closer to the neck.

6 Q So, there are pellets in the top of the arm, in the  
7 shoulder? Where is this, right up in here?

8 A Yes.

9 Q Okay, and then there's additional pellets it looks  
10 like down below that like near his ribs, correct?

11 A That's because it's starting to spread, yes.

12 Q And it's starting to spread to get to this place right  
13 here that --

14 A What place?

15 Q Is this where the -- I mean, is this --

16 A Now it's in the neck.

17 Q It's in the neck. Okay.

18 A And I indicated that I recovered -- it's going -- it's  
19 over here. Then some of it is actually in the trachea as  
20 well. So, that's the windpipe of the neck. So, we have  
21 some in the neck. This is the chest area. It did not go  
22 into the chest.

23 Q Okay.

24 MR. HARPOOTLIAN: Let me see another x-ray, please.

25 What was that exhibit? I'm sorry. I didn't announce it.

1 SPEAKER: 112.

2 MR. HARPOOTLIAN: 112. Okay. Let me see the next  
3 x-ray.

4 Q Okay, and where is that?

5 A That is the top of the left shoulder and the left arm.

6 Q Okay. Can you see a number of pellets there?

7 A Yes.

8 Q That would be right in this area right here?

9 A Yes.

10 MR. HARPOOTLIAN: Okay. Next. I think there's one  
11 more x-ray.

12 (Break in proceedings.)

13 Q Okay, and are there any pellets here, or are those the  
14 same pellets that's down there at the bottom --

15 A Yeah, but we have -- you can see -- there are pellets  
16 here. You can see them in the head. There's some pellets  
17 in the head. The brain is not within the cranial cavity,  
18 but we do see some of the pellets ended up over here on the  
19 right side. See R for right. There's the hole at the top  
20 of the head, and some of the pellets are -- they're spread  
21 out on the right side of the head.

22 Q How many?

23 A Well, I can see there's three here --

24 Q Three?

25 A -- on the right side of the head, yes.

1 Q Okay. So if I took -- well, how many pellets are  
2 there in a shot -- 12 gauge shotgun shell? And these are  
3 used primarily for duck hunting?

4 A I don't know; I don't know the answer to that. I am  
5 an expert at examining human bodies and determining the  
6 injuries that occurred, and, you know, I don't know how  
7 many pellets would be. When I took my boards, I may have  
8 had to actually know that, but I don't know -- this is  
9 not -- I don't use this information in order -- you can ask  
10 your ballistics expert.

11 Q Well, we did, and I think they said something like --  
12 MR. WATERS: Objection, Your Honor.

13 A I don't really know the answer to that. I'm not going  
14 to disagree with the ballistics expert. I do have a  
15 trajectory at an exit wound on the right side of the back  
16 of the head.

17 Q How many pellets were in the body?

18 A I did not count them. I just create -- collect a  
19 representative sample of it. I just -- I don't collect all  
20 of them, and I don't count all of them.

21 Q And we know you don't know how many were in the brain  
22 because you didn't x-ray the brain, correct?

23 A That's correct.

24 Q But if there were 70 pellets or 75 pellets in his  
25 shoulder, his chest, and his neck, and hypothetically there



1       were anywhere between 135 and 160 pellets in the normal  
2       duck shot, I mean, there's 40 pellets that travel on, for  
3       the sake of argument, correct?

4       A       Well, I don't really --

5       Q       I mean, use my math.

6       A       I don't feel comfortable answering these questions  
7       because it's not -- the specific ballistics are not my area  
8       of expertise.

9       Q       I'm not going to ask you about ballistics.

10      A       I'm really not comfortable answering them. I examine  
11      human bodies and come to my determinations based on the  
12      wounds. And I can see I was correct, that this is a  
13      shotgun wound to the left shoulder that's going up to the  
14      right side of the head. And questions about numbers of --  
15      I really don't want to just -- I can't answer that because,  
16      you know, I don't know everything. I'm an expert. I'm a  
17      physician. I'm an expert at examining human deceased  
18      individuals determining cause and manner of death.

19      Q       Okay. Let's go back to the original question, and I  
20      assume --

21      A       I don't know the answer to the shotgun -- how many  
22      pellets there would be.

23      Q       We're not asking you how many pellets. But if there's  
24      75 pellets, let's do some math here. This is simple math.

25      A       Okay. I can do math.

1 Q Okay. 75 pellets we can count in the body, chest, the  
2 neck. And there's anywhere from 135 to 165 pellets in the  
3 normal duck shot, 12 gauge shot.

4 A Right. So 75 plus 60, that would be 135. And then  
5 what did you say, 70 or 80?

6 Q 75.

7 A Okay. 75. So we started with 75, plus 75 is 150. So  
8 that's your answer if your question is -- you're asking me  
9 to do the math?

10 Q So, if -- my question is this. After those pellets  
11 have gone through the shoulder and hit bone apparently,  
12 correct?

13 A Yes.

14 Q And then they go through the neck, do they hit more  
15 bone there?

16 A There was an -- there wasn't -- there was some damage  
17 to the cartridge of the trachea. It was in the tracheal  
18 wall and some muscle. You know, there's not a lot of,  
19 like, bone in the neck. The only bone really in the  
20 neck --

21 Q Right.

22 A -- is the spinal column.

23 Q Well, I guess what I'm saying, when you were talking  
24 about Maggie a moment ago and you talked about a shot that  
25 I think grazed her skull, you said there was a lot of inner

1     cranial pressure. Is that right? That created a lot of  
2     inner cranial pressure?

3     A     Yes.

4     Q     Okay. So I'm trying to figure out, and maybe you can  
5     help me. Your testimony is there was enough from the less  
6     than half the load that goes through to -- I mean, was it  
7     one place it hit? Was it -- it had to go through the brain  
8     still?

9     A     Yeah. Well, you know, I didn't say that less than  
10    half of the load went through. Some of it may have  
11    actually exited the top of the head, I don't know, but it  
12    went into the brain. I did not x-ray the brain, and so I  
13    don't know exactly how many, but we can tell that this is  
14    the direction.

15   Q     Was the brain macerated?

16   A     No, it was largely intact. There was some maceration  
17   at the base of the brain where it was torn from the  
18   brainstem. Okay. The brain went up and -- torn from the  
19   brainstem, but it was pretty much surprisingly intact, you  
20   know, from a shotgun wound.

21   Q     Have you looked at the crime scene photos?

22   A     I really didn't look at the crime scene photos with  
23   any kind of, you know, attention.

24   Q     Okay. So -- but you are aware that the brain was  
25   catapulted out of his head, probably hit the ceiling, and

1 then landed outside?

2 A Well, I could tell from examining the body that the  
3 brain catapulted out of the head because I -- we see the  
4 brain and a hole consistent with the brain leaving it.

5 Q Can you and I agree, and based on your testimony when  
6 you previously testified, that there would not be -- that  
7 the gas from 2 or 3 feet away would not travel through the  
8 arm, travel through the neck, and then go into the brain?

9 A Well, there's a lot of material that's going through.  
10 And plus we have got fragments of the brain, the skull of  
11 the base of the brain that can also -- there's a lot of  
12 energy going in that direction. Whether it's gas or not,  
13 it is energy from portions of, you know, ammunition  
14 propelling in that direction. So, you know, whether you  
15 want to call it gas or whether it's other things, I really  
16 don't know the theoretical explanation. I'm sure it's in  
17 the book.

18 Q It is.

19 A But I examine the bodies, and I make the determination  
20 on direction and the type of injury from examining the  
21 human body.

22 Q The book seems to indicate that the primary cause for  
23 an explosion such as this, the brain exploding out, is the  
24 gas. You would agree?

25 A Well, you know, I think each case is a little bit

1 different. And the kind of gas that would cause the head  
2 to explode would also -- I mean, there are -- I don't -- I  
3 think the book is talking about gas -- gas in a contact  
4 shotgun wound. So, what is your question about the book?  
5 I would actually have to refresh my recollection because I  
6 don't really read the -- I haven't read the book in a long  
7 time, but I know what I've seen on the body.

8 Q If I quote this to you -- and I can show it to you:

9 The gas entering the closed chamber of the head  
10 expands rapidly, adding to the pressure waves  
11 acting on the bony framework of the skull. The  
12 only way for the skull to relieve the pressure  
13 produced is to shatter.

14 A Yeah.

15 Q Do you agree with that?

16 A That actually must be describing a contact shotgun  
17 wound.

18 Q It is.

19 A Okay, because that really makes sense for a contact  
20 shotgun wound.

21 Q And your reasoning for this -- the same phenomenon to  
22 happen without the gas is --

23 A Well, we've got injury coming from beneath. The skull  
24 is, like I told the jury, that is not shattered. We do  
25 have some horrible injury, but the shattering of the skull,

1 much of it is still up intact. We don't have shattering of  
2 every bone. We don't have shattering of the face. So --

3 Q Why didn't you shave the head?

4 A Why didn't I shave the head?

5 Q Right. Were you looking for any -- if much of the  
6 skull was still there --

7 A I -- look, my determination -- I didn't shave the head  
8 because I was confident that that was an exit wound on the  
9 right side of the top of the head. It wasn't necessary for  
10 me to shave an exit wound.

11 Q So -- but if you would have shaved the head, and  
12 again, apparently you had already come to your opinion by  
13 this point, you could have seen whether it was soot or  
14 stippling or any distortion around, or taken samples of the  
15 hair to determine whether or not there was any sort of GSR  
16 in it, which would be more consistent with a contact  
17 wound --

18 A Well, no. GSR can just be in -- we know gunshot  
19 residue can deposit in -- you know, I'm not like --  
20 ballistics is not necessarily my strongest suit, but I know  
21 that GSR can deposit, you know, within a few feet of  
22 somebody. It doesn't have to indicate a contact wound.

23 Q Okay. So, did the shot penetrate the jaw bone?

24 A It went through the -- through that area. I believe  
25 it may have went underneath the bone.

1 Q So, it did not connect to the bone, correct?

2 A Yes.

3 Q Are any of the pellets that you see in the shoulder  
4 the left shoulder, heading down instead of up?

5 A Well, you know, there is probably kind a billiard ball  
6 effect when these things are going through, and there could  
7 be some, you know, directionality that's -- but I didn't  
8 make that determination because it wasn't important to me  
9 to --

10 Q To see which way the pellets were going?

11 A -- make that determination. I -- what?

12 Q To determine which way some of the pellets were  
13 heading?

14 A I can tell from the entirety of my finding at the  
15 autopsy. I did not have -- the thing is, if you look at  
16 something like, you know, a post card photograph, that  
17 doesn't necessarily tell you the whole story. I did my  
18 autopsy. I viewed all of the wounds. I, I was confident  
19 in the direction of this wound path. And I'm not trying to  
20 a say, oh, well, which direction are the pellets going? I  
21 can see that there's -- the entrance wound was to the top  
22 of the left shoulder, went through the left -- the left  
23 side of the neck, and out the top of the head.

24 Q And how many pellets made it through the brain to the  
25 skull to fracture the skull? How many pellets?

1 A Well, there were some pellets in the brain. I don't  
2 know how many.

3 Q Because you didn't x-ray it.

4 A Correct.

5 Q So, since you don't count the number of pellets, tell  
6 the jury, please, how you know how many pellets hit the  
7 skull and fractured it, and allowed this eruption to occur.

8 A I don't know how many pellets. I never said that I  
9 did.

10 Q No, no, I didn't said you say it. I just want to know  
11 if you know.

12 A I don't know the answer to that.

13 Q And it's not important to you.

14 A It really doesn't matter. It's really very  
15 theoretical. I examined the bodies, and I made my  
16 determination based on examination of the body.

17 Q Is it true that an autopsy report should be able to be  
18 read by an independent pathologist to come to a conclusion?

19 A Yes.

20 Q Okay.

21 SPEAKER: I have it when you're ready, Mr.

22 Harpootlian.

23 MR. HARPOOTLIAN: Are you ready? How about put that  
24 up for us, please.

25 THE COURT: So, these -- this noises --



1 MR. HARPOOTLIAN: I'm sorry, sir?

2 THE COURT: Some strange noises. Who's talking?

3 You're questioning the witness. Proceed.

4 MR. HARPOOTLIAN: I'm asking Doug to put up Exhibit  
5 Number --

6 THE COURT: I didn't hear you talking. I heard -- you  
7 were questioning the witness, and then a strange voice  
8 comes from --

9 MR. HARPOOTLIAN: Oh, I apologize.

10 What's the exhibit number?

11 SPEAKER: State's 487.

12 Q Okay. So, how about step down here, please? And get  
13 the pointer for me, please. And stand over there, please  
14 so, the jury can see. So, you indicated there were -- I  
15 asked you if you shaved the head. You said no. You said  
16 there wasn't -- I think your words were there was enough of  
17 the skull there to determine what happened. Is there?

18 A Well, I know this is an exit wound from examining the  
19 entirety of the findings and I did not make -- I did not  
20 need to shave the -- shave the hair. That was my opinion  
21 and determination at the time of the autopsy.

22 Q Yes, ma'am, we understand that. But what -- did you  
23 look at this to confirm or question your opinion, or had  
24 you already come to your opinion?

25 A Well, I always question myself during the autopsy.

1 It's not just -- I look at every -- take a long time to  
2 look at everything before I reach a conclusion. And so the  
3 totality of the findings here told me this was an exit  
4 wound. The brain came pretty much intact. It was  
5 propelled at the top -- out of the top of the head. I  
6 believe and I am confident that the -- this is an exit  
7 wound, and I did not do further investigation to rule out  
8 an entrance wound because I was confident it was not.

9 Q So, you just said you did not -- you were confident,  
10 and you did not look further because you were confident you  
11 were right.

12 A Well, I looked at it. In fact, I took a photograph of  
13 it, and this is consistent with an exit wound.

14 Q With a what?

15 A Consistent with an exit wound. The brain came out of  
16 that defect. If it were a shotgun entrance wound, there  
17 would be a lot more destruction of the head.

18 Q And, again, you've only -- you've never seen a contact  
19 wound to the head that wasn't in a suicide case.

20 A You know, I don't honestly remember. That --

21 Q So, you don't remember -- let me just rephrase. You  
22 don't remember having a case involving a contact wound to  
23 the head that wasn't a suicide case. You just don't  
24 remember.

25 A I may have. It's possible. I don't -- I did not

1 survey -- I may have seen one where somebody was shot at  
2 point blank range with a shotgun and the entire head is  
3 gone. So when I get that kind of -- you know, when -- if  
4 it was a contact, whether it's suicide or homicide, the  
5 entire head would have been basically blown off.

6 Q And so in every case -- well, there's no reason for us  
7 to go there because you've never seen -- you don't remember  
8 ever seeing a case where there was a contact wound and --  
9 to the back of the head --

10 MR. WATERS: Objection. Asked and answered.

11 A I think it's honestly whether it is self inflicted or  
12 inflicted by somebody else, the features of the body are  
13 going to be the same. So, that's my answer. And I  
14 can't -- whether I remember it or not, I've done a lot of  
15 autopsies. I don't necessarily remember how many, or if  
16 I've done one. But I imagine people are shot at close or  
17 contact range with a shotgun and a contact shotgun, whether  
18 it's by a suicide or a homicide, the entire head would have  
19 been basically blown apart.

20 This just -- this is a tear, and I know it's terrible.  
21 It's probably the worst thing you've ever saw, but there  
22 would have been a lot more damage with a contact shotgun  
23 wound. And that's my professional opinion based on my  
24 experience. If other people disagree with me, that's fine.  
25 I don't have to convince them. This is my determination

1 based on my education and multiple years of experience  
2 doing autopsies and being a forensic pathologist.

3 Q I think in your testimony, whenever that was weeks  
4 ago, you conceded that reasonable pathologists can differ,  
5 correct?

6 A Yes. I think a reasonable -- I said -- you asked me  
7 if a reasonable person. You didn't actually ask me if a  
8 reasonable pathologist. You asked me if a reasonable  
9 person could have a different opinion. And I remember that  
10 because I was sorry that I didn't say, well, of course  
11 reasonable people can think that, but a reasonable  
12 pathologist could also think that but I would disagree with  
13 that. I don't think all opinions -- a reasonable  
14 pathologist could have an opinion like that, but I think it  
15 would really be wrong.

16 Q Okay. You can go ahead and take the stand, please.

17 (Break in proceedings.)

18 Q Have you discussed any -- have you met and discussed  
19 with Dr. Kinsley -- Kinsey, Kenny Kinsley -- Kinsey about  
20 his findings?

21 A I did -- I did meet with him once when I -- a couple  
22 of weeks prior to the autopsy. I really never -- or prior  
23 to this trial I met with the prosecution's team, and I  
24 would have been available to meet with you if you called me  
25 as well. But I -- you know, Ken Kinsey was responsible for

1 the crime scene. You know, what he had to say was -- I  
2 really wasn't -- I had already written my autopsy report, I  
3 already came to my decision, my determinations based on my  
4 examination of the body, and whatever it was. It was, you  
5 know -- he's going to do the crime scene. So, I don't  
6 remember having any specific conversation.

7 Q You don't remember talking to him about vectors and  
8 where the blood spatter would have gone?

9 A Yeah. Well, he asked me. He said do you know  
10 anything about this? And I said that's your department. I  
11 really am not a blood spatter expert. So, I had no --  
12 nothing to offer, and I really didn't encourage listening  
13 to it because it wasn't that -- it's not my area.

14 Q And let me say a couple of things. One is you  
15 indicated that you did not put that packing material in  
16 your autopsy report, correct?

17 A Yes.

18 Q And today is the first time you've ever said anything  
19 about packing, correct?

20 A Yes.

21 Q Okay. Secondly, am I -- let me just sort of summarize  
22 this and see if we can get this over with. There are  
23 certain things you did not do in this autopsy because you  
24 concluded it wouldn't be helpful in reaching your  
25 conclusion, correct?

1 A I agree with that.

2 Q Like no x-ray of the brain.

3 A It would have been -- I, I did not x-ray the brain,  
4 right.

5 Q Okay, and there were -- and you -- your belief is that  
6 the shotgun wound to the shoulder being so much bigger is  
7 because of the angle?

8 A Yes.

9 Q Okay, and then it narrows down to -- you would concede  
10 there's a hole in his neck.

11 A Yes.

12 Q Okay. Shotgun starts out wider. The shot starts out  
13 wider. I think we've confirmed that.

14 A The defect on the shoulder --

15 Q Right.

16 A -- is wider because it's kind of going across the  
17 shoulder, so it's going to create a defect on the shoulder  
18 that's wider than something entering in a right angle, or  
19 perpendicular. So, that's -- and I think that makes sense  
20 to me. It's consistent with what I've seen in more than  
21 twenty years of my practice, and there wasn't anything that  
22 seemed odd about that.

23 Q And you would concede you're not a ballistics expert.

24 A I know the kind of ballistics -- some forensic  
25 pathologists know a lot about ballistics. I know probably

1 an average amount.

2 Q Okay, and so when you say it started out wider and  
3 then came down to this hole, have you discussed that with  
4 any ballistics expert?

5 A It doesn't require -- that's forensic pathology.  
6 That's damage to the body. I don't need to be ballistics  
7 expert. And I've done enough autopsies on shotgun wounds  
8 to make that determination without requiring additional  
9 ballistics knowledge.

10 Q But we can see that shotgun starts out -- the shot  
11 starts small and then the pellets expand?

12 MR. WATERS: Objection. Asked and answered, Your  
13 Honor.

14 THE COURT: The objection is sustained.

15 Q Why are there no shot -- why there's no shot in his  
16 cheek if it's expanding? Why is there no pellet holes  
17 here?

18 A Because the -- probably that -- we have some wadding  
19 going in there --

20 Q Probably?

21 A Yeah. I think that is consistent with the wadding.  
22 And there are -- you know, there's some pellets remaining  
23 in the wadding as well.

24 Q The wadding going where?

25 A You know, that's an entrance wound. Okay? It's a --

1 entering perpendicularly. Why do we have -- the pellets  
2 did not terminate in the cheek. They continued upward.

3 Q But a number of them terminated in the shoulder.

4 A Yes.

5 Q In the chest up here, right?

6 A Yes.

7 Q And then --

8 A Not the chest, the neck.

9 Q Then they --

10 A Not the chest.

11 Q I'm sorry?

12 A Not the chest, the neck.

13 Q But the neck, up the shoulder and upper neck, right?

14 A Yes.

15 Q And then, I mean, have they stopped expanding here so  
16 the cheek isn't -- I mean, one of those pellets is --

17 MR. WATERS: Objection. Asked and answered and to the  
18 form of the question.

19 MR. HARPOOTLIAN: Your Honor.

20 THE COURT: It's been asked and answered. I sustain  
21 the objection.

22 Q And you say these x-rays are consistent with your  
23 opinion.

24 A Yes, sir.

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



1 Q Oh, let me ask you one question about the Maggie  
2 wound. Your position is that the tags don't indicate  
3 anything.

4 A Well, they, they, they are not determinative. They're  
5 something to look at, but the tags on the rest are very  
6 nonspecific. They're not very good tags. We happen to  
7 have nice tags on the back of the skull. Frequently the  
8 tags are more reliable when the skin is tighter over an  
9 area.

10 Q So, on Maggie you're saying one shot is going up and  
11 the other one is going down.

12 A Yes.

13 Q Okay.

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

15 (Break in proceedings.)

16 MR. HARPOOTLIAN: Thank you. That's all I have.

17 Thank you, Doctor.

18 THE COURT: Anything further?

19 MR. WATERS: Just two questions.

20 REDIRECT EXAMINATION

21 BY MR. WATERS:

22 Q 5,500 autopsies you said, correct?

23 A Yes. And since I was here last, maybe I've done  
24 another dozen, so over 5,500.

25 Q And you rely on practical observations of actually

1 observing the body. Is that correct?

2 A That's correct. I mean, I do my autopsies, and based  
3 on my experience and knowledge as a forensic pathologist I  
4 know about bodies, examining the bodies, that's what I rely  
5 on.

6 THE COURT: Those are two questions. Do you have  
7 more?

8 MR. WATERS: May I -- I have just a couple more, Your  
9 Honor.

10 Q In your opinion, is there any way Paul's face would  
11 have remained intact if he would have suffered a contact  
12 wound from the top of the head?

13 A No.

14 Q And in your opinion, is this obviously a wound in this  
15 direction as you've --

16 MR. HARPOOTLIAN: Objection Your Honor. Repetitive.  
17 She's testified five times that's her opinion.

18 THE COURT: The objection is sustained.

19 MR. WATERS: Nothing further, Your Honor.

20 MR. HARPOOTLIAN: Thank you. Nothing further, Your  
21 Honor.

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

23 THE WITNESS: Okay. Thank you.

24 (The witness exited the stand.)

25 THE COURT: Your next witness.

1 MR. WATERS: Your Honor, the state calls T.C. Smalls.  
2 The witness, Thomas C. SMALLS, was first duly sworn  
3 and testified as follows:

4 THE CLERK: If you would, please, sir, sit right in  
5 the chair. State your full name for the record, and spell  
6 your last name, please.

7 THE WITNESS: My name is Thomas C. Smalls. Folks call  
8 me T.C. Smalls. S-m-a-l-l-s.

9 DIRECT EXAMINATION

10 BY MR. WATERS:

11 Q Sheriff Smalls, how are you doing today?

12 A I'm pretty good.

13 Q All right. Tell the jury just a quick little bit  
14 about yourself. And I called you sheriff, so if you could  
15 just kind of explain that to them a little bit.

16 A Okay. I was in law enforcement for thirty-nine years,  
17 eight months. I retired in December. Sixteen years of  
18 those thirty-nine years was I served as sheriff of Hampton  
19 County. Been in Hampton County all my life. I'm a pastor.  
20 Pretty much -- married. Four kids, seven grand kids. And  
21 just trying to enjoy some retirement. I retired  
22 December 31, the 31st day of December, 2022.

23 Q I'm sorry to pull you back in. Okay, you say you just  
24 retired, huh?

25 A Yes.

1 Q All right. Do you know the defendant, Alex Murdaugh?

2 A Yes, I do.

3 Q You've known him for years?

4 A Oh, yeah.

5 Q Did you ever have a conversation with Alex Murdaugh  
6 about him asking you permission, or even tell you about  
7 installing lights in his private vehicle?

8 A No, sir. I never had a conversation with Alex  
9 Murdaugh. Matter of fact, I never had a conversation with  
10 anyone in my thirty-nine years about installing blue lights  
11 in their personal vehicle.

12 Q That's not something that's done, is it, sir?

13 A Oh, no, no.

14 Q Did you know anything about the defendant claiming  
15 that you permitted him to do so until he testified to that  
16 last week?

17 A Correct.

18 Q Didn't know anything about it?

19 A Didn't know anything about it.

20 Q And he never approached you at any point about that?

21 A No, sir.

22 Q Did he ever approach you about any threats or anything  
23 as a result of the boat case, the boat wreck case?

24 A No, he never have.

25 MR. WATERS: Thank you. Nothing further.

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. GRIFFIN:

4 Q Good afternoon, Sheriff Smalls.

5 A How are you doing?

6 Q My name is Jim Griffin. I'm a little hoarse. This  
7 pollen is getting to me so this won't take long. You've  
8 known Alex Murdaugh for many, many years. Is that correct?

9 A Correct.

10 Q And he was a volunteer solicitor in Hampton County in  
11 the Fourteenth Circuit for a number of years, correct?

12 A I realize he work along with his father --

13 Q Right.

14 A -- as a -- I don't know whether -- I thought he was an  
15 assistant solicitor, but he worked along with his father  
16 as -- in Hampton County.

17 Q But he held the position of assistant solicitor for  
18 the Fourteenth Circuit.

19 A Yes, he did.

20 Q And he worked with his father.

21 A Right.

22 Q Tried cases in Hampton County and perhaps Colleton  
23 County and other places. Were you aware of that?

24 A Correct, yes, sir.

25 Q And are you aware of him trying any cases when it

1       wasn't with his father?

2       A       Not to my knowledge.

3       Q       Okay, and his father was -- we're talking about  
4       Randolph Murdaugh.

5       A       Correct.

6       Q       And he was previously solicitor. Is that correct?

7       A       Right.

8       Q       And are you aware that Alex Murdaugh was issued a  
9       badge for that position?

10      A       No, I was not.

11      Q       Okay, and there's some -- you were questioned about  
12      permission that -- whether you gave him permission to have  
13      the blue light installed in the vehicle, and you said you  
14      did not, correct?

15      A       Correct.

16      Q       Do you know whether Anthony Russell gave him  
17      permission?

18      A       I can't answer that.

19      Q       And who is Anthony Russell?

20      A       Well, during my time when I was sheriff, Anthony  
21      Russell was a captain in my administration. He later  
22      became sheriff. After I retired, he ran and he won the  
23      office of sheriff, and he holds the office now.

24      Q       And he was maybe not your right-hand man, but he was  
25      pretty high up in your administration.

1 A He was a captain.

2 Q Okay, and then Chauncey Solomon, he was -- what was  
3 his position?

4 A Chauncey Solomon was a lieutenant.

5 Q And Perry Singleton, he passed away. What was his  
6 position?

7 A He was a lieutenant.

8 Q And do you know that Deputy Russell and Deputy Solomon  
9 and Deputy Singleton were very close to Alex Murdaugh?  
10 Were you aware of that?

11 A Well, I knew they knew him. I don't know how close  
12 they were.

13 Q Okay, and did Eddie -- did Eddie Gibson install the  
14 blue lights on the vehicles at -- for the sheriff's  
15 department?

16 A Not from my cause. Most of my vehicle lights was done  
17 with a company out of Orangeburg, and then later we started  
18 working with a man -- or a gentleman by the name of Charles  
19 Mitchell that installed lights, and he had a -- I think  
20 Hardeeville and Bluffton.

21 Q So, you don't know -- do you know who Eddie Gibson is?

22 A Oh, I know who Eddie Gibson is. He worked with me at  
23 one time.

24 Q And when he worked for you, did he install blue  
25 lights? He worked on the vehicles, a fleet of vehicles?

1 A No, not my vehicles.

2 Q Well, when he worked for you, what did he do?

3 A He was a deputy sheriff. He patrolled.

4 Q And so you're unfamiliar that at any point in time  
5 Mr. Murdaugh had a blue light in his vehicle?

6 A I never had any knowledge that he had blue lights in  
7 his vehicle.

8 Q Okay.

9 MR. GRIFFIN: Thank you. That's all of the questions  
10 I have.

11 THE COURT: Anything further?

12 MR. WATERS: Your Honor, may I approach? Can we  
13 approach very quickly?

14 THE COURT: Yes.

15 Let's everyone stand for a moment.

16 (A bench conference was held.)

17 THE COURT: Okay. Anything further of this witness?

18 REDIRECT EXAMINATION

19 BY MR. WATERS:

20 Q Sheriff, when did your term end?

21 A I retired on December 31st, 19 -- 2022.

22 Q 2022.

23 A Yes, sir.

24 Q So, just a couple months ago.

25 A Right.



1 Q Thank you for coming down.

2 THE COURT: Anything further?

3 MR. GRIFFIN: No, Your Honor.

4 THE COURT: Thank you, sir.

5 (The witness exited the stand.)

6 THE COURT: You may call your next witness.

7 MR. CONRAD: State calls Paul McManigal.

8 The witness, PAUL MCMANIGAL, was first duly sworn and  
9 testified as follows:

10 THE CLERK: If you would, please be seated. State  
11 your full name for the record, and spell your last name,  
12 please.

13 THE WITNESS: Paul McManigal, M-c-m-a-n-i-g-a-l.

14 VOIR DIRE EXAMINATION

15 BY MR. CONRAD:

16 Q All right. Good afternoon Sergeant McManigal,  
17 correct?

18 A Yes, sir.

19 Q And you're employed with the Charleston County  
20 Sheriff's Office?

21 A I am.

22 Q And you testified previously in this trial, correct?

23 A Yes, I have.

24 Q Just briefly remind the jury exactly what topic you  
25 testified on earlier. Briefly, please.

1 A I was tasked with redacting Alex Murdaugh's cell phone  
2 records to remove any possible attorney/client and attorney  
3 privileged information.

4 Q All right, and during that testimony, you were not  
5 qualified as an expert, correct?

6 A That is correct.

7 Q But you have been qualified in previous trials.

8 A Yes, I have.

9 Q And approximately how many times have you been  
10 qualified as an expert previously in other trials?

11 A About ten.

12 Q Ten times. Okay, and is that in cell phone forensics?

13 A Part of it was about -- if I may refer to my notes?

14 (Break in proceedings.)

15 A Six times of that was in cell phones. The other ones  
16 was in crime scene investigation.

17 Q Okay. All right, and then let's briefly go down, as  
18 quick as you, can let's go through your training and  
19 experience in cell phone forensics briefly.

20 A I'm currently assigned to the United States Secret  
21 Service Cyber Fraud Task Force, which is where I received  
22 most of my training. I have been trained in basic computer  
23 evidence recovery, advanced computer forensics, Oxygen  
24 Forensic Suite training, Blacklight examiner, advanced  
25 mobile device examiner. Cellebrite physical and logical

1 examination, XR light certification training, Macintosh  
2 triage and imaging, Apple I device forensics, Cellebrite  
3 advanced J Tag extraction, network intrusion response,  
4 vehicle forensics, digital video recorder evidence and  
5 recovery, ransomware investigation response training, and  
6 several other webinars.

7 MR. CONRAD: At this time the State would seek to  
8 admit Sergeant McManigal as an expert in cell phone  
9 forensics.

10 MR. BARBER: No objection.

11 THE COURT: So qualified.

12 DIRECT EXAMINATION

13 BY MR. CONRAD:

14 Q Sergeant McManigal, last week you were present when a  
15 gentleman named Micah Sturgis testified for the defense,  
16 correct?

17 A That is correct.

18 Q And specifically he testified about this feature in an  
19 iPhone known as wake --

20 A Raise to Wake.

21 Q Raise to Wake, correct?

22 A Yes, sir.

23 Q And briefly explain to the jury what that function is,  
24 and what it serves as in the cell phone, or the iPhone,  
25 excuse me.

1 A Raise to Wake is when the cell phone is laying down  
2 and you pick it up, it realizes that somebody is picking up  
3 the device. It tries to assist by turning on the display  
4 so that you can possibly unlock it with your face on it.

5 Q All right. Or read the notification possibly if  
6 there's a notification on it?

7 A That's correct.

8 Q And so it's designed to turn on that screen and to  
9 think someone is picking up the phone to look at the  
10 screen, correct?

11 A That is correct.

12 Q All right, and there's been previous testimony, I  
13 think, by Mr. Sturgis and other experts in this case that  
14 the iPhone, if the screen is still off, it will not record  
15 an orientation change, correct?

16 A If the screen is off, it will not record an  
17 orientation change.

18 Q You agree with that.

19 A I agree, yes.

20 Q And you were asked after Mr. Sturgis's testimony to  
21 investigate a little bit more about this Raise to Wake  
22 feature, correct?

23 A I was.

24 Q And specifically, you know, as demonstrated with the  
25 jurors, the screen is going to turn on when the phone is

1       picked up gently, correct?

2       A       That is correct.

3       Q       Because the phone thinks it's being picked up to be  
4       looked at, correct?

5       A       That is correct.

6       Q       You were asked to investigate with a test device  
7       whether that screen lights up every time the phone is  
8       picked up in a more violent fashion, or a quicker fashion,  
9       correct?

10      A       Correct. When the phone is picked up more  
11      aggressively, or moved more aggressively, the device will  
12      not turn on the screen.

13      Q       And that's because of the Raise to Wake feature is  
14      based off of what in the cell phone? What's telling it to  
15      wake up?

16      A       The accelerometer primarily.

17      Q       And so the accelerometer is sensing motion, correct?

18      A       Correct.

19      Q       And so if it senses a slight amount of motion, it's  
20      going to turn the screen on because it thinks someone is  
21      picking up the phone?

22           MR. BARBER: Objection, Your Honor. Leading.

23           THE COURT: You can't lead the witness.

24      Q       And so if the cell phone detects a slight amount of  
25      motion, what does it do? What does the iPhone do?

1 A So if the iPhone registers a slight amount of motion,  
2 it thinks it's being picked up, so it will turn on the  
3 screen. But if it's being picked up more aggressively it  
4 won't, and that's a battery protection feature. If you  
5 have the iPhone in your pocket and you were jogging, you  
6 don't want the screen to stay on the whole time. So when  
7 the phone is moving more aggressively, the screen is not  
8 turned on.

9 Q And so you were asked to do some tests in your lab  
10 with a test device, correct?

11 A That is correct. I obtained an iPhone 11 Promax,  
12 which is the same make and model as the phone that Maggie  
13 had.

14 Q And what software version was it on your test device?

15 A The software that was on my device is IOS 14.8; the  
16 one that was on Maggie's was IOS 14.6. So, the IOS that  
17 was on my device that I tested was slightly newer.

18 Q Okay, and did you perform a series of tests in -- with  
19 the various motions and various throws with this phone to  
20 determine -- were you able to develop an opinion of when  
21 the screen light comes on and when it did not?

22 MR. BARBER: Objection, Your Honor.

23 THE COURT: Basis for the objection?

24 MR. BARBER: Rule 5. This is an experiment performed  
25 on the evidence, and we have not been provided this.

1 THE COURT: The objection is overruled. Rule 5 does  
2 not apply.

3 MR. CONRAD: Thank you, Your Honor.

4 Q So, you -- so, you did perform a number of tests,  
5 correct?

6 A Yes, sir. I performed many, many, many tests over the  
7 weekend. I would pick it up and shake it, pick it up and  
8 throw it. I threw it off of my desk. I knocked it off of  
9 my desk. I tried to flip it end over end. I tried to  
10 through it like a frisbee. I did each one at least ten to  
11 twenty times.

12 Q Okay, and were the results 100 percent conclusively?  
13 I mean, did the phone do the same thing every time?

14 A No, not at all. Sometimes the screen would turn on  
15 when I threw, land face up, and then the screen would turn  
16 on. But a lot of times I would throw it and the screen  
17 would not turn on. It depends on how that accelerometer  
18 registered that movement.

19 Q So based off of your tests, is it your opinion that an  
20 iPhone of the same make and model as Maggie's could be  
21 thrown and the screen not turn on?

22 MR. BARBER: Objection to the leading.

23 THE COURT: Can't lead the witness.

24 Q Did you develop an opinion about whether the screen  
25 would turn on every time a phone was thrown?

1 A If the phone is thrown, the screen does not always  
2 turn on. In my experimentation, I determined that when the  
3 phone is thrown more like a frisbee, nine out of ten times  
4 the screen does not turn on. The times that it did turn on  
5 most often was when I pick it up and tried to shake it,  
6 then the screen would come on briefly.

7 Q But nine out of ten times when you would toss the  
8 phone like a frisbee, the screen would not turn on,  
9 correct?

10 A That is correct.

11 MR. CONRAD: Nothing further from the State.

12 THE COURT: By the defense?

13 CROSS-EXAMINATION

14 BY MR. BARBER:

15 Q Good afternoon.

16 A Good afternoon.

17 Q When you performed these experiments, did you record  
18 them in any way?

19 A I did not.

20 Q You didn't? Did you record doing any of this?

21 A I did not.

22 Q Did you consider video recording any of these  
23 experiments?

24 A Actually it never crossed my mind.

25 Q You just did the experiments and then just sort of



1 orally relayed when you could have had a video to show us?

2 A That is correct.

3 Q If you were going to throw a phone out of a moving  
4 vehicle, wouldn't you need to pick it up to toss it?

5 A Certainly.

6 Q And if I understand your previous testimony, when you  
7 pick it up, the screen comes on.

8 A When you pick it up gently.

9 Q So, if you pick it up to toss it out the window while  
10 you're driving, you've got to pick it up. Is that correct?

11 A Correct, and if you pick it up aggressively, it will  
12 not.

13 Q But not always.

14 A Not always.

15 Q It sometimes will, sometimes won't.

16 A Correct.

17 Q According to the experiments that you conducted  
18 since -- when did you do these experiments?

19 A I started it Friday afternoon and into Saturday.

20 Q So, you did these experiments this week -- this last  
21 weekend?

22 A Correct.

23 Q Did not record any data.

24 A I did not.

25 Q You just played with the phone and are coming here to

1 express your observations.

2 A That is correct.

3 Q Do you have the phone that you used to do these  
4 experiments with you?

5 A No, I don't.

6 Q Are you aware of how the phone, Maggie's phone in this  
7 case, how it -- when it was located what its position was?  
8 Have you seen the photos?

9 A I have.

10 Q And was the screen up?

11 A It was screen up.

12 Q Would you agree, then, that it had to be thrown from a  
13 screen up position because if it was screen down and you  
14 turned it over to throw it out, the screen would come on.

15 A Of course not. It didn't tumble through the air.

16 Q So, if the phone was screen down in the car and it  
17 ends up screen up over here, it has to turn over, right?

18 A At least one time, yes, sir.

19 Q And you, I guess, disagreed with the previous  
20 testimony demonstration that when you take the phone and  
21 turn it over, the screen comes on.

22 A No. When you pick it up gently, the screen does come  
23 on.

24 Q You said pick it up. If you rotate it on that axis so  
25 that it's screen down to screen up, does the screen come

1 on?

2 A If I pick it up gently and rotate it, the screen comes  
3 on. If I pick it up aggressively, it does not.

4 Q And if it's facing you and rotates 90 degrees, does  
5 the screen come on?

6 A Only if you do it gently. Again, if you do it  
7 aggressively --

8 Q How gently? Did you measure any of these forces?

9 A I did not.

10 Q You just threw the phone around in your office?

11 A Absolutely.

12 Q So, you didn't record what you were doing, and you did  
13 not measure any data --

14 A I did not.

15 Q Is this because you were afraid that you would have to  
16 disclose that data if you recorded it?

17 A Of course not, no.

18 Q Do you normally do experiments and don't record any  
19 data or video or record anything?

20 A It never crossed my mind to record video.

21 Q Do you believe that you would have to disclose that  
22 data if you had recorded it?

23 MR. CONRAD: Objection, Your Honor.

24 THE COURT: Overruled.

25 A I believe so, yes, sir.

1 Q So, the reason you didn't record data was that it  
2 would have to be produced, and then we could examine it and  
3 discover whether or not it was accurate.

4 A No, sir.

5 Q And you avoided that by not recording anything,  
6 correct?

7 A No, sir, that's not correct.

8 Q Why didn't you record any data?

9 A It did not cross my mind to video record my  
10 experiments. I just did the experiments to determine  
11 whether or not the screen would turn on.

12 Q You didn't -- it didn't occur to you to measure how  
13 fast you were moving the phone, maybe to even find out what  
14 is that threshold you claim where the phone goes from  
15 turning on to not turning on. Exactly when does that  
16 happen? You have no idea, do you?

17 A No, sir. It would take me much longer to do these  
18 experiments to determine the exact speed and force required  
19 to turn the display on versus not.

20 Q Did you discover any -- or did you attempt to locate  
21 any documentation regarding the Raise to Wake feature on  
22 the iPhone?

23 A I did. I tried extensively. I reached out to several  
24 different forensic focus groups that I'm a part of, and we  
25 were not able to find any white papers on the subject.

1 Q So, you were unable to find any actual data on it, so  
2 you resorted to throwing your phone around alone. Was  
3 anyone with you when you did this?

4 A No, sir, I was alone in my office.

5 Q So, you were alone in your office throwing the phone  
6 around, taking no measurements, recording nothing over the  
7 weekend, and then you come in here and testify as an expert  
8 as to what the phone will do?

9 A That's correct.

10 Q And testify that it's different than what we've seen  
11 it do right here in this courtroom.

12 A That's correct.

13 Q Have you ever done this -- anything like this before?  
14 You've mentioned testifying six times before. Did you  
15 ever -- was this your expert testimony in any other case?

16 A My expert testimony in other cases was always about  
17 cell phone reports and the data contained therein. I've  
18 never actually done physical experimentation and come up  
19 with a realistic result.

20 Q So, your previous experience was extracting data from  
21 cell phones. Is that accurate?

22 A Correct.

23 Q Is that what you're trained to?

24 A Yes, sir.

25 Q The training that was listed was to extract data from

1 the cell phone?

2 A Yes, sir.

3 Q Are you an engineer?

4 A No, sir.

5 Q Do you have any certification in engineering?

6 A No, sir.

7 Q Do you have any degree, academic qualifications in  
8 engineering?

9 A No, sir.

10 Q Have you ever worked as an engineer?

11 A No, sir.

12 Q You're trained in extracting data from a cell phone.

13 A That's correct.

14 Q And when it comes to tossing it around and seeing how  
15 it moves, you don't know anything more than anyone else, do  
16 you?

17 A No, sir.

18 Q So, you have -- this --

19 MR. BARBER: Your Honor, based on the previous answer,  
20 I would move to strike the expert opinion.

21 THE COURT: On what basis?

22 MR. BARBER: The witness just testified he has no  
23 expert -- expertise in this. He just said he has no more  
24 knowledge about this than anyone else in the courtroom,  
25 that his expertise is in extracting data from the cell

1 phone, and this opinion is, therefore, outside of his  
2 expertise and this is inadmissible --

3 THE COURT: Well, you previously stipulated that he's  
4 an expert.

5 MR. BARBER: Yes, sir, Your Honor, in extracting data  
6 from the cell phone, which was before we got to this  
7 testimony.

8 THE COURT: All right. What says the State.

9 MR. CONRAD: Your Honor, this witness performed a  
10 series of tests --

11 THE COURT: We know that.

12 MR. CONRAD: I'm sorry?

13 THE COURT: We know that. He's testified to that.

14 MR. CONRAD: Right, and he's expressed his opinion of  
15 what the phone would do in these series of tests. It's not  
16 an absolute opinion. But I think he can give his opinion  
17 on when the screen would light up as something he tested  
18 and something he can testify about.

19 THE COURT: Anything further?

20 MR. BARBER: Your Honor, simply that he was proffered  
21 as an expert before this testimony. It was in extracting  
22 data from a cell phone, not in engineering -- electrical  
23 engineering, which is where he's gone now.

24 THE COURT: The objection is overruled.

25 Q So, you just testified you have no more knowledge

1 about engineering the iPhone than anyone here, correct?

2 A I know more about how the iPhone works, but no, sir,  
3 I'm not an engineer.

4 Q You're not an engineer. When you said that the  
5 accelerometers are what trigger this feature, how do you  
6 know that?

7 A That's from data that's on Apple's website.

8 Q So, you found something on the Raise to Wake that says  
9 that the accelerometers are what trigger this feature.

10 A No, sir. That's the only thing that is capable of  
11 detecting motion on the phone beside GPS.

12 Q And you have no idea how much motion is required  
13 because you didn't measure it, correct?

14 A No, sir, I don't know the threshold.

15 Q You this weekend sat around your office by yourself  
16 recording nothing, tossing the phone around here, and are  
17 now reporting those results as an expert in what?

18 A In cell phone forensics. I understand how cell phones  
19 operate more than most people.

20 Q Do you understand electrical engineering? Do you have  
21 any background?

22 A I am not an engineer, no, sir.

23 Q Do you know how accelerometers in the iPhone work?

24 A Not exactly, no, sir. But I know that they exist and  
25 I know that that's how the iPhone determines function.



1 Q So, there is an unknown device within the phone that  
2 detects motion in a way that you don't understand, and some  
3 amount of motion that you don't know how much because you  
4 didn't measure it does something that only you saw in your  
5 office this weekend.

6 A Well, no. I know what that is. It's the  
7 accelerometer, and the accelerometer is what detects the  
8 motion, and that's what causes the iPhone to Raise to Wake.

9 Q How did an accelerometer detect motion?

10 A I'm not an engineer. I don't know how it detects  
11 motion. I just know that it does.

12 Q But, sir, you really haven't said anything you  
13 couldn't quickly find out on Google. Isn't that correct?

14 A Probably, yes, sir.

15 Q So, you have no expertise in this.

16 A I have expertise in how cell phones work.

17 Q What do you mean by that, how cell phones work?

18 A So, I can tell you all about the KnowledgeC databases.  
19 I can tell you about the ways iPhones -- not iPhones. I  
20 can tell you the way some software is written, what kind of  
21 code it's written in. I can tell you how data is stored on  
22 a cell phone, the programming that's involved with the IOS  
23 feature, and the different databases that are involved.

24 Q Can you tell us that if somebody was driving down the  
25 road, picked up a phone that was either on the seat or

1 pulled it out of a pocket or something like that, and while  
2 continuing to drive threw it out the window that the screen  
3 did not come on if it landed face up?

4 A I cannot tell you that it will not come on. I can  
5 tell you that it might not come on.

6 Q Because when you were alone throwing your phone  
7 around, you think it didn't come on sometimes.

8 MR. CONRAD: Objection. Asked and answered.

9 THE COURT: The objection is sustained.

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

11 THE COURT: Anything further?

12 MR. CONRAD: Just real quick.

13 REDIRECT EXAMINATION

14 BY MR. CONRAD:

15 Q When Mr. Barber was asking you about picking up a  
16 phone and then possible -- by the Raise to Wake, what  
17 Mr. Sturgis demonstrated to the jury was a gentle pick up,  
18 correct?

19 A That is correct.

20 Q And you tested a more violent pick up, or a more  
21 aggressive pick up, and then moving to a throwing motion,  
22 correct?

23 A Yes, sir. I just picked it up and threw it.

24 Q All right, and based off of what you tested and you  
25 observed, the screen does not come on most of the time.

1 A When you throw it like a frisbee, it's most of the  
2 time -- when you throw it end over end it's -- more than  
3 half the time it will not come on.

4 Q All right, and Mr. Barber asked you several times  
5 whether you knew more than anybody else about these cell  
6 phones, correct?

7 A Correct.

8 Q And in particular, in this instance, you do know more  
9 than most because you performed a series of tests, correct?

10 MR. BARBER: Objection. Leading.

11 THE COURT: The objection is sustained.

12 Q You performed multiple tests over the weekend,  
13 correct?

14 A That's correct.

15 MR. BARBER: Objection. Leading.

16 THE COURT: The objection is sustained.

17 Q What did you do this weekend?

18 A This weekend I performed multiple tests on a device  
19 matching that same make and model as Maggie Murdaugh's to  
20 determine whether or not the Raise to Wake feature would  
21 always enable the screens to come on whenever the phone was  
22 thrown.

23 Q And Mr. Barber asked you several times about being an  
24 engineer, correct?

25 A Correct.

1 Q And did you hear anything out of Mr. Sturgis last week  
2 that indicated he was an engineer?

3 A No, sir.

4 Q And you testified you don't know exactly how the  
5 accelerometers works, correct?

6 A That is correct.

7 Q And is that knowledge necessary to observe when the  
8 screen turns on and when it does not turn on?

9 A No, sir.

10 MR. CONRAD: Nothing further from this witness.

11 THE COURT: Anything further?

12 MR. BARBER: Beg the Court's indulgence.

13 (Break in proceedings.)

14 MR. BARBER: One question.

15 RECROSS-EXAMINATION

16 BY MR. BARBER:

17 Q How many times do you have to run this experiment for  
18 your results to be statistically reliable?

19 A I'm sorry, say that again.

20 Q How many times do you have to run this experiment for  
21 your results to be statistically reliable?

22 A More than ten.

23 Q And your basis for that is?

24 A That it doesn't take that long to figure out that  
25 sometimes it turns on and sometimes it doesn't.

1 Q Do you know how to measure reliability using  
2 statistics?

3 A I took statistics in college, yes, sir.

4 Q Do you know how to measure reliability using  
5 statistics?

6 A Yes, sir.

7 Q How do you do it?

8 A Well, you have to have a -- to perform the sample, you  
9 have to have a default group that is -- that has no change  
10 to it, and then you have to have your sample group that  
11 would actually perform a change. You take the data, you  
12 put it into a formula, and it gives you a degree of  
13 reliability.

14 Q Did you do that here?

15 A No, sir.

16 MR. BARBER: No further questions.

17 THE COURT: You may step down.

18 (The witness exited the stand.)

19 THE COURT: You may call your next witness.

20 MR. WATERS: Your Honor, the state calls Mark Ball.

21 The witness, MARK BALL, was first sworn and testified  
22 as follows:

23 THE CLERK: If you'll be seated and state your full  
24 name for the record, and spell your last name, please,  
25 sir.

1 THE WITNESS: It's Mark Ball, last name B-a-l-l.

2 DIRECT EXAMINATION

3 BY MR. WATERS:

4 Q How are you doing today?

5 A I would be even better if I weren't here.

6 Q Well, we'll get you out of here pretty quickly. I  
7 want to just ask you a few very quick questions in response  
8 to the defense case.

9 And the first question I would ask you is prior to the  
10 murders of Maggie and Paul, did you ever hear Alex express  
11 any distrust of SLED?

12 A No, sir.

13 Q Can you tell the jury what your observations were of  
14 his relationship with the law enforcement community?

15 A I thought it was very good. I mean, he interacted  
16 with them regularly, as most civil lawyers do. And then  
17 with his side gig, as, you know, solicitor, he obviously  
18 had interactions with them as well.

19 Q Do you remember coming to find out that Alex had  
20 installed blue lights in his private vehicle?

21 A Yes.

22 Q And can you tell the jury how long -- roughly how long  
23 ago that was?

24 A I can't tell you precisely. I can tell you it wasn't  
25 the vehicle that's been seized. He got that vehicle in the

1 end of December before the murders had occurred in June, so  
2 he'd had that vehicle about six months roughly, and it was  
3 on the vehicle that was prior to that. It was a Suburban  
4 as well. I don't remember when that changed, that they  
5 were actually installed, but it was some time.

6 Q Do you have some property around in this area?

7 A I do.

8 Q And are you a hunter and an outdoorsman and shooter?

9 A I am.

10 Q Do you ever shoot hogs and other nuisance creatures?

11 A A bunch of them.

12 Q And when you're riding around looking for hogs,  
13 what -- can you do that in the daytime?

14 A Yes.

15 Q And is it not uncommon to see hogs during the daytime?

16 A I've shot -- two weeks ago I shot five.

17 Q During the daytime?

18 A 4:30. They come out, you know, all different times,  
19 but, I mean, the more pressure you put on them, the more  
20 nocturnal they'll become. But they eat all of the time and  
21 they root, and the rooting is what the real problem is.  
22 They root up your roads and fields and everything else.

23 Q Have you ever known the defendant -- you've known the  
24 defendant for how long?

25 A Thirty-four years.

1 Q You're aware the defendant and his family had a number  
2 of long guns, rifles and shotguns?

3 A Yes.

4 Q Have you ever known him to talk much about target  
5 shooting a pistol?

6 A No, sir.

7 Q Do you know what Paul's weapon of choice was when  
8 shooting hogs?

9 A Shooting -

10 Q Hogs.

11 A The 300 Blackouts were bought for hog hunting. I  
12 assume Paul would have shot them with anything that he had,  
13 but that's what the 300 Blackouts were bought for.

14 Q Did you have any conversations with the defendant when  
15 he was purchasing the original two Blackouts especially for  
16 hog hunting?

17 A I did. I'm not a big 300 Blackout fan, and I told him  
18 that and he bought them anyway, and I think his cousin  
19 actually put them together, who was a game warden.

20 Q And the time after the murders, did you have a number  
21 of conversations with the defendant about his activities  
22 that night?

23 A I did. I had that night and then subsequent days.

24 Q And did you have -- did you go over those in fairly -  
25 some sort of detail?



1 A Yes, sir. You know, at times sometimes it wasn't  
2 detailed. You know, it would just be checking on him to  
3 see how he was doing and to see, you know, if they had come  
4 up with any leads or where things stood. I mean, everybody  
5 was trying to figure this out. I mean, this is one of  
6 those lightening strikes in life that just jolts you and  
7 you don't -- there's no rhyme or reason.

8 Q What, if anything, did he say about whether or not he  
9 checked Maggie and Paul before he called 911?

10 A As I testified before, my recollection of it was that  
11 he testified -- or he told me, not testified, but he told  
12 me that he went to Maggie and then he went to Paul, rolled  
13 Paul over. His phone -- I didn't hear the phone the first  
14 time he said that. I think that was about the second or  
15 third time. But I also wouldn't -- wasn't really listening  
16 -- I was listening to what -- what occurred, you know, who  
17 did this. Why would they have done this?

18 But the second time he went -- it was reversed where  
19 he went to Paul and then to Maggie. And I -- like I told  
20 you before, I don't know whether that's just a slip, you  
21 know, from one to the other or vice versa, but he  
22 definitely went and checked on them and then called 911.

23 Q When was the first time you heard his admission and  
24 claim now that he did go to the kennels around 8:44 p.m.?

25 A Thursday. Last Thursday.

1 Q Last Thursday?

2 A Yeah.

3 Q And was he clear prior to that that he did not go down  
4 there in his conversations with you?

5 A He never said anything about that or any reason for  
6 it. It just -- he'd never been there.

7 Q You said you had known the defendant for how long?

8 A Thirty-four years.

9 Q Knowing what you know now, was he able to look you in  
10 the eye and lie convincingly and effortlessly to you?

11 MR. GRIFFIN: Objection, 404.

12 THE COURT: The objection is overruled.

13 A It's pretty obvious I didn't know the stealing. I  
14 didn't know any of that. And, you know, it's not -- the  
15 way a plaintiff's practice works, you work on your own  
16 cases unless you're working with somebody else, and so you  
17 wouldn't necessarily be talking about his particular cases,  
18 so it -- sort of yes and no.

19 I mean, obviously a lot of things that I was told and  
20 a lot of things just weren't there. I mean, the blue  
21 lights, the reasoning for the blue lights, the -- you know,  
22 the money missing from our account when he cashed the two  
23 checks, all of those types of things, obviously they  
24 weren't truthful.

25 Q Did you feel like you knew the defendant well prior to

1 June 7th?

2 A I sure thought I did.

3 MR. WATERS: Thank you. Nothing further.

4 THE COURT: By the defense?

5 CROSS-EXAMINATION

6 BY MR. GRIFFIN:

7 Q Good afternoon, Mr. Ball.

8 A Good afternoon.

9 Q Just to be clear, after the Labor Day weekend when  
10 Alex was confronted by the law firm -

11 A Well, it was before Labor Day. It was the 3rd.

12 Q Friday or Thursday before?

13 A Right. It was the Friday before we confronted him.

14 Q Have you ever talked to him since the day he was  
15 confronted?

16 A I talked to him on that Monday when I believe that he  
17 and Randy and John were going to, I believe, Atlanta, to  
18 the facility down there, and I got a phone call, I don't  
19 know, 1:00 or 2:00, whatever it was. I was coming from the  
20 office. I had been digging through his files and stuff,  
21 and I got a call. It registered as John Marvin. I picked  
22 it up and said what you need, John, and it was Alex.

23 Q And that would have been Labor Day 2021?

24 A It would have been Labor Day 2021.

25 Q And since Labor Day of 2021, you have not spoken with

1 Alex.

2 A I have not.

3 Q And since Labor Day of 2021, Alex has either been in  
4 rehab or in jail. Is that correct?

5 A He has been to my knowledge.

6 Q You've not had any opportunity -- I mean, he's been  
7 represented by counsel as well, right?

8 A Sure. I mean, I wouldn't expect to if, you know, he's  
9 being charged with crimes, you know.

10 Q So, you wouldn't have any expectation that since  
11 September of 2021 that he would come to you and talk to you  
12 about whether he was on a video, whether he was at the  
13 kennels, or where he was, correct?

14 A No, not since September.

15 Q Okay. You were asked questions about Alex's distrust  
16 of SLED, and you testified that he had a good relationship  
17 with law enforcement.

18 A He did. I never heard any mistrust of SLED or anybody  
19 else.

20 Q Well, let's talk about that.

21 A From him, I mean.

22 Q Well, did Alex take the position that his son, Paul,  
23 was wrongfully charged for felony under the influence  
24 causing a death and serious bodily injury as a result of  
25 the boating accident?

1 A Yes. He -- I mean, I think he disputed that and was  
2 planning a vigorous defense of that.

3 Q And that happened -- those charges have been pending  
4 since 2019. Is that correct?

5 A Four years ago a couple of days ago.

6 Q Right, and so he did express some dissatisfaction over  
7 that case, correct?

8 A Well, over that case, but I don't know that it was  
9 directed at law enforcement or who it was directed at. It  
10 was just -- it wasn't -- he didn't specifically say or  
11 didn't say I distrust SLED or I distrust Beaufort County  
12 Sheriff's Department or DNR or whoever. It was just he  
13 thought that there was defensible -- it was a defensible  
14 case, the criminal charges against Paul. And, you know,  
15 there was this back and forth as to whether it could have  
16 been one or two people driving.

17 Q And you were informed, I believe, in the -- some time  
18 in the spring of 2021 that SLED was actually investigating  
19 Alex for obstructing the boating accident investigation,  
20 right?

21 A No, sir.

22 Q You were not aware of that.

23 A I was not aware of that. I -

24 Q Do you know whether Alex was aware of that?

25 A I have no idea what he was -- he never -- he never

1 said that to me. I didn't know about anything to do with  
2 the investigation until the grand jury, when I went to the  
3 grand jury.

4 Q Were you aware that he and his father sat in on the  
5 criminal prosecution of his good friend Greg Alexander?

6 A I became aware of that. Well, back up. Yeah, I knew  
7 they went over there. I didn't know much about the detail  
8 until after the -- SLED came in after the third of  
9 September of 2021.

10 Q And Chief Alexander was prosecuted after SLED  
11 investigated him, correct?

12 A I think that's the case, yes.

13 Q And that Alex and his father thought that Chief  
14 Alexander was wrongfully accused. Were you aware of that?

15 A I don't know what they thought about it. I know that  
16 they were close to Greg Alexander, and Greg Alexander  
17 ultimately got off on a jury trial.

18 Q Now, we do know that the Colleton County Sheriff's  
19 Department in this case recused themselves because Alex  
20 was --

21 A Let me correct something. I said that he got off. He  
22 was found not guilty. I mean, I don't want there to be a  
23 negative implication. I know Greg as well, and -- so.

24 Q Sure. Well, thank you for clarifying that.

25 And we do know that Sheriff Buddy Hill and the entire

1 Colleton County Sheriff's Department recused themselves in  
2 this case because of Alex's close relationship with the  
3 Colleton County Sheriff's Department and law enforcement.  
4 Is that right?

5 A I know they recused themselves and I know they called  
6 in SLED that night. I wasn't privy to the reasoning, but I  
7 would make that assumption.

8 Q And there's different levels of law enforcement  
9 agencies, right? There's the Town of Hampton Police  
10 Department, Hampton County Sheriff's Department, and Alex  
11 had a really good relationship at that level with those  
12 folks, right?

13 A He did.

14 Q And he had a really good relationship with the  
15 Colleton County Sheriff's Department to your knowledge?

16 A He did as far as I know, yes.

17 Q But -- I think I covered that. So, you mentioned that  
18 hogs become nocturnal when there's a lot of pressure on  
19 them.

20 A They can.

21 Q They can.

22 A But they -- it depends on a lot of things. Like right  
23 now the swamp is up. They are much more on the hill, and  
24 when times are dry, they go out into the flat swamp and  
25 root up everything out there.

1 Q And the pressure that you're referring to is hunting  
2 pressure.

3 A Yeah.

4 Q And are you aware that Paul put a lot of pressure on  
5 the hogs at Moselle?

6 A I knew Paul hunted logs a lot of places. At one point  
7 Paul had hog dogs and would hunt on people's property. He  
8 came to my property, went to Ronnie's. But how much  
9 pressure they were putting on them I don't know because I  
10 wasn't over there. I mean, I've ridden around their  
11 property several times, but I never -- it wasn't about hog  
12 hunting.

13 Q Sure, and I want to ask you about the Moselle  
14 property, the tract. So, you know, we've all seen drone  
15 photos of the house and the kennels and Moselle Road that's  
16 sort of right in front of the residence.

17 A Yes.

18 Q And then if you're sort of looking from a drone seeing  
19 some aerial photos, I guess if you're headed south there's  
20 a dove field right adjacent. Is that south I would think?

21 A Yeah, at least east.

22 Q Okay, and then back behind the Moselle residence, I  
23 think there's a river?

24 A Well, there's a swamp, and then big Salkehatchie is  
25 back in there.



1 Q So, the swamp begins behind the house and goes -- I  
2 don't know, is that west?

3 A Sort of south. If the runway is running east and  
4 west, then it would be south.

5 Q But the swamp is all -- is behind the house.

6 A It's behind the house.

7 Q Okay, and across the street from the house is the duck  
8 pond and the shooting range and no swamp.

9 A Correct, timberland.

10 Q And all the hogs are going to be behind the house.

11 A They're all over. They follow -- there's a water shed  
12 ditch in there, they follow wherever. But predominately  
13 they seek refuge or whatnot in the swamp, but they can be  
14 anywhere. I have them -- there's gum palms and every place  
15 else, and they just trample wherever they want to go. But  
16 you're right, by and large they're in the swamp because  
17 it's wooded.

18 Q And -

19 A Thick.

20 Q And in the month of June it's pretty warm, is it not?

21 A It usually is here in South Carolina.

22 Q Yes, it is. And do hogs like to stay in the swamp  
23 more in the summer?

24 A Not -- I haven't noticed that, and I've killed  
25 probably well over a thousand hogs. And so we trap them

1 all of the way through. I mean, I've got two traps and -  
2 well, actually I've got six traps, but, I mean, I trap  
3 them. I shoot. You know. They're just a scourge. They  
4 eat everything. They root up your roads. They get in your  
5 pine trees when they're little; they'll root them up.  
6 They're a tee total nuisance. Like, I carry a gun with me  
7 most of the time.

8 Q Do you have a gun with a thermal scope so you can hunt  
9 them at night?

10 A I do have a thermal, and then I have others.

11 Q Now, Mr. Ball, is there ever a time when you don't  
12 have gun with you when you're traveling around?

13 A Only if I forget it, but usually I have one.

14 Q And you understood that Maggie and Alex got 300  
15 Blackouts for Paul and Buster for Christmas one year and  
16 they came with thermal scopes.

17 A I do.

18 Q And are you aware that Paul had his lost or stolen?

19 A I was.

20 Q And that he received a replacement without a thermal  
21 scope?

22 A Right. My understanding was it had a red dot.

23 Q And that he didn't use that one very often. He used  
24 Buster's that did have a thermal scope. You learned that?

25 A I've heard bits and pieces. I haven't been watching

1 everything, but somebody told me that or I heard it, one or  
2 the other.

3 Q And Buster's is sitting here in the courtroom. Are  
4 you aware of that?

5 A I didn't -- I assumed y'all had -- I know that the  
6 black one was taken from the house because I was standing  
7 there.

8 Q Right. That's fair.

9 A But you wouldn't use a thermal in the daytime for the  
10 most part. I mean, you could, I suppose, but it wouldn't  
11 serve much purpose.

12 Q There's been some discussion about Alex's emoting,  
13 being emotional during trials. He's an emotional person  
14 altogether, isn't he?

15 A I think he probably is.

16 Q Do you remember him speaking at his -- when his dad  
17 got awarded the Palmetto, for his dad?

18 A I do.

19 Q Did he get emotional then?

20 A Yeah.

21 Q And do you remember him speaking at the trial lawyers  
22 after he had finished up his term and he got emotional  
23 then?

24 A Well, I wasn't there for that, so -

25 Q But you've seen him get emotional frequently?

1 A Sure. Everybody gets emotional.

2 Q And he was extremely emotional after losing Maggie and  
3 Paul.

4 A There's no question about that.

5 Q One last point. Do you recall reading or learning on  
6 the morning of June the 8th that a statement was released  
7 through the Colleton County Sheriff's Office that says:  
8 At this time there's no danger to the public. If  
9 information is received that dictates otherwise,  
10 we will immediately notify the public.

11 A Yes.

12 Q Did that concern you?

13 A Very much.

14 Q And why did it concern you?

15 A Well, I had been over there that night, and I left  
16 3:00, 4:00 in the morning, came home, laid down for a  
17 little while, took a shower, and then I heard that. And I  
18 got on the phone with Sheriff Smalls on my way into work  
19 about 7:30 or so, and I asked him if he knew anything about  
20 what that was about, and I went -- he said I don't know.  
21 I'll check. And then later that evening the lieutenant  
22 from over here called me, and he explained that they didn't  
23 have any credible threats against anybody other than -  
24 they didn't have any threats period, but they didn't have  
25 any -- there was no knowledge, no information about anybody

1 else being in harm's way.

2 And we had probably had a thirty or forty-five minute  
3 conversation, and it didn't leave me any more -- I guess I  
4 still had questions because we have sixty or seventy people  
5 that work for us, and the last thing I wanted was some --  
6 somebody coming in and, you know, blasting up the place.  
7 And so we made the decision to lock the doors, and we did  
8 that for probably a couple of months.

9 Q Right.

10 A Just like we're doing now.

11 Q Thank you.

12 MR. GRIFFIN: Beg the Court's indulgence. That's all  
13 of the questions I have.

14 THE COURT: Anything further?

15 REDIRECT EXAMINATION

16 BY MR. WATERS:

17 Q You were asked a little bit about Colleton and the  
18 sheriff's department recusing themselves. Are you aware  
19 that they continued to assist in the case?

20 A I know that they were out there and, you know, I  
21 wasn't -- the internal politics of who's lead who's not  
22 lead -- I mean, I know that they were there because one  
23 of the deputies called me the next morning and asked me  
24 where Paul's truck was, and I called Alex and verified  
25 where it was and told -- you know, I had several