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SC Court of Appeals

VOLUME II OF V

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County
Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GENE ALEXZANDER SCOTT,

APPELLANT.

APPELLATE CASE NO. 2024-000900

RECORD ON APPEAL

LARA M. CAUDY
Senior Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

R. BRANDON LARRABEE
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-6305

HON. RANDY E. NEWMAN, JR.
Solicitor, Sixth Judicial Circuit
PO Box 607
Lancaster, SC 29721-0607
(803) 416-9367

ATTORNEYS FOR RESPONDENT

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
**STATE’S EXHIBIT #1 (9-1-1 PHONECALL); STATE’S EXHIBIT #3 (BODY-WORN
CAMERA VIDEO OF OFFICERS POWELL AND OSTROWSKI); STATE’S EXHIBIT
#139 (STATEMENT BY THE DEFENDANT); STATE’S EXHIBIT #167 (LFG
ELECTRONIC CASE FILE PREPARED BY ERIC DEVLIN); STATE’S EXHIBIT #170
(STATEMENT OF ALEX SCOTT); STATE’S EXHIBIT #188 (MATTHEW WRIGHT’S
REPORT); and STATE’S EXHIBIT #195 (PHONE ANALYSIS OF ERIC DEVLIN)**

Kelly Rose - Direct examination
By Solicitor Lively

1 A. Okay. So, it went in the left side of his scalp, went
2 through the skull there. It went through the brain there,
3 the cerebral -- one of the cerebral hemispheres. It also
4 then got the brain stem and it traveled through the brain
5 stem, through the right side of his brain and out the right
6 side of his skull.

7 Q. And, once again, that was the fatal shot?

8 A. That is a very lethal injury. It's instant -- near
9 instantaneous death.

10 Q. All right. Now, on the bottom part of your diagram is
11 where you show some different injuries.

12 Is that what you're referring to when you're giving
13 that description about the contusions?

14 A. Yes.

15 Q. Okay. And -- all right. So we'll, we'll talk about
16 that in just a minute.

17 Now, on the second page, like to do with Ms. Billie
18 Ruth, was there another gunshot wound that you referenced in
19 this particular diagram?

20 A. Yes, that's B.

21 Q. That's B?

22 A. Yes.

23 Q. All right. And where's the injury on B?

24 A. So, it's right here. It goes in here, comes out there.

25 Q. All right. Okay. And was that also -- was that

Kelly Rose - Direct examination
By Solicitor Lively

1 documented not only in this but also during autopsy with
2 photographs and --?

3 A. Yes.

4 Q. All right. So tell us the description of that
5 particular injury.

6 A. It was superficial.

7 Q. Okay.

8 A. It did go under the skin. So, a graze wound does not
9 go through the, the skin. It -- this one went through the
10 skin at such of a shallow angle that it stayed just under
11 the skin and then popped back out. And arms are interesting
12 because, you know, people can be, can be doing anything like
13 no or this, or this on their desk or like this. And you can
14 get really bizarre wounds to your arms because of that.

15 Q. Okay. In -- but in your opinion as an expert, this
16 obviously occurred at the same time whenever the injury to
17 the -- his head, correct?

18 A. Correct.

19 SOLICITOR LIVELY: All right. Okay. All right. Now,
20 Your Honor, at this time, can we take a short break --

21 THE COURT: Sure.

22 SOLICITOR LIVELY: -- so we can deal with a legal
23 issue?

24 THE COURT: Okay.

25 SOLICITOR LIVELY: Thank you.

Kelly Rose - Direct examination
By Solicitor Lively

1 THE COURT: All right. Ladies and gentlemen, we got a
2 legal issue that we need to discuss with the lawyers. So,
3 take an afternoon break and hopefully we won't be too long
4 and get you back out.

5 okay?

6 (WHEREUPON, the following takes place outside the
7 presence of the jury.)

8 THE COURT: Let me just put on the record that the
9 State had offered 175 into evidence and that I find that
10 defense made an objection and I considered this picture to
11 be basically the same as the other two pictures that were
12 redacted showing the excessive amount of blood.

13 So --.

14 (WHEREUPON, a short recess was taken at this time.)

15 SOLICITOR LIVELY: We were able to determine, and I'll
16 just go ahead and put this in with, with Mr. Frick, she's
17 gonna be testifying about certain ones that are already in.
18 So, we 173, 78, which is a picture of the back, and then the
19 two -- these two that are already in.

20 MR. FRICK: Yeah.

21 SOLICITOR LIVELY: You can see what we're dealing with.
22 Okay. Then the autopsy ones are -- you just mark those
23 for me?

24 Thank you.

25 (WHEREUPON, the autopsy photographs of Mr. Gene Rogers

Kelly Rose - Direct examination
By Solicitor Lively

1 were marked as State's Exhibit Nos. 182 and 183 for
2 identification purposes only at this time.)

3 CONTINUED DIRECT EXAMINATION

4 BY SOLICITOR LIVELY:

5 Q. All right. So, right now I'm gonna show you State's
6 Exhibits 182 and 183.

7 All right. So, 182, Doctor Rose, if you could
8 please -- in, in your testimony earlier you were talking
9 about the superficial wound to Mr. Rogers arm.

10 Is that correct?

11 A. Uh-huh. (Affirmative).

12 Q. Okay. Is that a yes?

13 A. I'm sorry. Yes.

14 Q. You're fine.

15 Okay. So, in regards to that particular picture, does
16 that show the wound to the arm that's documented in your
17 autopsy?

18 A. Yes.

19 Q. All right. And please explain to the judge what
20 significance and how that helps you explain that to the jury
21 in regards to why you called it a superficial wound and, and
22 what you were looking at.

23 THE WITNESS: Okay. So, this is the arm and this is
24 the entrance here and this is the exit there --

25 THE COURT: Okay.

Kelly Rose - Direct examination
By Solicitor Lively

1 THE WITNESS: -- and it's a short distance and it only
2 goes through the subcutaneous tissue.

3 THE COURT: Okay.

4 Q. Okay. All right. All right. So, it actually though
5 does, like you said before, penetrate into the arm and then
6 has an entrance and an exit wound?

7 A. Correct.

8 Q. So, we've talked about this Mrs. Billie Rogers injury,
9 which was a grazing injury.

10 This is a penetrating injury, correct?

11 A. It is.

12 Q. Okay.

13 A. Superficially --

14 Q. Okay.

15 A. -- penetrating or it's perforating because it comes
16 out.

17 Q. Okay.

18 A. But it was superficially perforating --

19 Q. All right.

20 A. -- meaning it didn't go deep.

21 Q. Okay.

22 A. But it did go in.

23 Q. It did go in.

24 All right. So, that is one of the injuries and what
25 was the actually fatal injury to Mr. Gene Rogers?

Kelly Rose - Direct examination
By Solicitor Lively

1 A. His fatal injury was his gunshot wound.

2 Q. All right. Which you've already testified to that and
3 in -- with -- the reason why I'm showing you this State's
4 Exhibit -- I'm sorry. Let me just see what it is -- 183 is
5 because, on your diagram which we've already got into
6 evidence, there's some unusual abrasions that are documented
7 by you on his forehead?

8 A. Yes.

9 Q. And along his -- the side of his head, correct?

10 A. Yes.

11 Q. All right. So, if you could please tell Your Honor how
12 that picture helps you to explain it in comparison to just
13 the diagram that we're looking at.

14 A. Well, to be honest, I really dislike these diagrams.
15 They're not anatomically correct and I'm not an artist. And
16 so I try my best during an autopsy. But it's never exactly
17 accurate.

18 Q. Okay. And so in what we're seeing -- okay. So, what
19 we're seeing in that particular picture, is that an accurate
20 reflection of how you tried to document the abrasions to his
21 head?

22 A. How I tried --

23 Q. Okay.

24 A. -- yes.

25 Q. And what could of caused the abrasions to his head in

Kelly Rose - Direct examination
By Solicitor Lively

1 that picture?

2 A. I see stuff like this when someone's wearing a hat. I
3 do. The --.

4 Q. What about like a -- maybe a headband with a, with a
5 headlight on it like a -- one of those little -- like almost
6 a mining type?

7 A. Definitely that.

8 Q. Okay. And that would work?

9 A. Night vision goggles, something like that, yes.

10 Q. Okay. All right. Perfect.

11 So that would help explain the injuries that, that
12 you're seeing in that picture?

13 A. (WHEREUPON, there was no audible response.)

14 Q. Okay. All right. Perfect.

15 MR. FRICK: Judge, may I ask a few brief questions---

16 SOLICITOR LIVELY: Sure.

17 MR. FRICK: ---on that particular picture?

18 SOLICITOR LIVELY: Go ahead.

19 THE COURT: Yeah. Sure.

20 MR. FRICK: Thank you.

21 CROSS-EXAMINATION

22 BY MR. FRICK:

23 Q. Doctor, Doctor Rose, let me, let me make sure we're
24 looking at the same one.

25 Okay. I got into my head cause there's so many more

Kelly Rose - Cross-examination
By Mr. Frick

1 pictures.

2 A. Okay.

3 Q. So, this is, this is the abrasion that you're talking
4 about that --

5 A. Correct.

6 Q. -- could have possibly -- I think the solicitor was
7 asking you about the hat band -- I mean the -- it was a band
8 around his head, correct?

9 A. A band and also a, a light.

10 Q. Okay. So we're still with part of a light on there?

11 A. From -- yes, that's --.

12 Q. Okay. Okay. Right. I know the band was from a
13 headlamp. But there's been some testimony that it was
14 broken.

15 was it still in tact?

16 A. I -- my theory of it was in tact and could of been shot
17 itself. I mean that looks like it was on his head when he
18 was shot.

19 Q. Got you.

20 My other question is -- and you're the pathologist.

21 How many -- with that -- it, it appears it might be
22 scabbed over.

23 Is that---

24 A. That's just---

25 Q. would, would it---

Kelly Rose - Cross-examination
By Mr. Frick

1 A. ---drying artifact.

2 Q. Okay.

3 A. And that is actually a good question because that is
4 testament to how quickly he would of died cause he had a
5 brain stem perforation.

6 Q. Okay.

7 A. They -- they're basically dead by the time they hit the
8 floor.

9 Q. All right. All right. But that is essentially just
10 dried blood then?

11 A. It's just drying of the, of the skin that's raw there.
12 You know, he doesn't have any more blood flowing to the
13 area. You're -- it's not gonna do the normal stages of
14 healing. So it gets a dry look.

15 Q. Okay. All right.

16 A. It's a different dry look than if someone's alive and
17 has had an abrasion for a while.

18 Q. Okay. All right. Thank you.

19 A. Yeah.

20 MR. FRICK: No other questions.

21 THE COURT: So let, let, let me ask you, Doctor Rose.

22 So, are you saying, in 183, that the abrasion, which
23 appears to be a vertical abrasion, was caused by this
24 headlight band that he had around his head?

25 THE WITNESS: I think more than likely it was caused by

1 the lamp itself. You know, they're big. They go right
2 there up in --.

3 THE COURT: Are we talking about like a, you know, like
4 a coal miner's -- it might just be completely off base.

5 Are we talking about a coal miner's lamp around the
6 head?

7 You don't have to hold a flashlight and you use---

8 SOLICITOR LIVELY: Right.

9 THE COURT: ---that as a flashlight?

10 SOLICITOR LIVELY: Yes, sir.

11 THE COURT: Is that what we're talking about?

12 SOLICITOR LIVELY: And here's---

13 MR. FRICK: That's the way I understand it.

14 SOLICITOR LIVELY: And, and, Your Honor, here's the
15 problem I'm running into. Every single picture I have of
16 that is exactly what you're telling me doesn't come in and
17 I'm saying that with all due respect. It's because it is
18 the most brutal of the photos cause you're right up on his
19 head.

20 so all the pictures documenting the band with the lamp,
21 I have tried going through each one of them and the only
22 thing I can tell you is that that concerns me you're having
23 trouble understanding it cause I'm trying to explain it
24 without the picture.

25 THE COURT: Right.

1 SOLICITOR LIVELY: And the picture's really the only
2 thing that's gonna show what it is.

3 THE COURT: So, in other words, solicitor, if I'd let
4 those other photographs in, I wouldn't be so confused.

5 Is that, is that---

6 SOLICITOR LIVELY: well, I'm thinking I can---

7 THE COURT: ---what you're---

8 SOLICITOR LIVELY: I'm trying to---

9 THE COURT: ---insinuating?

10 SOLICITOR LIVELY: No, I'm just saying by having you
11 ask that question is -- just concerns me cause I've tried to
12 really tiptoe around that issue cause it is hard. I mean
13 cause that's where his major injury was, you know. I, I
14 mean I've---

15 THE COURT: Right.

16 SOLICITOR LIVELY: ---tried. But I don't have an
17 example of what one of those lamps looks like---

18 THE COURT: Right.

19 SOLICITOR LIVELY: ---is the problem. So I can't tell
20 you what that is. I can only---

21 THE COURT: And so the shooting, as far as 183, the
22 abrasion on, on the forehead, the shooting, does that have
23 any correlation to that abrasion being caused by the
24 headlight or headlight or anything?

25 THE WITNESS: In my opinion, yes.

1 THE COURT: Okay. What's the correlation, doctor?

2 THE WITNESS: I think they're two possibilities.

3 Gunshots that go through the head, that is a high
4 velocity---

5 THE COURT: Sure.

6 THE WITNESS: ---gunshot.

7 Okay. It can cause such of a secondary pressure wave
8 that it -- if the lamp stayed on, it would of pores
9 (phonetic) to the skin. Everything.

10 THE COURT: I see.

11 THE WITNESS: My second thought is that it was actually
12 shot by a bullet and that would of really caused that.

13 THE COURT: Okay. All right. Okay. All right.

14 THE WITNESS: And I say that based off people that I
15 have seen wearing other things on their head that have
16 similar type injuries---

17 THE COURT: Okay.

18 THE WITNESS: ---that have been shot in the head.

19 THE COURT: All right.

20 Okay. Solicitor, any other questions of Doctor Rose as
21 it relates to the two photographs that we're dealing with in
22 camera?

23 SOLICITOR LIVELY: Yes, Your Honor. And I'm actually
24 going to have one of my assistants that's been helping from
25 the Sheriff's Office bring in a headlamp. I don't know if

1 it will be something -- they'll probably ob -- I'm sure
2 they'll object to that. But I don't know what it looks
3 like. Just for purposes of maybe demonstrative purposes
4 just to look at.

5 But also, in the mean time---

6 SOLICITOR SOPRANO-CESMAT: State's Exhibit 63.

7 SOLICITOR LIVELY: Sixty-three.

8 There is an exhibit where we have the piece of the
9 headlamp if you recall that was down the hallway.

10 SOLICITOR SOPRANO-CESMAT: And the close-up is 64,
11 Candice.

12 SOLICITOR LIVELY: Okay. Thank you.

13 SOLICITOR SOPRANO-CESMAT: There's two of them.

14 SOLICITOR LIVELY: And so it was a piece. So it's not
15 the whole item but that could help to some extent.

16 THE COURT: Sixty-three's already into evidence?

17 So you said---

18 SOLICITOR LIVELY: That's what I mean, yes.

19 SOLICITOR SOPRANO-CESMAT: Yes, judge.

20 THE COURT: That one's already into evidence.

21 SOLICITOR LIVELY: That's the good thing.

22 THE COURT: Okay. All right.

23 SOLICITOR LIVELY: All right. I'm gonna show that to
24 you and you said -- and then what?

25 SOLICITOR SOPRANO-CESMAT: Sixty-three and 64.

1 SOLICITOR LIVELY: Sixty-four's not in.

2 SOLICITOR SOPRANO-CESMAT: It should be.

3 THE COURT: It's in the range of 61 to 86.

4 SOLICITOR SOPRANO-CESMAT: So it's stipulated.

5 (Pause.)

6 THE WITNESS: I don't know where this would of been on
7 that.

8 SOLICITOR LIVELY: That's the problem. It would of
9 been -- that would of been the plastic piece on the head.

10 THE WITNESS: To me, that size looks similar to this.

11 THE COURT: Okay. All right.

12 SOLICITOR LIVELY: And that piece came off the
13 headlamp. I mean it -- this is actually---

14 THE WITNESS: I'd like to know the size of it or some
15 of that.

16 SOLICITOR LIVELY: Well, that's impossible. We don't,
17 we don't have that.

18 THE COURT: Anything further, solicitor, on your side
19 of the document while we're in camera?

20 SOLICITOR LIVELY: No, Your Honor. We'll just attempt
21 to use these particular photographs after or whenever the
22 Court --

23 THE COURT: All right.

24 SOLICITOR LIVELY: -- actually will allow and I can ask
25 the hypothetical in regards to the headlamp.

1 THE COURT: Any, any other questions on this limited
2 issue in camera with Doctor Rose?

3 MR. FRICK: No, sir. No further questions.

4 THE COURT: Okay. And is it still the defense position
5 that 182 and 183 should not come in?

6 MR. FRICK: Judge, I'm trying to figure out how to
7 phrase it cause I am intrigued by the injury. I am confused
8 as you are and I've seen all the pictures. The defense will
9 take no position on the picture.

10 THE COURT: Yeah.

11 All right. Okay. And I believe, Doctor Rose, that you
12 indicated that these two pictures will assist you better
13 than the diagrams in explaining your findings on his
14 injuries?

15 Is that, is that what you testified earlier?

16 THE WITNESS: Yes.

17 THE COURT: All right. In light of that testimony,
18 number one, and, number two, the pictures are really not
19 that bad in comparison with the pictures that I kept out so,
20 I'm gonna allow both 182 and 183 in.

21 (WHEREUPON, State's Exhibit Nos. 182 and 183 were
22 received into evidence at this time.)

23 SOLICITOR LIVELY: Thank you, Your Honor.

24 THE COURT: Okay. Anything else before we bring the
25 jury out?

1 SOLICITOR LIVELY: No, Your Honor. We're ready.

2 Oh well---

3 THE COURT: Let's take a two minute break.

4 SOLICITOR LIVELY: And also the headlamp. Obviously
5 it's not the same thing. But it's just -- this is in
6 conjunction with just saying a headlamp in general.

7 What do you think?

8 THE COURT: Well, I mean are you just gonna use it to
9 demonstrate---

10 SOLICITOR LIVELY: Just to demonstrate.

11 THE COURT: ---and not necessarily go into evidence?

12 SOLICITOR LIVELY: Yeah.

13 THE COURT: Okay. I'll -- whatever---

14 SOLICITOR LIVELY: Well, I mean cause we also have a
15 band around---

16 MR. FRICK: Yeah.

17 SOLICITOR LIVELY: ---his head.

18 MR. FRICK: Right. I agree. I agree.

19 SOLICITOR LIVELY: So she can testify about that.
20 Okay.

21 THE COURT: All right. Let's take---

22 SOLICITOR LIVELY: I'm gonna have them put it on.

23 THE COURT: ---about a two minute break.

24 SOLICITOR LIVELY: Thank you.

25 (WHEREUPON, a short recess was taken at this time.)

Kelly Rose - Direct examination
By Solicitor Lively

1 THE COURT: -- jury out please.

2 (WHEREUPON, the following takes place within the
3 presence of the jury.)

4 THE COURT: Let the record reflect the jury is back in.
5 Solicitor, you ready?

6 SOLICITOR LIVELY: Yes, sir, Your Honor. Thank you
7 very much.

8 THE COURT: All right.

9 CONTINUED DIRECT EXAMINATION

10 BY SOLICITOR LIVELY:

11 Q. Doctor Rose, I'm gonna back up to just a couple of
12 items that you were testifying to and actually have you
13 refer to photographs to, to help explain. First of all, we
14 had deputy not -- Deputy Coroner, Ms. Jolene Clinton,
15 testify prior to you and she was asked about lividity.

16 Could you please explain to the jury, based upon your
17 experience and your expertise, what that is?

18 A. So lividity is the pooling of blood because of gravity.
19 So, whatever side of the body is down, the blood will pool
20 there after death.

21 Q. And whenever -- do you have like medical terms to
22 describe types of lividity or the stage of lividity of a
23 body -- that you find on a body?

24 A. Lividity can become apparent rather quickly. After
25 that, it is not fixed or it is blanchable. And what that

Kelly Rose - Direct examination
By Solicitor Lively

1 means is the blood -- you'll see it. You'll see the
2 redness. But the blood is -- you can press on it like this
3 and you can see how that blanched and turned white. You're
4 able to press those red blood cells back away from the skin.
5 That is blanchable lividity.

6 with time, the red blood cells themselves actually
7 break apart. They no longer can keep their membranes in
8 tact. They break apart. They have the hemoglobin in them
9 and it actually stains the tissues.

10 So, after it -- the lividity has been there longer than
11 12 hours, when you press on it, it does not winch.
12 You'll -- it will be bright red. You press on it. It stays
13 bright red no matter how hard you press. That's fixed
14 lividity.

15 Q. So, your testimony then, as an expert, is that if it's
16 fixed lividity, then the death would of had to have been at
17 least 12 hours or more before?

18 A. Correct.

19 Q. Okay. All right. So, let me show you -- and these
20 photographs are just to kind of ask you the next question.
21 In State's Exhibit No. 36-A, there's a photograph of Mrs.
22 Billie Ruth and where she is lying when she was found on
23 June the 21st.

24 Now, in your autopsy, did you actually talk about where
25 the lividity of Mrs. Billie Ruth was located?

Kelly Rose - Direct examination
By Solicitor Lively

1 A. And I said it was posterior. So, it's on the posterior
2 aspect of her body.

3 Q. Okay. And would that be consistent with what you're
4 seeing with her lying in that recliner leaned back?

5 A. Yes.

6 Q. Okay. All right. So, it's in her back.

7 And was her -- was the lividity of Mrs. Billie fixed?

8 A. It was.

9 Q. It was.

10 All right. Now, Mr. Gene Rogers, at -- what did you
11 document in your autopsy in regards to lividity that you
12 observed on his body?

13 A. His was more interesting to me because it was on the
14 left side of his body. So, you receive every body in a bag
15 and they're on their back.

16 So, with it being only on his left side and fixed
17 obviously, I was like oh, he was on his left side for
18 greater than 12 hours before they put him in this body bag.
19 If he had been on his left side less than 12 hours, and it
20 had not fixed, I would of seen some lividity on his back and
21 still some on his left side. But there's -- it was only on
22 his left side.

23 So, he was in a position on his left for greater than
24 12 hours before they put him in the body bag.

25 Q. I'm gonna show you State's Exhibit No. 79 and ask you

Kelly Rose - Direct examination
By Solicitor Lively

1 whether or not this particular photograph that you're
2 seeing, would that be consistent with what you're testifying
3 to in your medical expert opinion in regards to the lividity
4 being only on the left side of his body?

5 A. Yes, this position -- I would say he was in this
6 position greater than 12 hours before being transferred into
7 the body bag.

8 Q. Okay. All right. And then I'm gonna show you State's
9 Exhibit No. 78 and I've already shown this one to you
10 before. But I wanted to show you these other photos as
11 well.

12 In that particular picture where you've already
13 testified what is that purplish, red color we're seeing, is
14 that the lividity you're talking about?

15 A. Yes.

16 And when you have lividity in areas that are up against
17 pressure, you won't actually have the lividity there. So,
18 he had some areas here where there's no lividity and that's
19 where his body was in contact with the ground. But on the
20 left side right around here is where the lividity is.

21 Q. Okay. And if he had been there less than 12 hours
22 whenever he was placed -- his body was placed into the body
23 bag, that would have shown blood actually pooling, but like
24 Mrs. Billie Ruth's did, and showed it on her back because
25 that's how she died, leaning on her back?

Kelly Rose - Direct examination
By Solicitor Lively

1 A. Correct. And, and most of my cases I -- I'll say that
2 primary lividity and secondary lividity. Secondary lividity
3 is of the back. But I can still see where it was where they
4 were lying down or what -- how they were at the scene. But
5 it's not fixed cause it's gradually moving back.

6 Q. Okay. And there was no moving back of the blood that
7 we're seeing in the lividity from Mr. Gene Rogers because,
8 in your medical opinion, he had laid in that position for no
9 less than 12 hours?

10 A. Correct.

11 Q. Okay. And how -- it could of been how many hours after
12 that?

13 Does it matter at that point before it---

14 A. No. It, it -- once it's fixed like that, it stays
15 fixed.

16 Q. It stays fixed. Okay. Now thank you.

17 You also testified about an arm injury and I'm gonna
18 show you State's Exhibit No. 182 and you testified that
19 there was a superficial arm injury.

20 Which arm was that injury to?

21 A. The right forearm area.

22 Q. All right. And, and you were able to determine the
23 entry and the exit of that right arm area, correct?

24 A. Yes.

25 Q. And will you point to your arm as to where it---

Kelly Rose - Direct examination
By Solicitor Lively

1 A. (WHEREUPON, the witness complies.)

2 Q. There you go. Thank you.

3 Okay. And that -- could -- that was one of the wounds
4 that you documented in your autopsy, correct?

5 A. Yes.

6 Q. Then -- well, we talked about a little bit earlier in
7 state -- well, Your Honor, the State would move 182 into
8 evidence?

9 THE COURT: Into, into evidence for the State.

10 SOLICITOR LIVELY: Thank you.

11 (WHEREUPON, State's Exhibit No. 182 was again received
12 into evidence.)

13 Q. Now I'm gonna show you 183, Mr. Gene Rogers.

14 You've already testified that there was the fatal wound
15 to the -- I believe you said the right side of his head.

16 Is that correct?

17 I want to make sure.

18 A. It, it went in the left.

19 Q. I'm sorry. The left. That's correct. He was
20 different.

21 Okay. So his went, went into the left and then there's
22 that odd contusion that's on his face.

23 Could you please explain to us what -- how you actually
24 documented that in your diagram?

25 A. These red squiggle marks. Then I have area of

Kelly Rose - Direct examination
By Solicitor Lively

1 discontinuous abrasions.

2 Q. Okay. Now, Doctor Rose, whenever you -- whenever he
3 actually got to you at autopsy, did you have information
4 that he was wearing some type of a headband or there was
5 some type of a headband around his head?

6 A. I don't believe so.

7 Q. Okay.

8 A. I'm just gonna double-check to see if I didn't -- a
9 black headband, yes.

10 Q. There you go.

11 A. A black headband was on the body, yes.

12 Q. Okay. And that black headband that you later
13 determined -- were you at -- later told that that black
14 headband could be from a headlamp that he was wearing?

15 A. Yes.

16 Q. Okay. Now, I know this is not the same color or
17 anything like that.

18 But in regards to a headband that would of been wrapped
19 around him in some type of a fixture on the very front of
20 it, would this be something like we're talking about that
21 could have -- that he could of been wearing that night?

22 A. Yes.

23 Q. I mean wearing that at the hospital -- autopsy.

24 Okay. Now, let me show you what's already in evidence
25 as State's Exhibit No. 64.

Kelly Rose - Direct examination
By Solicitor Lively

1 Okay. There was some testimony earlier about the
2 headband and the headlamp and I'm gonna show this particular
3 item to you in No. 64 and if you'll look at the injury to
4 Mr. -- to Mr. Rogers.

5 Okay. In looking at that -- now, that is just a piece
6 of what was actually found in close proximity to the, the
7 victim.

8 Okay. So, in regards to looking at that, do you have
9 any opinion as to whether that could have somehow been a
10 factor in those injuries to his head?

11 A. And this piece of plastic is part of the headlamp from
12 the band that he had on.

13 Q. Sure.

14 A. Yeah, definitely. That helps explain a lot.

15 Q. Okay. All right. Let me show you what's in evidence
16 as State's Exhibit No. 173. This is a picture taken by
17 crime scene of some blood on a table or desk where he -- his
18 chair and where his body was found and if you'll look at
19 that.

20 would it have taken some force in order for the
21 contusions to his head to happen?

22 A. Yeah. And they were more abrasions, a little
23 difference. But yes.

24 Q. Okay. Could he, after being shot or in the process of
25 being shot, hit his head on that desk causing those

Kelly Rose - Direct examination
By Solicitor Lively

1 contusions?

2 A. Yes. And -- I'm allowed to show this picture?

3 Q. Yes. Actually if you want to step down.

4 Your Honor, may she step down?

5 THE COURT: Sure. Just be sure to speak up loud enough
6 since---

7 THE WITNESS: Okay.

8 THE COURT: ---you're away from the microphone.

9 SOLICITOR LIVELY: Thank you.

10 (WHEREUPON, the witness comes down from the stand.)

11 Q. Okay. Cause I know they're -- do you -- they're
12 probably wondering what you and I are talking about.

13 A. Okay.

14 Q. So if you could---

15 A. Oh.

16 Q. ---just identify what they are when you're --.

17 A. So this is a picture of his head. These are the
18 abrasions that I'm talking about. This.

19 So, if he had a headlamp on his head, and this is a
20 piece of that headlamp that they recovered -- can y'all all
21 see that?

22 And he got shot and he had this on his head, and he
23 face planted like this down, that explains that abrasion.
24 That would explain that abrasion rather nicely actually
25 because, if this part of the headlamp, it looks a little bit

Kelly Rose - Direct examination
By Solicitor Lively

1 like that to me, this one, as far as size and shape.

2 And I see this with gunshot wounds and they'll have a
3 pattern, buttons, whatever on their clothing, and they'll
4 leave marks as well. And this one was a little odd to me.

5 But this makes it less odd. Makes -- it makes sense to me.

6 Q. Okay. All right. And in regards to the one with the
7 blood on the, on the actual desk, this desk was right
8 below -- right above where his body was found and this is,
9 let me just say for the record, State's No. 173.

10 Do you see any pieces of orange plastic in that
11 bloodstain?

12 A. I do.

13 Q. Okay.

14 A. Here and probably there.

15 Q. Okay. All right.

16 A. Do y'all see it?

17 They're small.

18 SOLICITOR LIVELY: Your Honor, we'll actually -- if she
19 could, I'll ask her to sit down and I actually publish the
20 pictures to the jury so they can see individually---

21 THE COURT: Sure.

22 SOLICITOR LIVELY: ---for themselves.

23 THE COURT: All right. All right. Very good.

24 Q. Thank you, Doctor Rose. Thank you.

25 (WHEREUPON, the witness returns to the stand.)

Kelly Rose - Direct examination
By Solicitor Lively

1 Q. All right. So, Doctor Rose, the, the question then
2 comes down to are you able to give us a specific time of
3 death in regards to either one of these individuals?

4 A. Well, based on my findings, it was 12 hours -- greater
5 than 12 hours from when they were moved --

6 Q. Okay.

7 A. -- and that's the best that I can do.

8 Q. Okay. Because whenever they were moved, the -- since
9 the lividity didn't change, it wasn't blanching and it
10 didn't re-pool somewhere else, then that means they had to
11 have been in that position for at least 12 hours before
12 their bodies were placed into the body bag?

13 A. Correct.

14 Q. Okay. So, definitely could of been greater than 12
15 hours?

16 A. Correct.

17 Q. But no less than 12?

18 A. Correct.

19 Q. And is that your expert opinion as a forensic
20 pathologist in this case regarding Billie and Gene Rogers?

21 A. Yes, it is.

22 Q. Okay. All right. So, in regards to their injuries,
23 your, your findings, as a forensic pathologist, in regards
24 to cause and manner of death on both are what?

25 A. On Gene Rogers, Mr. Gene, it was perforating

Kelly Rose - Direct examination
By Solicitor Lively

1 indeterminate range gunshot of head. I contributed
2 superficially perforating indeterminate range gunshot of
3 right forearm.

4 On Mrs. Billie, I -- her cause of death was two
5 perforating indeterminate range gunshots of head. The
6 manner on both was homicide.

7 Q. And, finally, in regards to going back to the time of
8 death, and if the, if the individuals had been shot and, and
9 killed around let's say nine o'clock PM the night before,
10 that would be greater than the 12 hours that you're talking
11 about here today, correct?

12 A. Yes.

13 Q. Okay. And would that fit your timeline?

14 A. That would.

15 Q. Okay. In regards to fixed lividity?

16 A. Yes.

17 Q. Okay.

18 A. That didn't move at all, yes.

19 Q. All right. Okay. And I just want to be sure, State's
20 2 and 181 in regards to the diagrams, those were in?

21 I know that they didn't object. But I just want to be
22 sure.

23 THE COURT: Two diagrams, yes, they're --

24 SOLICITOR LIVELY: Okay.

25 THE COURT: -- in the evidence. One hundred eighty --

Kelly Rose - Direct examination
By Solicitor Lively

1 no, No. 2 and 181.

2 SOLICITOR LIVELY: All right. One hundred eighty-one I
3 think I was waiting on till I got --.

4 THE COURT: Right. That's -- you mean the two is
5 Billie's?

6 SOLICITOR LIVELY: Yes, sir. Yes, those should be in
7 at this time.

8 THE COURT: Yeah. Those are into evidence --

9 SOLICITOR LIVELY: Thank you, Your Honor.

10 THE COURT: -- without objection.

11 MR. FRICK: Put them in.

12 SOLICITOR LIVELY: Thank you. That will be all the
13 questions. Please answer any questions that the defense may
14 have.

15 CROSS-EXAMINATION

16 BY MR. FRICK:

17 Q. Okay. Just, just to go back, Doctor Rose, you, you
18 call this an intermediate, on both of them, it's an
19 intermediate gunshot wound, correct?

20 A. Yeah, intermediate range, yes.

21 Q. Intermediate range, which means you, you didn't see any
22 indications they was any closer than a foot?

23 A. Three feet technically.

24 Q. Okay. So, greater than 3-feet or at least 3-feet?

25 A. Right. It's not exactly right. So anywhere from two

Kelly Rose - Cross-examination
By Mr. Frick

1 to three -- greater than 2 to 3-feet.

2 Q. Okay. And, and even if a, a silencer or a suppressor
3 had been used, you would of expected to see soot in the
4 wound.

5 Is that correct?

6 A. If it was a like -- are you saying if it's a contact or
7 if it was a close range?

8 Q. Well, I'm just saying if there was a suppressor used
9 regardless of --

10 A. You would---

11 Q. I mean -- well, yeah, yeah. Let's say that. Let's say
12 it's a contact with a suppressor.

13 A. I would expect to see a muzzle imprint. They -- the
14 suppressors make kind of funny muzzle imprints and then the
15 soot distribution is different because it makes the gases go
16 out differently. And so you'll get like sunrays of soot on
17 a suppressor.

18 Q. Okay. And if it weren't a contact, but it was still
19 with a suppressor, you would still expect to see the soot or
20 some stippling?

21 A. If it was within that range, yeah.

22 Q. Okay.

23 A. It would be different pattern than normal. But you do
24 see it.

25 Q. Okay. All right. And none of that was present?

Kelly Rose - Cross-examination
By Mr. Frick

1 A. No.

2 Q. All right. And we talked -- you covered livor in this
3 pretty well, and, and, and I think you said, in both of
4 them, it was fixed, which means we're at a -- 12 hours.
5 whether it's greater than 12 hours or right at 12 hours, it
6 was at least 12 hours.

7 A. At 12 hours, in my experience, it's still slightly
8 blanchable. So, greater than 12 hours in my experience.
9 Textbooks probably say 12.

10 Q. And is that affected by environmental conditions?

11 A. Not -- no, not nearly as much as rigor. Rigor is.

12 Q. Okay.

13 A. Rigidity is.

14 Q. Okay.

15 A. Livor, no. That's gravity.

16 Q. Okay. All right. So, with, with rigor -- and I'll
17 call it rigor.

18 A. It is rigor.

19 Q. It's rigor.

20 Okay. I still call them bugle -- buccal swabs
21 sometimes.

22 A. Okay.

23 Q. So I get it wrong.

24 Did you make any determination with rigor in this
25 particular case?

Kelly Rose - Cross-examination
By Mr. Frick

1 A. By the time that I received them it was nearly past.

2 Q. Okay.

3 A. So it was barely -- it was, you know, not much left of
4 that.

5 Q. Okay. And I'm not entirely sure.

6 Were you correct -- were you in the courtroom when the
7 coroner testified?

8 A. I was.

9 Q. Did you hear her talk about rigor?

10 A. I heard her say that were -- the bodies had rigor.

11 Q. Okay. Okay. Did, did -- could you glean anything from
12 that?

13 I mean that if---

14 A. Rigor is very much -- it is subject to a lot of
15 variabilities. It, it depends. Was it fixed. Was it, you
16 know, just beginning to happen. Depends on how strong the
17 person is testing it. It depends on how much muscle the
18 person has that's dead and exhibiting it. Generally you can
19 start to appreciate it between one to six hours. In
20 general, it becomes fixed around 24 hours --

21 Q. Okay.

22 A. -- and I say general---

23 Q. It particularly is gone by the time you saw him in 36
24 hours, wasn't it?

25 A. And, by 36 hours, we expect it to be gone or nearly

Kelly Rose - Cross-examination
By Mr. Frick

1 gone.

2 Q. Okay.

3 A. Being placed in the cooler slows all of those processes
4 down.

5 Q. And it also starts in different areas, isn't that
6 correct, or these things---

7 A. Well---

8 Q. ---get in smaller muscles and they move?

9 A. It begins in every muscle the same. The -- but what is
10 tricky to people is you notice it first in smaller muscles.
11 So, because they're smaller muscles and they show the
12 rigidity more cause it's just less of them. So, it begins
13 at the same time in every muscle. But you notice it in the
14 smaller muscles first.

15 Q. Now -- and if one were to notice it in arms, would that
16 be---

17 A. Arms are not considered---

18 Q. ---even longer?

19 A. ---to be small muscles. Then you know the person has
20 been, you know, dead longer than if you only noticed it in
21 the, the, the jaw. But it also depends on a lot of other
22 things because it goes away in reverse order. So you can
23 have it and still feel it in your jaw. It doesn't mean it's
24 coming on. It means it's nearly gone.

25 Q. Now, I know we can't put an exact timeframe on how far

Kelly Rose - Cross-examination
By Mr. Frick

1 out. I know. And then we're saying greater than 12 hours
2 and your can't really cap it. But, but there are some
3 things that you can look at to say it didn't happen two days
4 before.

5 correct?

6 A. Two days before, yes. I would expect to start to see
7 some changes in the, the bowel area and you'll get a, a
8 green discoloration.

9 Q. In fact, there would be some organs that would be
10 deteriorating.

11 Isn't that correct?

12 A. It---

13 Q. The thyroid, the---

14 A. I'm happy when I get a body that's only been dead two
15 days. That means that it's not really bad at all. It
16 depends on the temperature of the house. Depends on the
17 temperature of the body when they died. Depends on what
18 disease process they have. You know, it, it -- the whole --
19 time of death is the holy grail of forensics --

20 Q. Sure.

21 A. -- and it is nothing like they show on TV. A -- I was
22 lucky to train under someone who was an excellent forensic
23 pathologist and he said the best determinate for time of
24 death is when were they last seen alive. That's the best.

25 Rigor is good to let -- you know someone is dead. But

Kelly Rose - Cross-examination
By Mr. Frick

1 lividity that doesn't move is helpful to establish greater
2 than 12 hours. After that, I have seen people that have not
3 been dead very long but they smell like they've been dead
4 for two weeks because they have bowel disease. Then when
5 you get into the other factors, you're talking about all
6 kinds of variables.

7 Q. Going back to my original question.

8 Isn't it correct that the pancreas con -- contains some
9 enzymes, and if it'd been there for a while, it would begin
10 to autolyze I'm thinking---

11 A. That---

12 Q. ---the term is.

13 A. Yes, that's what we say that also I find depends a lot
14 on an individual. Sometimes I'm surprised by a pancreas.
15 In fact, the other day I did someone who was missing since
16 December. The pancreas was still there.

17 Q. And that's dependent on some environmental factors as
18 well, right?

19 A. Correct. And the state of health, the amount of blood
20 in the body because the bacteria start in your bowel, cause
21 that's where it lives, and it gains access to the blood
22 vessels and travels from there. And if you don't have much
23 blood, it's gonna have a harder time traveling. It slows
24 things done as far as internal decomp.

25 Q. Let's say the ambient de -- temperature was 93 degrees.

Kelly Rose - Cross-examination
By Mr. Frick

1 would that accelerate?

2 A. Yes, that would be -- and we're talking -- they've been
3 dead for how long?

4 Q. Don't know. That's what we're trying to figure out.

5 A. Are you trying to say that they were in 93 degrees?

6 Q. No, no, no, no, no. I'm saying that -- let's say that
7 the room temperature in which they were in was 93 degrees
8 when they were found.

9 A. Okay.

10 Q. I mean obviously this is -- we're talking about the
11 20th of June in Richburg, South Carolina. So it's pretty
12 warm. So, when they were discovered, let's say it's
13 93 degrees. We---

14 A. In their home?

15 Q. would, would you -- if it's greater than 12 hours but
16 less than three days, would you expect to see some
17 autolysis of the internal organs?

18 A. At that high a temperature, if that had -- if they had
19 been at that high of a temperature for 24 hours, you would
20 start to see.

21 Q. Okay. And did you notice that in end of -- any of
22 these?

23 A. Let me look, look. They were not really, really --
24 they didn't give off a foul odor when I opened them.

25 Q. So they were not in a state of decomposition.

Kelly Rose - Cross-examination
By Mr. Frick

1 Is that fair to say?

2 A. Well, they were dead and so, of course, they're
3 decomposing---

4 Q. Correct.

5 A. ---and their organs wouldn't look as good as they would
6 after they -- when they were alive. But they had lost a lot
7 of blood which can slow things down.

8 So, let me get to the part that I want to read.

9 Did I open their bodies and say oh, no.

10 (Pause.)

11 A. His pancreas showed mild autolysis.

12 Q. And there's no really way, way to put a timeframe on
13 that other than---

14 A. Well---

15 Q. ---with your lividity saying it's greater than 12
16 hours?

17 A. Correct. If there were, I could write a paper and I
18 could be famous.

19 Q. Thank you, Doctor Rose.

20 That's all the questions I have.

21 A. Thank you.

22 THE COURT: Any redirect, solicitor?

23 SOLICITOR LIVELY: Just one question.

24 REDIRECT EXAMINATION

25 BY SOLICITOR LIVELY:

Kelly Rose - Redirect examination
By Solicitor Lively

1 Q. If the -- those bodies were in an air conditioned room,
2 and we're not adding in 93 degrees, then that would also
3 affect your opinion, correct?

4 A. Yes.

5 Q. okay.

6 A. That means they would not have been breaking down.

7 Q. okay. All right. Thank you so much, doctor. I
8 appreciate it.

9 THE COURT: Doctor---

10 SOLICITOR LIVELY: No further questions.

11 THE COURT: ---you can step down. You can leave the
12 courthouse. You're more than welcome to stay with us if you
13 would like.

14 THE WITNESS: Thank you.

15 SOLICITOR SOPRANO-CESMAT: The state would call Shane
16 Chipley.

17 THE BAILIFF: where is he?

18 SOLICITOR SOPRANO-CESMAT: He's in that room, yes, sir.

19 THE CLERK: Please raise your right-hand. Raise this
20 hand.

21 THE WITNESS: Yes, ma'am.

22 THE CLERK: State your full name.

23 THE WITNESS: Shane Chipley.

24 SHANE CHIPLEY, being first duly
25 sworn, testified as follows:

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 DIRECT EXAMINATION

2 BY SOLICITOR SOPRANO-CESMAT:

3 Q. Good afternoon.

4 Please state your name for the record.

5 A. Shane Chipley.

6 Q. Okay. And where do you work?

7 A. I'm employed for Sevierville Police Department in
8 Tennessee.

9 Q. Okay. And are you a law enforcement officer?

10 A. Yes, ma'am.

11 Q. Have you ever worked in law enforcement in South
12 Carolina?

13 A. No, ma'am.

14 Q. Did you have any involvement in this case in your
15 capacity as law enforcement?

16 A. No, ma'am.

17 Q. Do you recognize the defendant sitting at the table
18 over there in the button down shirt with his attorneys?

19 A. Yes, ma'am, I do.

20 Q. Okay. And what's his name?

21 A. Mr. Scott.

22 Q. How do you know the defendant?

23 A. Facebook Marketplace transaction.

24 Q. Okay. When did you first make contact with the
25 defendant?

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 And I can provide you a copy of these messages with
2 Facebook. I was gonna give them to him.

3 (WHEREUPON, the Facebook Marketplace text messages
4 between the defendant and Mr. Chipley were marked as State's
5 Exhibit No. 184 for identification purposes only at this
6 time.)

7 A. Thank you.

8 Q. Mr. Chipley, I'm gonna show you what's been previously
9 marked as State's Exhibit 184. Like I said, this has been
10 marked State's Exhibit 184.

11 A. Yes, ma'am.

12 Q. And, and what is State's Exhibit 184?

13 A. This will be our Facebook Marketplace transactions or
14 conversation.

15 Q. Okay. So, were you responding to an advertisement on
16 Facebook Marketplace?

17 A. Yes, ma'am.

18 Q. Okay. What did the ad offer to sell?

19 A. A set of PVS-14s. It's night vision goggles.

20 Q. Okay. Do you remember how much money he was asking to
21 buy for those items?

22 A. It was either 12 or 1,400.

23 Q. Okay. Did you end up buying anything from the
24 defendant?

25 A. Yes, ma'am.

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 Q. What did you buy from the defendant?

2 A. I bought the PVS-14s and a SIG MPX rifle.

3 Q. And what caliber was that weapon?

4 A. Nine millimeter.

5 Q. And did you also buy any magazines from him?

6 Were there any magazines for the weapon?

7 A. Yes, ma'am, it came with approximately three mags.

8 Q. Okay. How much did you pay the defendant for all of
9 those items?

10 A. \$2,000.

11 Q. And how did you pay him?

12 A. Cash.

13 Q. And you had previously testified you communicated with
14 the defendant through Facebook Messenger.

15 Is that correct?

16 A. Yes, ma'am.

17 Q. Were there any other forms of communication?

18 A. No, ma'am.

19 Q. Okay. In State's Exhibit 184 that I handed to you, do
20 you recognize that item?

21 A. Yes, ma'am.

22 SOLICITOR SOPRANO-CESMAT: At this time the State would
23 offer to enter into evidence State's Exhibit 184.

24 THE COURT: Okay. Any objection---

25 MS. BOULWARE: No objection.

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 THE COURT: ---from the defense?

2 MS. BOULWARE: No objection.

3 THE COURT: No objection from -- it is enter for the
4 State.

5 (WHEREUPON, State's Exhibit No. 184 was received into
6 evidence at this time.)

7 SOLICITOR SOPRANO-CESMAT: And, at this time, I would
8 like to have those messages published to the jury so that --

9 THE COURT: Sure.

10 Q. Mr. Chipley, if you would, read through this
11 conversation for the jury members.

12 A. Okay. So, the first page is the second generation
13 PVS-14s light phosphorus -- was this available?

14 Yes.

15 Can I get more or can I get more pictures of it?

16 Are you looking to sell any other gear?

17 He sends me a picture of the night vision goggles on a
18 helmet and then sends me a video on the next page.

19 And I said or -- and I asked him if he had -- or said
20 what kind of gear are you looking for?

21 I said -- well, I understood -- own, own a surplus shop
22 and set up at gun shows. So anything related to that.

23 Can't tell. Does your mall have gain on it?

24 And he said well, I'm selling SIG MPX 9-millimeter and
25 Ballistic Level 3 Kevlar.

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 And I said what gen is the MPX and what size barrel?

2 Honestly I don't know. There were gens of MPX but it's
3 the littlest one with the second smallest barrel.

4 Do you have pics?

5 He gave me some pictures or a picture.

6 And then he stated it has an IR laser on the right side
7 now for the NVGs night vision goggles.

8 what are you asking for her?

9 He said I bought it for 2,900 with the attachments. I
10 would sell it for 1,500, maybe 1,400 depending.

11 And I said what about the whole set-up with the
12 PVS-14s?

13 He said I would do 2,200 for both.

14 I already have a D-ball and PV -- this is from me. I
15 already have D-ball and PVS-14s. Would not be interested in
16 trying or I -- not interested in trying out the white
17 phosphorus and then I asked where he's located and how many
18 mags do you have with the SIG.

19 He said two 30 round or two 30 rounds. And then he
20 stated say that again about the white phosphorus.

21 Then I gave him the address, Piedmont Inter --
22 Interstate Fairgrounds, 575 Fairgrounds Road, Spartanburg
23 South Carolina, 29303. It's where the gun show was.

24 And he said might as well come through anyways. It's
25 good business talking to gun owners and the company -- in my

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 company's line of work. This is from him. And he also
2 stated copy that. I'll be there Sunday around 11:00.
3 Should I mark the item or shall I mark them sold talking
4 about the item.

5 I said well, I only have 2,000 at the moment. I want
6 the set-up but don't think I can or don't think I can do
7 that. I'm not trying to low you. But that's literally how
8 much cash I brought up for spending.

9 Says yeah, I'll -- yeah, I got you for 2,000. That's
10 from him.

11 Back to me. Yes. Thank you. I will pay your
12 admission to the show by the way. I appreciate you. What
13 do you do for work if you don't mind me asking?

14 And he states I started a private military company. We
15 train people to do contract with DOD. I'm assuming
16 Department of Defense with foreign governments.

17 I said heck, yeah. That sounds like a -- can I say
18 that?

19 Q. You can say it.

20 A. Okay. Sounds like a shit ton of fun. I'm in law
21 enforcement. Honestly I might use the night vision -- I
22 might use the night vision a good amount. My department
23 does not supply them. So I wanted another set for me so my
24 partners have some, if needed.

25 Back to him. Yeah, they're really useful and ha ha, I

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 I love my job. I just got back from Ukraine a few weeks ago
2 from him.

3 Back to me. One of my little buddies used to contract.
4 He used to talk about some of the shitholes he went to.
5 We're missing -- do you have the other half of them?

6 Q. That's it. That's all.

7 A. Okay.

8 Q. Okay. Did you schedule a time to meet to purchase the
9 items?

10 A. He said he was gonna be there at 11:00.

11 Q. And I believe you already testified to this but where
12 did you plan to meet and when?

13 A. The fairgrounds. Well, he had told me eleven o'clock.
14 So at the gun show.

15 Q. Okay. What time did the -- you said he said about
16 11:00, correct?

17 A. Correct.

18 Q. And he -- okay. Did that meeting occur at that time at
19 11:00?

20 A. No, it did not.

21 Q. Okay. What happened?

22 What time did you guys actually end up meeting?

23 A. Well, he messaged me in the conversations and messaging
24 me around 7:00AM stating that he would be there at 8:00. I
25 message him and tell him that I'm not there and will not be

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 there early and told him I could be there at 9:00.

2 And he said that he would -- that he could make that
3 work. He was gonna go get some breakfast. Then he
4 messaged -- or I message him when I get to the fairgrounds.
5 He messaged me he's there in a light blue Mustang and then
6 we meet each other.

7 Q. Okay. And once that transaction was over, did you have
8 any further communication with the defendant, Alex, at any
9 point in time?

10 A. Yes, ma'am.

11 Q. Okay. Was that also through Facebook Messenger?

12 A. Yes, ma'am, the same day.

13 Q. Okay. And what is the content of that communication?

14 A. I asked him how to use the laser.

15 Q. Okay. Just a moment.

16 A. Yes, ma'am.

17 (WHEREUPON, text messages between the defendant and Mr.
18 Chipley were marked as State's Exhibit No. 185 for
19 identification purposes only at this time.)

20 Q. I'll just hand you what's been marked as State's
21 Exhibit 185 and if you can identify for the jury what that
22 is.

23 A. This looks like the other half of what you guys sent or
24 what I sent you guys---

25 Q. Okay. Those are --

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 A. ---those photos of.

2 Q. -- more messages between you and the defendant?

3 A. Correct.

4 Q. Okay. And if you can read those for the -- or I'm
5 sorry. Excuse me.

6 I would like to enter State's Exhibit 185 into the
7 record at this time.

8 MS. BOULWARE: Can I see it one more time?

9 Q. Snag that back from you just one second. I'm sorry.

10 A. You're good.

11 MS. BOULWARE: Okay.

12 THE COURT: So, without objection, 185's into evidence
13 for the State.

14 (WHEREUPON, State's Exhibit No. 185 was received into
15 evidence at this time.)

16 Q. All right. And at this, at this time, would you please
17 publish that for the jury and read it to them.

18 A. Yes, ma'am.

19 Me. Thanks again, man. This is after we bought it.

20 And he said, of course, you're gonna love the MPX.

21 I stated -- I meant to ask you are the lasers sighted
22 in. Are the lasers sighted in. Terrible grammar.

23 Yes, the laser's sighted in perfectly. Might need some
24 small adjustment.

25 Awesome. Thank you.

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 Q. Okay. And can you let the jury know the time and date
2 of those messages?

3 A. Yes, ma'am. 6/21 of '20 at looks like 8:28AM.

4 Q. Okay. And then the next message?

5 A. I said thanks again. Of course you're gonna love it.

6 Okay. Then the next one is 6/21/2020 at 1:40PM and
7 that's where I stated I meant to ask is the laser sighted,
8 laser sighted in.

9 Q. Okay. So you messaged him at 1:40PM.

10 Is that correct?

11 A. Yes, ma'am, 1:40PM.

12 Q. And he responded at what time?

13 A. 1:58 -- 1:58:28PM.

14 Q. Okay. And that was on that same date, the June 21st?

15 A. Yes, ma'am.

16 Q. Okay. Thank you.

17 Did you have any further communications after that
18 about the laser at any point in time?

19 A. No, ma'am.

20 Q. Later did you ever hear from the Chester County
21 Sheriff's Office regarding the defendant and your meet-up
22 with him?

23 A. Yes, ma'am.

24 Q. Can you please tell the ladies and gentlemen of the
25 jury about how that came about?

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 A. well, they contacted the owner of the gun show, which
2 is my father, asking about a gun that was sold and they also
3 stated about night vision.

4 well, my dad knew I had purchased a set of night
5 vision. So he called me and then I called the detectives
6 and then explained to them the -- what I just explained to
7 you guys about purchasing the firearm and the night vision
8 goggles.

9 Q. Okay. Do you recall how soon after you had -- you made
10 this purchase that you were contacted by law enforcement?

11 A. Within the week. I would of wrote a -- I believe I
12 wrote a statement the date that they came and met me.

13 Q. And what did law enforcement want from you?

14 A. They were very interested in seeing the gun and the
15 mags.

16 Q. Okay. And what did you do with the gun when you
17 learned that law enforcement was asking about you about that
18 weapon that you had purchased?

19 A. I secured it until they were able to come meet me.

20 Q. Okay. And where did you meet law enforcement?

21 A. The Smoky Stadium in Sevierville, Tennessee right off
22 the interstate. The 407 exit.

23 Q. Okay. And at that point in time did law enforcement
24 retrieve the gun from you?

25 A. Correct.

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 Q. Okay. And you signed that gun over to them?

2 A. Yes, ma'am.

3 Q. Okay. Do you know what happened to that gun, what law
4 enforcement did with it?

5 A. I know what I was told they did with it.

6 Q. Okay. So, do you have any knowledge of what was done?

7 A. I was told it was sent off for ballistics testing.

8 Q. Okay. And after those tests were completed, did you
9 ever receive that gun back?

10 A. Yes, ma'am.

11 (WHEREUPON, the statement of Mr. Chipley was marked as
12 State's Exhibit No. 186 for identification purposes only at
13 this time.)

14 Q. All right. The last thing, Mr. Chipley. I'm gonna
15 show you what's been marked as State's Exhibit 186 and move
16 that into evidence at this time.

17 without objection, defense?

18 THE COURT: Any objection?

19 MS. BOULWARE: No objection.

20 THE COURT: All right. One hundred eighty-six into
21 evidence.

22 (WHEREUPON, State's Exhibit No. 186 was received into
23 evidence at this time.)

24 Q. And what is State's Exhibit No. 186?

25 A. This is my written statement that I gave the officers

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 --

2 Q. Okay.

3 A. -- on my --.

4 Q. Perfect.

5 And I would like you to publish that to the jury at
6 this time and go ahead and read that statement if you don't
7 mind.

8 A. Yes, ma'am. Very top is my personal information.

9 Do you want me to go ahead and give all that too or
10 just go down to my statement?

11 Q. No, you're good. You can just go down to your
12 statement.

13 A. Okay. On 6/19 of '22 I made contact with -- it states
14 Ralph Scott, that's his name on Facebook, on Facebook
15 Marketplace in reference to PVS-14s he had for sale. I
16 asked him what items he had for sale. He stated he also had
17 a SIG MPX. He stated he wanted \$2,000 for the -- for all of
18 it.

19 I asked him to meet at the gun show at Spartanburg
20 Fairgrounds. He stated he would be there at 10:00AM on
21 Sunday. He messaged me Sunday morning about 6:52AM changing
22 the time to meet to 8:06AM.

23 I stated I could not meet him around 9:00AM or stated I
24 could meet him around 9:00AM. He met me at the fairgrounds
25 around 9:05AM. He was in a faded blue Mustang. He was

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 wearing dress shoes, glossy ones, a purple dress shirt with
2 a long -- that were long sleeved, a dress vest, and black
3 dress pants.

4 The gun was located in the rear of the vehicle in a
5 bag. I had him stop in -- stop inside the building to pay
6 him for the items. While I retrieved the money, he stared
7 off into space. I paid him for -- I paid him the money and
8 walked him outside of the show to his car. This ended our
9 face-to-face transaction.

10 The only other interaction we had was over the IR laser
11 on Facebook and then it has the date and time.

12 Q. All right. And what date did you give that statement?

13 A. It says June 26th, 2020, at 1:09AM.

14 Q. Okay. So, that would have been, like you had stated,
15 within a week --

16 A. Yes, ma'am.

17 Q. -- after the purchase?

18 Okay. Thank you for that and that's all the questions
19 I have for you. If you'll answer any questions the defense
20 may have.

21 A. Yes, ma'am.

22 THE COURT: And does defense have any
23 cross-examination?

24 MS. BOULWARE: Thank you, judge.

25 CROSS-EXAMINATION

Shane Chipley - Direct examination
By Solicitor Soprano-Cesmat

1 BY MS. BOULWARE:

2 Q. I'm sorry. I did not catch your rank.

3 A. I'm officer, patrol officer.

4 Q. Oh. Oh, okay. Cool.

5 officer Chipley, did you know Mr. Scott prior to your
6 interactions with him on Facebook Messenger --

7 A. No, ma'am.

8 Q. -- or Marketplace?

9 Sorry.

10 Did you have any contact with him after that day?

11 A. After the night vision conversation, no, ma'am.

12 Q. All right. Or after you bought the items from him?

13 A. Just the -- that and then, like I said, the message
14 about the laser --

15 Q. About the laser.

16 A. -- and that's it.

17 Q. Right. Right.

18 And you did state you, you did get the gun back?

19 A. Yes, ma'am.

20 Q. Do you know why you got it back?

21 A. They said the ballistics were good or whatever I guess.

22 Q. Okay.

23 A. They just sent it back to me and I got my gun and my
24 mags back.

25 Q. Great. All right.

1 I think that's all the questions I have, judge.

2 Thank you.

3 THE COURT: Thank you, officer. You can step down.

4 THE WITNESS: Thank you, sir.

5 THE COURT: You're free to leave the courthouse.

6 THE WITNESS: Thank you, sir.

7 THE COURT: Next witness.

8 SOLICITOR LIVELY: Beg the Court's indulgence.

9 THE COURT: Sure.

10 SOLICITOR LIVELY: I was trying to make sure that we
11 get someone who's not gonna be long --

12 THE COURT: Okay.

13 SOLICITOR LIVELY: -- since we were here so late last
14 night.

15 All right. Telly Crockett.

16 THE COURT: Who's the witness?

17 SOLICITOR LIVELY: Telly Crockett.

18 THE COURT: Oh, I got you.

19 THE CLERK: Please raise your right-hand and place your
20 left-hand on the Bible and state your full name.

21 THE WITNESS: Telly Crockett.

22 TELLY CROCKETT, being first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY SOLICITOR LIVELY:

Telly Crockett - Direct examination
By Solicitor Lively

1 Q. Officer Crockett, are you currently employed with the
2 Chester County Sheriff's Office?

3 A. Yes, ma'am.

4 Q. All right. And your current job is as a school
5 resource officer, correct?

6 A. Yes, ma'am.

7 Q. And prior to that, have you worked in investigations at
8 the Chester County Sheriff's Office?

9 A. Yes, ma'am.

10 Q. All right. In June of 2020 whenever this incident
11 occurred with the, the two murders on Doe Street, did you
12 get the call out from dispatch that there had been an
13 incident where everybody needed to respond?

14 A. Yes, ma'am.

15 Q. All right. So, do you recall about what time it was
16 whenever you got there?

17 If you don't -- I'm gonna show you -- we got two
18 things, a crime scene log, and we also have the CAD sheet if
19 you want to take a look at that.

20 A. Okay. Yes, ma'am, I see what time I arrived. At---

21 Q. And what time?

22 A. Two o'clock.

23 Q. At two o'clock.

24 All right. So you get there at two o'clock.

25 what, if anything, did you have to do with the actual

Telly Crockett - Direct examination
By Solicitor Lively

1 scene itself?

2 A. I secured the scene.

3 Q. Okay. You didn't -- you were there.

4 was it already taped off by the time you got there?

5 A. Yes, ma'am.

6 Q. All right. So, when you say secured the scene, what
7 are you talking about?

8 just kind of maintaining the -- just the integrity of
9 the area?

10 A. Yes, ma'am.

11 Q. Okay. Were there several other officers present when
12 you were there?

13 A. Yes, ma'am.

14 Q. Did you ever see the defendant whenever you were there?

15 A. Yes, ma'am.

16 Q. Did you speak with the defendant at all?

17 A. I spoke to him one time.

18 Q. One time.

19 A. Yeah.

20 Q. Do you remember what that conversation was about?

21 A. I asked him about his hand, why his hand was -- had
22 marks on it. That's all I asked him.

23 Q. And so his hands has marked on them. Bend that down
24 just a little bit so we can hear you a little bit better.

25 okay. Great.

Telly Crockett - Direct examination
By Solicitor Lively

1 All right. So you said his hands had marks on them.

2 Did he respond to you and tell you how that happened?

3 A. Yes, he say he was angry. He started beating his hand
4 into the ground. He was crying, things like that.

5 Q. Okay. And when he told you that, was he still crying
6 or was, was he talking about previously whenever he had beat
7 his hands in the ground?

8 A. Previously.

9 Q. All right. All right. So, now whenever -- was there a
10 time whenever you actually got to leave the scene that
11 evening?

12 A. I stayed there the whole time --

13 Q. You stayed---

14 A. -- at the scene.

15 Q. ---the whole time?

16 A. I stayed the whole time.

17 Q. Did you ever walk into the trailer and see the actual
18 victims in this case?

19 A. No, ma'am.

20 Q. All right. So, other than just make sure the scene was
21 in tact and everything was good, you didn't do anything in
22 regards to collecting evidence, taking pictures, or talking
23 to witnesses other than your brief conversation with the
24 defendant?

25 A. Yes, ma'am.

Telly Crockett - Direct examination
By Solicitor Lively

- 1 Q. Okay. Is there anything I'm missing with that?
- 2 A. Yes, I did collect evidence.
- 3 Q. You did?
- 4 A. Yes. Yes.
- 5 Q. Okay. So, what evidence did you collect on that day on
- 6 that Sunday?
- 7 A. Not on that day. The next, next following day.
- 8 Q. Okay. That's what---
- 9 A. That's what---
- 10 Q. ---I was gonna get to.
- 11 A. Okay. Okay. Yes, ma'am.
- 12 Q. Okay. All right. So, on the 21st then, you were
- 13 just there to help with the scene?
- 14 A. Yes, ma'am.
- 15 Q. All right. Okay. So now let's get to the next day.
- 16 A. Uh-huh. (Affirmative).
- 17 Q. The next day is June the 22nd, 2020, and what
- 18 information had been given to you in order for you to take
- 19 the next step to, to actually obtain some evidence from
- 20 Mr. Scott?
- 21 A. Based on information I got -- contained to me that we
- 22 had information that Alex had told the coroner that -- the
- 23 coroner had said that -- correct -- wait a minute.
- 24 Q. Do you want me to show me---
- 25 A. Yeah.

Telly Crockett - Direct examination
By Solicitor Lively

1 Q. Here, let me do this.

2 Did---

3 A. Yeah.

4 Q. Did, did you actually swear -- get an -- were you the
5 affiant on a search warrant---

6 A. Yeah.

7 Q. ---for that particular case?

8 A. Yes, ma'am.

9 Q. Okay. All right. And I know it's been a long time.

10 A. Yes.

11 Q. So I'm gonna help you out with that a little bit.

12 Okay. All right. I'm gonna -- just to refresh your
13 memory, I'm gonna show you -- it's a four page document.

14 A. Yes, ma'am.

15 Q. Oh, actually I've got the evidence part to it. Let's
16 just do -- let's do just the three page document. If you
17 can just see if you recognize this and you can just use it
18 for a reference.

19 Is that the search warrant that I was just now asking
20 you about?

21 A. Yes, ma'am, the search warrant.

22 Q. All right. And whose name is on the front of that
23 search warrant?

24 A. Mines, Deputy Telly Crockett.

25 Q. And what's the date on that?

Telly Crockett - Direct examination
By Solicitor Lively

1 A. June 22nd, 2020.

2 Q. 2020?

3 A. Yes.

4 Q. Now, what was the purpose and what were you wanting to
5 get as a result of that search warrant?

6 what's -- what was that about?

7 A. To collect his phone.

8 Q. whose phone?

9 A. Alex phone.

10 Q. Alex phone.

11 Had you had any conversations with any of the other
12 investigators in the case about getting that phone?

13 A. Yes.

14 Q. All right. And what did they tell you in regards to
15 that phone and how they were going to get?

16 A. How they were gonna get it, do a search warrant on it.
17 Had probable cause to believe that information contained in
18 the phone could lead to forms of prosecutor (sic) to, to the
19 case.

20 Q. It could lead to evidence for further prosecution of
21 the case?

22 A. Yes, ma'am.

23 Q. All right. Now, had they told you whether or not the
24 defendant was going to voluntarily bring the phone back or
25 if they were -- y'all were gonna have to go to where he was

Telly Crockett - Direct examination
By Solicitor Lively

1 to get it?

2 A. He's volunteering to bring the phone back to Chester
3 County Law Enforcement Center.

4 Q. All right. And do you know whether or not he had been
5 interviewed by law enforcement the day before in regards to
6 when he had his phone with him?

7 A. Yes, he was interviewed by Officer, Officer Dean and
8 Officer Randy St. Clair.

9 Q. And Officer St. --.
10 Okay. St. Clair.

11 So, at that time, you weren't a part of that interview
12 though, correct?

13 A. No, ma'am.

14 Q. All right. So, if you'll look at your search warrant
15 and the information that you put into your basis to get the
16 search warrant and see if you can refresh your recollection.

17 First of all, what was the specific item and telephone
18 number that you were asking to be able to get possession of?

19 A. It was an iPhone 2 Pro Max Verizon phone. Phone number
20 is 899-0010.

21 Q. All right. And as in regard to the description of the
22 property, what was the overall that you were looking for in
23 regards to that information?

24 A. I was looking for save or all, all times deleted
25 included but limited to email, ledger, listing, record --

Telly Crockett - Direct examination
By Solicitor Lively

1 records, documented, photographs taken from contact from the
2 cellular device, storage meter describing the below list
3 consisting device pertaining to the investigation.

4 Q. Okay. So, basically everything off the phone?

5 A. Yes.

6 Q. Okay. And, and then did you actually swear that
7 affidavit and then -- and under your affiant's beliefs as to
8 the property that you were looking for in that particular
9 phone?

10 A. Yes, ma'am.

11 Q. Okay. So, on that page where it has your reason for
12 affiant's belief that the property sought, which you had
13 already mentioned, which was on the phone, that it would be
14 on that phone.

15 what information did you use in order to make that
16 determination?

17 A. Based on the incident report that we, we did and based
18 on the subject talking with the coroner stating that -- the
19 coroner stated that it was a high power rifle. But the
20 subject stated it was a 9-millimeter, and since the subject
21 already knew that -- what, what kind of weapon was used, I
22 based my information off of that.

23 Q. Okay. And what about the information that, you know,
24 in regards to the defendant actually using the phone and
25 communicating with the victims back and forth on that phone?

Telly Crockett - Direct examination
By Solicitor Lively

1 Did you put that information in the search warrant as
2 well?

3 A. Yes, ma'am.

4 Q. Okay. And you also had information that, because of
5 his relationship with the victims, that he was relying on
6 his phone in regards to answering questions as to his
7 contact with them, correct?

8 A. Yes, ma'am.

9 Q. And was the fact that he was also the one that found
10 the bodies another consideration in that regard?

11 A. Yes, ma'am.

12 Q. Okay. So, whenever you had -- did you then have that
13 signed by a Circuit Court judge?

14 A. Yes, ma'am.

15 Q. All right. So, after that was done, tell the jury what
16 happened in regards to the voluntary, as you mentioned,
17 meeting of the defendant showing up to turn over his phone.

18 A. Mr. Alex there came -- he had volunteered to come to
19 Chester County Law Enforcement Center the next following
20 day. Upon arrival, we thanked him for coming up there and
21 we had a talk with Alex and we asked Alex for his phone.
22 But Alex stated the attorney stated that you do not have to
23 get his phone. And I stated to Alex, I said I have a
24 certified search warrant to collect your phone. So, Officer
25 Dean removed his phone from him.

Telly Crockett - Direct examination
By Solicitor Lively

1 Q. Okay. So, at that point, the phone is now in, in
2 the -- law enforcement possession, correct?

3 A. Yes, ma'am.

4 Q. All right. Did he ever provide you with the name of
5 whoever this alleged attorney was that he had?

6 A. No, ma'am.

7 Q. All right. And, and, at that point in time, was -- did
8 you have a copy of the search warrant to provide to the
9 defendant?

10 A. Yes, ma'am.

11 Q. Okay. And was that copy left with the defendant?

12 A. Yes, ma'am.

13 Q. Now, after you received the phone, did you actually
14 document in your evidence log what you did with the phone
15 after you retrieved it?

16 A. Yes, ma'am.

17 Q. All right. What did you do with him?

18 A. I did a property sheet with it by collecting the phone.
19 Once I did that, I collected the phone and I took it to Fort
20 Mill P.D. Handed it to the examiner.

21 Q. Okay. And when you took it to Fort Mill P.D., who did
22 you give it to?

23 A. Palmer -- Officer Palmer.

24 Q. Officer Paula --

25 A. Yes.

Telly Crockett - Direct examination
By Solicitor Lively

1 Q. -- as you know her as?

2 A. Yes. Yes.

3 Q. Would that be Paula Stevens with Fort Mill?

4 A. Yes, ma'am.

5 Q. All right. And not -- and, and after you actually did
6 that, was -- did you give her any in -- instructions -- I
7 know I can't talk now -- what -- as to why -- what you
8 wanted to have done with the phone?

9 A. Just to ID the dump. Get off the---

10 Q. You need a dump?

11 A. Get, get the information off the phone.

12 Q. Okay. All right.

13 A. Yes, ma'am.

14 Q. Were, were you a part of the conversation with Mr. --
15 with the defendant, Mr. Scott, about getting it done quickly
16 so he could get his phone back?

17 Do you recall that?

18 A. No, ma'am.

19 Q. Okay.

20 A. No, I --.

21 Q. That's -- that, that may of been someone else.

22 All right. And if you would please -- did you actually
23 turn the phone over to Ms. Paula Stevens on that very same
24 day?

25 A. Yes, ma'am.

Telly Crockett - Direct examination
By Solicitor Lively

1 Q. Okay. All right. And after that time, did you have
2 any more contact with Mr. Scott or the investigation in this
3 case?

4 A. No, ma'am.

5 Q. All right. And that was it.

6 Okay. Did you actually provide a supplemental in this
7 case regarding what you had done?

8 A. Yes, ma'am.

9 Q. All right. And after that supplemental, was there
10 anything else that you did -- so I can just clarify cause
11 you do one more thing.

12 You did do a supplemental in this case, right?

13 A. Yes, ma'am.

14 Q. Okay. But, after that, did you have any other work
15 done or investigation duties in this case?

16 A. No, ma'am.

17 Q. Okay. All right. And just for clarification for the
18 record, could you just tell the jury when you did your
19 supplemental to document what you had done with Alex --
20 Mr. Scott's phone?

21 A. Okay. I did my supplemental, I did my supplemental
22 October the 7th, 2021.

23 Q. All right. And was that right before this matter was
24 gonna be presented to the Grand Jury?

25 A. Yes, ma'am.

1 Q. Okay. Thank you.

2 No further questions.

3 THE COURT: Any cross-examination?

4 MS. BOULWARE: I don't have any questions, judge.

5 THE COURT: All right. You can step down, sir.

6 THE WITNESS: All right.

7 SOLICITOR LIVELY: And, Your Honor, just for purposes
8 of the record, I've discussed this with defense counsel and
9 Ms. Paula Stevens is -- they're stipulating to the fact that
10 she did receive the phone and she did the initial extraction
11 of the phone. So, if -- for chain of custody purposes, we
12 are stipulating to that.

13 THE COURT: Okay. Ms. Boulware.

14 MS. BOULWARE: Yes, sir, that's correct.

15 THE COURT: Okay. Then let's just put that on the
16 record when -- whenever Paula Stevens is called to testify.
17 We'll listen to that.

18 SOLICITOR LIVELY: Well, that's what we're saying.
19 She's -- that's all she did. She didn't actually do---

20 THE COURT: Oh.

21 MS. BOULWARE: Right.

22 SOLICITOR LIVELY: She didn't do the analysis. Let me
23 clarify. She did not do the analysis. It was later sent to
24 SLED for analysis.

25 THE COURT: I got you.

1 SOLICITOR LIVELY: Yes, sir.

2 THE COURT: I got you. Now I understand now. So --.

3 SOLICITOR LIVELY: I'm sorry.

4 THE COURT: All right. The stipulation is so noted for
5 the record.

6 SOLICITOR LIVELY: Okay. Thank you.

7 THE COURT: All right. We gon' go ahead and break for
8 the evening?

9 SOLICITOR LIVELY: Yes, sir.

10 THE COURT: Okay. All right. Ladies and gentlemen,
11 we've done a little bit better today as far as breaking. We
12 didn't go as long as we did last night. Have a good
13 evening.

14 Remember stay away from any news outlet sources of
15 news, TV, radio, Internet, newspaper, et cetera, et cetera
16 and, and get, get some good rest tonight and we'll see you
17 back at 9:30 -- let's say, let's say 9:45 in the morning.

18 Okay. Have a good evening.

19 Now, if you want to hang around, and not get out in
20 this storm, you, you certainly can. But -- wait a minute.

21 (Pause.)

22 THE COURT: Okay. Just remember don't have any
23 conversations about, about -- with, with anybody about this
24 case.

25 Okay. But if you do want to hang around, then you can

1 just hang in the jury room and the bailiffs will assist you
2 on that.

3 (WHEREUPON, the following takes place outside the
4 presence of the jury.)

5 THE COURT: All right. Okay. Anything else on the
6 record before we adjourn for the evening?

7 SOLICITOR LIVELY: No. Thank you, Your Honor.

8 THE COURT: Okay.

9 MS. BOULWARE: Nothing from defense.

10 THE COURT: Okay. All right. See y'all in the
11 morning.

12 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

13

14 (WHEREUPON, Court was in recess for the evening.)

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1 Thursday, May 16th, 2024

2

3 THE COURT: We're back on the record.

4 Solicitor, I think you had indicated we -- your next
5 witness we need to take some testimony in camera.

6 SOLICITOR LIVELY: Yes, sir.

7 THE COURT: Okay. All right.

8 SOLICITOR LIVELY: And just---

9 THE COURT: Call---

10 SOLICITOR LIVELY: And just for clarification, he was
11 actually scheduled to testify this afternoon. But we want
12 to go ahead and proffer him since we're waiting on the juror
13 --

14 THE COURT: Okay. Sure.

15 SOLICITOR LIVELY: -- and that would be Matthew Wright.

16 THE COURT: Okay.

17 THE CLERK: Place your left-hand on the Bible. Raise
18 your right-hand. State your name for the record.

19 THE WITNESS: Matthew Wright.

20 MATTHEW WRIGHT, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR LIVELY:

24 Q. Okay. Agent Wright, please tell the judge where you
25 work and what your actual position is there.

Matthew Wright - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 My name is Matthew Wright. I'm a special -- senior
3 special agent with the State Law Enforcement Division, SLED.
4 My current position is the agency's fraud examiner and
5 investigative service.

6 Q. All right. And as the fraud examiner at SLED, what
7 type of qualifications did you have to have in order to get
8 hired in that position?

9 A. I have a Bachelor's Degree in Accounting from
10 Charleston Southern University in 2004. Started in law
11 enforcement also in 2004 in the local level if -- conducted
12 financial crime investigations since approximately 2006.
13 And, in 2008, I became a certified fraud examiner through
14 the Association of the Certified Fraud Examiners, which is a
15 national organization that is recognized in, in fraud cases,
16 fraud investigations.

17 Q. Now, to be clear for, for purposes of this particular
18 case, you were not contacted by my office in regards to this
19 being a fraud investigation, correct?

20 A. That's correct.

21 Q. All right. And whenever you were contacted about
22 helping with the financial records, did you understand that,
23 coming in, that your issue was gonna be to actually review
24 all of the records received through search warrants,
25 subpoenas, and to look for patterns in, in, in spending and

Matthew Wright - Direct examination
By Solicitor Lively

1 things like that?

2 A. Yes. The easiest way we could classify it from a
3 forensic accounting standpoint would be to create a
4 financial profile and analysis of transactions.

5 Q. Okay. So, so, you -- in this particular case -- well,
6 at this point in time then also, because of your background
7 in accounting education wise, and then you get the
8 specialization in fraud?

9 Is that kind of what you said, like a certification?

10 A. Yes.

11 SOLICITOR LIVELY: Okay. So, at this point, Your
12 Honor, the State would offer him as an expert in the field
13 of forensic accounting for purposes of this case.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: And I didn't know if you wanted to
16 voir dire him about that.

17 THE COURT: All right. The defense -- are you
18 disputing his qualifications?

19 My understanding, the little bit I was hearing from
20 Carson, is that the defense may dispute the relevancy---

21 SOLICITOR LIVELY: Right.

22 THE COURT: ---of his testimony.

23 MS. BOULWARE: Not his qualifications.

24 THE COURT: Right. So you -- qualifications you're
25 okay with?

Matthew Wright - Direct examination
By Solicitor Lively

1 MS. BOULWARE: Now, I will say, judge, the CV we got
2 has his current position as fraud examiner.

3 THE COURT: Okay.

4 MS. BOULWARE: That's mostly where -- and the, the, the
5 solicitor's told me something that I didn't -- hadn't heard
6 before this morning and that was my issue was that he was a
7 fraud examiner. So, apparently we've changed it now to
8 forensic accountant.

9 THE COURT: Okay.

10 MS. BOULWARE: But whatever he's called, I do not want
11 it to be fraud examiner. But whatever he's called, his
12 qualifications are fine.

13 THE COURT: Okay. All right.

14 SOLICITOR LIVELY: Okay.

15 THE COURT: So we'll hear his testimony --

16 MS. BOULWARE: Yes, sir.

17 THE COURT: -- and then we can flesh out whether or not
18 his testimony is relevant to this case.

19 SOLICITOR LIVELY: Yes, sir.

20 THE COURT: Okay. All right.

21 SOLICITOR LIVELY: Thank you, Your Honor.

22 CONTINUED DIRECT EXAMINATION

23 BY SOLICITOR LIVELY:

24 Q. All right. Now, Agent Wright, when we contacted you
25 about this case, what information, on the front end, did I

Matthew Wright - Direct examination
By Solicitor Lively

1 tell you that we needed assistance with in order to prepare
2 this case for trial?

3 A. Yes, ma'am. A, a review of bank account records for
4 the victim in this case, a review of bank account records
5 for the defendant in this case, life insurance policies, and
6 more human resources type records dealing with life
7 insurance, and any 401(k) policy, to follow and trace the
8 funds, certain payments from a 401(k), a retirement policy,
9 to trace those fund, see how they were spent, and then see
10 how money flowed through to, to create that financial
11 profile in a, a certain period of time.

12 Q. Okay. And in regards to this particular case
13 specifically, did I indicate that the State's motive -- the
14 State's information and evidence that we're presenting to
15 the jury and for -- and specifically as to motive was a
16 financial gain by the defendant?

17 A. Yes.

18 Q. All right. So, was that your target in regards to
19 looking over all of these records in finding these patterns
20 and following the money?

21 A. Yes.

22 Q. All right. Now, do you remember getting records from
23 the defendant's accounts, which were Navy Federal Credit
24 Union and Bank of America?

25 A. Yes, ma'am.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. All right. Let me ask you about the Navy Federal
2 Credit Union.

3 That particular search warrant and those records,
4 approximately what was the volume of those records that you
5 got that you had to review?

6 A. There was -- from 2000 -- I think it started in
7 December, 2016, and went through approximately August of
8 2020. I believe it was 350 to 400 pages including bank
9 statements, canceled checks, deposits, loan documents, and
10 general financial records.

11 Q. Okay. So---

12 THE COURT: Solicitor, let me ask you.

13 For purposes of this in camera hearing testimony, it's
14 not your intent to go through every detail that, that you
15 would if I find that it's relevant and can testify before
16 the jury?

17 SOLICITOR LIVELY: No, sir.

18 THE COURT: You're just gon' kind of give me a summary
19 so to speak?

20 SOLICITOR LIVELY: Oh, absolutely. I just---

21 THE COURT: Okay.

22 SOLICITOR LIVELY: I have to pull out the records so
23 Your Honor can see them.

24 THE COURT: Yeah.

25 SOLICITOR LIVELY: One of the things is -- that he does

Matthew Wright - Direct examination
By Solicitor Lively

1 is summarize --

2 THE COURT: Sure.

3 SOLICITOR LIVELY: -- the, the paper.

4 THE COURT: Okay. All right.

5 SOLICITOR LIVELY: Yes.

6 THE COURT: Okay. All right. Okay.

7 SOLICITOR LIVELY: Okay.

8 THE COURT: Very good. Thank you.

9 SOLICITOR LIVELY: Yes, thank you.

10 So, in regards to the Navy Federal Credit Union, would
11 this be the account that the defendant had while he was in
12 the Marines?

13 A. Yes.

14 Q. All right. And so that account would show his spending
15 habits from the time he was in the Marines through the time
16 whenever these murders occurred, correct?

17 A. That's correct.

18 Q. All right. Also, in regards to the Navy Federal Credit
19 Union, did he apply for loans to -- during that time?

20 A. He did.

21 Q. He did.

22 And in applying for loans, was there timing in regards
23 to when he, he applied for those loans which were extremely
24 relevant to this case?

25 A. Yes.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. And, matter of fact, one of them was -- he had got
2 turned down for a loan only about a week before the murders,
3 correct?

4 A. That's correct.

5 Q. All right. So, during the time that you also were
6 reviewing all of these records, did you have to go through
7 the details of the types of life insurance policies that our
8 victim, Gene Rogers, had?

9 A. Yes, I did.

10 Q. And was that information voluminous and complicated and
11 you had to go through it to, to decipher how the defendant
12 would of received the monies from that particular type of
13 insurance policy?

14 A. It's a long policy.

15 Q. It's a long policy.

16 And, as a matter of fact, that policy was provided to
17 you as well from the -- was it Airgas?

18 A. It was Airgas through The Hartford Life Insurance --

19 Q. Okay.

20 A. -- yes, ma'am.

21 Q. So, not only the Airgas policy that you went through --
22 and you, you -- what was the thing I was trying to get you
23 to do in regards to the policy -- the life insurance policy
24 and how he would have been the beneficiary to it?

25 what did we have to learn?

Matthew Wright - Direct examination
By Solicitor Lively

1 A. We had to determine who the beneficiaries were, when
2 was the policy active, when did the policy end, or when
3 would the policy potentially terminate, and what was the
4 amount of life insurance due to each beneficiary and there's
5 different -- they were different types we learned for this
6 case. Whether that was some basic life insurance, which was
7 provided to all employees, and accidental death and
8 dismemberment life insurance, and then additional life
9 insurance that the victim paid for in addition to his basic
10 life insurance.

11 Q. And was one of the issues that I wanted you to confirm
12 is whether or not, if Gene Rogers was murdered, would that
13 be also covered under the accident under that term policy
14 which would make him a beneficiary of that life insurance
15 policy?

16 A. Yes.

17 Q. And so you went through the entire policy in order to
18 determine that.

19 Is that correct?

20 A. Yes.

21 Q. All right. And did you also follow up with their HR
22 person at Airgas to confirm that you were actually reading
23 the policy and conditions correctly?

24 A. I did.

25 Q. All right. Now, was there also a 401(k) plan that was

Matthew Wright - Direct examination
By Solicitor Lively

1 included with that that you had to look over and, and review
2 that was Mr. Rogers -- basically his life savings?

3 A. That's correct. I did.

4 Q. All right. And was one of the issues that I asked you
5 to please dive into, when those monies were extracted from
6 his account, penalties that were taken, and where that money
7 went?

8 A. Yes.

9 Q. All right. And was the issue for the State whether or
10 not that money did go to the defendant, Mr. Alex Scott?

11 A. The funds -- and let me clarify one thing.

12 Q. Yes.

13 A. There---

14 Q. That's fine.

15 A. There was not penalties because of his age cause he was
16 old enough---

17 Q. I'm sorry. Taxes.

18 A. ---to take a four -- taxes. Yeah, I just wanted to
19 clarify for the record. He did---

20 Q. Thank you.

21 A. ---pay taxes. Mr. Rogers paid more than I believe, I
22 could look at my notes specifically, more than \$20,000 in
23 taxes for taking that distribution that went to him and then
24 he did send a significant portion of that money to
25 Mr. Scott.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. All right. So -- and, and you document it -- went
2 through and documented all of that in your report that
3 you've provided to me that I've turned over to the
4 defense---

5 A. We---

6 Q. ---correct?

7 A. Through the three different accounts it came from --

8 Q. All right.

9 A. -- moved through.

10 Q. Then one of the issues -- and I know you haven't been
11 here until today.

12 There's been testimony by, by individuals that Gene
13 Rogers, the victim, was concerned about whether or not the
14 defendant was using that money in a fashion that he's
15 suppose to be or that he was telling him that was for a
16 business solely and did you find out the name of that
17 business for us?

18 A. I did.

19 Q. What -- what's the name of the business?

20 A. Legion International, LLC.

21 Q. Okay. And you actually dove into Legion International,
22 LLC as well too, correct?

23 A. I did.

24 Q. All right. So, back to what I was saying. We've had
25 testimony that the victim, Mr. Rogers, was concerned about

Matthew Wright - Direct examination
By Solicitor Lively

1 all this money that he freely gave to the defendant and how
2 that money was being spent.

3 Did I bring that up to you to, to go into and analyze?

4 A. Yes, ma'am.

5 Q. And were you able to actually go into the account for
6 Legion International, which was his business that he said he
7 was starting with that money?

8 A. Yes, ma'am.

9 Q. And were any of the funds that he received, he being
10 the defendant, from Mr. Rogers ever put into that company?

11 A. Three hundred dollars was transferred from Navy Federal
12 via debit card into the Legion International bank account at
13 Bank of America.

14 Q. So, the entire amount of money of \$86,000, where did he
15 put that money whenever he got it from the, the victim?

16 A. Into his own Navy Federal account, checking account.

17 Q. Now, when he put, put it into the Navy Federal Credit
18 Union account that he had had since he went in the Marine
19 (sic), did I ask you to follow the money and tell us whether
20 or not he was spending the money as he claimed to his
21 grandfather?

22 A. Yes, ma'am.

23 Q. Okay. How much information did you get from Navy
24 Federal Credit Union -- oh, well, right here.

25 A. Yes.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. How many different account transactions did you have to
2 go through in order to come up with that pattern of spending
3 with that \$86,000 that ended up being \$3.00 by June 8th of
4 2020?

5 A. Yes, ma'am, there from 20 -- end of 2016 to the end of
6 those bank records in 2020 is over 6,000 entries of
7 transactions.

8 Q. Okay. And as a part of what you're doing by showing --
9 by going back into his history prior to that deposit showing
10 that -- the pattern of his spending before he received that
11 money?

12 A. Yes, ma'am.

13 Q. Okay. Once he received that money, were you able to
14 actually break down what different types of items he was
15 spending money on up until the point of the murders?

16 A. Yes, I did a, a deeper dive and followed every
17 transaction throughout all of 2020.

18 Q. Okay. And how difficult it is to go through and, and
19 actually pull out each type of transaction and understand
20 whether or not it's a debit, it's a, a ATM, whether it's
21 some type of a cash app, those types of things?

22 Are you qualified to give that information to a jury
23 and help them understand?

24 A. Yes, ma'am.

25 Q. Okay. And did you do that in your report that was

Matthew Wright - Direct examination
By Solicitor Lively

1 provided to myself and the defense?

2 A. I did, yes, ma'am.

3 Q. Okay. And so was going through this information very
4 detail oriented and complicated?

5 Maybe not for you --

6 A. Yeah.

7 Q. -- but for the average person.

8 A. It is detail oriented and it, it takes significant time
9 to go through and analyze it, yes.

10 Q. So, if we provided all this information, let's say, to
11 a jury to decipher within deliberation, how long would -- I
12 mean I know you can't tell me that.

13 A. Yeah.

14 Q. But would it be a significant undertaking for them to
15 do?

16 A. Absolutely.

17 Q. Okay. And does the average person understand, with all
18 these different types of fan -- financial types of
19 transactions we can do by our phones and in other ways
20 without walking into a bank and writing a check, is that
21 complicated enough to where you need to know what to look
22 for?

23 A. Yes.

24 Q. Okay. Thank you. Answer any questions the defense may
25 have.

Matthew Wright - Cross-examination
By Ms. Boulware

1 THE COURT: Okay.

2 A. Thank you.

3 THE COURT: Ms. Boulware, any questions of Mr. Wright?

4 MS. BOULWARE: I have a couple of questions, judge.

5 CROSS-EXAMINATION

6 BY MS. BOULWARE:

7 Q. It is Agent Wright?

8 A. Yes, ma'am.

9 Q. Okay. So, what pattern are you establishing here?
10 what, what are you gonna tell the jury about that?

11 A. Yes, ma'am. So, if it -- with -- in looking through
12 January, 2020, or, or even back into 2019, if we look at
13 what I would consider average daily balance --

14 Q. Okay.

15 A. -- without -- I'm not gonna quote a specific dollar
16 amount. But typically was less than a thousand dollars.
17 You see---

18 Q. Okay.

19 A. You see money in, which would of been military pay.
20 You see general small deposits that show an average balance
21 certainly less than \$3,000 on a rolling average balance.

22 Q. Uh-huh. (Affirmative).

23 A. And then we see a pattern of -- and, and the same with
24 spending, monthly spending. You see when he gets the, the
25 significant check, two different checks totaling over

Matthew Wright - Cross-examination
By Ms. Boulware

1 \$80,000 deposited into his account, what I would classify it
2 as a rapid decline of funds spent very quickly. If there
3 was any business activity, I don't see a pattern of, of a --
4 what I would expect for establishing a business or start-up
5 funds or start-up costs. And then I see a significant
6 increase in a pattern of monthly spending --

7 Q. Okay.

8 A. -- monthly expenditures.

9 Q. And, and let me just interrupt you for just one second.

10 A. Sure.

11 Q. What conclusion are you drawing from that?

12 A. I'm, I'm drawing -- the records indicate that --

13 Q. Okay.

14 A. -- he had minimal funds in his bank account until he
15 received \$86,000 from his grandfather. The records indicate
16 that, by May and June of 2020, all of those funds have been
17 depleted. And then he gets another \$2,500 at May or June.
18 I can't remember -- look at my notes if we need to speak
19 about the exact date---

20 Q. And that's fine.

21 A. ---at this point.

22 Q. I don't, I don't need the details. Like she told the
23 judge---

24 A. Right. Right.

25 Q. ---we got to keep it short right now.

Matthew Wright - Cross-examination
By Ms. Boulware

1 But I get -- what I'm getting to is what about the bank
2 transactions on a bank statement -- are, are you saying that
3 the jury can't figure out on their own that he had less than
4 a thousand dollars on average and then -- by just looking at
5 a couple of few months bank statements and then seeing a big
6 deposit for 86,000 or, or the big deposit?

7 They, they can't look at that for themselves?

8 A. I think, for individual transactions, certainly they
9 can look at that for themselves. But you miss -- you know,
10 each, each bank statement, we're talking just for 2020, I
11 believe there's over 2,000 transactions just through that
12 one account---

13 Q. Okay.

14 A. ---that somebody would have to piece through and look
15 at each one and it flows from positives and negatives. It's
16 not debits, credits, and it -- the, the bank statements can
17 certainly be intimidating to look at if it's not something
18 that you look at every day to be able to show exactly what
19 was happening.

20 I'm able to summarize it and categorize things to show,
21 you know, hey, look, this much money was spent for Uber and,
22 you know, how many transactions and able to get it in a more
23 readable, understandable format to, to explain it to
24 someone.

25 Q. Okay. In other words, you are basically summarizing

Matthew Wright - Cross-examination
By Ms. Boulware

1 the State's motive to the jury?

2 A. I'm summarizing the bank records and the financial
3 transactions.

4 Q. Which goes to the motive?

5 A. And -- yes.

6 MS. BOULWARE: Okay. Beg the Court's indulgence.

7 THE COURT: Sure. Take your time.

8 (Pause.)

9 Q. So, the conclusions you came to, is that -- all you
10 need to do is go through all the pages of the bank
11 statements, right?

12 A. The bank statements, the life insurance policies, the
13 victim's bank records, and more than just statements. It's
14 the canceled checks, the deposit details, the actual -- I
15 (sic) reviewing the actual items that were --

16 Q. All right.

17 A. -- deposited and, and taken out.

18 Q. But these are items that a, a lot of people have. They
19 have life insurance policies, bank statements, several bank
20 statements, retirement plans, things like that.

21 What, what expertise -- and, and I'm kind of talking
22 about the bank statements more so --

23 A. Sure.

24 Q. -- cause I understand that, that life insurance
25 policies and all that's legalese. I get it.

Matthew Wright - Cross-examination
By Ms. Boulware

1 A. Right.

2 Q. But what at -- but people -- an average person has
3 these things.

4 what expertise does reading a bank statement to come to
5 the conclusion that he had less than a thousand dollars?

6 what, what does---

7 A. Right.

8 Q. Where does the expertise come in on that?

9 A. I think the average person certainly does have bank
10 statements and they understand bank statements. But we
11 have -- if you look at it even from a tax angle or general
12 bookkeeping angle, most, even business owners and otherwise,
13 are hiring accountants. They're hiring professionals to, to
14 handle their finances.

15 Q. Okay. And that's -- kind of gets to my issue here.

16 So, when you say that, are you saying he's committing
17 some kind of fraud by not having that pattern?

18 A. No, not at all.

19 Q. Okay. But why -- then why say that?

20 A. I was answering your question of why -- what is, what
21 is my expertise and I'm saying average people still require
22 to have CPAs, to have financial planners, financial advisers
23 review things.

24 Q. But not to determine that the motive for a murder is
25 money issues?

Matthew Wright - Cross-examination
By Ms. Boulware

1 A. It -- what question would you like me to answer?

2 Q. Are, are you trying to say he committed fraud by not
3 having business transactions in this account?

4 A. Not one bit.

5 Q. Okay. I disagree with that. But I think that's all
6 the questions I have.

7 A. Okay.

8 THE COURT: Anything to follow-up, solicitor?

9 REDIRECT EXAMINATION

10 BY SOLICITOR LIVELY:

11 Q. So, Agent Wright, in regards to the records from the
12 time of the extraction from the 401(k) -- the loans that the
13 defendant was getting and being denied, you went through
14 those, correct?

15 A. Yes, ma'am.

16 Q. The, the amount of money that was being spent and how
17 it was being spent allegedly for this business, are you
18 going to be discussing that in regards to just the flow, the
19 ebb and flow of the money to show the pattern that he was
20 not spending the money on the corporation during that six
21 month period?

22 A. Yes, ma'am.

23 Q. All right. And in regards to that, are you alleging
24 any kind of fraud at all?

25 A. No, ma'am.

Matthew Wright - Redirect examination
By Solicitor Lively

1 Q. All right. Are you basically saying that this 20
2 something year old got \$86,000 from his grandfather and blew
3 it all within six months?

4 A. Yes, ma'am.

5 Q. And in regards to that, you can break down and show
6 what he spent for the alleged business such as firearms at
7 Shooter's Choice, Palmetto State Armory, and things like
8 that, in comparison to personal entertainment and fun and
9 food?

10 A. Yes, ma'am.

11 Q. Is that correct?

12 A. That's correct.

13 Q. And those are the different transactions you went
14 through to break that down to show, which was a concern by
15 the victim that this defendant was not spending the money
16 the way he was suppose to, correct?

17 A. That's correct.

18 Q. All right. And we've already got testimony in the
19 record that he was concerned about that at the time of his
20 death, which you weren't in here for that.

21 But---

22 A. I was not.

23 Q. ---that would be a concern for someone who just gave
24 his life savings to his grandson?

25 A. Yes, ma'am.

Matthew Wright - Redirect examination
By Solicitor Lively

1 Q. And you would agree?

2 A. I would agree.

3 SOLICITOR LIVELY: All right. Thank you, Your Honor.
4 That's all.

5 THE COURT: Anything in recross?

6 MS. BOULWARE: Briefly, Your Honor.

7 RECROSS EXAMINATION

8 BY MS. BOULWARE:

9 Q. So what I heard the solicitor saying is you are
10 determining that he wasn't spending the money how he was
11 suppose to?

12 A. The easiest way to classify it would be he was spending
13 it all on personal, living type expenses.

14 Q. Well, what do you know about an agreement -- any
15 agreement that Mr. Scott and Gene Rogers had as far as these
16 funds?

17 A. I do not.

18 Q. Okay. Thank you.

19 THE COURT: Okay. All right. Let me -- let, let me
20 hear some argument. I'm gonna first hear from the defense
21 as to why you should -- you believe that Mr. or Agent,
22 excuse, Agent Wright's---

23 THE WITNESS: That's fine.

24 THE COURT: ---testimony should not come in.

25 MS. BOULWARE: Judge, this is -- well, first of all,

1 all due respect to Agent Wright and his skills, this is
2 unnecessary. We're looking at bank accounts and, frankly,
3 that's for the jury to infer from the bank account as to
4 whether they think this money's being spent correctly.

5 We've been presented no contract between Mr. Scott and
6 Mr. Rogers that he absolutely had to spend a certain amount
7 of money on this or that or the other. If you look at the
8 bank statements, he bought some guns. He was paying some
9 folks. He didn't use his business account.

10 Well, maybe he just doesn't understand how to run a
11 business. But I don't think that you need Mr. Wright up
12 here for the jury to infer that, and, if it's voluminous and
13 if it's a lot of stuff to go through, then so be it.
14 It's -- the State's got to prove this. But they don't need
15 somebody up there to basically bolster their motive argument
16 --

17 THE COURT: Okay.

18 MS. BOULWARE: -- because I think she can take care of
19 this in closing.

20 THE COURT: Okay.

21 MS. BOULWARE: And --?

22 THE COURT: Can, can I stop you just a second?

23 Let, let---

24 MS. BOULWARE: Sure.

25 THE COURT: Let me ask you two questions.

1 I assume you're not taking the position, and you can
2 correct me if I'm wrong, if my assumption is wrong, but I, I
3 assume you're not taking the position that the State is
4 precluded from putting in "motive evidence" because motive
5 is, is not an element. But certainly motive can be an
6 important factor.

7 MS. BOULWARE: Right.

8 THE COURT: So I assume you're not arguing that they
9 can't put in motive evidence?

10 MS. BOULWARE: Absolutely. She can come up with
11 whatever motive that she feels like---

12 THE COURT: Okay. All right.

13 MS. BOULWARE: ---she can prove.

14 THE COURT: Okay. All right.

15 MS. BOULWARE: So --.

16 THE COURT: Second question.

17 All right. I'm also assuming that you do not believe
18 that the bank -- "bank records and other financial records"
19 are inadmissible in this case?

20 MS. BOULWARE: No, sir, I, I---

21 THE COURT: Okay.

22 MS. BOULWARE: I'm fine with those being admitted.

23 THE COURT: All right. So you're -- basically your
24 argument, as I understand it, is that the jury does not need
25 Agent Wright. The bottom line, they don't need him to, to

1 decipher and go through and understand and figure out the
2 financial issues.

3 MS. BOULWARE: That's correct.

4 THE COURT: Is that correct?

5 MS. BOULWARE: And, and if I quote the rule on experts,
6 it's (sic) actually says -- 702 provides qualified expert
7 may testify when scientific, technical, or special knowledge
8 will assist the trier of fact to determine a fact in issue.

9 This is not outside the kin of the average juror to
10 understand reading bank statements. I can guarantee you
11 some of these jurors have life insurance policies,
12 retirement plans. A lot of them probably understand them
13 pretty well. They know what they're doing.

14 They understand what they're for. They understand that
15 there's beneficiaries. I, I -- that, that is not outside of
16 an average juror's understanding, which is what, under 702,
17 you would need an expert to do such as Doctor Rose
18 explaining lividity and rigor mortis and all that stuff.

19 You know, that's not things I know in an everyday --
20 you know, in my everyday life and -- but bank statements,
21 insurance policies, retirement plans, that is something that
22 the average person deals with on a daily basis.

23 Judge, it, it reminds me of the blind expert. Even
24 though he's not being blind here --

25 THE COURT: Right.

1 MS. BOULWARE: -- in CSC cases, and those are mostly
2 allowed because CSC -- because the nature of a CSC charge
3 and just the special rules that are around those types of
4 cases.

5 I, I don't believe -- and, and the -- again, this is
6 just simple, everyday stuff and, and I say simple not to
7 demean Agent Wright again. But it -- it's just documents
8 that the jurors could -- she -- she's got a person from, my
9 understanding, from the Air -- I forget what the name of the
10 company is. Airgas case -- I, I mean the Airgas employer.
11 She's got that person coming.

12 They're -- there you go. There's somebody who can
13 describe that.

14 We can get -- I believe the way she wants to get it in
15 the bank statements is through the search warrant.

16 Okay. You can do that. She can ask what does this
17 transaction say, what does this transaction say.

18 THE COURT: Okay.

19 MS. BOULWARE: I, I get, for efficiency, we would
20 summarize it. But, you know, this is Mr. Scott's day in
21 Court. This ain't about being efficient unfortunately.

22 THE COURT: Right.

23 MS. BOULWARE: I mean I, I would love not to be here
24 three weeks either. But they, they need to prove their case
25 and they don't need to do it with a motive bolsterer, which

1 is what I'm going to call this.

2 THE COURT: Okay. All right. Thank you, Ms. Boulware.
3 Solicitor, you want to respond?

4 SOLICITOR LIVELY: Yes, sir, Your Honor, and here's the
5 thing.

6 I understand that, in the general terms of what an
7 individual understands in regards to their bank statements
8 and term policies and things like that, yes. They probably
9 know about their own personal ones.

10 what they don't understand is, when they're coming into
11 a case such as this, where the volume of not just one
12 person's records, we've got two records, plus a company that
13 was established with an LLC, and also we've got the life
14 insurance, and we've got 401(k).

15 So, what we have is two different people that this
16 jury's gonna have to look at and understand out of the
17 context of what they do on their own personal basis
18 everyday.

19 So, what we are talking about here is does he have the
20 technical qualifications and experience to provide
21 assistance to this jury to see that pattern, within all of
22 these records, of what was being spent and how. Not whether
23 or not he did it correctly, whether or not we agree with how
24 he did it, but to establish the exact issue that, like the
25 witness Eric Parker was testifying to yesterday, that Gene

1 was concerned about whenever he gave the money to Alex
2 because he was hearing one thing from the defendant. But he
3 was also feeling like okay, is he really spending this
4 money. Is he really doing what he's suppose to do. We're
5 not seeing what's going -- suppose to be happening here.

6 The jury needs to have all of that information and they
7 need to understand that information. It's absolutely not
8 bolstering.

9 What he's doing is -- if it was bolstering he would and
10 he shouldn't of been doing this and he shouldn't of been
11 doing that and that was squandering of money. We can very
12 clearly just have him talk about the facts. The numbers are
13 what they are and he has put it together in such a way to
14 where the jury can understand it without them having to
15 parse through -- yeah, it is voluminous, which is fine.
16 We'll go through the volume of it.

17 I'm not trying to relieve that. That's why I went
18 ahead and had an expert to do that just like we do with the
19 cellphone records. The jury probably knows what a text
20 message is too. But I'm not gonna hand them thousands of
21 pages of documents and have them figure that out.

22 There's a reason for an expert, and, as the gatekeeper,
23 Your Honor, the reliability issue's have already been
24 checked off here. They say okay, he's reliable. He's got a
25 good experience. We're good at that.

1 They're concerned about bring -- bringing up the fact
2 that he's a fraud, you know, expert at SLED. We're not
3 gonna even mention the F word. It's not gonna happen.

4 So, all he's going to do is talk about how he went
5 through these records, the patterns that he saw in regards
6 to how things were spent. He's gonna have, have everything
7 itemized so the jury can understand and follow it without
8 having to go through each statement themselves to find these
9 things that I'm gonna have to have -- I mean he can sit up
10 there, I guess, and talk about -- I don't know. I guess I
11 could have David Moore, who's my search warrant guy, just
12 talk about what each record says.

13 That's not going to help the jury understand. That's
14 what we're doing. We're not bolstering. We want to help
15 the jury understand what these records mean.

16 So, I believe that he's, you know, he -- the jury needs
17 that information in order for them to be able to understand
18 what they're seeing.

19 THE COURT: Okay. Thank you.

20 Ms. Boulware.

21 MS. BOULWARE: Judge, by asking about patterns at all,
22 you're back-dooring in fraud. I mean the -- you don't have
23 to say the word. But that's what the implication is when
24 you have an expert from SLED -- we're talking about
25 cellphones. That is a -- highly technical. They're -- a

1 lot of people don't understand.

2 They don't understand even how they do text messages on
3 them. A lot of people don't. That's something you need
4 somebody in for you and we have our own person for that. I
5 mean we -- we'll have the battle of that. That will be
6 fine.

7 But just for things people read everyday -- if you
8 can't read a bank statement, you don't even know if you have
9 any money. So people can read bank statements and
10 retirement accounts and these financial statements, which
11 basically these are, because we don't have any financial
12 statements for the -- a business or whatever.

13 But all we've got is basically we've got life insurance
14 policies, the 401(k), and Navy Federal Credit Union, which
15 is the big stack of bank statements, and then there's Bank
16 of America account that really has very little, if any,
17 transaction, we got maybe one, transaction in it.

18 SOLICITOR LIVELY: First Citizens.

19 MS. BOULWARE: And First Citizens. I'm sorry.

20 But, judge, at -- I'm sorry. You put somebody up here
21 in a suit and call him agent from SLED and talk about
22 patterns and call him an expert, that's what the jury's
23 going to infer that oh, well, he didn't spend the money
24 right.

25 That -- that's not -- the -- that's not -- it's --

1 that's the jury's job. They can look at a piece of paper
2 and see oh, well, he went here and went to the strip club.

3 Okay. well, he went here. He got Uber Eats.

4 Okay. They can figure that out. They don't need
5 somebody -- cause what, what this summary is, I'm sorry, is
6 just telling the jury that he spent his money wrong and I, I
7 don't think you need somebody from the witness stand,
8 particularly entitled expert from SLED, to say that. I
9 think the jury can decide whether or not they think he spent
10 his money wrong --

11 THE COURT: Okay.

12 MS. BOULWARE: -- cause however much he says he's just
13 gon' read information into the record, that's not the way --
14 she, she just asked him what the pattern -- what, what's the
15 pattern.

16 THE COURT: All right.

17 MS. BOULWARE: And, and that, that word, in and of
18 itself, indicates that oh, we're, we're looking for
19 something here. You know, we're looking for this, this here
20 strip club thing here and that. well, that's bad. That's
21 bad and it was fraud and it -- that's what they're gonna
22 infer, judge.

23 THE COURT: Okay. All right. All right. Let's take
24 a, a, a 10 minute break. I'm gonna look at this a little
25 bit further back in chambers.

1 SOLICITOR LIVELY: Do you want the records, Your Honor?

2 THE COURT: No.

3 SOLICITOR LIVELY: Sorry.

4 Do you want his report?

5 THE COURT: Yeah.

6 Do you have a summary report?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Do you have an extra copy?

9 well, I'll give it back to you.

10 How about that?

11 THE WITNESS: Yeah, that's fine. There you go, Your
12 Honor.

13 THE COURT: Okay. Thank you.

14 THE WITNESS: Yes, sir. Thank you.

15 (WHEREUPON, a short recess was taken at this time.)

16 MS. BOULWARE: Judge?

17 THE COURT: Are we back on the record?

18 MS. BOULWARE: If you would take just a couple of the
19 statements or however many---

20 (Pause.)

21 THE COURT: Okay. Ms. Boulware, you've requested that,
22 that I look at a sampling of the bank statements just so I
23 can have kind of a general knowledge of bank statements
24 involved in this particular case.

25 MS. BOULWARE: Yes, sir.

1 THE COURT: Yeah. Just whatever. Just give me a
2 sampling so I'll kind of know what -- what's involved.

3 SOLICITOR LIVELY: Okay. I'm gonna give you a sample
4 from each thing that we're having -- we want to have him
5 testify about. So that would include the 401(k) plan --

6 THE COURT: Okay.

7 SOLICITOR LIVELY: -- the loan with Navy Federal Credit
8 Union which was denied right before the murders --

9 THE COURT: All right.

10 SOLICITOR LIVELY: -- the Bank of America accounts,
11 Navy Federal Credit Union. I mean I know -- you don't have
12 to look at the whole thing. They're---

13 THE COURT: No, I, I---

14 SOLICITOR LIVELY: ---statements in there --

15 THE COURT: Yeah, I don't want---

16 SOLICITOR LIVELY: -- obviously.

17 THE COURT: ---to look at the whole thing. Just
18 give -- I think all Ms. Boulware wants me to do is just have
19 a sampling of --

20 SOLICITOR LIVELY: Okay.

21 THE COURT: -- of these bank accounts.

22 MS. BOULWARE: Yes, sir.

23 THE COURT: So just show her---

24 SOLICITOR LIVELY: That's fine.

25 THE COURT: ---what you're gone hand to me and then

1 just bring in back.

2 SOLICITOR LIVELY: There we go.

3 (WHEREUPON, a short recess was taken at this time.)

4 THE COURT: We're back -- the record. I want to make
5 some -- a few comments and then I'll tell you what my ruling
6 is.

7 Number one. The -- I'm finding that defense has not
8 disputed the qualifications of Agent Wright.

9 Number two. I find that the defense is not disputed
10 the admissibility of the bank records, life insurance
11 policy, and 401(k) records.

12 I acknowledge and it's already mentioned about the 702.
13 It says that an expert testifies to assist the trier of fact
14 and I'm finding that, but for the voluminous nature of these
15 documents, the Court would agree with the defense. If it
16 were just a couple of months bank records, then, yeah, would
17 not need an expert to testify.

18 But given the voluminous nature of, of the records,
19 then I think the jury does need that assistance from an
20 expert. However, I don't want any reference to Agent Wright
21 being an agent and an agent of SLED. I don't want this
22 insinuation, I'm not sure if insinuation is necessarily the
23 correct word to use, that for the jury to think oh, there
24 must be some criminal fraud or otherwise with respect to how
25 the defendant spent this \$86,000.

1 So, I think what -- the best way of handling it, since
2 qualifications are not in dispute, I can just tell the, the
3 jury that Mr. Wright is found to be a forensic
4 accountant/financial analyst. I'm gonna leave it at that.

5 Now, I know the report has SLED posted all on it. But
6 we'll just have to deal with that.

7 Okay. I believe it's important factoring into this, I
8 think it's somewhat important as far as this particular
9 issue, the fact that the co-worker, Mr. Parker, had
10 testified that Gene did indicate some concern close to the
11 time of the murders of how the defendant was spending the
12 money. I think that kind of factors in in some way.

13 So, you know, I envision you good lawyers, in closing
14 arguments, and the State's gonna argue that that was the
15 motive for murder as -- with respect to how, you know, the
16 defendant spent this money and wanting more money. And I
17 envision the defense to argue that defendant was, was simply
18 a bad money manager and typical of, of those people who are
19 dumped a large amount and they just don't know how to spend
20 it wisely. That's what I envision both sides to argue.

21 So I'm gonna allow Matthew Wright to testify on behalf
22 of the State with respect to these records.

23 MS. BOULWARE: Judge, may I make a couple requests on
24 his report that he has then?

25 We would request the Court, on slide 2 and 7, I believe

1 he refers to Mr. Scott as defendant and Mr. Rogers as
2 victim. If we could just have him refer to them by their
3 names --

4 THE COURT: Yes.

5 MS. BOULWARE: -- on those slides.

6 THE COURT: It---

7 SOLICITOR LIVELY: Can we do Defendant Scott?

8 That's how I've been referring to him during the case.

9 And then we'll do Gene Rogers instead of victim.

10 THE COURT: Yeah. And I, I think what---

11 MS. BOULWARE: Alex Scott?

12 THE COURT: Yeah.

13 SOLICITOR LIVELY: Well, see that's---

14 THE COURT: I think throughout this trial that there
15 have been references to Gene Rogers as either Gene or the
16 victim --

17 MS. BOULWARE: Correct.

18 THE COURT: -- and same. Alex Scott been referred to.
19 Defendant has, has been referred to. However, if, if
20 defense wants, with respect to this witness, to refer to
21 Gene Rogers as Gene Rogers, not victim, and the defendant as
22 Alex Scott and not defendant, I'm fine with that.

23 So if you just --.

24 MS. BOULWARE: Thank you.

25 Judge, one more request. In the proffer, solicitor

1 kept using what pattern, pattern, pattern.

2 Can we not have any questions about -- just have him
3 actually read basically what's on the slides without
4 patterns involved cause I think that's going to infer to the
5 jury exactly what we don't want it to. I mean we're
6 already -- my issue is we're already cherrypicking
7 transactions for him to highlight to the jury. I, I would
8 rather not have pattern attached to that as well.

9 THE COURT: Okay. All right. All right. Let, let me
10 just, just ask the State, if I instruct the use of the word
11 or, or -- for the word pattern not to be used, I mean would
12 the jury form that opinion anyways?

13 If he's spending, you know, X amount of dollars on
14 non-business things, which evidently that's what the records
15 do show --

16 MS. BOULWARE: And, judge, if they do, that's fine.
17 That -- they are the---

18 THE COURT: Right.

19 MS. BOULWARE: ---who infer that. If -- she can
20 certainly use the word in closing. I, I just don't think
21 it---

22 THE COURT: Use the word what?

23 MS. BOULWARE: In, in her closing.

24 THE COURT: All right.

25 MS. BOULWARE: If that's where she wants to go with

1 that, that's fine. I just don't -- I think if you do that,
2 put the witness on the stand, would somebody reading that
3 out, and then you're determining how you're -- we're getting
4 to exactly what we're trying to avoid is my concern.

5 THE COURT: Okay. You, you got any position on that?

6 SOLICITOR LIVELY: Yes, I mean she's now telling me how
7 I can speak---

8 THE COURT: Right.

9 SOLICITOR LIVELY: ---as long as -- I mean it's just --
10 it -- and I'm not trying to be ugly at all. What I'm saying
11 is I don't even know how saying pattern can -- it can be
12 deemed as some type of a prejudicial statement.

13 What I'm asking him to do, as an accountant, did he
14 have -- what were you able to establish after you -- through
15 your expert use of all this information, different patterns.
16 Was he spending money on weapons?

17 Yes.

18 Okay. That's a pattern he's probably happy with.
19 Was he spending money on food?

20 Yes, which is fine cause he's got to eat.

21 So, the pat -- word pattern is not something that is
22 derogatory in regards to what he was doing --

23 THE COURT: Yeah.

24 SOLICITOR LIVELY: -- except for the fact that some of
25 what he was doing was problematic.

1 THE COURT: Okay.

2 SOLICITOR LIVELY: It's not the word pattern that's the
3 problem.

4 THE COURT: Yeah. Yeah.

5 MS. BOULWARE: And, judge, that's the issue I have.
6 I'm not---

7 THE COURT: Okay. Y'all be careful. Now, I don't know
8 who -- whose cellphone just went off?

9 MS. BOULWARE: I'm, I'm not sure.

10 THE COURT: Wait, wait a minute, Ms. Boulware.

11 MS. BOULWARE: I'm sorry.

12 THE OFFICER: It was the---

13 THE COURT: That's fine.

14 THE OFFICER: It was my fire pager. I'm sorry.

15 THE COURT: That's fine. That's fine and you weren't
16 in here the other day when I said no cellphones in the
17 courtroom. That's fine. Just --.

18 Okay. Ms. Boulware.

19 MS. BOULWARE: I mean that -- that's the problem I have
20 with calling it problematic because we have not
21 established -- we've established, through a lay witness,
22 that Gene had some concerns.

23 THE COURT: Yeah.

24 MS. BOULWARE: But Gene did know that he was blowing
25 the money.

1 THE COURT: Yeah.

2 MS. BOULWARE: So that's not anything we need to
3 establish through an expert witness.

4 THE COURT: Right. Right.

5 MS. BOULWARE: And that -- there's no agreement between
6 Gene -- I mean there -- there's no evidence of an agreement
7 that Gene said you are only to spend this money on business.

8 Now, he said he thought that's what he was gonna spend
9 the money for. But he also knew what was really happening.

10 THE COURT: Sure.

11 Well, now, I would have an issue with the use of the
12 word problematic. But I really don't have a problem with
13 the use of the word pattern. I mean they -- the jury can
14 determine, from what's presented to them, whether it is a
15 pattern or not, and if it is a pattern, does that go towards
16 motive. That's, that's for the jury to determine. Use of
17 the word of problematic, yeah---

18 SOLICITOR LIVELY: I'm---

19 THE COURT: ---I think stay away from that.

20 SOLICITOR LIVELY: I'm not gonna say problematic.

21 THE COURT: Right. Right.

22 SOLICITOR LIVELY: You know, we're not gonna criticize
23 it. We're gonna -- not gonna say it was wrong. We're just
24 going to identify it.

25 THE COURT: Right.

1 SOLICITOR LIVELY: This is what he pulled out and this
2 is what he's spending. He's not gonna say -- I'm not gonna
3 say well, do you think that that was some else -- was he
4 squandering?

5 what do you say?

6 I'll save that for closing. She's correct.

7 THE COURT: Sure.

8 SOLICITOR LIVELY: I am not gonna say any of that---

9 THE COURT: Okay.

10 SOLICITOR LIVELY: ---and neither is Mr. Wright.

11 THE COURT: Yeah, I, I, I don't think the use of the
12 word pattern is necessarily in any way prejudicial or
13 unfairly prejudicial to the, to the defense. Problematic
14 and characteristics of that, you know, let the jury make the
15 decision whether or not he did something wrong or not, you
16 know.

17 So, I -- I'll, I'll allow the use of the word pattern.

18 SOLICITOR LIVELY: Thank you, Your Honor.

19 THE COURT: But reference Gene Rogers, Alex Scott.
20 okay?

21 SOLICITOR LIVELY: All right. We'll make those
22 changes. He's not testifying till later today, Your Honor.

23 THE COURT: Oh, okay. All right.

24 Okay. Good.

25 SOLICITOR LIVELY: We're ready to proceed whenever Your

1 Honor's ready.

2 THE COURT: Okay. Do you have --?

3 (Pause.)

4 THE COURT: Okay.

5 MS. BOULWARE: Sorry.

6 THE COURT: You, you need a break?

7 MS. BOULWARE: I was just gonna check with her real
8 quick on something but we can go ahead. She's busy.

9 THE COURT: No, go ahead if you need to talk with her.
10 That's fine.

11 MS. BOULWARE: I was just gon' ask real quick.

12 (Pause.)

13 THE COURT: Okay. Let's, let's bring the jury out
14 please.

15 SOLICITOR LIVELY: Thank you, Your Honor.

16 THE COURT: I, I did let the jury know that we were
17 working on some legal issues and ask for their patience. I
18 did send them a note back.

19 (WHEREUPON, the following takes place within the
20 presence of the jury.)

21 THE COURT: Okay. Let the record reflect the jury's
22 back in.

23 Good morning, ladies and gentlemen. Thank you for your
24 patience and we're ready to get started back.

25 Let me just caution everybody. When, when we break at

Stewart Melton - Direct examination
By Solicitor Lively

1 the end of the day, the bailiff is going to announce, as he
2 did yesterday, when we're starting back. So, make sure you
3 listen to me very carefully. But also listen to the bailiff
4 as y'all are leaving.

5 Okay. All right. State ready?

6 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

7 The State would call Stewart T. Melton to the stand.

8 THE CLERK: Please raise your right-hand. State your
9 full name.

10 THE WITNESS: Stewart Tyson Nelson.

11 STEWART MELTON, being first duly
12 sworn, testified as follows:

13 THE WITNESS: I turned that radio---

14 THE COURT: That's okay.

15 DIRECT EXAMINATION

16 BY SOLICITOR LIVELY:

17 Q. Good morning. Please tell the jury where you're
18 currently employed.

19 A. The Richburg Fire Department. Chief of the fire
20 department.

21 Q. And how long have you been in that position?

22 A. Been in the chief's position about two and a half
23 years. I was assistant chief for about 15 years. I been in
24 the department 38 years.

25 Q. All right. So, Mr. Melton, when -- on June the 21st,

Stewart Melton - Direct examination
By Solicitor Lively

1 2020, when you received information over dispatch that there
2 was an incident at 608 Doe Street in Richburg, did you or
3 one of your units actually respond?

4 A. We, we did.

5 Q. Okay.

6 A. We did.

7 Q. And I'm going to -- are you holding your fire report, I
8 say fire report, but your report that's kept in the normal
9 course of business for purposes of your response on that
10 day?

11 A. I am. I have three separate reports.

12 Q. Okay. All right. So we're gonna, we're gonna actually
13 talk about each of -- one of those individually.

14 If you could tell the jury, for your first report, what
15 was the first thing that you did in response to that
16 dispatch call on June 21st, 2020, and give us times that
17 are---

18 A. Okay.

19 Q. ---that, that coincide with that?

20 A. So, on that date, we -- on -- we were dispatched at
21 12:47:09. We were given the details there were two
22 unresponsive subjects in a, in a home. There was gunshot
23 wounds.

24 In those type of situations, when we respond, we have
25 to make sure the scene's safe before we actually get on the

Stewart Melton - Direct examination
By Solicitor Lively

1 premises. So, we find a staging area and we had staged at
2 Murdock Road and Snellgrove Road, which is outside of this
3 neighborhood.

4 We arrived on scene. We were in route at 12:50:44. We
5 arrived on scene at 12:56:20. We had to wait till law
6 enforcement cleared the scene for us to go in. Then when we
7 actually arrived on scene, we staged outside the house
8 because they had already determined that they were deceased.
9 They only wanted someone from EMS to go into the residence.

10 So, all of our firefighters actually staged in the yard
11 for that.

12 Q. All right. And so you're protecting the, the, the
13 marked off scene at that time and not everybody just---

14 A. Correct.

15 Q. ---just running into the house?

16 A. Right. No everyone stays---

17 Q. Okay.

18 A. ---behind the vehicles that were in the driveway.

19 Q. So, this would not be one of those emergency situations
20 where you would see fire running in there to try to
21 resuscitate someone---

22 A. No, it was---

23 Q. ---based on what you were told?

24 A. It was a controlled scene. They had---

25 Q. Okay.

Stewart Melton - Direct examination
By Solicitor Lively

1 A. They had to establish the -- you'd say a hot zone where
2 you -- you know, we stayed out of. So --.

3 Q. Okay. So, because that was the situation, tell the
4 jury, on your report, when did y'all actually clear that
5 scene.

6 A. At that particular time, we cleared the scene at
7 13:20:53. That's 1:20:53.

8 Q. Okay. So, you were, you were gone by 1:20PM?

9 A. Correct.

10 Q. Now, did you actually ever see the defendant, Mr. Alex
11 Scott?

12 A. I did.

13 Q. You did.

14 Did you have any conversations with him at all?

15 A. I did not, no.

16 Q. All right. Did you observe anything about him that
17 stands out to you here today?

18 A. No, just that he was -- there was some upset---

19 Q. Okay.

20 A. ---motions and he was kind of vocal. But I didn't,
21 didn't really focus on him a whole lot, no.

22 Q. I understand. I understand. Thank you.

23 Now, you said that there were, there were other times
24 when you were called out.

25 When was the next time that you received some type of a

Stewart Melton - Direct examination
By Solicitor Lively

1 request or a need for response?

2 A. So, the next alert was at 16:12:10, which is 4:12:10.

3 We were called back to the residence to unlock a vehicle

4 because there was a phone in the vehicle.

5 Q. Okay. Did you know anything at all about whose vehicle
6 that was or whose phone that was or anything?

7 A. No, no clue.

8 Q. Okay.

9 A. We just -- we assumed it was someone at the residence
10 but didn't know.

11 Q. I understand.

12 All right. So -- and, and repeat that again.

13 What time was that that you got that call to respond?

14 A. The call to respond was at 4:12:10.

15 Q. All right. Were you one of the ones who actually
16 showed back up on Doe Street or did someone else do that for
17 you?

18 A. We had David McCain I think was actually the, the one
19 person that assisted with that particular part.

20 Q. Okay.

21 A. I was there. But I did not go back to the scene
22 itself. I was out on the road.

23 Q. Okay. All right. And according to the report that
24 you're referring to, was there -- was anything done in
25 response to that request to open the -- I guess y'all refer

Stewart Melton - Direct examination
By Solicitor Lively

1 to as a P.O.B.?

2 That's a---

3 A. Correct.

4 Q. ---privately owned vehicle?

5 A. That's a privately owned vehicle.

6 Q. Okay. So, tell us, at that point in time, was there
7 any dark -- documentation in the records to show what, if
8 anything, was done once the, once that -- I guess it was you
9 said Mr. McCain got there?

10 A. Right.

11 Q. What did he do?

12 A. The, the -- our, our job at that point was to unlock
13 the vehicle. We did not go in the vehicle because, at that
14 point, it's part of the crime scene. So, we unlocked the
15 vehicle. Everyone stepped out of the way and left that with
16 the Sheriff's Office.

17 Q. Got it.

18 All right. So, at that time, the only thing you can
19 confirm from your report is that y'all showed up to unlock
20 the vehicle?

21 A. Correct.

22 Q. All right. And would it be highly unusual for y'all to
23 then open it and go into the vehicle and, and disturb a
24 potential part of the scene?

25 A. It -- yeah, we would not go in on these type of

Stewart Melton - Direct examination
By Solicitor Lively

1 situations. We've been called to unlock cars before.

2 Q. Okay.

3 A. But it's not this type of situation. So --.

4 Q. Okay. And do you still have that report that you did
5 that was actually provided to our office in regards to the
6 timing of all of this going on?

7 A. Yes.

8 Q. Okay. And let me hold that for you if you don't mind?

9 A. Sure. Sorry.

10 Q. You're okay. Everybody does that.

11 (Pause.)

12 Q. All right. We're just gonna refer to a copy right now
13 of State's 15.

14 All right. I just want to see whether or not the
15 information that we have on your report is -- actually
16 coincides with what's on the CAD.

17 So, the first time you got there, you stated -- yeah,
18 look in the first diagram. I just want to see if it's on
19 here.

20 What time was that again cause I'm looking at firetruck
21 here. So I'm just seeing if, if it coincides.

22 A. Right.

23 So the alert was at 4:12, 16:12:10, and this is for the
24 initial. Oh, this is for the lockout.

25 Q. Oh, yeah, the initial---

Stewart Melton - Direct examination
By Solicitor Lively

- 1 A. Oh, the initial.
2 Q. ---I'm talking about.
3 A. Okay. Initial. That was -- 12:47:09 was the
4 initial---
5 Q. All right.
6 A. ---dispatch.
7 Q. And I'm just looking at the CAD, which is -- would it
8 be firetruck on scene?
9 would that be correct---
10 A. Yes, ma'am.
11 Q. ---that you're -- all right. Is this is showing --
12 here it's showing 12:56 on the CAD.
13 Do you see that?
14 A. Yes.
15 Q. Okay. So that coincides.
16 A. That coincides.
17 Q. All right. So, then he talks about leaving and you
18 said that it was around 1:00?
19 A. It would be 1:24:09 --
20 Q. 1:20---
21 A. -- or 1:20, I'm sorry, 1:20:53 is when we cleared the
22 scene.
23 Q. All right. Now, in regards to the return around 4:00,
24 a little after 4:00?
25 A. Right. That was 4:12:10.

Stewart Melton - Direct examination
By Solicitor Lively

1 Q. Okay. If you'll just look at this here and here's my
2 concerns is that it's not showing on here on the CAD. If
3 it's something like, and while you're just reviewing it, if
4 it's something that's not a part of the initial response, is
5 it possible that it may not have been put in that
6 information put into dispatch?

7 A. It, it is possible.

8 Q. Okay.

9 A. And, and it could be -- it could be that they had
10 called directly to ask us to come back and then we went in
11 route. But in that -- could of been a different --

12 Q. All right.

13 A. ---CAD sheet.

14 Q. And let me hold your report then.

15 A. All right. These are the first two and --.

16 Q. All right.

17 A. -- this is the last.

18 Q. All right. And are these the documents you used to
19 give your testimony here today?

20 A. Yes, ma'am.

21 Q. All right. And I see that you've actually got your own
22 notes on here and the -- for the first initial going out---

23 A. Correct.

24 Q. ---would be to remove -- I mean to original dispatch
25 and the lockout --

Stewart Melton - Direct examination
By Solicitor Lively

1 A. Right.

2 Q. -- of the car and then you put removed bodies since
3 y'all were asked---

4 A. Correct.

5 Q. ---to assist with that?

6 Okay. All right.

7 Your Honor, the State would move to introduce into
8 evidence, since it supplements what's not on the CAD, and
9 based on the fact that these are records that are kept in
10 the normal course of business.

11 Here.

12 THE COURT: You can take a look at them.

13 (Pause.)

14 SOLICITOR LIVELY: And I do have a copy that does not
15 have the specific -- his handwritten notes on it. So that
16 way we can keep it straight.

17 All right.

18 (Pause.)

19 THE COURT: Any objection to the, to the report coming
20 in?

21 MR. FRICK: No, Your Honor.

22 THE COURT: Okay.

23 SOLICITOR LIVELY: It's---

24 THE COURT: Without objection, that's gon' be --

25 SOLICITOR LIVELY: State's 5.

Stewart Melton - Direct examination
By Solicitor Lively

1 THE COURT: -- State's 5---

2 SOLICITOR LIVELY: Yes.

3 THE COURT: ---into evidence.

4 Okay?

5 (WHEREUPON, Officer T. Melton's report was marked as
6 State's Exhibit No. 5 and received into evidence at this
7 time.)

8 Q. Thank you. Answer any questions the defense may have.

9 A. Okay. Do you need those?

10 Q. Hold on to those---

11 A. Okay.

12 Q. ---cause he may ask you some questions---

13 A. Okay.

14 Q. ---about those.

15 Okay. Thank you so much.

16 CROSS-EXAMINATION

17 BY MR. FRICK:

18 Q. Chief, can I hold -- can I hold this?

19 A. Sure.

20 Q. She just handed it back to you real quick.

21 A. Sure.

22 Q. Thank you.

23 Okay. All right. Thank you, sir.

24 MR. FRICK: You cool if we use that as the CAD?

25 SOLICITOR LIVELY: No objection to using a copy of the

Stewart Melton - Cross-examination
By Mr. Frick

1 CAD right now, Your Honor. It's actually in evidence. It's
2 just there's so many documents---

3 THE COURT: Right.

4 SOLICITOR LIVELY: ---I'm thinking maybe it's just
5 somewhere in all that.

6 THE COURT: Yeah. The CAD report is in evidence. It
7 is State's---

8 SOLICITOR LIVELY: Thank you.

9 THE COURT: ---Exhibit 15. Just for purposes of this
10 witness, yeah, go ahead and use a copy.

11 Q. All right. Chief, you, you, you, you been doing this a
12 long time obviously to know how to read a CAD?

13 A. Yes, sir.

14 Q. Correct?

15 A. Yes, sir.

16 Q. Okay. I'm seeing here or I guess another firetruck
17 that's on scene at 12:56.

18 Is that, is that reflected on this?

19 A. Let's see. Yes, Unit 840 was on scene at 12:56:20.

20 Q. Okay. Does it show where they cleared?

21 A. Let's see. 840 on scene. It does not show a clear
22 time. It shows -- no. I don't see the clear time on here.
23 No, sir, the clear time is not --

24 Q. Okay.

25 A. -- not shown.

Stewart Melton - Cross-examination
By Mr. Frick

1 Q. Okay. All right. So, so sometimes y'all, y'all get on
2 scene and it just doesn't make it onto the CAD?

3 A. Right.

4 Q. Is that what I understand?

5 But that's the same thing with your --

6 A. Correct.

7 Q. -- getting there at four o'clock?

8 A. Right.

9 Q. Okay. All right.

10 Beg the Court's indulgence, Your Honor---

11 THE COURT: Sure.

12 MR. FRICK: ---one second.

13 (Pause.)

14 Q. Nothing further. Thank you.

15 A. Okay.

16 THE COURT: Okay. You can step down, chief.

17 THE WITNESS: Thank you.

18 SOLICITOR LIVELY: All right. Your Honor, we would
19 call Randy St. Clair to the stand.

20 THE COURT: Okay.

21 THE CLERK: Please state your full name.

22 THE WITNESS: Randy Dean St. Clair.

23 RANDY ST. CLAIR, being first duly
24 sworn, testified as follows:

25 DIRECT EXAMINATION

Randy St. Clair - Direct examination
By Solicitor Lively

1 BY SOLICITOR LIVELY:

2 Q. Please state your name and also your position for the
3 record.

4 A. It's Randy Dean St. Clair. I'm a patrol sergeant with
5 Lancaster City Police Department.

6 Q. Okay. So, what is your rank?

7 You're a sergeant?

8 A. Yes, ma'am.

9 Q. You just said that.

10 Okay.

11 A. Yes, ma'am.

12 Q. Yeah, I was already in the flow of the next question.
13 I apologize.

14 All right. So, Sergeant St. Clair, how long have you
15 been in law enforcement overall?

16 A. Fifteen years.

17 Q. And did you ever work for the Chester County Sheriff's
18 Office?

19 A. Yes, ma'am.

20 Q. Were you working there in June of 2020?

21 A. Yes, ma'am.

22 Q. Okay. And what was your actual position at the
23 Sheriff's Office in June of 2020?

24 A. I was a detective for the criminal investigation
25 division.

Randy St. Clair - Direct examination
By Solicitor Lively

1 Q. Okay. And how long had you been in that position?

2 A. Seven years.

3 Q. All right. Now, Sergeant St. Clair, whenever you were
4 working in the investigative division, would there be times
5 when you would get a call out to something like what we've,
6 we've been trying here this week, which is the murders of
7 Gene Rogers and Billie---

8 A. Yes, ma'am.

9 Q. ---Ruth Rogers?

10 Did you actually get called out on that particular day?

11 A. Yes, ma'am.

12 Q. And when you got called out, do you remember about what
13 time it was that you actually got called out there?

14 And if you need to look at the CAD, that's fine or you
15 can just give me an overall---

16 A. ---I believe---

17 Q. ---if you don't remember.

18 A. ---it to be around noon --

19 Q. Okay.

20 A. -- on a Sunday.

21 Q. All right. Maybe one o'clock?

22 A. It was noon, afternoon.

23 Q. All right. Afternoon. Fair enough.

24 And whenever you got there, had there already been
25 first responders and other police and investigators that had

Randy St. Clair - Direct examination
By Solicitor Lively

1 shown up?

2 A. Yes, ma'am.

3 Q. All right. What did you do whenever you went on scene?
4 what was your specific duties at that time?

5 A. We received information from the patrol division of, of
6 there being two deceased people inside the residence --

7 Q. Okay.

8 A. -- and, at that time, we didn't know the nature of
9 death that had occurred. We waited until other resources
10 became available, arrived on scene to determine the nature
11 of death---

12 Q. Uh-huh. (Affirmative).

13 A. ---to determine what kind of scene we had.

14 Q. Sure.

15 All right. And so, at some point was SLED crime scene
16 called in to assist?

17 A. Yes, ma'am.

18 Q. All right. Now, while you were there, did you actually
19 speak with the grandson, who is the defendant, Alex Scott,
20 while he was actually at that residence?

21 A. Yes, ma'am.

22 Q. Do you remember what that conversation was like when
23 you first spoke to him that day?

24 A. Not the initial conversation other than knowing that he
25 was the first one to arrive, that he was the complainant,

Randy St. Clair - Direct examination
By Solicitor Lively

1 that we were advised that he was the one that notified first
2 responders of the, of the crime scene.

3 Q. All right. Did you end up having a conversation with
4 him later on that day?

5 A. Yes, ma'am.

6 Q. All right. And at what point in time do you recall
7 that he actually was taken somewhere outside or away from
8 the crime scene?

9 A. I can't remember the exact time.

10 Q. Okay.

11 A. Myself and Investigator Dean, who was employed with the
12 Sheriff's Office, escorted him to the Chester County
13 Sheriff's Office to speak with him away from the, the scene.

14 Q. Okay. And is that the standard procedure to actually
15 remove someone who, at that time, was he -- in your mind,
16 was he a suspect or was he a witness victim?

17 A. At that time he was a witness.

18 Q. Okay. All right.

19 A. And it is standard procedure to remove someone from the
20 scene of whatever it may be, you know, a, a frantic
21 situation to, to bring them away from the crime scene to
22 speak to them in a, a neutral environment of, of no
23 distractions.

24 Q. Okay. And, and, on that particular day, June the
25 21st of 2020, we've had some testimony that it could of

Randy St. Clair - Direct examination
By Solicitor Lively

1 been around 93 degrees outside.

2 Do you recall it being hot?

3 A. It was very hot, yes, ma'am.

4 Q. All right. So, the other option was to talk to him in
5 a squad car?

6 A. Yes, ma'am.

7 Q. All right. So, at that point you end up taking the
8 defendant to where?

9 A. The interview room of the Chester County Sheriff's
10 office.

11 Q. All right. And whenever you were taking him there, did
12 he ride with you or Investigator Dean or how did that take
13 place?

14 A. We rode in Investigator Dean's vehicle. The --
15 Investigator Dean drove. Alexander Scott sat in the
16 passenger seat. I sat directly behind him --

17 Q. Okay.

18 A. -- in the rear.

19 Q. Okay. And at that time do you recall whether or not he
20 had any -- like a phone or anything else on him?

21 A. I believe he had a cellphone with him.

22 Q. He had his cellphone with him?

23 A. Yes, ma'am.

24 Q. Okay. And as a matter of fact, whenever you began the
25 interview, was the defendant actually holding or referring

Randy St. Clair - Direct examination
By Solicitor Lively

1 to his phone throughout the interview?

2 A. Yes, ma'am.

3 Q. All right. Now, whenever you got to the law
4 enforcement center for the interview, was that interview
5 audio and video recorded?

6 A. Yes; ma'am.

7 Q. And, at the time whenever you were interviewing the
8 defendant, did you Mirandize him for -- before that
9 interview?

10 A. No, ma'am.

11 Q. Okay. I mean tell the jury -- explain why you wouldn't
12 Mirandize him at that point in time.

13 A. A difference between an interview and an interrogation.
14 An interview you're trying to gather information and, with
15 that, the subject's not Mirandized. It's, it's to speak to
16 a person to gather information from that person.

17 An interrogation you're trying to get a confession.
18 That's when whoever you're speaking to gets Mirandized,
19 advised of their Miranda rights, and in a situation like
20 that, during an interview where Miranda rights isn't advised
21 prior to speaking to the person, if something is stated from
22 that person that could be incriminating, the interview then
23 stops and they're Mirandized and then it continues on as an
24 interrogation.

25 Q. Okay.

Randy St. Clair - Direct examination
By Solicitor Lively

1 A. So, at that time, he was -- it was an interview to
2 gather information.

3 Q. And did you readily provide him with that information
4 at the very beginning of the interview that normally you
5 would have someone sign a Miranda but that's not what you're
6 doing here?

7 This was just to talk?

8 A. Yes, ma'am.

9 Q. Okay. And all of that was audio and video recorded?

10 A. Yes, ma'am.

11 Q. Now, the interview took some time that day and have you
12 actually watched the interview again to refresh your memory?

13 A. Yes, ma'am.

14 Q. Okay. And you recall actually doing the interview
15 with, with Mr. Scott, the defendant, correct?

16 A. Yes, ma'am.

17 Q. All right. Well, before we get into the actual
18 interview, I'm just gonna ask you.

19 After the interview was conducted, was Mr. Scott, the
20 defendant, taken back to where the scene of the murders
21 happened?

22 A. On Doe Street, yes, ma'am.

23 Q. All right. And whenever he was taken back, did you go
24 back with him and Investigator Dean?

25 A. Yes, ma'am.

Randy St. Clair - Direct examination
By Solicitor Lively

1 Q. When you went back, at that point in time, was there a
2 conversation about being able to access his phone that he
3 had in his possession?

4 A. Yes, ma'am.

5 Q. All right. Okay. The cellphone that he had been using
6 during the interview?

7 A. Yes, ma'am.

8 Q. All right. And, and what was decided at that point
9 based on some of the things that Mr. Scott, the defendant,
10 was telling you and Investigator Dean?

11 A. At that particular time -- I know a search warrant was
12 obtained the following day for the phone. I can't remember
13 --.

14 Q. Why didn't y'all take it that night?
15 Was there something he said or did?

16 A. Oh, he said he needed directions. He had to use the
17 maps to get to a family member's house.

18 Q. Okay.

19 A. Yes, ma'am.

20 Q. All right. So, at that point in time, is that normal
21 procedure to let someone who is the one who walked in and
22 found two dead bodies and used their phone during an
23 interview to actually let them leave with their phone?

24 A. It's not common. But it's not unheard of.

25 Q. Okay.

Randy St. Clair - Direct examination
By Solicitor Lively

1 A. It's, it's case-by-case scenario.

2 Q. Fair enough.

3 But, in that situation, what -- at that time, what did,
4 if anything, did Mr. Scott, the defendant, tell you he would
5 do in regards to the phone?

6 A. He would bring it back.

7 Q. Okay. All right. So, before he left the phone, he
8 said I need it for GPS in order to get to a family member?

9 A. Yes, ma'am.

10 Q. All right. You had just spent all this time with him
11 in the interview room at the Sheriff's Office --

12 A. Yes, ma'am.

13 Q. -- is that right --

14 A. Yes, ma'am.

15 Q. -- as you said?

16 Okay. And you allowed him to leave with the
17 understanding he was gonna come back?

18 A. Yes, ma'am.

19 Q. All right. And you've already testified you believe a
20 search warrant was received or would -- actually was sworn
21 out and had -- you had that the next day for him to turn the
22 phone over?

23 A. Yes, ma'am.

24 Q. Okay. Did you have anything to do with that exchange
25 with the search warrant and the phone that next day?

Randy St. Clair - Direct examination
By Solicitor Lively

1 A. No, ma'am.

2 Q. Okay. All right. So, during that interview that you
3 were with the defendant -- let me see if I can find it here.

4 Okay. In regards to the actual interview that was
5 conducted of the defendant, Mr. Scott, did you make him
6 understand that, you know, this was just, you'd already
7 said, just a conversation of -- that was very -- basically
8 cordial understanding he had been in a really tough
9 situation?

10 A. Yes, ma'am.

11 Q. And, and all of this is on this particular interview --

12 A. Yes, ma'am.

13 Q. -- correct?

14 All right. Your Honor, at this time the State would
15 move State's Exhibit 170 into evidence.

16 MS. BOULWARE: No objection.

17 THE COURT: All right. Without objection, 170 in
18 evidence for the State.

19 (WHEREUPON, State's Exhibit No. 170 was received into
20 evidence at this time.)

21 SOLICITOR LIVELY: All right. Your Honor, at this time
22 the State would like to publish the statement of the
23 defendant, Alexander Scott.

24 THE COURT: Okay. And about how long is this interview
25 roughly?

Randy St. Clair - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: I -- yeah, it -- and I was gonna ask
2 the Court this too. It's about -- it's an hour and a half.

3 THE COURT: Okay.

4 SOLICITOR LIVELY: And I know -- that's why I wanted to
5 do it before lunch and also, Your Honor, whatever you deem
6 to be appropriate in this circumstance. If there's times
7 when I know there's dead space, with permission of the
8 defense, I'll skip -- I know whenever he starts speaking
9 again---

10 THE COURT: All right.

11 SOLICITOR LIVELY: ---and I will actually try to push
12 it along as quickly as possible.

13 THE COURT: Okay. You have any problem with that, Ms.
14 Boulware?

15 MS. BOULWARE: I don't. I think there is some at the
16 beginning where he's in the room alone where there's---

17 THE COURT: Okay.

18 MS. BOULWARE: ---no speaking to him.

19 THE COURT: All right. So, in the room alone, we can
20 go past that quickly. Any portions where there's no audio,
21 we can go through that and, and then what we could do is, is
22 maybe halfway through we can take a --

23 SOLICITOR LIVELY: Yes, sir.

24 THE COURT: -- a short break.

25 So okay. Very good.

Randy St. Clair - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: Yes, sir.

2 THE COURT: Thank you.

3 SOLICITOR LIVELY: Thank you, Your Honor.

4 Just make sure I'm using the right media.

5 All right. Go ahead. It's on. Okay.

6 (WHEREUPON, a portion of State's Exhibit No. 170 was
7 played for the jury at this time.)

8 SOLICITOR LIVELY: Okay.

9 THE COURT: Ladies and gentlemen of the jury, if you --
10 any time you have any problems hearing the audio portion,
11 just let me know and we can -- I'm sure the State can maybe
12 increase the volume a little bit.

13 SOLICITOR LIVELY: Thank you, Your Honor.

14 (WHEREUPON, a portion of State's Exhibit No. 170 was
15 played for the jury at this time.)

16 THE COURT: Solicitor, can you turn the volume up just
17 a little bit?

18 (WHEREUPON, the solicitor complies.)

19 THE COURT: That's good. Thank you.

20 (WHEREUPON, a portion of State's Exhibit No. 170 was
21 played for the jury at this time.)

22 THE COURT: Solicitor, can we stop and take a short
23 break?

24 Okay. I think we're about halfway into it it
25 appears --

Randy St. Clair - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: Yes, sir.

2 THE COURT: -- time wise?

3 SOLICITOR LIVELY: Yes, sir.

4 THE COURT: Okay. Ladies and gentlemen, let's take a
5 short break and then we'll come back and finish watching the
6 interview and then, more than likely -- I don't know if you
7 gon' have many more questions of this officer, solicitor?

8 SOLICITOR LIVELY: Just a couple follow-up. But it
9 won't take long.

10 THE COURT: Okay.

11 SOLICITOR LIVELY: Yes, sir.

12 THE COURT: Do -- we'll do that and then we'll break
13 for lunch.

14 Let's go back to the jury room. We'll get you back out
15 shortly.

16 (WHEREUPON, a short recess was taken at this time.)

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: All right. Let the record reflect the
20 jury's back in. Let's finish up the interview please.

21 SOLICITOR LIVELY: Yes, sir.

22 Thank you, Your Honor.

23 (WHEREUPON, a portion of State's Exhibit No. 170 was
24 played for the jury at this time.)

25 SOLICITOR LIVELY: Your Honor, it will come back on in

Randy St. Clair - Direct examination
By Solicitor Lively

1 just a few minutes. This is a part of what -- a legal issue
2 we talked about.

3 THE COURT: Sure.

4 (WHEREUPON, the remaining portion of State's Exhibit
5 No. 170 was played for the jury at this time.)

6 CONTINUED DIRECT EXAMINATION

7 BY SOLICITOR LIVELY:

8 Q. Now, Segreant St. Clair, I'm just gonna ask you a few
9 follow-up questions.

10 At about, I wrote it down, about one hour and 19
11 minutes into the statement, did the defendant give you and
12 Dean, when you asked the question about where were you last
13 night, did he give you the names of individuals that he
14 actually was with and he specifically, specifically gave you
15 a time of between 6:00 and 10:00?

16 A. Yes, ma'am.

17 Q. All right. And whenever he gave you those names, after
18 he gave you those names, did you then do a follow-up in
19 trying to reach them to see -- to either confirm that alibi
20 or to just follow-up and get their side of what happened?

21 A. Yes, ma'am.

22 Q. Okay. And when you did that, did you supply or did you
23 actually put a supplemental report into your LawTrac, which
24 is your I guess where y'all keep everything over there in
25 the Sheriff's office, about who you called and documenting

Randy St. Clair - Direct examination
By Solicitor Lively

1 what you found out?

2 A. Yes, ma'am.

3 Q. All right. I'm gonna just show you to help refresh
4 your recollection in regards to those people that you
5 followed up. Let me just see that.

6 Do you remember the names of the individuals who said
7 he was with on that day---

8 A. It was---

9 Q. ---on that 6:00 to 10:00?

10 A. Ian Little and Evan Webb.

11 Q. Okay. And he's -- Ian Little and Evan Webb.

12 Did he tell you -- do you recall what it said in the
13 interview that he was doing between 6:00 and 10:00 with
14 those two individuals?

15 A. They were going to interview -- they were gonna
16 interview Evan for a position in his business that he wanted
17 to start for a paramilitary training facility.

18 Q. Okay. All right. So, I'm gonna show you your, your
19 supplemental it -- that was done in regards to when you
20 contacted Ian Little. So if y'all just take a look at that.

21 Did you actually have an opportunity to talk to Ian
22 Little?

23 A. Yes, ma'am.

24 Q. And did he confirm any of that information that you
25 received from the defendant during his interview?

Randy St. Clair - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. All right. And what did he tell you about how Evan
3 Webb actually got to the apartment in Columbia?

4 A. Ian stated that Alex picked up Evan.

5 Q. Okay. Does it say in there where Evan lives?
6 And if it doesn't, that's fine.

7 A. I don't see it, no, ma'am.

8 Q. So, in that -- in your investigative notes, it said Ian
9 said Alex picked up Evan.

10 Is that correct?

11 A. Yes, ma'am.

12 Q. Okay. I'm gonna give you -- and does it, does it
13 coincide with the times that the defendant told you during
14 the interview?

15 A. Yes, ma'am.

16 Q. Okay. And I'm gonna show you this and, and ask you is
17 this your report after you talked to Evan Webb?

18 And if you'll look at the bottom, tell the jury the
19 address that you recorded for Evan Webb.

20 A. 800 Kenningston Drive, Jacksonville, North Carolina.

21 Q. Okay. So he's in North Carolina?

22 A. Yes, ma'am.

23 Q. All right. Now, in regards to your conversation with
24 Evan Webb, what did -- what information did he give you as
25 to that meeting and how he got there and what happened?

Randy St. Clair - Direct examination
By Solicitor Lively

1 A. He advised that he was picked up by Ian around 5:00PM
2 the day prior on June the 20th.

3 Q. Okay. So, Evan told you that it was Ian that picked
4 him up, not Alex?

5 A. Yes, ma'am.

6 Q. All right. What's the date that you talked to those
7 individuals according to your supplemental report?

8 A. It looks like July 20th, 2020 --

9 Q. Okay.

10 A. -- was the date it was entered.

11 Q. Was the date it was entered?

12 A. Yes, ma'am.

13 Q. Okay. Well, tell me the date that you actually made
14 the call in your detailed statement of investigation. I
15 want to know---

16 A. Oh, I apologize. It was July 9th, 2020.

17 Q. Okay.

18 A. Yes, ma'am.

19 Q. All right. And the murders -- so just a couple weeks,
20 maybe three weeks after the murders?

21 A. Yes, ma'am.

22 Q. Okay. So -- all right. After you did those -- some
23 follow-up interviews, did you have any other -- did you do
24 any other work in this case?

25 Was there another time whenever you actually spoke to

Randy St. Clair - Direct examination
By Solicitor Lively

1 Alex that -- outside of this, this county, outside of
2 Chester County?

3 A. Yes, ma'am. Investigator Dean and myself arrived at
4 Alex address at the apartment building in Forest Acres and
5 knocked on his door and made contact with him inside of his
6 apartment.

7 Q. Okay. And was this follow-up just to get some
8 additional details and information?

9 A. Yes, ma'am.

10 Q. All right. And when you saw the defendant, did he
11 have -- did he have a cellphone at that time?

12 A. Yes, ma'am.

13 Q. All right. Do you know whether or not it would of been
14 the same cellphone he had at the time whenever he turned his
15 original phone over to law enforcement?

16 A. He advised that it was -- I asked him, due to it being
17 the latest model iPhone at that time, I, I can't remember
18 the model, and he stated that he contacted his provider, his
19 carrier, reported his cellphone missing and was shipped a
20 replacement.

21 Q. Okay. All right. So, it was a different phone, a new
22 phone?

23 A. Yes, ma'am.

24 Q. Okay. All right. And did you have anything to do with
25 the prior phone that had been turned over pursuant to a

Randy St. Clair - Direct examination
By Solicitor Lively

1 search warrant that -- and extracted by the Chester County
2 Sheriff's Office?

3 A. No, ma'am.

4 Q. Okay. All right. Thank you. Let me just check---

5 A. Yes, ma'am.

6 Q. Okay. Thank you. Answer any questions defense may
7 have.

8 MS. BOULWARE: Judge, may we approach?

9 THE COURT: Sure.

10 (WHEREUPON, a bench conference was held out of the
11 hearing of the jury at this time.)

12 THE COURT: Okay. Ladies and gentlemen, it's just
13 1:30. It's, it's lunchtime. I don't know about y'all. I'm
14 kind of hungry. So, so it's 1:30.

15 How about be back here at 2:45?

16 That will give you an hour and 15 minutes. Hopefully
17 that will be enough time to grab a bite to eat.

18 Okay. Remember all my instructions and we'll see you
19 back at 2:45.

20 (WHEREUPON, Court was in recess for the lunch hour.)

21 (WHEREUPON, the following takes place within the
22 presence of the jury.)

23 THE COURT: Let the record reflect the jury is back in.

24 Now, Ms. Boulware, I believe we're in your
25 cross-examination.

Randy St. Clair - Cross-examination
By Ms. Boulware

1 MS. BOULWARE: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. BOULWARE:

4 Q. Sergeant St. Clair?

5 A. Yes, ma'am.

6 Q. I got it right.

7 All right. You change all the time too. So I can't
8 keep up with you.

9 All right. I just got a few questions for
10 clarification on a few things of the video.

11 So, when Alex had his cellphone and was looking at it
12 during that interview, he was looking at -- you were asking
13 him questions about Spartanburg, right?

14 A. Yes, ma'am.

15 Q. And he was looking up the name of who he sold the gun
16 to, which is Mr. Chipley, and then he addresses where he
17 went --

18 A. Yes, ma'am.

19 Q. -- and the times when he went there?

20 A. Yes, ma'am.

21 Q. Okay. And let's see. And then he told you that --
22 and, and I'm gonna, gonna kind of go fast and out of order.
23 But if you don't follow what I'm asking you, just let me
24 know.

25 A. Yes, ma'am.

Randy St. Clair - Cross-examination
By Ms. Boulware

1 Q. Okay. So then when he was talking -- describing when
2 he was kind of running around the neighborhood after he
3 walked in the door and found them, he never said he knocked
4 on Cassie Thompson's door, did he?

5 Do you recall?

6 A. I believe he said he yelled from the road if I'm not
7 mistaken.

8 Q. Right. Yeah.

9 A. Yes, ma'am.

10 Q. That's exactly what he said.

11 And then you guys got to talking about guns a little
12 bit?

13 A. Yes, ma'am.

14 Q. And he talked about Glocks and that he thinks Glocks
15 are cheap. They're a cheap gun.

16 Do you recall that part?

17 A. I think -- I, I interpreted it as not as costly as a
18 SIG.

19 Q. Okay. Do you interpret it as not as nice as a SIG too?

20 A. Yes, ma'am.

21 Q. Okay. And, interesting, I, I like your style of
22 questioning. Investigator Dean's got an interesting way
23 that he does things.

24 But you and he are kind of taking a different approach
25 when you're talking to Alex. Dean keeps pushing it as a

Randy St. Clair - Cross-examination
By Ms. Boulware

1 hate, hate crime, hate -- or this, this hate thing that he
2 keeps going with. And when Alex says he wants to,
3 paraphrase here, he wants to kill whoever did this, and Dean
4 kind of leans in on him and goes well, that's hate and you
5 lean back and go no, that's human. That's how anybody would
6 feel basically.

7 Do you recall that part?

8 A. Yes, ma'am.

9 Q. Okay. And speaking of Dean, got an interesting
10 question about that.

11 So, he's a property crimes investigator or that -- at
12 least that's what he said in the video?

13 A. Yes, ma'am.

14 Q. Okay. And you were on the case but you weren't the
15 lead investigator?

16 A. That's correct, yes, ma'am.

17 Q. Okay. Rikki Burch was lead investigator?

18 A. Yes, ma'am.

19 Q. How come Rikki Burch wasn't in on this interview?

20 A. I was the seasoned investigator in the division.

21 Q. Okay. Okay. Do you recall if Investigator Burch did
22 any, any of the interviews at all?

23 A. I'm not sure.

24 Q. Okay.

25 A. No, ma'am.

Randy St. Clair - Cross-examination
By MS. Boulware

1 Q. Okay. That's fine.

2 And then when you guys started discussing the money
3 that Alex got from Gene, he was pretty forthcoming about
4 that.

5 A. Yes, ma'am.

6 Q. He told you how much Gene lent him. Didn't, didn't try
7 to hide any of that. Didn't try to, you know -- and, and it
8 was for a business --

9 A. Yes, ma'am.

10 Q. -- is what he said. Bought some stuff for the
11 business.

12 A. Yes, ma'am.

13 Q. Talked about the guns. He also asked for yours and
14 Dean's cards, which I don't think you had on you at the
15 time, and -- cause he wanted to call and check on the
16 investigation just to see and he said -- he told you I know
17 you can't tell me a whole lot, you know, if it's active.
18 But I just want to keep up with y'all.

19 A. Yes, ma'am.

20 Q. So, he was willing to talk with you anytime after it
21 sounds like?

22 A. Yes, ma'am.

23 Q. Okay. Let me check my notes real quick.

24 And then he, he, he told you, when y'all were talking
25 about the phone, that he's going to his family member's

Randy St. Clair - Cross-examination
By Ms. Boulware

1 house. I don't know if he said which family member. I
2 don't recall that he did. But that's -- don't worry about
3 that.

4 But he told you he needed -- needed it to use maps --

5 A. Yes, ma'am.

6 Q. -- to get to the house and y'all -- so y'all didn't
7 take the phone that day?

8 A. Yes, ma'am.

9 Q. And basically explained to him that you're not here as
10 a suspect, which is why -- and you didn't -- you know, you
11 got the Miranda form out of the drawer, showed him, you
12 know, we normally would of gotten you to sign this. But
13 every other witness in this case did sign a grant -- or I
14 won't say every other.

15 But a lot of the other witnesses signed a Miranda form,
16 correct?

17 A. Yes, ma'am.

18 Q. Okay. But then Investigator Dean asked him did he
19 murder his grandparents?

20 A. Yes, ma'am.

21 Q. That -- would that normally be required -- in your
22 experience, would that -- would you normally get somebody to
23 sign a Miranda form if you asked them something like that?

24 A. If he would have advised any answer to that other than
25 what he did, the interview would have stopped and then been

Randy St. Clair - Cross-examination
By Ms. Boulware

1 Mirandized. But what he would have advised, it would have
2 to be articulated and, and -- in a, in a hearing.

3 Q. And, and what -- and what I'm getting at is that, that
4 really wasn't proper procedure for that?

5 A. No, ma'am.

6 Q. Okay. Let's see. And then -- I, I like your
7 description cause it kind of goes along with our jury's voir
8 dire and all this good stuff about the TV shows.

9 A. Yes, ma'am.

10 Q. This is not First 48. This is not -- or whatever other
11 shows you named apparent -- 48 Hours maybe---

12 A. Yes, ma'am.

13 Q. ---you said. You know, it's not gon' be like that
14 except that it was. There was a TV show.

15 A. At that time this case was --

16 Q. I understand.

17 A. -- two hours old.

18 Q. That's what it turned into though, didn't it?

19 A. Yes, ma'am.

20 Q. Okay.

21 Let's see. I think -- beg the Court's indulgence.

22 THE COURT: Sure.

23 MS. BOULWARE: I think that's all I have. Let me
24 double-check.

25 (Pause.)

Randy St. Clair - Redirect examination
By Solicitor Lively

1 MS. BOULWARE: Judge, that's all the questions I have.

2 THE COURT: Any redirect?

3 SOLICITOR LIVELY: Just a couple, Your Honor.

4 REDIRECT EXAMINATION

5 BY SOLICITOR LIVELY:

6 Q. Now, Sergeant St. Clair, she asked you about
7 Investigator Burch not being there for that particular
8 interview with the defendant.

9 At some point in the interview, do you recall whenever
10 Investigator Dean said I'm getting updates from the crime
11 scene on my phone, I apologize, and he keeps looking at his
12 phone?

13 A. Yes, ma'am.

14 Q. Do you recall that?

15 A. We both were.

16 Q. Okay.

17 A. Yes, ma'am.

18 Q. All right. So, at that time, the other investigators,
19 whenever you left to take the defendant to the law
20 enforcement center, were those other investigators on scene
21 at the home where the victims were?

22 A. Yes, ma'am.

23 Q. All right. And at that time also were -- you had
24 already testified but were you aware that y'all were also
25 waiting on SLED crime scene to get there so that they -- so

Randy St. Clair - Redirect examination
By Solicitor Lively

1 that the investigators could actually go in with them and
2 observe what was going on?

3 A. Yes, ma'am.

4 Q. Okay. But what was your duty at that point in regards
5 to what was gonna happen with the defendant?

6 A. Was to interview.

7 Q. Okay.

8 A. Gain information.

9 Q. Okay. So you took him to interview --

10 A. Yes, ma'am.

11 Q. -- cause, at that time, he wasn't a suspect?

12 A. Yes, ma'am.

13 Q. And then the other investigator stayed with SLED crime
14 scene to process the actual scene?

15 A. Yes, ma'am.

16 Q. Am I stating that correctly?

17 A. Yes, ma'am, every -- everybody in that division was
18 present that day.

19 Q. Okay.

20 A. Yes, ma'am.

21 Q. All right. All right. Thank you.

22 A. Yes, ma'am.

23 Q. No further questions.

24 THE COURT: Any recross?

25 MS. BOULWARE: No, sir.

David Moore - Direct examination
By Solicitor Lively

1 THE COURT: You can step down, sir. Thank you.

2 THE WITNESS: Thank you, sir.

3 SOLICITOR LIVELY: David Moore.

4 THE COURT: Come around please, sir.

5 THE CLERK: Please raise your right-hand. State your
6 full name.

7 THE WITNESS: David Gene Moore.

8 DAVID MOORE, being first duly
9 sworn, testified as follows:

10 THE CLERK: Have a seat.

11 DIRECT EXAMINATION

12 BY SOLICITOR LIVELY:

13 Q. All right. Investigator Moore, please tell the jury
14 where you're currently employed.

15 A. Currently I'm employed with the Chester County
16 Sheriff's Office.

17 Q. All right. And how long have you been there?

18 A. I'm on my fourteenth year.

19 Q. Fourteenth year.

20 All right. Were, were you called to respond or at
21 least assist in the case involving the deaths or the murders
22 of Gene Rogers and Billie Ruth Rogers on June the 21st of
23 2020?

24 A. Yes, ma'am.

25 Q. All right. And in regards to what your typical duties

David Moore - Direct examination
By Solicitor Lively

1 are, what was the focus of your involvement in the
2 investigation of this case?

3 A. Initially I responded to the scene as the rest of the
4 investigator team did. I was there basically at that time
5 just to provide any kind of affirmative assistance to the
6 other investigators and to SLED.

7 Q. Okay.

8 A. After that, I was tasked with a number of search
9 warrants.

10 Q. Search warrants?

11 A. Yes, ma'am.

12 Q. Okay. Well, let's -- if you would please, let's go
13 through the search warrants that you actually had sworn out
14 for certain items. Tell the jury the first few search
15 warrants that you did in July of 2020.

16 what were they for?

17 A. May I look at my --?

18 Q. Yes. Absolutely.

19 A. So, on July 30th of 2020, I obtained three search
20 warrants. One for the Facebook page for Billie Rogers, one
21 for the First Citizens Bank account of Gene Rogers, and then
22 the Navy Federal Credit Union for the defendant, Alex Scott.

23 Q. Okay. And were all of those items pursuant to the
24 search warrant -- did you receive the documentation that
25 you've requested?

David Moore - Direct examination
By Solicitor Lively

1 A. I did.

2 Q. All right. Thank you.

3 Now, what, what was the next item that you had to
4 actually do a search warrant for in this particular case?

5 A. So looking back at what I have here, I did a search
6 warrant for the Apple iCloud records for the Defendant Scott
7 as well as his Facebook.

8 Q. Okay. And what were the dates of those?

9 A. September 14th, 2020.

10 Q. All right. Did you receive the information that you
11 requested in those search warrants and actually included in
12 the case file?

13 A. On those, yes.

14 Q. On those, yes.

15 Okay. Great. So, after you sent off that information
16 or that search warrant, what was the next one that you
17 prepared in this case?

18 A. So, on October 5th I requested search warrants for
19 AT&T wireless for Evan Webb's phone number and I had a
20 T-Mobile listed for Alex Scott's phone number.

21 Q. Okay. So what's been two more search warrants, Evan
22 Webb and Alex Scott?

23 A. Yes.

24 Q. And did you receive the responses from the intended
25 individuals or the agencies to get that information?

David Moore - Direct examination
By Solicitor Lively

1 A. So those two I did not because---

2 Q. Uh-huh. (Affirmative).

3 A. ---of I found out, after applying for that search
4 warrant, that they'd already been obtained by someone else.

5 Q. Okay. And did -- who was the core or who was the
6 assisting agency in this particular case?

7 A. SLED.

8 Q. SLED.

9 Okay. And so was there an individual that was also
10 assisting with all the phone information at that time at
11 SLED?

12 A. Yes, I believe it was Chris Johnson with computer
13 crimes.

14 Q. All right. So, at that time whenever you learned that
15 he had already done the search warrant, then did you
16 follow-up on your search warrants or was it -- were they no
17 longer needed?

18 A. At that point they were no longer needed.

19 Q. Okay. Thank you.

20 All right. So, after -- and was that information
21 actually obtained and became a part of the case file anyway
22 through Mr. Johnson?

23 A. Yes.

24 Q. All right.

25 A. Yes.

David Moore - Direct examination
By Solicitor Lively

1 Q. Thank you.

2 Now, tell us the next search warrant that you prepared
3 and what that information was for.

4 A. So, the next one I have is dated November 1st, 2021,
5 and that was actually served on the detention center to take
6 the defendant's, Alex Scott, his iPhone from his, his inmate
7 property so we could have it analyzed.

8 Q. Okay. All right. And did you end up getting a
9 response -- a return and information back on that search
10 warrant?

11 A. So we did. I was able to get the phone from him. It
12 was placed in evidence and a separate search warrant was
13 obtained from another member of the team for the actual data
14 extraction.

15 Q. Okay. All right. Thank you.

16 And after that search warrant from September -- I mean
17 from November 1st, 2021, did you have some more recent --

18 A. Uh-huh. (Affirmative).

19 Q. -- search warrants that you did as a follow-up in this
20 case?

21 A. Yes, ma'am. So I have one dated on January 4th of
22 this year. We had had a phone that was given to us that was
23 in the blue Mustang previously owned by the defendant --

24 Q. Okay.

25 A. -- and I obtained a search warrant to have that phone

David Moore - Direct examination
By Solicitor Lively

1 analyzed.

2 Q. All right. And has that information ever been provided
3 to you?

4 A. To me, no. But I believe SLED is able to provide it in
5 the case file.

6 Q. Okay. Thank you.

7 All right. But as for your return, that information
8 hadn't been provided to you?

9 A. The phone dump.

10 Q. Okay. Thank you.

11 Now, finally, was there another one that you did
12 recently for some additional records?

13 A. Yes, the last one I have here was dated the 25th of
14 January for the Bank of America account belonging to Legion
15 International.

16 Q. All right. Bank of America records for Legion
17 International?

18 A. Yes.

19 Q. All right. And did you receive those items in your
20 return on the search warrant that you requested?

21 A. Yes, ma'am.

22 Q. All right. Now, in regards to your actual what you did
23 in this case, did you also include supplemental reports for
24 other types of things that you were doing in order to assist
25 in the investigation?

David Moore - Direct examination
By Solicitor Lively

1 A. Yes, ma'am, I did.

2 Q. All right. If you would please just address what
3 about -- what did you do in June of 2020 that you documented
4 in supplementals regarding this case?

5 A. Okay. So, on, on the day of the murder, I collected
6 the black Motorola cellphone belonging to Billie Rogers from
7 the table.

8 Q. Okay.

9 A. And I also collected the phone that belonged to Gene,
10 which was given to me by the deputy coroner. She had pulled
11 it out of his pockets when they, when they were removing the
12 body.

13 Q. All right. And what it -- was there another
14 supplemental that you provided in June?

15 A. Yes.

16 Q. Okay. What, what was that one for?

17 A. On the 26th of June I took possession of the, the SIG
18 MPX that they had met Shane Chipley for---

19 Q. Uh-huh. (Affirmative).

20 A. ---and I took it to SLED directly myself.

21 Q. Okay. All right. And that was from the -- Shane
22 Chipley, the gentleman who testified---

23 A. Yes, ma'am.

24 Q. ---yesterday?

25 All right. And it was submitted to SLED?

David Moore - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. All right. What is your next supplemental showing your
3 involvement in this investigation?

4 A. Also I believe it's gon' be the same day that I took
5 that down. I also reached out to NCIS, Naval, Naval
6 Criminal Investigative Service, to obtain service records
7 for the defendant.

8 Q. Okay. So service records from when he was in the
9 Marines?

10 A. Yes, ma'am.

11 Q. All right. And did you have any more supplementals in
12 this case?

13 A. I do. I have a few more.

14 Q. Okay.

15 A. In April of 2021 I was notified by one of our patrol
16 sergeants that he had received a call about a suspicious
17 activity out at 608 Doe Street. After talking with them,
18 what we had found out is basically the blue Mustang had been
19 took back to the property. The tag had been took off of it
20 and some neighbors were kind of concerned. They thought
21 maybe that the defendant was out there.

22 So, at that time, I just requested that patrol
23 continue -- like a continuous property check on the
24 property.

25 Q. Okay. So just basically check out, check -- check it

David Moore - Direct examination
By Solicitor Lively

1 out, make sure nothing weird's going on?

2 A. And identify anybody that, that was on the property.

3 Q. And were there any issues at that time?

4 A. Not that I was aware of.

5 Q. Okay. All right. Thank you.

6 So, that was in April of 2021.

7 A. Uh-huh. (Affirmative).

8 Q. So, what did you do next?

9 A. So, the, the other three supplementals I have are just
10 outlying the search warrants. One---

11 Q. Okay.

12 A. ---that I did for the, for the phone that was found in
13 the Mustang and that was in January.

14 Q. All right.

15 A. Another one in January where I had gone through the
16 process of getting these search warrants through Bank of
17 America and the return and then the last one would of been
18 in February in which I signed a hard drive that had
19 extracted phone data out of evidence just for the purpose of
20 that being copied so it could be analyzed without having to
21 look through the original.

22 Q. All right. So, is that the extent -- through your
23 search warrants and following up with evidence and
24 processing of evidence, was that your involvement in this
25 particular case?

David Moore - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. Did you ever have the opportunity to sit down and speak
3 with the defendant or any of the witnesses in this case?

4 A. Well, so there was one, one other incident when, when
5 we got the indictment.

6 Q. Okay.

7 A. Myself and Investigator Burch did go to Columbia to
8 meet the CID from the Army to the -- for the transfer of
9 custody for Alex. I was there when he was Mirandized. He
10 invoked his rights and we transported him back to Chester.
11 So, there was no conversation.

12 Q. Okay. So -- and so there's no, there's no paperwork
13 here in regards to that in regards to your involvement with
14 that?

15 A. Not from me. I believe --

16 Q. Okay.

17 A. -- Investigator Burch may of supplemented.

18 Q. Yes.

19 Okay. All right. Thank you.

20 All right. Answer any questions---

21 A. Yes, ma'am.

22 Q. ---the defense may have.

23 THE COURT: Any cross-examination?

24 MS. BOULWARE: There are no questions, judge.

25 THE COURT: Okay. You can step down, sir. Thank you.

Amy Thorpe - Direct examination
By Solicitor Lively

1 THE WITNESS: All right.

2 SOLICITOR LIVELY: All right. The State would call Amy
3 Thorpe to the stand.

4 THE CLERK: Please raise your right-hand. Put your
5 left-hand on the Bible. State your, state your full name.

6 THE WITNESS: Amy Thorpe.

7 AMY THORPE, being first duly sworn,
8 testified as follows:

9 THE CLERK: Step up to the stand. Please pull the mic
10 so you can --.

11 DIRECT EXAMINATION

12 BY SOLICITOR LIVELY:

13 Q. Good afternoon, Ms. Thorpe.

14 A. Good afternoon.

15 Q. Where are you currently employed?

16 A. Airgas.

17 Q. Airgas.

18 And where is your office with Airgas?

19 A. I office out of Kennesaw, Georgia just outside Atlanta.

20 Q. All right. And how big of a company is Airgas?

21 A. Which part?

22 Q. Okay. So, how many different locations do you have
23 that you -- well, what do you do there at Airgas?

24 A. So I'm the, I'm the human resources vice-president.

25 Q. All right. And as human resources vice-president, do

Amy Thorpe - Direct examination
By Solicitor Lively

1 you have several offices or locations for Airgas?

2 A. We do. So, my responsibility is the HR vice-president
3 over the southeast region. We have four regions within my
4 oversight. We have about 400, 400 locations throughout that
5 region but we're a global company.

6 Q. Okay. Thank you. Very well answered. I appreciate
7 that.

8 So, Ms. Thorpe, in regards to your position as H -- in
9 HR, do you have the opportunity to meet with your employees
10 and help give them information regarding their benefits,
11 which could include, you know, retirement benefits, 401(k)s,
12 insurance, and that type of thing?

13 A. Absolutely.

14 Q. All right. Did you ever personally know an individual
15 by the name of Gene Rogers?

16 A. I did not know him personally.

17 Q. All right. Tell me how long you've actually been in
18 the position you're in now at Airgas.

19 A. So, I've, I've been the HR vice-president a little over
20 two and a half years.

21 Q. Okay.

22 A. I've been with Airgas for just about five years.

23 Q. Five years.

24 All right. So, when Mr. Rogers was murdered back in
25 June of 2020, you were not in the position that you're in

Amy Thorpe - Direct examination
By Solicitor Lively

1 now?

2 A. That is correct.

3 Q. Okay. All right. So, the person that was there
4 previously, was that a Ms. Rice?

5 A. Ann Rice, yes.

6 Q. Ann Rice.

7 All right. Now, when you step into the position of HR,
8 what -- do you have access to the same records that Ms. Rice
9 would of had at the time when Mr. Rogers was still alive and
10 employed there?

11 A. Yes, I do.

12 Q. Okay. And do y'all keep all of your records within, as
13 HR at Airgas, in the normal course of business, just typical
14 records that I already asked you if you talked to your
15 employees and give them advice on them?

16 A. We do.

17 Q. All right.

18 A. So, so we keep all of our employee records either paper
19 or electronic. But we, we, we would keep all records
20 regardless of who is in the position prior to me.

21 Q. All right. Thank you so much.

22 Do you recall whenever I reached out to you about the
23 specific information on Mr. Gene Rogers and his employment
24 at Airgas?

25 A. I do.

Amy Thorpe - Direct examination
By Solicitor Lively

1 Q. All right. If you could please tell the jury how many,
2 how many years had he actually been at Airgas?

3 A. He, he was employed by Airgas beginning in 1986 and he
4 was employed until the date of his death.

5 Q. All right. And based upon his age at the time, which
6 is 61, and the years that he had in with Airgas, how soon
7 could he retire at that point?

8 A. He was eligible for retirement based on our retirement
9 criteria, which is age 55 with 10 years in service. So he
10 was, he was well qualified for retirement.

11 Q. Okay. So he was, he was there?

12 A. Absolutely.

13 Q. All right. Now, whenever he was at -- whenever he was
14 obviously still alive before the murder and he was still
15 receiving a salary, what was he making at the time of his
16 death?

17 A. At the time of his death he was at \$36.30 per hour.

18 Q. All right. And had he been putting money into a 401(k)
19 or some type of retirement account that y'all offer at
20 Airgas?

21 A. Yes, he was an act -- an active participant in the
22 401(k) plan.

23 Q. All right. And what -- who do y'all have the 401(k)
24 plan with?

25 A. The administrator is T Rowe Price.

Amy Thorpe - Direct examination
By Solicitor Lively

1 Q. T Rowe Price.

2 All right. Did I ask you for some information in
3 regards to the highest amount of money that he had in that
4 account prior to the time of his murder?

5 A. Yes, you did.

6 Q. Okay. I'm gonna show you what's been marked as State's
7 No. 189 and just hold on for just a second.

8 (Pause.)

9 Q. There you go, Ms. Thorpe. If you would just take a
10 look at that.

11 Is that the document that you provided to me whenever I
12 asked you to send me the, the highest balance in that
13 account before his, his death?

14 A. Yes, it is.

15 Q. All right. And what is the date of that particular
16 report?

17 A. It is -- it's showing the balance as of December
18 31st, 2019.

19 Q. 2019. So, December 31st, 2019.

20 And is that something that you would have access to as
21 the HR director of Airgas?

22 A. Yes.

23 SOLICITOR LIVELY: All right. Your Honor, at this time
24 the State would move 189 into evidence.

25 MS. BOULWARE: No objection.

Amy Thorpe - Direct examination
By Solicitor Lively

1 THE COURT: Without objection, 189 into evidence for
2 the State.

3 (WHEREUPON, State's Exhibit No. 189 was received into
4 evidence at this time.)

5 Q. Thank you, ma'am.

6 Okay. So, Ms. Thorpe, if you'll please tell the jury
7 what was that total amount that he had in his account, which
8 was the highest prior to his murder?

9 A. It was \$165,905.40.

10 Q. All right. Now, Ms. Thorpe, did I also ask you to let
11 me know how much -- if he had any large withdrawals after
12 that particular amount was documented by you?

13 A. Yes, you did.

14 Q. All right. So please tell the jury about that.

15 A. He had taken a withdrawal from the same 401(k) plan on
16 January 4th of 2020 --

17 Q. For?

18 A. -- for \$120,000.

19 Q. \$120,000.

20 Now, in, in doing that, would you have had -- I know
21 you weren't there.

22 But as HR, would you have been aware of his intent to
23 actually withdraw that kind of money?

24 A. Yes.

25 Q. All right. And would he have to let the HR person know

Amy Thorpe - Direct examination
By Solicitor Lively

1 once that -- that he was wanting to make that withdrawal?

2 would you be a part of the process in helping him to go
3 through it with T Rowe Price?

4 A. Yes, he would of notified us of his intent to withdraw
5 --

6 Q. Okay.

7 A. -- and then that would of gone through the
8 administrator, T Rowe Price.

9 Q. All right. Now, if -- well, let me ask you this.
10 Did he have any beneficiaries on that 401 account?

11 A. He did.

12 Q. He did.

13 And were you aware of who those beneficiaries are?

14 A. I, I don't know that---

15 Q. Okay.

16 A. ---specifically.

17 Q. Okay. That's fine. I was just asking.

18 All right. So now he's -- so he took out the \$120,000
19 in January of 2020.

20 Do you know what the balance of his account was at the
21 time whenever he -- when he was murdered, and, if you don't,
22 that's fine.

23 A. I don't know what the balance was after.

24 Q. That's fine.

25 A. I know that the, the 165,905---

Amy Thorpe - Direct examination
By Solicitor Lively

1 Q. Uh-huh. (Affirmative).

2 A. ---and then minus the 120. So it was significantly---

3 Q. Sure.

4 A. ---reduced.

5 Q. About \$45,000?

6 A. Correct.

7 Q. Okay. All right. So, did he also have a life
8 insurance policy with your office -- with, with Airgas?

9 A. He did.

10 Q. And what kind of policies do you offer to the employees
11 regarding life insurance?

12 A. So, we have -- it's a term life policy and there's two
13 types. So, one is employer pay. So it's a, it's a term
14 basic life policy that's provided to the employee, employee
15 at no charge. So we, we --

16 Q. Okay.

17 A. -- we provide it to them for free essentially. And
18 then they have the option to purchase supplemental life on
19 their own, which is at their costs.

20 Q. Okay.

21 A. So he had two policies essentially. He had a basic
22 life plan, roughly around \$50,000, that we provided to him
23 at no cost. There's a, a, a double policy, if you will, to
24 those plans.

25 So, a basic life plan and then what's called an AD&D

Amy Thorpe - Direct examination
By Solicitor Lively

1 policy. So it's accidental death and dismemberment. So, in
2 the event that a death is accidentally, that plan would
3 double.

4 So, for example, a \$50,000 policy, if the death was
5 ruled accidental, would then pay out at 100,000. He also
6 had elected to purchase supplemental life in the amount of
7 \$296,000 on his own. So he paid for that. That also had an
8 accidental death and dismemberment rider. So that if the
9 death were accidental, that also would double. That also is
10 a term life policy.

11 Q. All right. And let me ask you this.

12 If -- the, the definition that, that you gave in
13 regards to accidental death, and it would double on that,
14 that other you called it the, the sudden -- was it -- not
15 the supplemental but the one that he actually chose to---

16 A. The supplemental.

17 Q. ---to get?

18 Yeah, it is the supplemental.

19 A. Yeah.

20 Q. Okay. Would murder cause it to double?

21 A. Yes, under our policy, murder or homicide is considered
22 accidental.

23 Q. All right. And who do you actually have that, that
24 policy or who actually provides that policy for your
25 company?

Amy Thorpe - Direct examination
By Solicitor Lively

1 A. The carrier for that is The Hartford.

2 Q. The Hartford.

3 All right.

4 A. Uh-huh. (Affirmative).

5 Q. And is -- The Hartford, do you have any of that
6 information about who the beneficiaries are, anything like
7 that?

8 A. I don't have that information.

9 Q. You don't.

10 Okay, would The Hartford be the one --

11 A. Yes.

12 Q. -- who would have that information?

13 A. Yes.

14 Q. All right. So, what you're providing to us is just
15 this -- the information of what you knew he actually took
16 out?

17 A. Correct.

18 Q. And that would be Gene Rogers?

19 A. Correct.

20 Q. What was the total amount of the insurance that, that
21 he had, just the, the, the highest -- if anything, if
22 anything happened to him, what is the absolute most that
23 would come out of this policy?

24 A. So, if the, if the death were accidental, it would be a
25 hundred thousand and basic life. So the 50 double with 50

Amy Thorpe - Direct examination
By Solicitor Lively

1 basic, 50 accidental death and dismemberment. Then he had
2 296,000 basic, which would double if it were accidental. So
3 296 doubled.

4 Q. \$296,000?

5 A. Times two.

6 Q. So close to \$700,000?

7 A. Correct.

8 Q. All right. Now, if he retired and, at his retirement,
9 what would happen to that 700 -- approximately \$700,000?

10 A. It would be gone.

11 Q. It would be gone.

12 All right. So, if he was still living at the time of
13 his retirement, then that money would no longer exist?

14 A. That is correct. Because it's a term policy, it would
15 of expired at midnight the date of his retirement.

16 Q. The date of his retirement?

17 A. Correct.

18 Q. Just one moment.

19 (Pause.)

20 Q. Okay. Thank you. Answer any questions the defense may
21 have.

22 THE COURT: Ms. Boulware.

23 MS. BOULWARE: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. BOULWARE:

Amy Thorpe - Cross-examination
By Ms. Boulware

1 Q. I just have one quick question.

2 A. Sure.

3 Q. And, and this is a general question about life
4 insurance policies if you happen to know the answer to it.
5 You mentioned that murder would cause, under the rider, the
6 accidental death rider, it would cause the policy to double
7 in value.

8 Is that a common clause in policies that you're aware
9 of---

10 A. I don't know---

11 Q. ---or---

12 A. ---if that's a common clause.

13 Q. Okay.

14 A. I just know, under our policy, homicide or murder is
15 considered accidental.

16 Q. Okay. But you're not sure if any other companies---

17 A. I don't. I'm not an insurance --

18 Q. I got you.

19 A. It -- an insurance agent. I just know our policy
20 clearly outlines---

21 Q. Okay.

22 A. ---murder or homicide as accidental.

23 Q. Okay. Thank you.

24 A. Sure.

25 THE COURT: Anything to follow-up?

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 SOLICITOR LIVELY: No follow-up questions.

2 Thank you so much, Ms. Thorpe. I appreciate it.

3 THE WITNESS: Sure.

4 THE COURT: You're free to leave the courthouse. I
5 know you came from out of the state. So I imagine you need
6 to head back.

7 THE WITNESS: Thank you.

8 SOLICITOR SOPRANO-CESMAT: The State would call Diane
9 Conn to the stand.

10 THE CLERK: Please raise your right-hand. Place your
11 left-hand on the Bible and state your full name.

12 THE WITNESS: Diane Conn.

13 DIANE CONN, being first duly
14 sworn, testified as follows:

15 THE CLERK: Pull that mic closer to you.

16 THE WITNESS: Okay.

17 DIRECT EXAMINATION

18 BY SOLICITOR SOPRANO-CESMAT:

19 Q. Good afternoon. Please state your name for the record.

20 A. Diane Conn.

21 Q. And where do you work?

22 A. Chester County Sheriff's Office.

23 Q. What's your position with the Sheriff's Office?

24 A. The evidence technician.

25 Q. What does that title entail?

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 what do you do?

2 A. I receive evidence from crime scenes that are collected
3 by our law enforcement officers. I process them into our
4 vault, which means they get assigned item numbers. I track
5 them on our Law, LawTrac system and I secure them in the
6 vault.

7 Q. All right. And do you ever have to take that evidence
8 anywhere?

9 A. There are certain pieces of evidence, per request by
10 the officers, that I will take to SLED for an analyzation.

11 Q. Okay. When did you begin this position?

12 A. June of 2022.

13 Q. Okay. So, you were not the evidence technician for the
14 Sheriff's Office in June of 2020.

15 Is that correct?

16 A. That is correct.

17 Q. Okay. You're aware that you're here to testify about
18 evidence collected and submitted from a double murder in
19 June of 2020 though, correct?

20 A. Yes.

21 Q. Even though you were not the evidence custodian at the
22 time of the double murders, did you review all of the
23 evidence that was submitted and confirm that those pieces of
24 evidence were actually still in the vault and accounted for
25 and things like that from the prior evidence custodian?

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 A. Yes, I did.

2 Q. Do you have all those pieces of evidence with you
3 today?

4 A. I do.

5 Q. And if you'll just tell the ladies and gentlemen of the
6 jury what was the law enforcement case number assigned to
7 this double murder case involving Gene Alexander Scott?

8 A. 20201091.

9 Q. And once you start working for the Sheriff's Office,
10 you were actually given an opportunity to be involved in
11 keeping track of the evidence in this case?

12 A. Yes.

13 Q. Correct?

14 we're gonna go through that evidence that you have kept
15 track of.

16 Do you have a copy of your report or do you need me to
17 provide you with one?

18 A. I have a copy. Thank you.

19 Q. All right.

20 A. Okay.

21 Q. We're gonna go straight down your reports and just
22 identifying these items. So we're gonna start with what the
23 Sheriff's Office Bar Code Number ending in 65341 and that is
24 State's Exhibit 140.

25 I'm gonna hand that to you and ask if you identify what

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 that item is.

2 A. This is a black iPhone with case belonging to Gene
3 Rogers.

4 Q. Okay. And was it sent anywhere for further testing?

5 A. It was.

6 Q. Where was it sent?

7 A. It was sent to SLED.

8 Q. Okay. And then how was it brought back to the
9 Sheriff's office?

10 A. It was -- it would have been collect -- the custodian
11 at the time would have gone down to SLED, collected it, and
12 brought it back to the vault, checked it back in for
13 security.

14 Q. Okay. And it remained in the vault until you've
15 brought it here with you?

16 A. That is---

17 Q. Is that correct?

18 A. ---correct.

19 SOLICITOR SOPRANO-CESMAT: State moves Item 140 into
20 evidence I believe without objection.

21 MS. BOULWARE: No objection.

22 THE COURT: All right. Without objection, 140 into
23 evidence.

24 (WHEREUPON, State's Exhibit No. 140 was received into
25 evidence at this time.)

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 Q. All right. The next item we're gonna look at is ending
2 in Bar Code, excuse me, 65342, which is State's Exhibit 141.

3 Can you tell the ladies and gentlemen of the jury what
4 that is?

5 A. This is a black Motorola cellphone, a smart phone,
6 excuse me, belonging to Billie Rogers.

7 Q. And was that sent anywhere for testing?

8 A. It also was sent to SLED.

9 SOLICITOR SOPRANO-CESMAT: State moves 141 into
10 evidence I believe without objection.

11 MS. BOULWARE: No objection.

12 THE COURT: All right. Without objection, 141 --

13 SOLICITOR SOPRANO-CESMAT: Thank you.

14 THE COURT: -- into evidence for the State.

15 (WHEREUPON, State's Exhibit No. 141 was received into
16 evidence at this time.)

17 Q. The next item is ending in the Bar Code Number 65462
18 and it's State's Exhibit 142.

19 If you can let the ladies and gentlemen of the jury
20 know what that item is?

21 A. This is a gun box con -- containing a SIG Sauer P320
22 9-millimeter handgun that had two magazines. One which had
23 ammo in it and one which was empty.

24 Q. Okay. And did that get taken to SLED for analysis?

25 A. This was collected by SLED and then brought back to our

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 office when they were done with it.

2 SOLICITOR SOPRANO-CESMAT: Okay. State moves 142 into
3 evidence.

4 MS. BOULWARE: No objection.

5 THE COURT: Without objection, 142 into evidence.

6 (WHEREUPON, State's Exhibit No. 142 was received into
7 evidence at this time.)

8 Q. The next item ends in your Bar Code Number 65469, which
9 is State's Exhibit 143.

10 If you can identify that?

11 A. This envelope contains multiple test specimens fired by
12 that SIG Sauer handgun that we just spoke about.

13 SOLICITOR SOPRANO-CESMAT: Okay. State moves 143 into
14 evidence.

15 MS. BOULWARE: No objection.

16 THE COURT: Without objection, 143 into evidence.

17 What's, what's in there, solicitor?

18 I didn't hear her.

19 SOLICITOR SOPRANO-CESMAT: This is test specimens.

20 THE COURT: Oh, okay. Got you.

21 (WHEREUPON, State's Exhibit No. 143 was received into
22 evidence at this time.)

23 Q. The next item is your Bar Code Number 65470, which is
24 State's Exhibit 144.

25 If you can identify that for the jury?

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 A. This is an envelope containing test specimens from a
2 gun sold to Mr. Chipley.

3 Q. Okay. And that's -- well, I guess you probably
4 wouldn't know cause it lists Mr. Shane Chipley that
5 testified yesterday?

6 A. Correct.

7 Q. Okay. And did that get sent to SLED?

8 A. This envelope was sent to SLED. It may have gone
9 directly to SLED --

10 Q. Okay.

11 A. -- when the gun was collected from Mr. Chipley.

12 SOLICITOR SOPRANO-CESMAT: Okay. State moves 144 into
13 evidence.

14 MS. BOULWARE: No objection.

15 THE COURT: All right. 144 into evidence.

16 (WHEREUPON, State's Exhibit No. 144 was received into
17 evidence at this time.)

18 Q. The next item is your Bar Code 65498, which is State's
19 145.

20 If you can identify that?

21 A. This is an envelope containing a piece of hair with
22 scalp which was removed from the residence.

23 Q. Okay. And was that, at some point, in SLED's
24 possession?

25 A. It was.

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 SOLICITOR SOPRANO-CESMAT: Okay. State moves 145 into
2 evidence.

3 MS. BOULWARE: No objection.

4 THE COURT: Without objection, 145 into evidence.

5 (WHEREUPON, State's Exhibit No. 145 was received into
6 evidence at this time.)

7 Q. The next item is Bar Code 65513, which is State's
8 Exhibit 146.

9 A. This is a sealed evidence bag we received from SLED
10 which contains cartridge casings that contain a headstamp
11 with FC 9-millimeter luger.

12 Q. Okay. And was that, at some point, in SLED's
13 possession?

14 A. Yes, ma'am.

15 SOLICITOR SOPRANO-CESMAT: State moves 146 into
16 evidence.

17 MS. BOULWARE: No objection.

18 THE COURT: All right. 146 into evidence.

19 (WHEREUPON, State's Exhibit No. 146 was received into
20 evidence at this time.)

21 Q. Next item is Bar Code 65514, which is State's Exhibit
22 147.

23 A. This, again, a sealed bag from SLED that contains fired
24 bullets.

25 Q. Okay. And you said that that was from SLED.

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 Is that correct?

2 A. Yes, ma'am.

3 SOLICITOR SOPRANO-CESMAT: State moves 147 into
4 evidence.

5 MS. BOULWARE: No objection.

6 THE COURT: All right. 147 into evidence.

7 (WHEREUPON, State's Exhibit No. 147 was received into
8 evidence at this time.)

9 Q. The next item is Bar Code 65515, which is State's
10 Exhibit 148.

11 A. This envelope from SLED contains fingerprints and/or,
12 or -- and/or palm prints of Gene Rogers.

13 Q. Okay. And that's victim Gene Rogers, correct?

14 A. Correct.

15 SOLICITOR SOPRANO-CESMAT: Okay. State moves 148 into
16 evidence.

17 MS. BOULWARE: No objection.

18 THE COURT: All right. One hundred forty-eight into
19 evidence.

20 (WHEREUPON, State's Exhibit No. 148 was received into
21 evidence at this time.)

22 Q. Next one's Bar Code 65516, State's No. 149.

23 A. And this is an envelope from SLED containing
24 fingerprints and/or palm prints of Billie Rogers.

25 SOLICITOR SOPRANO-CESMAT: All right. State moves 149

Diane Conn - Direct examination
By Solicitor Soprano-Cesmat

1 into evidence.

2 MS. BOULWARE: No objection.

3 THE COURT: One hundred forty-nine into evidence.

4 (WHEREUPON, State's Exhibit No. 149 was received into
5 evidence at this time.)

6 Q. Next is Bar Code 65644, which is State's Exhibit 150.

7 A. This package from SLED contains two blood swabs which
8 were taken from the residence.

9 SOLICITOR SOPRANO-CESMAT: Okay. State moves 150 into
10 evidence.

11 MS. BOULWARE: No objection.

12 THE COURT: All right. One hundred fifty into
13 evidence.

14 (WHEREUPON, State's Exhibit No. 150 was received into
15 evidence at this time.)

16 Q. Next one is Bar Code 65645, State's Exhibit 151.

17 A. Again, an envelope from SLED of swabs taken from inside
18 the residence.

19 SOLICITOR SOPRANO-CESMAT: Okay. The State would move
20 151 into evidence.

21 MS. BOULWARE: No objection.

22 THE COURT: One hundred fifty-one into evidence.

23 (WHEREUPON, State's Exhibit No. 151 was received into
24 evidence at this time.)

25 Q. Next one is Bar Code 65646, which is State's Exhibit

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1 152.

2 A. An envelope from SLED which contains swabs taken from
3 the trigger of the SIG Sauer pistol.

4 SOLICITOR SOPRANO-CESMAT: State moves 152 into
5 evidence.

6 MS. BOULWARE: No objection.

7 THE COURT: One hundred fifty-two into evidence.

8 (WHEREUPON, State's Exhibit No. 152 was received into
9 evidence at this time.)

10 Q. Bar Code 65647, which is State's Exhibit 153.

11 A. From SLED, this is a buccal swab of Gene Rogers.

12 SOLICITOR SOPRANO-CESMAT: State moves 153 into
13 evidence.

14 MS. BOULWARE: No objection.

15 THE COURT: All right. One hundred fifty-three into
16 evidence.

17 (WHEREUPON, State's Exhibit No. 153 was received into
18 evidence at this time.)

19 Q. Next is Bar Code 65648, which is State's No. 154.

20 A. This envelope from SLED contains a buccal swab of
21 Billie Rogers.

22 SOLICITOR SOPRANO-CESMAT: Okay. State moves 154 into
23 evidence.

24 MS. BOULWARE: No objection.

25 THE COURT: All right. One hundred fifty-four into

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1 evidence.

2 (WHEREUPON, State's Exhibit No. 154 was received into
3 evidence at this time.)

4 Q. Next is Bar Code 65649, which is State's Exhibit 155.

5 A. From SLED, this contains fingernail scrapings from Gene
6 Rogers and Billie Rogers.

7 SOLICITOR SOPRANO-CESMAT: State moves 155 into
8 evidence.

9 MS. BOULWARE: No objection.

10 THE COURT: All right. One hundred fifty-five in --
11 into evidence.

12 (WHEREUPON, State's Exhibit No. 155 was received into
13 evidence at this time.)

14 Q. The next is Bar Code 65650, which is State's 156, and I
15 believe there are two bags equal together there.

16 If you can identify them both?

17 A. They are both listed under 65650 and they are from SLED
18 and it contains swabs from the trigger, the grip, and the
19 magazines of the SIG Sauer pistol.

20 SOLICITOR SOPRANO-CESMAT: Okay. State moves 156 into
21 evidence.

22 MS. BOULWARE: No objection.

23 THE COURT: All right. One hundred fifty-six into
24 evidence.

25 (WHEREUPON, State's Exhibit No. 156 was received into

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1 evidence at this time.)

2 Q. One hundred fifty-seven is going to be Bar Code 65651.

3 A. And this, again, from SLED is a DNA swab, a buccal swab
4 of Gene Alexander Scott.

5 Q. And that's the defendant in this case?

6 A. Yes, ma'am.

7 SOLICITOR SOPRANO-CESMAT: State moves 157 into
8 evidence.

9 MS. BOULWARE: No objection.

10 THE COURT: All right. One hundred fifty-seven into
11 evidence.

12 (WHEREUPON, State's Exhibit No. 157 was received into
13 evidence at this time.)

14 Q. Next one is Bar Code 65652, which is State's Exhibit
15 158.

16 A. This was collected from SLED. It -- they are paper
17 napkins which were taken from a table in the home.

18 SOLICITOR SOPRANO-CESMAT: Okay. State moves 158 into
19 evidence.

20 MS. BOULWARE: No objection.

21 THE COURT: One hundred fifty-eight into evidence.

22 (WHEREUPON, State's Exhibit No. 158 was received into
23 evidence at this time.)

24 Q. Next there are two items that are banded together. So
25 they're given I believe one bar code number, one State

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1 Exhibit No. That Bar Code Number is 65741 and State's
2 Exhibit 159 and if you can tell us what each of those items
3 are?

4 A. In the box is a black Glock 19 9-millimeter handgun
5 with two 15 round magazines and 28 rounds of various
6 ammunition and in this envelope, which also has the same bar
7 code number, they are the test fire specimens of this gun
8 which we received from SLED.

9 SOLICITOR SOPRANO-CESMAT: Okay. The State would move
10 159 into evidence.

11 MS. BOULWARE: No objection.

12 THE COURT: One hundred fifty-nine into evidence.

13 (WHEREUPON, State's Exhibit No. 159 was received into
14 evidence at this time.)

15 Q. Bar Code 66150, State's Exhibit 160.

16 A. In this envelope from SLED we have three gunshot
17 residue kits. One for Gene Alexander, the defendant, one
18 for Gene Rogers, and one for Billie Rogers.

19 SOLICITOR SOPRANO-CESMAT: Okay. State moves 160 into
20 evidence.

21 MS. BOULWARE: No objection.

22 THE COURT: Without objection, 160 into evidence.

23 (WHEREUPON, State's Exhibit No. 160 was received into
24 evidence at this time.)

25 Q. Next is Bar Code 67662, which is State's Exhibit 162.

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1 A. This contains phone dump information from a cellphone
2 belonging to Gene Scott, excuse me, Gene Alexander Scott.

3 SOLICITOR SOPRANO-CESMAT: Okay. State moves 162 into
4 evidence.

5 MS. BOULWARE: Objection as previously ruled upon.

6 THE COURT: Okay. Subject to prior objections, 162
7 into evidence.

8 Did, did I miss 161 or there is---

9 SOLICITOR SOPRANO-CESMAT: No, judge.

10 THE COURT: One hundred sixty-one is something else?

11 SOLICITOR SOPRANO-CESMAT: Something else.

12 THE COURT: Okay.

13 SOLICITOR SOPRANO-CESMAT: That is correct.

14 THE COURT: Got you.

15 (WHEREUPON, State's Exhibit No. 162 was received into
16 evidence at this time.)

17 Q. The next is Bar Code Number 69911, which is State's
18 Exhibit 164.

19 A. This is an air soft suppressor.

20 Q. And was that sent to SLED or in SLED's possession at
21 some point?

22 A. Yes, ma'am.

23 SOLICITOR SOPRANO-CESMAT: State moves 164 into
24 evidence.

25 THE COURT: One hundred sixty-four?

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1 MS. BOULWARE: I have no objection.

2 THE COURT: Okay. One hundred sixty-four into
3 evidence.

4 what's 164 again?

5 SOLICITOR SOPRANO-CESMAT: It's an airsoft suppressor.

6 THE COURT: Okay. Got you.

7 (WHEREUPON, State's Exhibit No. 164 was received into
8 evidence at this time.)

9 Q. Next is Bar Code 69912, the State's Exhibit 165.

10 A. This is a SIG Sauer gun box.

11 Q. Okay. And that one did not go to SLED.

12 Is that correct?

13 A. No, ma'am, it did not.

14 Q. Just want to clarify that for the record.

15 Next is Bar Code 69913, which is State's 166.

16 A. This is a 9-millimeter Luger red tip bullet.

17 SOLICITOR SOPRANO-CESMAT: Okay. State moves 166 into
18 evidence.

19 MS. BOULWARE: No objection.

20 THE COURT: All right. One hundred sixty-six into
21 evidence.

22 (WHEREUPON, State's Exhibit No. 166 was received into
23 evidence at this time.)

24 Q. Two more.

25 Bar Code Number 69957, which is State's Exhibit 167.

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By Solicitor Soprano-Cesmat

1 A. This is an LFG electronic case file hard drive
2 prepared, prepared by Eric Devlin.

3 SOLICITOR SOPRANO-CESMAT: Okay. State moves 167 into
4 evidence.

5 MS. BOULWARE: Objection as pre -- previously ruled
6 upon.

7 THE COURT: Okay. All right. Subject to previous
8 objection, 167 into evidence.

9 (WHEREUPON, State's Exhibit No. 167 was received into
10 evidence at this time.)

11 Q. And the last item that we have in your evidence data
12 sheet is Bar Code 70226, which is labeled as State's Exhibit
13 168.

14 A. And this is from SLED and contains a gunshot residue
15 particle lift from the air suppressor.

16 SOLICITOR SOPRANO-CESMAT: Okay. State moves 168 into
17 evidence.

18 MS. BOULWARE: No objection.

19 THE COURT: Without objection, 168 into evidence.

20 (WHEREUPON, State's Exhibit No. 168 was received into
21 evidence at this time.)

22 SOLICITOR SOPRANO-CESMAT: Thank you.

23 I beg the Court's indulgence.

24 (Pause.)

25 Q. And, Ms. Conn, I believe that there are two items still

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1 on your evidence status sheet that are marked as out of
2 evidence.

3 Is that correct?

4 A. That is correct.

5 Q. And what are those two items?

6 A. Let me -- just bear with me one moment.

7 Q. No problem.

8 A. The first of those items is Item Number 67343, which is
9 an iPhone that was taken to SLED on January 5th, 2024, by
10 David Moore.

11 Q. And the other one?

12 A. The second is Item Number 69832, which is an iPhone
13 that belonged to the defendant, Gene Alexander Scott, which
14 was signed out of our office by SLED Agent Rick Cullop on
15 March 11th, 2024.

16 Q. Okay. And, again, who has possession of those two
17 items at this time?

18 A. SLED.

19 Q. Okay. So, that's why they're not in evidence today is
20 because SLED still has possession of them?

21 A. That is correct.

22 Q. Okay. Just wanted to clarify that for the record.

23 And that was State's Exhibit -- I have previously
24 marked them as 161 and 163 just for clarification of the
25 record that those would---

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1 THE COURT: Okay.

2 SOLICITOR SOPRANO-CESMAT: ---are still at SLED.

3 So once these items that we've just talked about have
4 been tested or analyzed by SLED, what do you do?

5 A. I go down to SLED and I collect them. I sign for them.
6 I bring them back to our office. I reenter them into our
7 computer system and I place them in the vault.

8 Q. Okay. So, other than those two items that we just
9 spoke about, did you get all of the other pieces of evidence
10 back from SLED at this point in time?

11 A. Yes, we did.

12 Q. No further questions. Please answer any questions the
13 defense---

14 THE COURT: Any---

15 Q. ---may have.

16 THE COURT: ---questions from defense?

17 MS. BOULWARE: No questions, judge.

18 THE COURT: Okay. Thank you very much. You can step
19 down, ma'am. Thank you.

20 THE WITNESS: Thank you.

21 THE COURT: You're free to leave the courthouse.

22 You're more than welcome to remain with us.

23 The next witness for the State, do you anticipate that
24 to be a long or short witness?

25 SOLICITOR LIVELY: It's going to be our DNA analysis --

1 analyst from SLED.

2 THE COURT: Okay.

3 SOLICITOR LIVELY: So it, it would be short for the
4 State for the most part. I don't know how long it might
5 take the defense, Your Honor.

6 THE COURT: Okay. Let's, let's, let's see. If it's
7 gon' be short for the State---

8 SOLICITOR LIVELY: Okay.

9 THE COURT: ---then if -- and defense anticipates any
10 lengthy cross-examination, maybe we can take a break before
11 that. So---

12 SOLICITOR LIVELY: Okay.

13 THE COURT: -- call, call your next one.

14 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

15 It's gonna be Laura Hash.

16 THE CLERK: State your full name.

17 THE WITNESS: Laura Brooke Hash.

18 LAURA HASH, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR LIVELY:

22 Q. Please state and spell your name for the record.

23 A. My name is Laura Hash. H-A-S-H.

24 Q. And where do you work?

25 A. I'm employed at the South Carolina Law Enforcement

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1 Division more commonly referred to as SLED.

2 Q. And what is your position at SLED?

3 A. Currently I am the DNA case work supervisor. Before
4 this I was the DNA technical leader of that department.

5 Q. And do you have educational background as well as
6 training to be in the position of someone in your position?

7 A. I do.

8 Q. All right. Please tell the jury what that education
9 and training is.

10 A. Okay. I have a Bachelor's Degree from the Honors
11 College at Clemson University in chemistry. I also have a
12 PhD degree in basic pharmaceutical sciences from the
13 University of South Carolina.

14 Following the completion of these two degrees, I worked
15 for approximately one year in a biology lab at the
16 University of South Carolina where I gained some DNA
17 experience. I was then hired on by SLED in the DNA case
18 work department where I was trained under the guidance of a
19 Court qualified DNA analyst and I have been an analyst ever
20 since. Approximately 20 years.

21 Q. Have you ever been qualified as an expert in DNA
22 analysis?

23 A. I have. Multiple times.

24 SOLICITOR LIVELY: All right. Your Honor, at this time
25 the State would offer SLED Agent Laura Hash as an expert in

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1 DNA analysis.

2 MR. FRICK: No objection, Your Honor.

3 THE COURT: Without objection, Agent Hash is found to
4 be an expert in the area of DNA analysis.

5 SOLICITOR LIVELY: Thank you so much, Your Honor.

6 Now, let's discuss the Lab Number L2007201.

7 Are you familiar with that particular case?

8 A. I am, yes.

9 Q. And were you the original analyst on that case?

10 A. No, I was not.

11 Q. All right. Whenever you have cases and evidence come
12 to SLED, how is it normally assigned to different analysts
13 for them to follow through with the testing?

14 A. We have somebody in the department that will assign the
15 case to that individual. It kind of works on a rotating
16 basis so that all analysts are assigned approximately equal
17 number of cases.

18 Q. And who is the original analyst on, on this particular
19 case under the SLED number I just read out?

20 A. Forensic scientist Ryan Duane.

21 Q. And is Ms. Duane still at SLED?

22 A. No, she has since transferred out of the department to
23 another forensic laboratory.

24 Q. All right. And in your position as the supervisor or
25 the case manager over the DNA lab or analysis, then are you

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1 also qualified to go and review her findings and conclusions
2 in her report?

3 A. Yes. All of her findings and conclusions were done
4 according to our DNA operations manual. All analysts have
5 to follow this manual and the interpretation guidelines.

6 Q. Okay. And have you reviewed this and are prepared to
7 actually give us your opinion in regards to the findings in
8 this particular case?

9 A. Yes, I am.

10 Q. All right. well, let's -- did you have an opportunity
11 to bring a copy of the report with you so that we can refer
12 to that?

13 A. I do. I have it right here.

14 Q. Okay. Great.

15 A. If I can refer to it?

16 Q. So, let's talk about the first items that actually came
17 to you for testing. It looks like they were standards,
18 which are buccal swabs.

19 Is that correct?

20 A. That's correct.

21 Q. All right. And the buccal swab, just tell the jury
22 what that is.

23 A. A buccal swab is a sterile swab that's collected
24 usually from the inside of somebody's cheek. It just lets
25 us know that that DNA profile that we developed came from

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1 that particular individual.

2 Q. All right. And who are the three individuals that you
3 got buccal swab standards from in this case?

4 A. Gene Alexander Scott, Gene Rogers, and Billie Rogers.

5 Q. All right. And those are identified as Nos. 26, 27,
6 and 28, correct?

7 A. Correct.

8 Q. All right. So, when you're -- the first item, now that
9 we know we have this, the buccal swabs -- let me just ask
10 you this first though.

11 A -- what do you do with those buccal swabs to get
12 started before you start doing other types of testing?

13 A. Just like all of the other evidence that comes into our
14 laboratory, we take an inventory of it. We make sure that
15 the items --.

16 SOLICITOR LIVELY: Oh, I'm sorry.

17 THE JUROR: Excuse us.

18 THE COURT: Okay. Let's, let's take a, a short break.

19 Yes, ma'am. Everybody can take a, take a break if you
20 need to. Just maybe give her a second to get back there.

21 THE COURT: Okay. Y'all, y'all can go.

22 (WHEREUPON, the following takes place outside the
23 presence of the jury.)

24 THE COURT: Okay. We'll take a short recess.

25 (WHEREUPON, a short recess was taken at this time.)

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1 THE COURT: Okay. Juror Number -- Hannah Darby, which
2 is Juror Number 61, got ill and indicated something she had
3 ate. So I have excused her. She's being escorted to her
4 car. She looks really ill and -- but she's able to walk.

5 So, we'll pick an alternate. What we'll do is do it at
6 random. Put their, their names on -- each name on a piece
7 of paper, jumbled it up. Y'all can tell me who you want to
8 pick the -- somebody other than Carson to just draw a name
9 out of the hat so to speak and that will be the -- that --
10 that's per statute. Civil cases, it's whoever the first
11 alternate was will be the first one to go. But the statute
12 says at random.

13 SOLICITOR LIVELY: I'm good with Big Kenny doing it.

14 MS. BOULWARE: There you go.

15 THE COURT: With Kenny?

16 Okay.

17 SOLICITOR SOPRANO-CESMAT: Do the honors, Big Kenny.

18 THE BAILIFF: Do what?

19 SOLICITOR SOPRANO-CESMAT: Do the honors.

20 THE COURT: All right. Come up here.

21 THE BAILIFF: Wake up, Kenny.

22 THE COURT: Pick, pick a piece of paper out and hand it
23 to Carson.

24 SOLICITOR LIVELY: Pick a good one, Kenny. Thank you.

25 THE COURT: Okay. It's Deanna Statham. S-T-A-T-H-A-M.

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1 That's Juror Number 246 is the -- now one of the 12.

2 Okay. Good job, Kenny.

3 All right. Let's bring the jury out.

4 (WHEREUPON, the following takes place within the
5 presence of the jury.)

6 THE COURT: Okay. Let the record reflect the jury's
7 back in.

8 Now, ladies and gentlemen, Hannah Darby is the young
9 girl's name that's sick and you probably could hear what was
10 going on back in the jury room. She thinks she has food
11 poisoning. Bless her heart. She, she really looked very --
12 pretty bad. We've -- female deputy has es -- escorted her
13 down to her car and gonna stay with her until she gets some
14 help.

15 And so we gon' pick one of the alternates.

16 Now, the, the law provides is that it's, it's done at
17 random. And so we just put the last names on, on each piece
18 of paper and draw at random out of the cup.

19 And, Deanna Statham, you're now one of the 12.

20 If you want to go ahead and just take your seat right
21 there?

22 (WHEREUPON, the juror complies.)

23 THE COURT: If it were a civil case, alternates,
24 whoever the first alternate selected, would be part of the
25 12. But the law provides, in criminal cases, it be done at

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1 random. So that's, that's how we do that. So, hopefully
2 the young lady will start feeling better soon.

3 Okay. We are in the -- in this witness testimony.

4 You may proceed, solicitor.

5 SOLICITOR LIVELY: Thank you so much, Your Honor.

6 CONTINUED DIRECT EXAMINATION

7 BY SOLICITOR LIVELY:

8 Q. I was going over with you the, the buccal swabs we were
9 talking about before our break. So, I'm just gonna go back
10 over that again just so we can be sure we're clear.

11 So, how many buccal swabs did you get in this case?

12 A. There were three sets of buccal swabs.

13 Q. All right. And the individuals that you got them from
14 are the buccal swabs were of Gene Alexander Scott, Gene
15 Rogers, and Billie Rogers.

16 Is that right?

17 A. Correct.

18 Q. Okay. And what is it that the buccal swab does?

19 What does that provide to you whenever -- what's the
20 purpose of it?

21 A. A buccal swab is collected from known individuals so
22 that when we develop a DNA pretrial from crime scene
23 evidence, we have a DNA profile of a known individual to
24 compare that evidence to.

25 Q. Okay. So, if I were to swab the inside of my cheek

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1 with a buccal swab, and just keeping it simple, send it to
2 you, could you get my DNA profile off of that buccal swab?

3 A. Yes, I could.

4 Q. All right. So these three individuals, you had their
5 DNA profiles as a result of those buccal swabs?

6 A. That's correct.

7 Q. When the profile's actually put into your system then
8 and you get swabs that were taken from crime scene and, and
9 then sent to you, do you attempt to get a DNA profile off of
10 that swab of the item?

11 A. Yes, we do.

12 Q. Okay. And if I need to explain it better, if you
13 would, just, you know, feel free to fill in. Let me ask you
14 this before we get into it.

15 In regards to the type of DNA that you test, and I'm
16 not talking about the DNA profile, but I mean items that
17 could give you a DNA profile, what kind -- different kinds
18 of DNA is there?

19 A. Well, there's the DNA from your mom, which would be
20 mitochondrial DNA. There's wiast TR (phonetic), which is
21 DNA from paternal relatives, and then what we typically test
22 for in the lab is just your STR DNA, which is the DNA that
23 you get from your mother and from your father.

24 Q. Okay. So it's your mother and your father?

25 A. Correct.

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1 Q. So---

2 A. So no two individuals have the same DNA profile except
3 for identical multiples such as twins or triplets.

4 Q. All right. And whenever you're testing for DNA, a swab
5 can actually collect what types of DNA?

6 Like touch DNA, DNA from blood, DNA from semen?

7 Tell the jury what those are -- what those differences
8 are.

9 A. We can get DNA from anywhere on the body that has a
10 nucleus. We get it from blood, semen, saliva. You can get
11 DNA from urine and from feces and from hair or skin cells.

12 Q. Okay. All right. So, when we hear the term touch DNA,
13 what is that referring to?

14 A. Touch DNA simply refers to the DNA left behind when
15 somebody handles or touches an object. So, if I were to
16 handle say a baseball bat, you could get my DNA profile
17 because I handled that bat. That would come from like the
18 sweat of my hands or from the skin cells from where I
19 touched it.

20 Q. And is touch DNA something that is -- can be fragile or
21 wiped away or somehow modified based on the environment or
22 the conditions it's under?

23 A. Yes, it can. Each individual sheds their DNA at a
24 different rate. So, just because you touch a particular
25 item doesn't necessarily mean that you'll leave enough DNA

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1 behind for us to get a profile from. It's also dependent on
2 how many people have touched that object and the environment
3 such as heat, or rain, or moisture.

4 Q. Okay. So, when you have your conclusions in your
5 report regarding your DNA findings, are there times whenever
6 you mentioned things like an unidentified or unrelated
7 contributor?

8 A. Yes.

9 Q. All right. So -- and does that -- is that something
10 that we're gonna hear in this particular case here today?

11 A. Yes, it is.

12 Q. And just one moment.

13 I did qualify her, her as an expert, didn't I, Your
14 Honor?

15 THE COURT: I don't believe you did.

16 MR. FRICK: Yes, you -- we did.

17 SOLICITOR LIVELY: I did.

18 MR. FRICK: You did I believe so.

19 MS. BOULWARE: I asked the same question.

20 SOLICITOR LIVELY: I know.

21 MR. FRICK: We had---

22 SOLICITOR LIVELY: I, I, I---

23 MR. FRICK: ---the same conversation.

24 SOLICITOR LIVELY: Thank you. I'm sorry.

25 THE COURT: Okay.

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1 SOLICITOR LIVELY: I was worried that maybe I hadn't as
2 I was getting into it.

3 Okay. So back to where I was. Now, you've already got
4 profiles on these three individuals. Let's talk about the
5 first item that was swabbed for you to actually test for
6 DNA. That would be Item 1.1.

7 What was that particular item that was swabbed?

8 A. Item 1.1 are swabs from the trigger of Item 1, pistol,
9 which was a SIG Sawyer P-320 handgun.

10 Q. Okay.

11 A. Serial Number 58J060353.

12 Q. All right. And I'm gonna show you what is State's
13 Exhibit No. 142 and ask you if it has the corresponding SLED
14 number on the side?

15 A. Yes, it does.

16 Q. Okay. So, this would be the item that was swabbed for
17 testing.

18 Is that correct?

19 A. Yes.

20 Q. All right. So tell us what you tested.

21 I believe also there were -- when you say 1.1 or an
22 item and then 1.2, does that mean it's, it's that item and
23 then maybe subparts of the item?

24 A. Yes. So --

25 Q. Okay.

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1 A. -- the item -- the main item will be Item 1, and then,
2 if we take swabs, in this case swabs from the trigger, that
3 will 1.1. And a different part of the gun, such as the grip
4 and slide, would be 1.2 so we can distinguish where that
5 profile came from on the gun.

6 Q. Okay. Great. Well, let's go through each one then.

7 In the 1.1 you did the swabs and, once again, the
8 profiles that you're comparing anything you get off of that
9 swab is going to be related back to the three profiles you
10 have in this case.

11 Is that right?

12 A. Correct.

13 Q. All right. So, the results of swabs from the trigger
14 of Item 1, what was the result of that?

15 A. A DNA profile suitable for comparison was developed and
16 it was interpreted as a mixture originating from two
17 individuals. That means that more than one individual was
18 contributive of a DNA profile that we developed.

19 Q. Were you able to exclude any of the three individuals
20 as being a contributor to that swab?

21 A. Yes. Gene Rogers and Billie Rogers are excluded as
22 contributors to the mixture.

23 Q. Okay. What about Gene Scott?

24 A. The DNA profile is approximately 7.6 quintillion times
25 more likely if Gene Scott and an unidentified, unrelated

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1 individual contributed to the mixer than if two
2 unidentified, unrelated individuals contributed to the
3 mixture.

4 THE COURT: Now, when she refers to Gene Scott, that is
5 also---

6 SOLICITOR LIVELY: I was---

7 THE COURT: ---Alex Scott?

8 SOLICITOR LIVELY: That's right. And I'm gonna -- and
9 let me clarify that cause it gets a little confusing. I
10 will clarify each time. Gene Scott is actually the
11 defendant in this case. He has the same name as our victim,
12 Mr. Gene Rogers. So, we'll just be real clear about that.

13 okay. I'll make sure I clarify that for you.

14 A. Uh-huh. (Affirmative).

15 Q. All right. So, so you exclude Mr. Rogers and, and
16 Billie Rogers and, and then, of course, included the DNA
17 from the defendant, Mr. Gene Alexander Scott, correct?

18 A. Correct.

19 Q. Now, as an expert in DNA, the fact that this was his
20 personal handgun, would you expect to find his DNA on those
21 items?

22 A. Yes, typically if somebody owns an item and we swab it,
23 it's not uncommon to find their profile. We expect it.

24 Q. All right. So then we go to 1.2, which was swabs from
25 the grip and slide on a -- from Item 1, that pistol.

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By Solicitor Lively

1 Could you tell the jury what the, what the findings
2 were or the conclusions on that?

3 A. Yes, this was an -- interpreted as a mixture
4 originating from three individuals and, again, Gene Rogers
5 and Billie Rogers are excluded as contributors to the
6 mixture.

7 Q. Okay. And that would be our two victims in this case
8 just for purposes of the record.

9 And then what about the defendant, Mr. Gene Alexander
10 Scott?

11 A. He was included and the DNA profile is approximately
12 3-billion times more likely if Gene Scott and two
13 unidentified, unrelated individuals contributed to the
14 mixture than if three unidentified, unrelated individuals---

15 Q. Okay.

16 A. ---contributed.

17 Q. And in regards to the unidentified, unrelated
18 individuals, that -- it, it sounds confusing.

19 I know you can't tell me that you were able to match
20 his DNA off of this, right?

21 A. Right.

22 Q. Okay. So y'all have a protocol and a requirement in
23 regards, regards to how you conclude about DNA.

24 Is that correct?

25 A. Correct.

Laura Hash - Direct examination
By Solicitor Lively

1 Q. All right. So, the language about the unidentified,
2 unrelated individuals, when we look at the number 3.0
3 billion times more likely if Gene Scott and two
4 unidentified, unrelated individuals contributed, break that
5 down so they know exactly what that means.

6 A. So, we have a mixture of three individuals. We know
7 that Gene Rogers and Billie Rogers are excluded. Gene Scott
8 gave an inclusionary, like with a ratio, meaning that it's
9 very strong support that he is one of those three
10 contributors. However, we're left with two other
11 individuals who contributed to that mixture and we don't
12 know who they are.

13 Q. Okay. So then what we have is the large amount that is
14 attributed to the defendant and you put that in your
15 conclusion?

16 A. Correct.

17 Q. All right. Thank you.

18 Now, the Swab 1.3 came off the magazine and the
19 cartridges from Item 1.

20 Is that right?

21 A. That is correct.

22 Q. All right.

23 A. The swabs from both magazines and all cartridge had the
24 stains (phonetic).

25 Q. And what was the conclusion in regards to this item as

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1 well?

2 A. This DNA was interpreted as a mixture originating from
3 two individuals and, once again, Gene Rogers and Billie
4 Rogers are excluded as contributors, and the DNA profile is
5 approximately 310 thousand times more likely if Gene Scott
6 and an unidentified, unrelated individual contributed to the
7 mixture than if two unidentified, unrelated individuals
8 contributed.

9 Q. Okay. That would be Gene Alexander Scott for the
10 record?

11 A. (WHEREUPON, there was no audible response.)

12 Q. All right. Now, the other items -- so basically we're
13 confirming, in, in layman's terms, that that was -- you know
14 that was his gun and his DNA was all over it?

15 A. He gave inclusionary likelihood ratios to being on the
16 gun.

17 Q. Okay. He gave inclusionary---

18 A. Yes.

19 Q. ---ratios, yes, ma'am.

20 All right. So now let's go to the swabs. There are --
21 were certain stains that were collected from SLED crime
22 scene.

23 Could you tell us how many swabs with a -- with stains
24 that were submitted to you for testing?

25 A. I have Items 13, 14, 15, 16, and 17, which would be

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By Solicitor Lively

1 Stains A, B, C, D, and the stain from the desk near the
2 front door.

3 Q. All right. Okay. So let's talk about those swabs and
4 the stains from the crime scene that was collected by --
5 let's see what's on here. No, these are the markers.

6 (Pause.)

7 Q. Okay. All right. So, let me do this so we can try to
8 get through it.

9 In regards to the swabs and the stains, were those
10 stains that, that were actually swabbed from inside the home
11 based on the information that you were -- that you received
12 from SLED crime scene?

13 Can you look at your notes and see if you can find
14 that?

15 If you can't find it in the bench notes and attached, I
16 can get a copy of those SLED CSI report. Let me do that.

17 (Pause.)

18 A. I just have them labeled as Stain A, B, C.

19 Q. That's fine. Hold on just a second. Sorry. And I'll
20 just let you use it as a reference. Here we go. And, and
21 this is from SLED CSI Agent Hunton.

22 If you could please refer to that?

23 Is that the same lab number that we're referring to
24 here, L2007201?

25 A. Yes, it is.

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1 Q. Okay. Could you look and see where the swabs from
2 Stain A were taken?

3 A. They were the side -- taken from the side of the
4 entertainment center in the living room.

5 Q. Uh-huh. (Affirmative).

6 A. Stain B is the side of the entertainment center in the
7 living room. Stain C is the side of the entertainment
8 center in the living room and D would of been the west
9 living room wall near the front door.

10 Q. Okay. All right. Okay. So, in all -- A, B, C, and D,
11 just for clarification, I know you don't have the pictures
12 in front of you, would be the living room area where the
13 victims were located.

14 Okay. So, when you got those swabs, were you, once
15 again -- what -- do you know what was on those swabs?

16 Could you tell what -- did you do a presumptive test in
17 regards to those swabs?

18 A. Yes, on the evidence worksheet, it was indicated that
19 there was a reddish stain present on these swabs --

20 Q. Okay.

21 A. -- and a small cutting of this swab was taken for
22 presumptive testing for blood.

23 Q. Okay. So these swabs that were taken -- were
24 presumptive for blood was -- you -- did you say positive?

25 A. Yes.

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1 Q. You did.

2 A. They were positive.

3 Q. Okay. So, they were positive for blood and those items
4 were all collected, those stains, from where you just read
5 was from the living room, correct?

6 A. Yes.

7 Q. All right. Now, could you tell the jury, based on
8 your -- those submissions and the presumptive testing was
9 blood. Let's talk about what each one of them actually --
10 how they came -- what the results were.

11 A. Okay. Actually they all gave the same DNA result --

12 Q. Uh-huh. (Affirmative).

13 A. -- and that was that Gene Rogers -- I mean I'm --
14 excuse me. Gene Scott and Billie Rogers were excluded as
15 the source of the DNA.

16 Q. All right.

17 A. The DNA profile was interpreted as single source
18 meaning that it came from one individual and that the DNA
19 profile is approximately 36 septillion times more likely if
20 Gene Rogers contributed to the profile than if an
21 unidentified, unrelated individual contributed to the
22 profile.

23 Q. If this individual, Mr. Rogers, if he -- if where he
24 was shot and killed was the area that was swabbed for blood
25 stains around him, would you expect that to be his, his DNA

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1 profile in that blood?

2 A. Yes, I would.

3 Q. Okay. All right. And then let's move on to Number 18.

4 Now let's see if it has it on here. I'm gonna show you the
5 bottom here of the report and it states about the two swabs.

6 You do have it?

7 A. Uh-huh. (Affirmative).

8 Q. Okay. Thank you.

9 All right. So the two swabs of suspected blood from
10 the wooden folding table in-between the couch and the
11 recliner, tell the jury what the results of that blood test
12 was or the DNA test was.

13 A. Well, the presumptive testing for blood was positive.
14 A DNA profile suitable for comparison was developed and it
15 was interpreted as a mixture originating from two
16 individuals. Gene Scott and Gene Rogers are excluded as
17 contributors to the mixture and the DNA profile is
18 approximately 340 septillion times more likely if Billie
19 Rogers and an unidentified, unrelated individual contributed
20 to the mixture than if two unidentifiable, unrelated
21 individuals contributed.

22 Q. All right. So, the defendant, Gene Scott, and the
23 victim, Gene Rogers, were excluded as contributors to that,
24 that, that sample from 18?

25 A. That's correct.

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1 Q. Okay. And in regards to DNA, if this was a table that
2 was right next to Mrs. Billie Rogers at the time that she
3 was shot and she bled, would you expect that to be her DNA
4 profile?

5 A. Yes, I would.

6 Q. All right. Thank you.

7 what about Number 19?

8 A. Number 19 is a white paper napkin with stains from the
9 wooden folding table in-between the couch and the recliner.

10 Q. Okay. All right. And was there a presumptive test for
11 that item?

12 A. Yes. This item was actually broken down into two
13 subitems because there were multiple napkins, 19.1 and 19.2,
14 and the results are the presumptive testing for blood was
15 positive.

16 Q. Okay. And after you got that presumptive blood test
17 that was positive, what conclusions did you have from
18 actually running the profile?

19 A. Once again, Gene Scott and Gene Rogers are excluded as
20 a contributor to this item.

21 Q. And who was the major contributor?

22 A. The DNA profile was interpreted as single source and
23 the DNA profile is approximately 920 septillion times more
24 likely if Billie Rogers contributed the profile than if an
25 unidentified, unrelated, unrelated individual contributed to

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1 the profile.

2 Q. Okay. And then 19.3, which is the -- it looks like
3 there were a couple of different napkins that were tested.

4 So was that 19.3 not actually tested?

5 A. No, no analysis was performed on these items.

6 Q. All right. What about 20?

7 This is -- how was that labeled in your report?

8 A. Swabs from the exterior backdoor handle.

9 Q. All right. So the exterior backdoor handle.

10 What was the result of that DNA test?

11 A. A partial profile was developed that was insufficient
12 for interpretation.

13 Q. Okay.

14 A. So there wasn't enough DNA for us to make a
15 determination who might of left that DNA.

16 Q. Okay. What about the next item, which was Number 22?

17 A. Twenty-two is the swabs from the exterior front screen
18 door handle.

19 Q. Okay. So the, the outside door handle for the screen
20 door is what was swabbed, correct?

21 A. Yes.

22 Q. All right. And what did you pull from that particular
23 item and is this the one where there were multiple
24 propositions?

25 A. Yes.

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1 Q. Okay.

2 A. Yes.

3 Q. Let me ask you this before you get into that.

4 If you have a, a particular item that is in a place
5 where multiple people will touch it, multiple related people
6 could be touching it, is there going to be several different
7 propositions that you may have to actually go through to
8 have a conclusion about who those people are?

9 A. Yes.

10 Q. All right. And I know that, that still sounds probably
11 just as confusing as when I started. So, I'm gonna let you
12 explain that.

13 Tell the jury how many different proposition sets you
14 had regarding all of the DNA information you got off that
15 front door handle on the outside.

16 A. We had five different propositions.

17 Q. Okay. Let me ask you this easily. The first -- I'll
18 try to do it easily.

19 At -- during one of your propositions sets, were you
20 able to include as more likely that Billie Rogers and two
21 unidentified, unrelated individuals contributed?

22 Is that one of your proposition sets?

23 A. Yes.

24 Q. Okay. And in Proposition Set 2, were -- did you, did
25 you have a conclusion that the defendant, Gene Scott, Gene

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1 Rogers, and Billie Rogers contributed to the mixture?

2 A. They -- in Proposition Set 2 --

3 Q. Yes.

4 A. -- it can not -- the DNA profile that I developed or
5 that Ryan Dewayne developed can not be explained by a
6 combination of Gene Scott, Gene Rogers, and Billie Rogers.

7 Q. Okay.

8 A. So, it means that they can not be there together.

9 Q. Okay. They can't be there together.

10 A. Correct.

11 Q. All right. But you did, in Proposition 1, find that
12 Billie Rogers DNA was present?

13 A. Correct.

14 Q. Okay. All right. Let's move down to Proposition Set 3
15 now.

16 what did you determine in Proposition Set 3?

17 A. That the DNA profile is approximately 440 billion times
18 more likely if Gene Scott, Gene Rogers, and an unidentified,
19 unrelated individual contributed to the mixture than if
20 three unidentified, unrelated individuals contributed to the
21 mixture.

22 Q. Okay. And that's a, a much larger number, the
23 440 billion?

24 A. Right.

25 Q. So, tell us what that means.

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1 A. So it's kind of -- you can think about if you are
2 giving somebody marbles. If somebody has two marbles, and
3 somebody has 98 marbles, and you're dividing them between
4 the two, the first person's gonna get more than two marbles.
5 They're gonna get an inflation -- kind of like an artificial
6 inflation of how many they really had.

7 So that's kind of like this proposition set. So,
8 Billie Rogers by himself---

9 Q. All right.

10 A. ---the DNA profile was approximately four times. So
11 it's pretty weak support that he's included in this mixture.
12 However, when you put it in conjunction with Gene Scott who
13 had, or I'm sorry, Billie Rogers who had -- Gene Rogers is
14 480 times more likely. So that 480 is going to artificially
15 enhance that four. So we---

16 Q. Okay.

17 A. ---ask that you put more emphasis on the four. When
18 you think about his contribution to this mixture, think
19 about the four and not the larger number. So it's very weak
20 support that he is included in that mixture.

21 Q. Okay. And just for -- because I know you're referring
22 to he.

23 Billie Rogers was actually the female and I know you---

24 A. Oh, I'm sorry about that.

25 Q. ---didn't know that.

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1 A. Yes.

2 Q. You're fine. You're fine. It's just when you say
3 he---

4 A. Yes.

5 Q. ---I want to make sure that the record's clear that you
6 were referring to Billie Rogers who is the female victim in
7 this case.

8 A. Correct.

9 Q. Okay.

10 A. She had the very low---

11 Q. Okay.

12 A. ---inclusionary likelihood ratio of four.

13 Q. Thank you.

14 All right. So, in layman's terms, which I know you
15 don't like me to use layman's terms, Gene Scott and Gene
16 Rogers, the defendant, Gene Scott, and Gene Rogers, their,
17 their DNA, touch DNA, was or a mixture of it was on the
18 front door handle?

19 A. Correct.

20 It's approximately 440 billion times more likely if
21 Gene Scott, Gene Rogers, and an unidentified, unrelated
22 individual contributed to the mixture than if three
23 unidentified, unrelated individuals contributed.

24 Q. Okay. And then you've got -- we've still got two more
25 proposition sets.

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1 Can you kind of tell us what those are and then we'll
2 move on?

3 A. Proposition Set 4 was a combination of Gene Scott,
4 Billie Rogers, and an unidentified, unrelated individual.
5 So the DNA profile is approximately 7.7 billion times more
6 likely if Gene Scott, Billie Rogers, and an unidentified,
7 unrelated individual contributed to the mixture than if
8 three unidentified, unrelated individuals contributed to the
9 mixture.

10 Q. All right. And what was Proposition Set 5?

11 A. Proposition Set 5 is a combination of Gene Rogers,
12 Billie Rogers, and an unidentified, unrelated individual and
13 the DNA profile is three times more likely if it's three
14 unidentified, unrelated individuals than if it's a mixture
15 of Gene Rogers, Billie Rogers, and an unidentified,
16 unrelated individual.

17 Q. And so, in your expert opinion in regards to the,
18 the -- all the different proposition sets and the
19 conclusions of -- or the findings in those proposition sets,
20 would you expect that the touch DNA from the exterior handle
21 would of -- if they were all in this house, and they had all
22 been there at -- it could be at different times. I'm not
23 saying it has to be at the same time.

24 Gene Rogers, Billie Ruth Rogers, and Gene Scott all had
25 touch DNA on this door?

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1 A. Yes, they all gave inclusionary likelihood ratios to
2 that profile.

3 Q. Okay. Thank you.

4 what about Number 23?

5 what did we test here?

6 A. This was swabs from the interior front screen door
7 handle.

8 Q. Okay.

9 A. And---

10 Q. And what was your conclusion there?

11 A. This mixture was too complex for us to interpret.

12 Q. Okay. All right. Now, swabs from the exterior front
13 doorknob.

14 A. Yes, this was interpreted as a mixture of three
15 individuals.

16 Q. Okay. And what, what were your conclusions in regards
17 to that?

18 A. Gene Scott is excluded as a contributor.

19 Q. Okay.

20 A. The DNA profile is approximately 7.4 quadrillion times
21 more likely if Billie Rogers and a -- two unidentified,
22 unrelated individuals contributed to the mixture than if
23 three unidentified, unrelated individuals contributed to the
24 mixture. And then no conclusion can be made regarding the
25 inclusion or exclusion of Gene Rogers to this profile.

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1 Q. All right. And the next item -- we are now up to Item
2 25.

3 A. Yes.

4 Q. Item 25 it says swabs from the interior front door
5 knob.

6 what do we have there?

7 A. Yes, the DNA profile was interpreted as a mixture
8 originating from three individuals.

9 Q. Okay.

10 A. Once again, Gene Scott is excluded as a contributor to
11 the mixture and the DNA profile is approximately 110 times
12 more likely if Gene Rogers and two unidentified, unrelated
13 individuals contributed to the mixture than if three
14 unidentified, unrelated individuals contributed to the
15 mixture.

16 Q. Okay.

17 A. And then with regards to Billie Rogers, the DNA profile
18 is approximately 9,500 times more likely if Billie Rogers
19 and two unidentified, unrelated individuals contributed to
20 the mixture than if three unidentified, unrelated
21 individuals contributed.

22 Q. Okay. So, the defendant is excluded as a contributor
23 on that?

24 Did I read that right?

25 A. Gene Scott is excluded.

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1 Q. Okay. All right. And, once again, if Gene Rogers and
2 Mrs. Billie Rogers were living in the home, as a DNA expert,
3 would you expect that, that you would possibly or probably
4 find their touch DNA on this item?

5 A. I would.

6 Q. You would.

7 Okay. All right. The next item then?

8 A. This is Item 29, which are fingernail scrapings from
9 Gene Rogers.

10 Q. Okay. And then in regards -- and let me just ask you
11 this.

12 Whenever you have a deceased individual where it's
13 actually been deemed a homicide, is that in a normal
14 procedure for crime scene to actually do fingernail
15 scrapings of individuals?

16 A. Yes, it is.

17 Q. All right. So -- and you don't have any other
18 information in regards to the death or what happened at the
19 scene, correct?

20 A. I do not.

21 Q. So all you're doing is just testing to see if there's
22 any DNA?

23 A. That's correct.

24 Q. Okay. So what was your result on that one?

25 A. So, this item was actually divided into two subitems.

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1 29.1 would be the left-hand fingernail scrapings from Gene
2 Rogers.

3 Q. Okay.

4 A. A DNA profile was developed and interpreted as a
5 mixture originating from two individuals. Because this is
6 his own fingernail scrapings, we can say that Gene Rogers is
7 one of those two contributors. And then with regards to
8 Gene Scott, it was an uninformative statistical result. So
9 we can't make a conclusion about Gene Scott. And then
10 Billie Rogers is excluded as a contributor to the mixture.

11 Q. Okay. And then what about the right-hand of Gene
12 Rogers under 29.2?

13 A. The DNA profile that was developed from this item was
14 attributable to Gene Rogers.

15 Q. Were these scrapings from a Mrs. Billie Rogers also
16 provided to you in Item 12?

17 A. Yes, the same thing as Item 29. These were divided
18 into two subitems. 30.1 would be the left-hand fingernail
19 scrapings from Billie Rogers and that DNA profile was
20 attributable to Billie Rogers. And then 30.2 are the
21 right-hand fingernail scrapings.

22 This was -- this profile was interpreted as a mixture
23 from two individuals. Once again, because they're her
24 fingernail scrapings, we know that she is one of those two
25 contributors and Gene Scott and Gene Rogers are both

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1 excluded as being the second contributor to this item.

2 Q. Okay. So that would be defendant, Gene Scott, and Gene
3 Rogers.

4 All right. The Item 37. Now we're moving into
5 something -- a dif -- completely different type of item,
6 correct?

7 A. Yes.

8 Q. All right. So Item 37 is going to be swabs from what?

9 A. Thirty-seven are the swabs from headstamps of Items 2
10 through 7, cartridge cases.

11 Q. Item 37.

12 A. Yes.

13 Q. Okay. Do you want to go ahead and tell us what your
14 findings are and maybe, at that point in time, I'll let you
15 publish it.

16 A. There was no DNA profile developed from this item.

17 Q. Okay. All right. Okay. All right. So these are
18 headstamps that were from a, a weapon, No. 37.

19 Beg the Court's indulgence.

20 THE COURT: Sure. Take your time.

21 SOLICITOR LIVELY: I just want to make sure we know
22 exactly where that one came from.

23 (Pause.)

24 Q. Okay. Go ahead and tell me what the next item is that
25 I am determined to find this.

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1 A. The results from Item 37 were grouped with Item 40.1
2 which were swabs from headstamps of items -- of Item 40,
3 which was a 9-millimeter unfired bullet. No DNA profile was
4 developed from this item either.

5 Q. Okay. All right. All right. So we'll -- I'll find
6 that in just a minute.

7 So, we are at Item Number 38, which was swabs from the
8 trigger of item -- of, of a black SIG Sauer MPX 9-millimeter
9 weapon and what was the result of that particular swab?

10 A. That would of been Item 38.1.

11 Q. Yes.

12 A. This was interpreted as a mixture originating from two
13 individuals. Gene Scott and Billie Rogers are excluded as
14 contributors to this item and the DNA profile is
15 approximately 41 times more likely if two unidentified,
16 unrelated individuals contributed to the mixture than if
17 Gene Rogers and an unidentified, unrelated individual
18 contributed to the mixture.

19 Q. All right. And that was Item 38.1?

20 A. Yes.

21 Q. All right. I'm gonna show you the DNA swab. It says
22 State's Exhibit 52, which would be from Item 38.1 and 43.
23 I'm gonna let you hold those. So those are just the swabs
24 from that.

25 Okay. Okay. I got 146.

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1 SOLICITOR SOPRANO-CESMAT: I have it.

2 SOLICITOR LIVELY: Yeah, if you don't mind. Thank you.

3 I'm sorry. Sometimes it takes teamwork.

4 All right. So the next one that you have, you've
5 actually just now told us the results from 38.1, which was a
6 black SIG Sauer MPX 9-millimeter.

7 A. Yes.

8 Q. All right. And you gave us the results of that.

9 Basically none of our individuals were found -- any of
10 their touch DNA was located on that item, correct?

11 A. None of them gave an inclusionary---

12 Q. Okay.

13 A. ---ratio.

14 Q. All right. Now, Item Number 43, swabs from textured
15 portions of Items 38 through 39 and then Items 41 through
16 42, handgun and firearm accessories.

17 Is that correct?

18 A. Yes.

19 Q. All right. So tell us what the item -- what the
20 results were from those swabs.

21 A. The DNA profile was interpreted as a mixture
22 originating from three individuals. Gene Rogers and Billie
23 Rogers are excluded as contributors to this mixture and the
24 DNA profile is approximately four times more likely if Gene
25 Scott and two unidentified, unrelated individuals

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1 contributed to the mixture than if three unidentified,
2 unrelated individuals contributed to the mixture.

3 Q. Okay. And was 43 the last item that you actually
4 tested?

5 A. That was the last item for DNA, yes.

6 Q. Last item for DNA.

7 Okay. So let me ask you some questions then in regards
8 to these items.

9 Now, in the first one that I had you talk about, which
10 was SLED Item Number 1, I relayed to you that this item was
11 a weapon that was actually seized from the defendant who he
12 claimed as being his own item -- his own weapon. So, we
13 found his DNA on that item.

14 Is that correct?

15 A. Yes, he gave an inclusionary likelihood ratio of
16 7.6 quintillion.

17 Q. All right. Then we have SLED Item Number 46. Maybe
18 that should be 48, which is two magazines and 28 rounds.

19 Am I putting that in there correctly?

20 Forty-six.

21 Okay. The -- no, I'm talking about 38. I apologize.
22 The swabs from the textured portion of Item 38 and 39 and 41
23 and 42.

24 Okay. That was another handgun and firearm, correct?

25 A. Thirty-eight was a black SIG Sauer.

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1 Q. Okay. Yes.

2 All right. So, if I told you that the defendant sold
3 that weapon to an individual at a gun show, and that
4 particular weapon was now in the possession of someone
5 completely different, we don't have his DNA profile to
6 compare anything to, does that make sense to you in regards
7 to why maybe a small amount of the defendant's DNA's there
8 but the two victims are excluded?

9 Does that make sense?

10 A. Yes, on Item 38.1 --

11 Q. Yes.

12 A. -- actually none of the individuals gave an
13 inclusionary likelihood ratio.

14 Q. Okay. So -- and if I told you that weapon was sold to
15 another individual, was no longer in the Defendant Scott's,
16 Gene Scott, which is one of the profiles you had, was not in
17 his possession, and that, and that we do not have the DNA
18 profile of the person who purchased it from Mr. Scott, would
19 that make sense to you as to your conclusions?

20 A. Yes, it would.

21 Q. Okay. I'm sorry it took so long to get to that. But
22 that's what I was trying to get to.

23 Okay. And were those two guns, the Item 1 and Item 38,
24 the two handguns that were swabbed and provided to you for
25 testing?

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1 A. Yes.

2 Q. Okay. All right. So, just to kind of sum up, I know
3 that took a while, but just to sum up then, the items in the
4 house that the front -- in the front door with touch DNA,
5 are you surprised, as an expert in DNA analysis, that you
6 would find some touch DNA from the three individuals who
7 would of walked through that front door?

8 That being Defendant Scott, Gene Rogers, and Billie
9 Rogers.

10 A. No, I'm not.

11 Q. Okay. And, and the same thing for the interior
12 doorknob as well as the exterior doorknob, that they're---

13 A. That's correct.

14 Q. That's correct.

15 Okay. You would expect to find family members as well
16 as people who were coming and going, their touch DNA could
17 potentially be on that item?

18 A. Yes.

19 Q. All right.

20 A. Anybody that touched that item.

21 Q. All right. Thank you so much. I'm sorry that was a
22 little crazy there for a minute. Please answer any
23 questions the defense may have for you.

24 THE COURT: Mr. Frick.

25 MR. FRICK: Thank you, Your Honor.

Laura Hash - Cross-examination
By Mr. Frick

1 CROSS-EXAMINATION

2 BY MR. FRICK:

3 Q. Hey, Ms. Hash.

4 How you doing?

5 A. Fine.

6 Q. Okay. So I'm, I'm -- I been doing this for a while and
7 I think you have too. It appears that the terminology that
8 we use to describe DNA has kind of evolved over the years.

9 Is that fair to say?

10 A. It has.

11 Q. So, we've gotten to the point now where we -- where,
12 where something is a likely -- I'm gonna call it a match. I
13 know we don't call things matches.

14 But it's very strong support is your highest level,
15 correct?

16 A. Correct.

17 Q. And then it's gotten varying levels from there to
18 strong, moderate, weak, and then uninformative.

19 Is that fair to say?

20 A. Yes.

21 At the back of our reports we include a chart that
22 offers verbal wording for those numbers that I gave and they
23 go from uninformative, which was a likelihood ratio of one,
24 to weak support, moderate support, strong support, and very
25 strong support.

Laura Hash - Cross-examination
By Mr. Frick

1 Q. Okay. Okay. And let's be clear what, what your role
2 here is.

3 You didn't go to the scene and collect any swabs,
4 correct?

5 That's not your role?

6 A. No, DNA analysts don't typically go to the scene.

7 Q. It's whatever's sent to you is what you analyzed,
8 correct?

9 A. Correct.

10 Q. Okay. And you don't -- you may do things outside of
11 DNA. I don't know.

12 But in this particular case, your role is strictly a
13 DNA analysis, correct?

14 A. Correct.

15 Q. So, when the solicitor stands up here with number one
16 and talks about it's got Mr. Scott's DNA on it, that's all
17 you're saying, right?

18 You're, you're saying it possibly has his -- strong
19 likelihood it's his DNA?

20 A. I'm -- whatever the number was in conjunction with the
21 verbal wording, yes.

22 Q. You, you can't -- you make no determination whether
23 that was the gun that killed anybody, correct?

24 A. No.

25 Q. Okay. Or any of these weapons, correct?

Laura Hash - Cross-examination
By Mr. Frick

1 A. No.

2 Q. Okay. Moving along, I'm gonna look at Page 13 -- 3 of
3 your report. It's the stains, the swabs from the stains.

4 A. Yes.

5 Q. So, you got -- you said 13, 14, 15, 16, and 17.

6 You don't know exactly where they came from, correct?

7 A. No, only what the crime scene agent --

8 Q. Okay.

9 A. -- puts in their report.

10 Q. But, in all likelihood, they came from five different
11 locations?

12 A. Yes, they were labeled separately. So, I would assume
13 they came from five separate locations.

14 Q. Okay. All right. But, again, that -- you didn't have
15 photographs or anything like that.

16 You have no idea where they came from?

17 A. No, they were just described differently in the crime
18 scene.

19 Q. Okay. And, in your analysis, they all gave the same
20 exact results?

21 A. Yes.

22 Q. Okay. And in that -- now, I -- just to clarify here.
23 I know, I know we talked about this earlier. But on the
24 front, we've got swabs from Gene Alexander Scott.

25 So, when you say Gene Scott, that's who we're talking

Laura Hash - Cross-examination
By Mr. Frick

1 about?

2 That's Item Number 26 on the very front page.

3 A. Yes. Gene---

4 Q. Okay.

5 A. ---Alexander Scott.

6 Q. Okay. And, of course, Gene Rogers, No. 27 there?

7 A. Correct.

8 Q. And in your analysis of 13, 14, 15, and 16, which are
9 various swabs of stains in this scene, Gene Alex Scott is
10 excluded, correct?

11 A. Correct.

12 Q. Okay. And, and when you make an exclusion, that's not
13 like your likelihood ratio when you're saying that's strong
14 support and that's their DNA?

15 This is conclusively not his DNA, correct?

16 A. Right. We can do that with single source profiles. We
17 can say that somebody is excluded by looking at the profile.

18 Q. Okay. So, thank you for bringing that up.

19 So, in these five, was it a single source that you had?

20 A. Yes. Items 13, 14, 15, 16, and 17 were all interpreted
21 as a single source DNA profile.

22 Q. Okay. All right. And let's talk about that real
23 briefly.

24 Single source is -- that -- that's when it -- you, you
25 can put it to one person, right?

Laura Hash - Cross-examination
By Mr. Frick

1 A. Correct. It's interpreted as coming from one
2 individual.

3 Q. It's not like the other ones where you've got a mixture
4 and you got to try to figure out who contributed to the
5 mixture and then come up with one of these match
6 likelihoods, correct?

7 A. We still come up with a likelihood ratio for the
8 individual who contributed to that profile.

9 Q. Okay. In this one you didn't do that.

10 A. We did for Gene Rogers.

11 Q. Okay. Okay. So that's the one.

12 All right. So---

13 A. Yes.

14 Q. ---it contributed to Gene Rogers. There you go. I'm
15 sorry. I missed that line down there. It's the
16 36 septillion.

17 A. Yes.

18 Q. Thank you.

19 All right. So, the DNA that came from those very
20 likely single source DNA from Gene Rogers?

21 A. Correct.

22 Q. Okay. And then again you don't know where stuff is
23 located in this scene. But you got a swab on 18 that says a
24 stain from a wood folding table between couch and recliner.

25 A. Yes.

Laura Hash - Cross-examination
By Mr. Frick

1 Q. Correct?

2 A. Yes.

3 Q. Okay. And that one is a mix, correct?

4 A. Correct. It was a mixture originating from two
5 individuals.

6 Q. Two individuals.

7 And you can determine, by looking at it, that it was
8 most definitively two people that contributed to this stain?

9 A. Yes. Analysts look at the profile and interpret, based
10 on our protocols, if it's a single source, a mixture of two,
11 three, four, of more than four.

12 Q. Okay. And your results in this one, you were able to,
13 to say, with a high likelihood, a strong likelihood, very
14 strong support, is that correct, that it was Billie Rogers?

15 A. Billie Rogers gave 340 septillion times more likely
16 Billie Rogers and an unidentified, unrelated individual
17 contributed to the mixture than if two unidentified,
18 unrelated individuals contributed to the mixture and
19 340 septillion times is that very strong support.

20 Q. Okay.

21 A. So it's the highest level of support, yeah.

22 Q. So, I'm gon', I'm gon' say this in layman's terms for
23 me and you tell me whether this is fair.

24 Is it fair to say that it is very likely that's Billie
25 Rogers and somebody other than this sample that you got?

Laura Hash - Cross-examination
By Mr. Frick

1 A. It would have to be somebody who is not Gene Scott,
2 Gene Rogers, or Billie Rogers---

3 Q. Okay.

4 A. ---cause we already have Billie Rogers.

5 Q. And, again, when we're saying Gene Scott, that's Gene
6 Alexander Scott?

7 A. Yes.

8 Q. Okay. And he is, in fact, excluded on this mixture?

9 A. Yes.

10 Q. Okay. And then we've got the paper napkin with stains.
11 I think we -- you determined that this was, in fact,
12 blood, correct?

13 A. On 19.1 and 19.2, which are the paper napkins with the
14 stains from the wooden folding table take -- in-between the
15 couch and the recliner, the presumptive testing for blood
16 was positive.

17 Q. Okay. Now, I know we do a whole lot of touch DNA these
18 days. But the blood DNA has a little more to it and I, I
19 don't know exactly how to phrase that.

20 Is that, is that a fair thing to say?

21 I mean you would expect to have more DNA in a blood
22 sample than necessarily a touch DNA?

23 Is that fair?

24 A. I would, I would think that. But it depends on if the
25 blood has, you know, been left out in the heat or if it's

Laura Hash - Cross-examination
By Mr. Frick

1 degraded. So there's other factors that go into it. But a
2 fresh blood sample compared to a touch sample, I would
3 expect to find more DNA in the blood sample.

4 Q. Okay. And so, in this blood sample, we were able to
5 determine that it is, it is Billie Rogers like -- strong
6 likelihood it's Billie Rogers and an unidentified, related
7 (sic) individual?

8 Is that fair or is that what you said?

9 A. On the napkins, 19.1 and 19.2, it was a single source
10 DNA profile.

11 Q. It was a single source DNA profile.

12 A. Or are, are you on Item 19 or were you 18?

13 Q. No, I'm looking at -- I'm looking at 19 and then she---

14 A. Right.

15 Q. ---break it down into 19.1 and---

16 A. Yes.

17 Q. ---19.2.

18 A. Yes, that was a single source DNA profile, yes.

19 Q. Okay. Okay. Very good.

20 And then as we move on to 20 there, you, you saw that
21 there was DNA present. But the -- y'all have a certain
22 standard that you've got to reach. There's a threshold
23 level that you've got before you can report a result.

24 Is that correct?

25 A. That's correct.

Laura Hash - Cross-examination
By Mr. Frick

1 Q. And, in this one, it just -- you saw stuff but you
2 couldn't -- it didn't reach your threshold where you could
3 report it?

4 A. That's correct.

5 Q. Okay. And then, on 21, is that the same thing
6 basically?

7 A. Yes.

8 Q. Okay. Front screen door handle in 22 you were able to
9 develop.

10 Is that one a mixture?

11 A. Yes.

12 Q. This one is a mixture.

13 Okay.

14 A. It's a mixture of three individuals.

15 Q. Three individuals.

16 All right. And I know you've got, you've got four
17 different propositions you did on this one?

18 A. Five.

19 Q. Five.

20 Let's see. I knew roman numerals would come back and
21 bite me one day.

22 Okay. So five.

23 All right. But in Proposition 2, you say that it can
24 not be a mixture of the three samples. You've got Gene's --
25 Gene Alexander Scott, Rogers, Gene Rogers, and Billie

Laura Hash - Cross-examination
By Mr. Frick

1 Rogers.

2 Is that right?

3 A. That's correct. It can't be a combination of the three
4 of them.

5 Q. Okay. And is it fair to say the most likely one then
6 would be Proposition 3?

7 It's got the highest likelihood number?

8 A. It would depend. Your -- in the different proposition
9 sets, you're having to compare the different individuals.
10 So if you have one, two, and three, and they don't all go
11 together, then you have to go back and see if it could be a
12 combination of one and two, one and three, or two and three.
13 So that's what the other proposition sets are.

14 Q. Okay. But regardless of the way you arrange this,
15 what -- what you're saying in these five propositions is,
16 one, can not be a mixture of all three of the samples that
17 you've done, correct?

18 A. That's correct.

19 Q. It has to be a mixture of at least one of them and two
20 other individuals?

21 A. It could be a mixture of three individuals with each of
22 the individuals given an inclusionary likelihood ratio. It
23 also could be a mixture of Gene Scott and Gene Rogers. And
24 it could be a mixture of Gene Scott and Billie Rogers.

25 Q. But it's still a -- no matter how you look at it, it's

Laura Hash - Cross-examination
By Mr. Frick

1 a mixture of three individuals, correct?

2 A. That's right.

3 Q. So it -- whoever you put in this mixture, it can't be
4 the three you've got. So it's got to be at least -- let's
5 say two of them. But there's got to be one unidentified
6 person in this mixture?

7 A. Yes, there's at least one identified -- unidentified
8 individual in this mixture.

9 Q. Then, on 23, the, the door handle, it says it's, it's
10 too complex.

11 Does that -- so you got a mixture that we just talked
12 about that's got three individuals in it?

13 A. Yes.

14 Q. And that's fairly complex, isn't it?

15 A. We can interpret four person mixtures. We can't
16 interpret above that.

17 Q. Okay. So, what you're saying in this is complexity
18 means you got more than four contributors?

19 A. It could be that or it could be that the reporting
20 analyst, Ryan Dewayne, wasn't comfortable saying it was a
21 mixture of three or four individuals. She couldn't make
22 that determination.

23 Q. Okay.

24 A. There wasn't enough DNA present for her to, to
25 determine that.

Laura Hash - Cross-examination
By Mr. Frick

1 Q. But at the very least, it's a mixture of more than
2 three?

3 A. It could be a mixture of -- I'd have to go back and
4 look at the profile. It could be a mixture of two, three,
5 four, or more.

6 Q. Okay. All right. And, again, it may not just reach
7 that threshold there, right?

8 A. Right. Once you say due to the complexity, you're not
9 saying how many individuals are present. You're saying you
10 can't make that determination.

11 Q. All right. Twenty-four, the exterior front door
12 handle, this one, again, is a mixture, correct, of three?

13 A. Yes.

14 Q. Okay.

15 A. It's a mixture from three individuals.

16 Q. Okay. And, again, it -- there's got to be an
17 unidentified person in this one because Gene Alexander Scott
18 is excluded, correct?

19 A. Correct.

20 Q. Okay. And then the front door, interior front door,
21 again, this is -- is this one another mixture?

22 A. Item 25 --

23 Q. Yes, ma'am.

24 A. -- which are the swabs from the interior front
25 doorknob.

Laura Hash - Cross-examination
By Mr. Frick

1 Q. It's a mixture of three?

2 A. It, it is a mixture originating from three individuals.

3 Q. Okay. And, and just like the previous one, however you
4 slice it, there's got to be an, an un -- unidentified
5 contributor to this because Gene Alexander Scott is excluded
6 from this one, correct?

7 A. Right.

8 Q. And then the fingernail clippings, Number 29.1, and
9 I -- the solicitor may of clarified this. But just so I
10 have it straight.

11 You -- it, it came to you as one package in 29, right,
12 the -- I mean they're separated left-hand and right?

13 A. Right.

14 Q. But it's in one packet?

15 A. Yes. And then the analyst will subdivide it into 29.1
16 and 29.2 so we can give the different results for the
17 different hands.

18 Q. But, but you -- there's no -- if they'd of been
19 combined together, you couldn't of broken them apart so---

20 A. No, we would of run them as one item.

21 Q. Okay. So when you break it down as left-hand and
22 right-hand, you know you're dealing with left-hand and
23 right-hand?

24 A. As submitted, yes.

25 Q. And then, in 29.1, it says it's uninformative. So you

Laura Hash - Cross-examination
By Mr. Frick

1 just couldn't reach any kind of conclusion.

2 Is that fair?

3 A. No, it means that the likelihood ratio was one, which
4 means it was just as likely he's excluded as included.

5 Q. Okay. And then in the right-hand from Gene -- and this
6 is Gene Rogers.

7 From the right-hand from Gene Rogers, that one's a
8 single source?

9 A. Yes.

10 Q. Okay. Now, you didn't put a likelihood ratio on that
11 one?

12 A. No, because we're not gonna do a interpretation
13 comparing you to your own fingernail scrapings. We expect
14 you to be there, and if we don't develop a profile or any --
15 anything that's foreign to you, we won't do a statistic.

16 Q. Okay. So nothing -- so that means there was nothing
17 foreign under that then?

18 A. Correct. We refer to it as an intimate sample.

19 Q. Okay. All right. And then 30 we got the same thing.
20 You got the fingernail clippings from Billie Rogers and it's
21 broken down into the left in .1 and the right in .2.

22 Is that correct?

23 A. That's correct.

24 Q. And then .3.1, that's a single source belonging to
25 Billie Rogers?

Laura Hash - Cross-examination
By Mr. Frick

1 A. Correct.

2 Q. And then in 30.2, you got a mix on that one?

3 A. Yes, it was a mixture of two individuals.

4 Q. Two individuals.

5 And, in that one, did you include -- is Billie included
6 in that one?

7 A. Yes.

8 Q. Okay.

9 A. Billie Rogers is contributing to that mixture.

10 Q. Okay. But the other two folks you got, including Gene
11 Alexander Scott, is excluded.

12 So this has got to be another source that you just
13 don't have?

14 A. Yeah, Gene Scott and Gene Rogers are excluded.

15 Q. Okay. So this is another unidentified, unrelated
16 individual, correct?

17 A. Correct.

18 Q. All right. And then I'm, I'm gon' ask you -- okay.

19 Thirty-seven and 40, it was swabbed. Just no DNA was found.

20 Is that a fair statement?

21 A. I wouldn't say no DNA was found.

22 Q. Okay.

23 A. There was no profile developed. So, there could of
24 been DNA there. But we need a specific amount of DNA to
25 develop a profile from and there wasn't enough there.

Laura Hash - Cross-examination
By Mr. Frick

1 Q. So, again, it just didn't reach the threshold even to
2 make a report?

3 A. Correct.

4 Q. Okay. And then in 38.1, it's the trigger of Item
5 Number 38, it's another mixture, correct?

6 A. 38.1, swabs from the trigger of Item 38, it was a
7 mixture originating from two individuals.

8 Q. All right. And, again, Gene Alexander Scott is
9 excluded to that mixture, right?

10 A. Gene Scott and Billie Rogers are excluded as
11 contributors to the mixture.

12 MR. FRICK: Okay. Beg the Court's indulgence, Your
13 Honor.

14 THE COURT: Yes, sir.

15 (Pause.)

16 MR. FRICK: Thank you, ma'am. That's all the questions
17 I have.

18 THE COURT: Any redirect, solicitor?

19 SOLICITOR LIVELY: Just one question.

20 REDIRECT EXAMINATION

21 BY SOLICITOR LIVELY:

22 Q. If someone's wearing gloves, you're not gonna find
23 touch -- their touch DNA on a particular item that they
24 touch with those gloves on, correct?

25 A. Correct.

Laura Hash - Redirect examination
By Solicitor Lively

1 Q. Thank you.

2 No further questions.

3 THE COURT: Okay. You can step down, ma'am. Thank
4 you.

5 All right. Let me see the lawyers for just a minute
6 please.

7 (WHEREUPON, a bench conference was held out of the
8 hearing of the jury at this time.)

9 THE COURT: All right. Ladies and gentlemen, y'all
10 have worked very hard today. We're gon' go ahead and break
11 for the evening and I want you back here at 9:15 in the
12 morning, 9:15 in the morning, 9:15 in the morning and
13 they're gonna remind you as walk out the door.

14 Okay. All right. Have a good evening. Get some rest.
15 Thank you for your hard work. We'll see you in the morning.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 SOLICITOR LIVELY: Oh, yes, sir.

19 THE COURT: Let's see the lawyers back up here for just
20 a minute please.

21 (WHEREUPON, a bench conference was held at this time.)

22

23 (WHEREUPON, Court was in recess for the evening.)

24

25

Friday, May 17th, 2024

THE COURT: And let me just put on the record very briefly.

The forelady of the jury sent a note in the -- early this morning wanting a private conversation with me. I let the lawyers know of that request and it turned out really not to be anything major.

She just realized that one of the potential witnesses in the case, one of the family members maybe, she knew them as -- by a different name and that -- does not have a close personal relationship with them, knows them, speaks when they see each other. But that was the extent of it and she can still be fair and impartial.

Also she was a little uncertain how verdicts in criminal cases are announced in the courtroom and I explained to her the process there.

So, nothing major. No big deal. But -- and I let the lawyers know that and I just wanted to put that on the record.

Let me see the law --.

SOLICITOR SOPRANO-CESMAT: She said she'll be back in 20 seconds.

THE COURT: I'm gonna tell Candice it's like herding cats.

1 (Pause.)

2 THE COURT: All right.

3 SOLICITOR LIVELY: Thank you.

4 THE COURT: Okay. All right.

5 SOLICITOR SOPRANO-CESMAT: Thanks, judge.

6 THE COURT: All right. Let's bring the jury out
7 please.

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 THE COURT: Okay. Let the record reflect the jury's
11 back in.

12 Good morning, ladies and gentlemen. Hope you're doing
13 well.

14 Just for your information, our little juror yesterday
15 who got sick, turned out not to be food poisoning. It must
16 be some kind of a stomach bug, some virus. Hopefully hadn't
17 spread cause her daughter had to leave daycare early.

18 So, what, what her situation is, I know that that
19 bathroom, that one bathroom, got cleaned, disinfected. And
20 so we should be good there. Hopefully everybody's feeling
21 good and nothing has been, has been, has been spread around.

22 Okay. State ready?

23 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

24 The State would call Kim Johnson to the stand.

25 THE CLERK: Please state your full name.

Kim Johnson - Direct examination
By Solicitor Lively

1 THE WITNESS: Kim Johnson.

2 KIM JOHNSON, being first duly
3 sworn, testified as follows:

4 THE CLERK: This way.

5 THE WITNESS: Thank you.

6 DIRECT EXAMINATION

7 BY SOLICITOR LIVELY:

8 Q. All right. Good morning, Ms. Johnson.

9 A. Morning.

10 Q. would you tell us your full name and where you live?

11 A. My name's Kim Johnson. I live in Richburg.

12 Q. In, in Richburg.

13 All right. And how do you know or do you know Gene and
14 Billie Rogers?

15 A. Yes, I, I know Gene and Billie. Gene was married to my
16 Aunt Robin for a long time --

17 Q. A long time.

18 A. -- and Billie always was with Gene when they come to
19 the house for our holidays.

20 Q. All right. And when was the last time that you
21 actually saw Gene Rogers?

22 A. I seen him two weeks before he was killed at Bojangles
23 in Richburg.

24 Q. All right. Before I ask you about that, tell me about
25 the relationship between Gene and your Aunt Robin.

Kim Johnson - Direct examination
By Solicitor Lively

1 A. They were, they were divorced. But they were -- still
2 had a, a, a really good relationship. She would always take
3 the boys to Gene's, and even when Robin and Gene wasn't
4 together, Gene would bring the boys and Mrs. Billie to our
5 house for all the holidays. So, regardless, they was always
6 there.

7 Q. Okay. And did they spend the holidays with you in
8 December of 2019---

9 A. Yes.

10 Q. ---before their deaths?

11 All right. And when you say the boys, just for
12 clarification, who are you talking about?

13 A. That -- at that time -- the last Christmas it was
14 Michael and Bryson, the other grandsons.

15 Q. All right. Other grandsons.

16 All right. And would the defendant come to any of
17 those family events?

18 A. Yes, Alex had been to our holidays prior to, Easters,
19 all kind.

20 Q. Okay. And that would be when Gene and Billie were
21 present as well?

22 A. Yes, ma'am.

23 Q. Okay. Now, were you aware of the timing whenever Alex,
24 the defendant, actually got out of the military?

25 A. No, I wasn't.

Kim Johnson - Direct examination
By Solicitor Lively

1 Q. Okay. All right. So, you didn't know anything about
2 where he was living or what he was doing and -- but the few
3 months before Gene and Billie were killed?

4 A. No.

5 Q. At the time you said that you had run into Gene at
6 Bojangles a couple of weeks before he was killed.

7 Tell the -- well, first of all, what kind of person was
8 Gene?

9 A. Gene was a, a loving family guy. I mean he, he always
10 tried to brighten your day, and when he talked to you, once
11 he, he got saved, he was always talking to you about the
12 Lord, how good the Lord was, asking you if there's anything
13 he could do for you. Gene would give you the shirt off his
14 back.

15 Q. And was he a very -- was he kind of an introvert or was
16 he someone who was very open?

17 A. Gene was really opened. You could, you could always
18 tell he was always in a good mood and he was always trying
19 to help somebody and he always talked about his family.

20 Q. Now, was there anything that really stands out in your
21 mind then about that meeting two weeks before he was killed?

22 A. When I met Gene -- well, I had run into him at the
23 Bojangles, he -- Gene seemed really worried. He wasn't as
24 happy, outgoing self. He seemed like something was really
25 bothering him and --.

Kim Johnson - Direct examination
By Solicitor Lively

1 Q. Did you talk to him about it?

2 A. Yeah. He -- it, it started off like he, he was asking
3 me how my family was and then we talked about that. And
4 then he had just told me that he had just give Alex \$90,000
5 and he was upset with the way things were going.

6 Q. All right. And he was upset with the way things are --
7 were going.

8 Did he tell you anything about what the defendant was
9 doing with that money or if it was a business?

10 I mean I don't -- if you don't -- if that's all he told
11 you---

12 A. He---

13 Q. ---that's fine.

14 A. No, he didn't go into like what was happening. You
15 could just see that Gene wasn't happy about the \$90,000. He
16 wasn't.

17 Q. Okay. All right. And that was two weeks before?

18 A. Two weeks before.

19 Q. Okay. And was that the last time that you actually
20 ever saw or spoke with him?

21 A. Yes.

22 Q. Now, on the day of, of, of Billie and Gene's bodies
23 being found, tell the jury how you found out about that.

24 A. I received a call from---

25 Q. And was it from a friend or a family member?

Kim Johnson - Direct examination
By Solicitor Lively

1 A. It was from my, my aunt.

2 Q. Okay. So, a family member?

3 A. Uh-huh. (Affirmative).

4 Q. All right. And after you got that phonecall, did you
5 actually reach out to law enforcement?

6 A. I did.

7 Q. Okay. And you can't tell me everything that you said
8 but just what -- why were you calling to -- were you calling
9 to get confirmation or some information or what?

10 A. I, I was calling just to kind of -- cause it, it was,
11 it was sitting on my spirit, spirit how I had seen Gene two
12 weeks before and how he was talking about the money with
13 Alex and it -- I just felt like I needed to call and just
14 ask the, the police if they could at least just look into
15 Alex is why I called just cause that's just -- I had that
16 gut feeling.

17 Q. Okay. That's fine.

18 And did you actually ever come in and give a statement
19 or any type of a recorded or written statement for law
20 enforcement?

21 A. No.

22 Q. All right. So, was that one call that you made that --
23 to 9-1-1 the only contact that you really had with any type
24 of law enforcement?

25 A. Yes.

Kim Johnson - Direct examination
By Solicitor Lively

1 Q. And since that time, have you had any other
2 conversations with law enforcement or, or written any
3 statements out about it?

4 A. Just before the trial, I had a, a detective call me --

5 Q. Okay.

6 A. -- and that was it. But I haven't had any written
7 statements at all.

8 Q. Okay. All right. Thank you so much, Ms. Johnson.
9 Answer any questions the defense may have for you.

10 THE COURT: Cross examination.

11 CROSS-EXAMINATION

12 BY MR. FRICK:

13 Q. Good morning, Ms. Johnson.

14 A. Good morning.

15 Q. You, you said this was a couple weeks before and---

16 A. Uh-huh. (Affirmative).

17 Q. ---and I know you didn't mark it down on your calendar.

18 A. Hu huh. (Negative).

19 Q. But do you have any idea a little more approximately
20 how long ago it was?

21 A. No, it's, it's been four years. I mean I knowed it was
22 two'ish maybe cause it was -- we were actually on the river
23 for Father's Day. So I -- it was right at two weeks.

24 Q. Okay. So after Father's -- oh, well --.

25 A. It was before.

Kim Johnson - Cross-examination
By Mr. Frick

1 Q. Before Father's Day?

2 A. The Father's Day.

3 Q. So maybe about two weeks before?

4 A. Uh-huh. (Affirmative).

5 Q. Okay. And Gene didn't tell you anything specifically
6 that made you nervous?

7 You just, you just thought his demeanor was a little
8 different?

9 A. No. No, he didn't tell me nothing specific except he
10 said that he had give Alex the money and Gene wasn't acting
11 like normal Gene. Gene was---

12 Q. Gotcha.

13 A. ---totally different.

14 Q. Okay. Okay. But I mean he didn't say anything
15 specific that made him nervous about---

16 A. No.

17 Q. ---it?

18 A. No.

19 Q. That was just your impression?

20 A. That was my impression.

21 Q. Okay. And I, I think you said you had seen Alex at
22 some father -- family gatherings.

23 A. Uh-huh. (Affirmative).

24 Q. But you never really had any interaction with him?

25 A. No, we would -- I mean Gene would bring him and he

Kim Johnson - Cross-examination
By Mr. Frick

1 would go out there and play with the kids and we would all
2 be around. But, no, I didn't hang out with Alex. He was
3 younger than me.

4 Q. Okay. Okay. So you didn't really know a whole lot
5 about him?

6 A. Yes.

7 Q. I mean you knew of him but didn't---

8 A. I knew of him.

9 Q. All right. And then when you made the call to law
10 enforcement, did they say they would have an investigator
11 follow-up with you?

12 A. They did.

13 Q. Did an investigator ever follow-up with you?

14 A. Someone called and I told them exactly what I had heard
15 --

16 Q. Right.

17 A. -- and that was it.

18 Q. Okay.

19 All right. Beg the Court's indulgence.

20 (Pause.)

21 MR. FRICK: Thank you, ma'am. That's all the questions
22 I have.

23 THE COURT: Anything in follow-up?

24 SOLICITOR LIVELY: No, Your Honor. Thank you.

25 THE COURT: You can step down, ma'am. Thank you.

Matthew Wright - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: The State calls Matthew Wright to
2 the stand.

3 THE CLERK: Please raise your left-hand. State your
4 full name.

5 THE WITNESS: Matthew Wright.

6 MATTHEW WRIGHT, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR LIVELY:

10 Q. Good morning, Mr. Wright.

11 A. Good morning.

12 Q. Could you please tell the jury some of your background
13 and education and experience?

14 A. Yes.

15 I have a Bachelor's Degree in accounting from
16 Charleston Southern University in 2004, and for at least the
17 last 18 years have been involved in, to put it shortly,
18 financial analysis --

19 Q. Financial analysis?

20 A. -- and forensic accounting.

21 Q. All right. And is the reason -- do you remember that I
22 actually reached out to you from the Solicitor's Office to
23 review multiple different accounts and financial information
24 from this particular case?

25 A. Yes, ma'am.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. All right. And, in your experience, as I guess you
2 said in accounting and general accounting and financial
3 analysis, would this be right up your alley in regards to
4 your qualifications and your education and your experience?

5 A. Yes, ma'am.

6 Q. All right. And in regards to the financial records
7 that you reviewed, were you actually able to provide us with
8 documentation and an opinion as to, as to what those records
9 were and kind of lay it out for the jury so they could
10 understand?

11 A. Yes, ma'am, I was.

12 SOLICITOR LIVELY: Okay. Your Honor, at this time the
13 State would offer Mr. Matthew Wright as an expert in
14 forensic accounting.

15 MS. BOULWARE: Objection as previously ruled.

16 THE COURT: Oh, subject to previous matters already
17 placed on the record, the Court finds that Mr. Wright is an
18 expert in the area of forensic accounting and financial
19 analysis.

20 SOLICITOR LIVELY: Thank you, Your Honor.

21 Now, Mr. Wright, before we get into your, your final
22 presentation that you've provided to me, let's just talk a
23 little bit about the information you had to gather.

24 Okay. In regards to this particular case, were you
25 given the names of individuals whose financial records were

Matthew Wright - Direct examination
By Solicitor Lively

1 relevant?

2 A. Yes, ma'am.

3 Q. Okay. Was, was one of them the defendant, Alex Scott?

4 A. Yes, it was.

5 Q. And his legal name is Gene Alexander Scott, correct?

6 A. That's correct.

7 Q. All right. So we have Gene Alexander Scott and then
8 what about Gene Rogers?

9 A. Yes.

10 Q. And did you get the financial information on him as
11 well?

12 A. Yes.

13 Q. What were the difference accounts that you were able to
14 receive that involved Gene Alexander Scott?

15 A. I received and reviewed a Navy Federal checking
16 account, a Navy Federal line of credit account, a -- and
17 then a business bank account that Mr. Scott was a signor on
18 at Bank of America for Legions International, LLC.

19 Q. All right. Legions International, LLC.

20 Now, before -- when you got involved in the case, were
21 you aware of the fact that the defendant had supposedly
22 started a business right after he got out of the Marines?

23 A. I was not aware of that fact until --

24 MS. BOULWARE: Judge?

25 MR. FRICK: Judge, can we --?

Matthew Wright - Direct examination
By Solicitor Lively

1 THE COURT: I'm sorry.

2 MS. BOULWARE: May we approach?

3 I'll approach.

4 SOLICITOR LIVELY: Okay.

5 (WHEREUPON, a bench conference was held out of the
6 hearing of the jury at this time.)

7 THE COURT: Ladies and gentlemen, that, that bug
8 potentially has now gotten to the defendant. We were made
9 aware that he was not feeling well today. So we, we may --
10 we're gonna have to have some interruptions because of his,
11 his not feeling well.

12 So, just kind of keep your seat and let's kind of
13 really monitor the situation and see what -- how, how he
14 does.

15 Okay?

16 (Pause.)

17 MR. FRICK: Your Honor, may I pour some water?

18 THE COURT: Yeah. Yeah.

19 (Pause.)

20 THE COURT: Let me just ask, is everybody feeling okay
21 on the jury?

22 No?

23 (WHEREUPON, there was no audible response.)

24 THE COURT: All right. Ladies and gentlemen, let's
25 just go back to the jury room and we'll keep a check on

Matthew Wright - Direct examination
By Solicitor Lively

1 Mr. Scott to see how he's doing and we'll, we'll proceed in
2 whatever manner we need to.

3 okay?

4 (WHEREUPON, the following takes place outside the
5 presence of the jury.)

6 THE COURT: We're back on the record.

7 Mr. Frick, you want -- before I examine Mr. Scott, do
8 you want to tell me kind of where we are?

9 MR. FRICK: Judge, Mr., Mr. Scott did, after he exited
10 the courtroom, he, he, he did get sick back there. We've
11 been -- we had the nurse come check him out. He does seem
12 to be ill and unable to go forward today with the trial.

13 But we have talked to him about the option of going
14 forward without his presence. He's indicated to me and Ms.
15 Boulware that he is fine with going forward today. I do
16 think we were going to kind of hash out the---

17 MS. BOULWARE: Oh, certainly---

18 MR. FRICK: ---the witnesses that we're gon' do. But
19 that is the conversation we have.

20 THE COURT: Okay.

21 All right. Mr. Scott, would you stand and let me just
22 swear you in?

23 (WHEREUPON, the defendant was placed under oath at this
24 time.)

25 THE COURT: Okay. Is, us it your decision, because of

Matthew Wright - Direct examination
By Solicitor Lively

1 your illness, to waive your presence here today and just
2 leave it up your very capable attorneys?

3 THE DEFENDANT: Yes, Your Honor. I trust them
4 continuously.

5 THE COURT: Okay. Has that decision been made by you
6 voluntarily?

7 THE DEFENDANT: Yes.

8 THE COURT: And you've been informed as far as the plan
9 of the State as far as what witnesses are going forward
10 today?

11 THE DEFENDANT: Yes, we've been -- we've talked about
12 it.

13 SOLICITOR LIVELY: The State hasn't, Your Honor.

14 MS. BOULWARE: I -- I'd still need to let her know what
15 we've agreed to.

16 SOLICITOR LIVELY: Yeah.

17 MS. BOULWARE: I can do that on the record or let's---

18 MR. FRICK: Well, let's do that.

19 THE COURT: Well, let's go ahead and do it on the
20 record. Sure.

21 MS. BOULWARE: Okay. The witnesses that he would agree
22 to waive his presence for today are Agent Wright --

23 THE COURT: Right.

24 MS. BOULWARE: -- the Devlin, the phone expert.

25 MR. FRICK: Devlin.

Matthew Wright - Direct examination
By Solicitor Lively

1 MS. BOULWARE: Robin Furr. And if we can get Megan.

2 SOLICITOR LIVELY: Eichenmiller.

3 MS. BOULWARE: -- Eich -- yeah, from SLED.

4 SOLICITOR LIVELY: I don't know.

5 MS. BOULWARE: If you can, that's fine.

6 SOLICITOR LIVELY: I don't know.

7 MS. BOULWARE: If not, but he---

8 THE COURT: Yeah.

9 MS. BOULWARE: ---would waive that as well.

10 THE COURT: All right. Is that your understanding,
11 Mr. Scott?

12 THE DEFENDANT: It is, Your Honor.

13 THE COURT: Okay. All right. Well, thank you very
14 much.

15 SOLICITOR LIVELY: I'm sorry. Hold on. I thought---

16 MS. BOULWARE: Excuse me. We had one more. Paul
17 Rogers --

18 SOLICITOR LIVELY: Okay.

19 MS. BOULWARE: -- he was fine with waiving his
20 presence.

21 THE COURT: Very good.

22 Okay. All right. They -- well, somebody take him back
23 to the detention center. I hope you get to feeling better
24 and we'll see you on Monday.

25 okay?

Matthew Wright - Direct examination
By Solicitor Lively

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Bring the jury in.

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: All right. Ladies and gentlemen, Mr. Scott
6 has, has agreed to not remain in attendance today, which is
7 his right to do because the defendant has no burden of proof
8 in this case or in any criminal case. So, he has agreed
9 that -- go back and leave here and try to get well and come
10 back, come back Monday.

11 So, he is trusting his attorneys and has left it in
12 their hands. So that's why he's not seen here today.
13 Hopefully he can get through this little bug or whatever he
14 may of had.

15 Okay. All right. Now we've already sworn Mr. Wright
16 in and kind of got started with his testimony and thus -- so
17 I'll turn it over to you, solicitor.

18 SOLICITOR LIVELY: Thank you, Your Honor.

19 CONTINUED DIRECT EXAMINATION

20 BY SOLICITOR LIVELY:

21 Q. All right. Now, Mr. Wright, we were talking about the
22 fact that, that you were contacted by our office to do a
23 financial analysis of all the records. I believe you had
24 started testifying about you got the records of the
25 Defendant Scott. You included all of the accounts. I think

Matthew Wright - Direct examination
By Solicitor Lively

1 you had just said Bank of America on his Legion
2 International, LLC.

3 was that right?

4 A. Yes, ma'am.

5 Q. I think that was the last thing you said.

6 A. Okay.

7 Q. And you mentioned that he also had a Navy Federal
8 Credit Union --

9 A. That's correct.

10 Q. -- bank account.

11 was that his longest standing account that you found?

12 A. Yes, ma'am.

13 Q. All right. And were there any other accounts for the
14 Defendant Scott that you found?

15 A. No, ma'am.

16 Q. Okay. So those were his.

17 what about Gene Rogers?

18 what his account -- just like bank account that he had?

19 A. He had a First Citizens checking account.

20 Q. First Citizens checking account.

21 Now, other than his First Citizens checking account,
22 that being Mr. Rogers, did you also look into his Airgas,
23 his Airgas information regarding retirement and, you know,
24 life insurance policies, his 401(k) if he had one?

25 Did you have the opportunity to also review that type

Matthew Wright - Direct examination
By Solicitor Lively

1 of information?

2 A. Yes, ma'am.

3 Q. And in reviewing all of that, did you actually prepare
4 a report that had all of the findings from all of these
5 accounts that you reviewed?

6 A. Yes, ma'am, I did.

7 Q. All right. Now, specifically when we discussed this
8 case with you, did we ask you to isolate a timeframe so we
9 weren't going all the way back into records that may not be
10 relevant to this particular case?

11 A. Yes, ma'am.

12 Q. All right. About what was the timeframe, if you
13 recall, that we asked you to isolate those records?

14 A. I received records sometimes dating back even to 2016
15 from the banks. I focused my review mainly in 2020 at a
16 very more zoomed in level of 2020 but also took into account
17 some transactions of Mr. Scott through 2019 -- from July of
18 2019 forward.

19 Q. Okay. All right. So we'll actually discuss that a
20 little bit.

21 But I'm gonna show you what's marked as State's Exhibit
22 No. 188 and ask you if you recognize this, that this is the
23 report that we asked you to prepare for the trial of this
24 case?

25 A. Yes, ma'am.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. Okay. And is that an accurate representation of all of
2 the information that you gathered and summarized and put
3 into that report in order to present this to the jury today?

4 A. Yes, ma'am.

5 SOLICITOR LIVELY: All right. Your Honor, the State
6 would move State's No. 188 into evidence at this time.

7 MS. BOULWARE: Objection as previously made.

8 THE COURT: All right. Matters already on the record
9 --

10 MS. BOULWARE: Yes, sir.

11 THE COURT: -- 188 into evidence for the State.

12 SOLICITOR LIVELY: Thank you, Your Honor.

13 (WHEREUPON, State's Exhibit No. 188 was received into
14 evidence at this time.)

15 SOLICITOR LIVELY: And, at this time, the State would
16 publish this to the jury and ask that -- to assist the
17 witness in being able to present this information.

18 THE COURT: He pretty -- will be testifying from his
19 report?

20 Is that correct?

21 SOLICITOR LIVELY: Yes, sir, he has a copy of his own.
22 I've got a copy but I'm also gonna place it on here---

23 THE COURT: Sure.

24 SOLICITOR LIVELY: ---for the jury to follow along,
25 Your Honor.

Matthew Wright - Direct examination
By Solicitor Lively

1 THE COURT: Okay.

2 SOLICITOR LIVELY: Okay.

3 All right. Now, Mr. Wright, we're gonna start out --
4 this is your financial analysis. Let me go ahead and move
5 this.

6 These -- are these the records that you were telling us
7 that you actually reviewed that's in your first slide?

8 A. Yes, ma'am.

9 Q. Okay. So, once again, we've already kind of discussed
10 the -- Mr. Rogers, who is the victim in this particular
11 case, his checking account and then the other information
12 that you received, correct?

13 A. That's correct.

14 Q. All right. Now we're going to our next slide here.
15 Tell us what it is that you're showing the jury here.

16 A. Yes, ma'am.

17 On, on January 4th, 2020, Mr. Gene Rogers took a
18 distribution from his 401(k), which is his, his retirement
19 funds that he had invested into many years prior. The total
20 distribution that he took was \$120,000 and because that
21 is -- that's, that's a policy where he's not paid any tax on
22 so far. So tax had to come out of that.

23 So his employer withheld \$24,000 of federal tax and
24 \$5,000 of state tax. So, the, the actual payment was not
25 \$120,000 to Mr. Rogers. He received a check from T Rowe

Matthew Wright - Direct examination
By Solicitor Lively

1 Price around January 4th, 2020, for \$91,000.

2 Q. Okay. All right. So, the \$91,000 that he received on
3 January 4th of 2020, is this -- what did he end up doing
4 with that particular check that he got?

5 A. He deposited it to his First Citizens checking account.

6 Q. All right. And the date for that is January 8th,
7 2020?

8 A. That's correct.

9 Q. All right. Now, in regards to what we're talking about
10 here with the, with the life insurance, is this something
11 else that, that we asked you to look into that you've
12 testified about?

13 A. Yes, ma'am.

14 Q. All right. So tell us what it is that you learned by
15 going into his work information about the life insurance.

16 A. Yes, ma'am, I reviewed information that was provided by
17 Airgas. Some of that also through Hartford, which was the
18 Airgas policy for life insurance, and that Mr. Rogers did
19 have two types of life insurance, the basic life insurance
20 that was offered to him and all employees from Airgas for
21 \$50,000 in a basic accidental death and dismemberment for
22 \$50,000.

23 Q. Okay.

24 A. Then he paid an additional premium out of his pay that
25 was assumingly deducted from his paycheck for supplemental

Matthew Wright - Direct examination
By Solicitor Lively

1 life and supplemental accidental death and dismemberment.

2 Each of those were \$296,000 for a total of \$692,000 of life
3 insurance.

4 Q. Okay. And would that be the amount that was the pay to
5 beneficiaries amount at the time of you reviewing this
6 information that would of been paid out at his death?

7 A. That's correct.

8 Q. All right. And what was that last bullet point that
9 you have here under the life insurance summary?

10 A. Yeah, this is an employer sponsored group term life
11 insurance policy, which means that, when the employee leaves
12 employment, their life insurance is terminated or
13 discontinues. And if there's a death of that individual
14 after employment, there would be no life insurance pay out.

15 Q. Okay. All right. So, once he retired, that policy
16 would no longer be in effect?

17 A. That's correct.

18 Q. All right. And whenever you looked at the -- that
19 information, were you able to determine who the
20 beneficiaries of that particular life insurance policy with
21 his company who those people were?

22 A. Yes, ma'am. The beneficiaries were Aaron W. Scott. He
23 was a 50 percent beneficiary. And the second beneficiary
24 was Gene Alex Scott or Alex Scott.

25 Q. All right. And, and you stated -- you actually broke

Matthew Wright - Direct examination
By Solicitor Lively

1 it down for us.

2 How much would each receive upon Mr. Gene Rogers death
3 if he died before he retired?

4 A. \$346,000 per beneficiary.

5 Q. Okay. Now, did -- we've already had testimony, I know
6 you weren't here, from the HR director, Ms. Amy Thorpe.

7 were you able to determine whether or not this
8 particular policy would pay out if he was murdered?

9 A. Yes.

10 Q. Yes. Okay.

11 A. I did determine that.

12 Q. All right.

13 A. It'd be under the accidental death and dismemberment
14 policy.

15 Q. Thank you for clarifying.

16 A. Yes.

17 Q. Okay. So, under the accidental, it would be included
18 as murder.

19 All right. Now, known bank accounts you've got for the
20 defendant, Mr. Gene Alex Scott.

21 okay. You've already told us the ones that you've
22 looked at.

23 Give us the -- just the general information of, of what
24 each one of these are.

25 A. Yes, ma'am, there's a Navy Federal Credit Union general

Matthew Wright - Direct examination
By Solicitor Lively

1 checking account. It was also backed up by a checking line
2 of credit. May be easier said or more understandable is
3 a -- an overdraft account --

4 Q. Okay.

5 A. -- and it -- those accounts ended in 1258. Those were
6 Navy Federal Credit Union accounts for Mr. Scott.

7 Q. Okay.

8 A. He also had the -- I say he. There is a bank account
9 for Legion International, LLC, which is a limited liability
10 company. That was at Bank of America. Last four of the
11 account number are 5820 and information obtained or that I
12 reviewed through Bank of America indicated that Alex
13 Scott -- it says Gene Scott -- but the information was Al --
14 for Alex Scott as a signor on that account.

15 Q. A signor on the Legion International Bank of America
16 account?

17 A. The sole signor.

18 Q. The sole---

19 A. Yes, ma'am.

20 Q. ---signor.

21 okay. Thank you.

22 Now, when we were talking about Legion International
23 and this being the defendant's corporation, did I ask you to
24 find out if you could get any information about whether or
25 not it had been registered in South Carolina and all the

Matthew Wright - Direct examination
By Solicitor Lively

1 other things that you would do for a corporation?

2 A. Yes, ma'am.

3 Q. Okay. And what did you find out?

4 A. I found out that Legion International, LLC was
5 registered with the South Carolina Secretary of State on
6 March 30th, 2020. Supporting documents through the
7 Secretary of State indicated that it was registered with the
8 assistance and/or the use of a registered agent of
9 LegalZoom.

10 Q. Okay. All right. So there was actually an LLC in
11 place?

12 A. That's correct.

13 Q. All right. And when you discovered this Bank of
14 America account or when you looked through the records on
15 that for Legion International, were you able to see when
16 monies were actually placed into this account?

17 A. Yes, I was.

18 Q. All right. And, and tell us what we're seeing here on
19 the screen regarding monies that you're seeing in that
20 account.

21 A. Yes, ma'am.

22 On April 1st, 2020, the Legion International bank
23 account was opened at Bank of America. It was a business
24 account. It was funded with one deposit of \$300.00.

25 Q. Okay. And that's April 1st, 2020?

Matthew Wright - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. And I know we're gonna get into this in just a minute
3 but were you able to determine -- first of all, did Gene
4 Rogers, our victim in this case, give monies to the
5 defendant, Alex Scott, from that \$91,000 he got out of his T
6 Rowe account?

7 A. Yes, he did.

8 Q. All right. And I know we're gonna get to that. But I
9 just want to go ahead and ask for purposes of timing.

10 when did he actually receive that money, the Defendant
11 Scott?

12 A. It was approximately January 17th, 2020.

13 Q. 2020?

14 A. Yes, ma'am.

15 Q. Okay. All right. And then -- so, for his corporation,
16 this is showing April 1st, 2020, \$300.00 in the account?

17 A. That's correct.

18 Q. All right. Just wanted to be sure.

19 Now -- and here we're seeing the -- a transaction on
20 here.

21 what is this debit card transaction?

22 A. Yes, ma'am, I was able to identify how the Bank of
23 America Legion International account was funded. It came
24 from a, a debit card transfer essentially from Alex Scott's
25 Navy Federal account into the Bank of America account. So

Matthew Wright - Direct examination
By Solicitor Lively

1 the screenshot or the snip that we see here is from a Navy
2 Federal bank statement for Mr. Scott showing \$300.00
3 transferred by debit card to Bank of America which then
4 matches the date when we also see that corresponding
5 transaction into the Bank of America Legion International
6 account.

7 Q. Okay. All right. So he's transferred some money from
8 his account he'd had for a long time when he was in the
9 Marines into this new LLC?

10 A. That's correct.

11 Q. All right. \$300.00.

12 Okay. So, now, back to what I was just kind of, you
13 know, having you talk to the jury about. Let's look at the
14 next bit of information.

15 What are we seeing in this particular slide that is
16 entitled payments to Gene Alex Scott?

17 A. Yes, ma'am, these are, are two separate checks that
18 were handwritten from Mr. Gene Rogers checking account at
19 First Citizens payable to Gene A. Scott. One check, 2079,
20 was for \$5,000. Check number 2080 was for \$81,000. Again,
21 both paid to Mr. Scott.

22 Q. Okay. And once you were able to find these particular
23 checks to the Defendant Alex Scott, did you also -- were you
24 able to track where those deposits -- if those checks were
25 deposited and where?

Matthew Wright - Direct examination
By Solicitor Lively

1 A. Yes, ma'am. Those -- the -- both checks were deposited
2 in one deposit. They were combined together for one deposit
3 into Mr. Alex Scott's Navy Federal bank account.

4 Q. So, in the Navy Federal bank account?

5 A. Navy Federal Credit Union --

6 Q. Federal Credit Union.

7 A. -- checking account.

8 Q. Okay.

9 A. Yes, ma'am.

10 Q. And did his balance increase any other than that
11 \$300.00 that was put into his account for the company of
12 Bank of America at that time?

13 A. For the Legion International account, there was no
14 other activity. There were no other deposits that I could
15 identify into the Legion International bank account and
16 there were no expenses in that account other than monthly
17 bank fees, which eventually exhausted the \$300.00 that was
18 or nearly, you know, used all of the money that was in that
19 account. So, it was an account that was funded once and no
20 further transactions seen.

21 Q. Okay. That was gonna -- I was gonna ask you were there
22 any more deposits made into that Bank of America account on
23 behalf of Legion Internationals?

24 A. None that I'm aware of.

25 Q. Okay. None through what you was -- in reviewing all of

Matthew Wright - Direct examination
By Solicitor Lively

1 the records---

2 A. Yes, ma'am.

3 Q. ---correct?

4 A. That's correct.

5 Q. All right. All right. So, what is it that we're
6 seeing in this particular graph here?

7 A. Yes, ma'am, this is a, a chart of the daily balances as
8 reported on the Navy Federal Credit Union monthly statements
9 and it starts in July, 2019, and then it goes through August
10 of 2020. And what this reflects is a, a daily balance as we
11 see from the bank statement to show changes in the balance
12 as we see a significant increase with, with the checks that
13 we just saw. And then shows a, a downward trend of balances
14 going down through the end of August, 2020.

15 Q. Okay. And so, the spike or the, the highest amount
16 would be those two checks that you've just now testified to
17 which were the 81,000 plus the 5,000, correct?

18 A. Yes, ma'am.

19 Q. That he put into his Navy Federal Credit Union?

20 A. That's correct.

21 Q. All right. So -- and then through the -- what you're
22 showing with it going down, by the time we get to June of
23 2020, it's, it's pretty much what is at that, at that level?

24 I mean you're -- what's the bottom level cause I see---

25 A. Yeah.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. ---you're down like 10,000, 20,000, 30,000?

2 A. It gets as low as zero dollars.

3 Q. Okay.

4 A. Yes, ma'am.

5 Q. And in this particular graph here where you're showing
6 I think a little bit more specific, which is what I was just
7 asking you---

8 A. Yes, ma'am.

9 Q. ---as to the amount of money that we're looking at,
10 could you explain to us what that particular graph is
11 showing us?

12 A. This is the same data that we saw in the, in the more
13 zoomed out version of this. But this is focused on June and
14 July of 2020 of the daily balances.

15 Q. Okay. All right. And there -- at this point, in
16 looking at the dates, we're seeing a, a real drop right
17 around June the 7th of 2020.

18 Do you have or did you review the information to
19 determine how much money was in his account on June the
20 7th of 2020?

21 A. Yes, ma'am, I can say with certainty on June 8th --

22 Q. Eighth.

23 Okay.

24 A. -- the, the balance was \$3.00 in that account.

25 Q. Three dollars.

Matthew Wright - Direct examination
By Solicitor Lively

1 Okay. And then I see, and the jury can see too, that
2 there's actually a spike up to about \$2,500 like right at
3 that time of the \$3.00 balance?

4 A. Yes, ma'am.

5 Q. Is that correct?

6 A. That's correct.

7 Q. Now, does this slide show that he actually received
8 additional funds?

9 A. Yes, it does.

10 Q. All right. And tell us what that check shows to us.

11 A. On June 8th, 2020, Mr. Gene Rogers issued one check
12 to Gene Alex Scott for \$2,500. It was check number, excuse
13 me, two thousand -- 2092 again from Mr. Rogers First
14 Citizens bank account.

15 Q. All right. And where did he deposit this?

16 was it into his Legion International or was it into his
17 personal Navy Federal Credit Union account?

18 A. It was into his Navy Federal Credit Union account.

19 Q. All right. And so that would be the spike that we had
20 just -- we were seeing there, which would be at the same day
21 basically that it started out as \$3.00?

22 A. That's correct.

23 Q. All right. All right. Now, what is the purpose of
24 this graph that you're looking at here?

25 It's, it's labeled monthly spending, Navy Federal

Matthew Wright - Direct examination
By Solicitor Lively

1 Credit Union.

2 A. This is the total of monthly spending that was observed
3 in the Navy Federal Credit Union account.

4 Q. Okay.

5 A. Just essentially the, the easiest way to say it is, is
6 money that was spent from the account.

7 Q. Okay. Got it. And so you've got two different years
8 here.

9 In 2019, why did you take that -- why did you put that
10 amount in there for us to look at and, and then give us
11 2020?

12 A. Right.

13 Q. What's the purpose of that?

14 A. Yeah, I, I went back 12 months prior to him receiving
15 the \$86,000 so I could get an, an idea of general spending
16 that was observed in those accounts.

17 Q. All right. Okay. So, in 2019, what was the -- what
18 was his spending total?

19 A. The total spending in 2019 was \$43,610.98.

20 Q. Okay. And then the spending total that you had for
21 2020, what was that?

22 A. \$101,357.83 and that goes through August of 2020.

23 Q. So, that's not even for the full year like in 2019,
24 correct?

25 A. Yes, ma'am.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. All right. So, you just -- and, by August, he had
2 spent 101 plus thousand dollars?

3 A. Yes, ma'am.

4 Q. Okay. So, once again, in looking at the deposits and
5 spending of the defendant around this time, was all of this
6 money flowing through one account?

7 A. Yes, ma'am.

8 Q. And that was the Navy Federal Credit Union account?

9 A. That's correct.

10 Q. All right. So, tell us about the deposits that we're
11 seeing here. I mean what that grand total was.

12 A. The total amount deposited from in the months that we
13 observed in 2020, again January through August, was
14 \$98,981.48.

15 Q. All right. And then I see where you've actually got a,
16 a chart where we have specific itemized types of spending
17 that you've put into that particular information.

18 Tell us how you came up with those, those itemized
19 items.

20 A. Yes, ma'am, I reviewed who the payee or who the, the
21 business, the individual, wherever the money was spent to
22 and---

23 Q. Okay.

24 A. ---tired to make the best informed opinion of a
25 generally accepted category of spending that would be

Matthew Wright - Direct examination
By Solicitor Lively

1 familiar and understandable for analysis to, to give an, an
2 overview of spending --

3 Q. Okay.

4 A. -- history over 2020.

5 Q. And at -- in our discussions about the specifics of
6 this particular case and Legion International, LLC, and the
7 purpose of the defendant's business as he claimed, did I ask
8 you to specifically pull out information that dealt with
9 firearms and any other type of potential tactical weaponry
10 and for you to determine how much money he had spent on
11 something like that?

12 A. Yes, ma'am.

13 Q. All right. And so is that your first column -- I mean
14 the first item that we see there?

15 A. That's correct.

16 Q. Okay. So, out of the \$84,000, he spent how much on
17 firearms and tactical?

18 A. \$15,930.65.

19 Q. All right. And were you able to actually show some of
20 the items that he purchased or firearm -- in your firearms
21 and tactical itemizations?

22 A. I was.

23 Q. All right. So let's see that and you've broken that
24 part down for us.

25 All right. So, is this that \$15,000 that you just now

Matthew Wright - Direct examination
By Solicitor Lively

1 had totaled on the former page?

2 A. Yes, ma'am.

3 Q. Okay. So -- and I -- during this time in -- that you
4 looked at, what was the, the timeline for when he started
5 buying these items up until the last time he bought
6 something?

7 A. January 15th through June 1st, 2020.

8 Q. And on the ones that had larger purchases like I'm, I'm
9 looking at April 16th, 2020, were you able to actually see
10 what those items were from Shooter's Choice?

11 A. Yes, I know they're -- that, that a receipt was
12 obtained. I reviewed it. I, I could not testify to the
13 specifics of that receipt now. But it was firearms and/or
14 ammunition.

15 Q. All right. So it's just very basic firearms and
16 ammunition?

17 A. That's correct.

18 Q. So that's the reason why that's listed here in this
19 particular chart?

20 A. Yes, ma'am.

21 Q. All right. Thank you.

22 Now we go to the next page here and what is this that
23 we're looking at for February of 2020?

24 A. These were multiple transactions to Quan (phonetic)
25 West Columbia and were, were high dollar transactions and

Matthew Wright - Direct examination
By Solicitor Lively

1 saw -- stuck out as larger dollar amounts, shortly, you
2 know, within a month after receiving the funds that he
3 received. So was able to identify that Quan West Columbia
4 was Platinum West, which I categorized based on what I knew
5 that business to be as adult entertainment.

6 Q. Okay. And was one of the questions what was Quan West
7 Columbia to try to determine what -- where all that money
8 had been spent?

9 A. Yes.

10 Q. Okay. And, and were you able to actually confirm -- in
11 regards to that money, was it money that was -- like did
12 he -- was it done through an ATM or, or could you figure
13 that out from looking at it?

14 A. We were unable to determine. All, all we were told was
15 it was swiped at the bar---

16 Q. Okay.

17 A. ---and could have been purchases of drinks or items or
18 cash.

19 Q. Or cash.

20 Okay. All right. And that total was?

21 A. \$7,564.00 between February 18th and February 25th,
22 2020.

23 Q. All right. I'm sorry.

24 All right now. As more of your analysis of Gene Alex
25 Scott, the defendant's records, what else were you able to

Matthew Wright - Direct examination
By Solicitor Lively

1 determine for money that was coming out to different
2 individuals in, in, in his account?

3 A. Excuse me.

4 Yes, ma'am, I identified approximately 54 transfers out
5 to other individuals' accounts.

6 Q. All right. Okay. And I'm -- could you tell us in
7 regards to the third individual on this list?

8 who is -- what's that name?

9 A. Ian Little.

10 Q. Ian Little.

11 And was the total amount that Ian Little actually
12 received?

13 A. There were 25 transfers to Ian Little for \$7,900.

14 Q. All right. Okay. And in regards to I think there --
15 another individual by the name of Jerry Familia?

16 A. That's correct.

17 Q. All right. And how many transactions in the total
18 there?

19 A. There are eight transfers to Jerry Familia for
20 \$4,590.00.

21 Q. All right. And I see like on this separate chart here
22 you've actually broke down the payments to an individual by
23 the name of Ian Little, correct?

24 A. Yes, ma'am.

25 Q. All right. And do you have any knowledge about who

Matthew Wright - Direct examination
By Solicitor Lively

1 these people are other than just briefly you being told who
2 to itemize in these particular records?

3 A. I do not have any additional knowledge of who they are.

4 Q. Okay. So, in regards to this \$7,900.00, was that money
5 transferred or was that for particular items?

6 Do you know how---

7 A. I do not know.

8 Q. You do not know.

9 Okay. So, the transactions that went to Ian Little,
10 how did you know they went to Ian Little?

11 A. It was his bank to bank account.

12 Q. Okay.

13 A. You know, I -- clarify my last answer.

14 Q. Thank you.

15 A. I do know it's money.

16 Q. Okay.

17 A. I do not know if it involved items being exchanged.

18 Q. Thank you.

19 All right. Now, on this particular one, what -- well
20 let me just back up for a minute.

21 One of the other things I asked you to research was to
22 find out whether or not the defendant had actually applied
23 for any loans, applied for them and received them, applied
24 for them and maybe was turned down. I wanted you to look up
25 that information.

Matthew Wright - Direct examination
By Solicitor Lively

1 were you able to actually get that information?

2 A. I was.

3 Q. All right. So, what is it that we're seeing on this
4 particular slide?

5 A. On February 11th, 2020, Mr. Scott applied for a car
6 loan through Navy Federal Credit Union.

7 Q. All right. And in the amount of what?

8 A. \$13,000.

9 Q. Okay. And what about this particular loan?

10 Tell us the date of this, this loan request.

11 A. It's June 18th, 2020.

12 Q. 2020.

13 Now, going back to what you testified earlier, he had
14 just received another \$25,000 from the individual Gene
15 Rogers on June 8th, 2020, correct?

16 A. Two -- 2,500.

17 Q. \$2,500.

18 A. Yes.

19 Q. I apologize. Yes, \$2,500.

20 So we see that he's making an application here for
21 what?

22 A. This would just be considered a personal unsecured loan
23 meaning it was a loan without having a car or a house or any
24 personal items to -- for the bank to use as collateral.

25 Q. All right. And so, in this particular loan, how much

Matthew Wright - Direct examination
By Solicitor Lively

1 is he requesting?

2 A. \$3,000.

3 Q. All right. And for that particular loan, does he list
4 what kind of money he was making at that time?

5 A. Yes, he lists at -- a primary monthly income amount of
6 \$5,000.

7 Q. Okay. Were you able to find a primary monthly income
8 amount of \$5,000 in reviewing his records?

9 A. I was not.

10 Q. And, at this point, did he get a response from the Navy
11 Federal Credit Union?

12 A. He did.

13 Q. All right. And what was that response?

14 A. The loan was denied.

15 Q. The loan was denied.

16 And what was the date that the loan was actually
17 denied?

18 A. Also June 18th, 2020.

19 Q. June 18th, 2020. And so this is denied at this point
20 in time.

21 Did you see any other attempts by the defendant to get
22 a loan in any form or fashion---

23 A. I did not.

24 Q. ---in these records?

25 You did not.

Matthew Wright - Direct examination
By Solicitor Lively

1 Okay. Now, on this particular slide, if you can let us
2 know -- I think I told you to isolate a particular timeframe
3 so we could see what was going on with his finances within
4 days of the murder of Gene and Billie Rogers, correct?

5 A. Yes, ma'am.

6 Q. All right. Please tell us how you broke that down and
7 what you were able to find.

8 A. So, this was the bank statement that covered
9 June 17th, 2020, where the balance in the account was
10 \$771.40 and then it continues with debit card transactions,
11 transfers to checking, and other transactions through
12 June 29th, 2020, where the final transaction is a checking
13 line of credit advance when the -- which essentially was his
14 overdraft protection account after his balance was zero
15 dollars. And these are just screenshots of the actual bank
16 statements from Navy Federal for that approximately two week
17 period.

18 Q. All right. And the -- you said Navy Federal Credit
19 Union, correct?

20 A. Yes, ma'am.

21 Q. All right. So that would be the same account that,
22 that our victim, who I've told you is Gene Rogers, gave him
23 \$86,000 in January of 2020.

24 Is that right?

25 A. Yes, ma'am.

Matthew Wright - Direct examination
By Solicitor Lively

1 Q. Okay. So that is the final information and balance
2 that you received or that you saw in his records for
3 June the 29th, 2020?

4 A. Yes, ma'am, the -- that's the final -- as of that
5 statement. There are a couple of additional statements
6 after that, yes, ma'am.

7 Q. Okay. All right. But in the timeframe that I did
8 specifically---

9 A. Yes, ma'am.

10 Q. ---ask you for. I should of been better at asking the
11 question. I apologize.

12 So, during that timeframe, that's where he was in
13 regards to his finances, correct?

14 A. That's correct.

15 Q. And, once again, did he have anything in his Legion
16 financial -- in his Legion Bank of America?

17 A. The balance was, was immaterial at that point. I---

18 Q. Okay.

19 A. ---couldn't tell you the exact dollar amount. But it
20 was, it was not much.

21 Q. It was not much?

22 A. Yes, ma'am.

23 Q. Okay. All right. Less than \$300.00?

24 A. Yes, ma'am.

25 Q. Okay. All right. And -- now, after -- that's it. And

Matthew Wright - Direct examination
By Solicitor Lively

1 that was your last slide.

2 Is that correct?

3 A. Yes, ma'am.

4 Q. All right. So after I had you come in and provide that
5 information to us, was that the extent of everything you did
6 in regards to this particular case?

7 A. I did review the additional life insurance policies and
8 some additional information I received through Airgas to
9 look at.

10 Q. Okay. And in regards to the Airgas information, did it
11 include -- and Airgas as well as the -- what was the
12 insurance company that he had?

13 A. The Hartford.

14 Q. The Hartford?

15 A. Yes, ma'am.

16 Q. All right. In regards to The Hartford, did you receive
17 information about whether or not the beneficiaries had been
18 contacted regarding the possible -- that -- the fact that
19 they were beneficiaries of the insurance --

20 A. I did.

21 Q. -- policies?

22 A. Yes.

23 Q. You did.

24 And you did give us a screenshot of the beneficiaries
25 who were listed, which would be the Defendant Scott as well

Matthew Wright - Direct examination
By Solicitor Lively

1 as Aaron Scott, correct?

2 A. That's correct.

3 Q. Okay. And did you have information, from looking into
4 that Hartford insurance, that they had been notified about
5 that?

6 A. Yes, they had been notified.

7 Q. They had been notified.

8 Okay. All right. Thank you so much. Answer any
9 questions that the defense may have for you.

10 A. Thank you.

11 THE COURT: Ms. Boulware.

12 MS. BOULWARE: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. BOULWARE:

15 Q. Good morning, agent -- Mr. Wright.

16 How are you?

17 A. I'm great.

18 How are you?

19 Thank you.

20 Q. Doing well. Doing well.

21 So excuse me. Let me get a -- my copy of your report.
22 Hang on.

23 well, do you still have that?

24 SOLICITOR LIVELY: I'm sorry. I put it on the evidence
25 table.

Matthew Wright - Cross-examination
By Ms. Boulware

1 MS. BOULWARE: Okay. Great.

2 SOLICITOR LIVELY: Yeah.

3 Do you want me to put it up or --?

4 MS. BOULWARE: Yeah, if you don't mind. I could just
5 look at it then.

6 Okay. Mr. Wright, let's see. I am going to just
7 clarify a few of the things. I know the solicitor went
8 through the whole thing pretty well with you. So I'm not
9 gonna do that again.

10 A. Yes, ma'am.

11 Q. But I, I just want to clarify a couple of things here.
12 So, let me find that slide.

13 SOLICITOR LIVELY: What page number are you on?

14 MS. BOULWARE: This will be slide 18.

15 Okay. So, on slide 18, we have the firearms ammunition
16 and tactical equipment and that's pretty much close to
17 \$16,000 on that that you figured out?

18 A. Yes, ma'am.

19 Q. And the first transaction is January 15th and then,
20 when we went back to when he deposited the check that Gene
21 Rogers wrote him, the initial one in January, that would of
22 been January 17th, 2020?

23 A. Yes, ma'am.

24 Q. So everything after the January 15th transaction came
25 pretty much as a result of that deposit?

Matthew Wright - Cross-examination
By Ms. Boulware

1 A. It's fair to say, yes, ma'am.

2 Q. Okay.

3 A. There were other deposits. But nothing of that
4 significance.

5 Q. Right. Right. Got you.

6 Sixteen thousand dollars, the other deposits wouldn't
7 of covered that?

8 A. No, ma'am.

9 Q. Okay. That -- that's correct.

10 Okay. So, let's see and then slide -- okay. Slide 20.

11 Okay. So, Slide 20, we talked about the transfers to
12 Jerry Familia, transfers to Ian Little, and then we have
13 this transfer to, and now I'll do my best to say her name, I
14 think she calls -- she's called Ari, her nickname, but
15 Ms. Ortega.

16 But you found that transfer as well---

17 A. Yes.

18 Q. ---right?

19 Okay. And then we go to this list of transfers to Ian
20 Little and, again, these transfers were after that check was
21 deposited --

22 A. Yes, ma'am.

23 Q. -- by Mr. Rogers?

24 A. Yes, ma'am.

25 Q. Okay. \$7,900.

Matthew Wright - Cross-examination
By Ms. Boulware

1 A. Yes, ma'am.

2 Q. Which his account would not have supported prior to
3 that check?

4 A. No, ma'am.

5 Q. Okay. And then we'll go back to Slide Number 8 and
6 this is the -- where he opened his LLC for his company on
7 LegalZoom.

8 Did you determine how -- and, and it -- it costs money
9 to file an LLC?

10 A. Yes, ma'am.

11 Q. And, and how that was paid for?

12 A. Yes, ma'am.

13 Q. Okay. Do you have a transaction you can refer to for
14 that?

15 A. Yes, ma'am.

16 All right. So, if you -- if we can go to Slide 17.

17 Q. Okay.

18 A. The LegalZoom transactions are all encompassed in one
19 entry on this report --

20 Q. Okay.

21 A. -- called legal and there were five transactions for
22 \$2,119.75 and I would have to refer to the actual bank
23 records to give you exact dates, amounts for each of those
24 five transactions. But I can tell you those five
25 transactions were payable to LegalZoom, yes, ma'am.

Matthew Wright - Cross-examination
By Ms. Boulware

1 Q. Okay. And obviously that would of been approximately
2 the -- I think it was March 20th was the date that was on
3 the incorporation documents?

4 A. Let's see.

5 Q. It would of either been prior or around that date.
6 Prior to or around that date.

7 A. It was.

8 Q. Oh.

9 A. Let's see. February 27th and 28th and then a --
10 the four transactions were -- excuse me. Three transactions
11 on the 27th. One for \$49.00, one for \$99.00, one for
12 \$677.75, one on the 28th also to LegalZoom, \$1,095.00.
13 That being February 28th.

14 Q. Okay.

15 A. And one on April 1st, 2020, for \$199.00.

16 Q. Okay. All right. Thank you for that.

17 And so now if we can go back to slide 22 and this is
18 referring to the unsecured loan --

19 A. Yes, ma'am.

20 Q. -- that he applied for.

21 Can I have that marked please?

22 (WHEREUPON, a Navy Federal Credit Union loan
23 application was marked as Defendant's Exhibit No. 5 for
24 identification purposes only at this time.)

25 Q. Okay. Okay. Mr. Wright, I'm gonna show you what's

Matthew Wright - Cross-examination
By Ms. Boulware

1 marked Defense Exhibit 5.

2 A. Yes, ma'am.

3 Q. Are you familiar with that document?

4 A. I don't think I have seen it in this clear of a format.
5 I have seen a very poor copy of about the middle of it I
6 believe.

7 Q. Okay. Would it be fair to say that that document
8 refers to the loan that he applied for that's in your slide?

9 A. Yes.

10 MS. BOULWARE: Okay. And defense requests to move
11 Defense Exhibit 5 into evidence.

12 SOLICITOR LIVELY: No objection.

13 THE COURT: Without objection, five is admitted into
14 evidence.

15 (WHEREUPON, Defendant's Exhibit No. 5 was received into
16 evidence at this time.)

17 Q. Actually need to show this to you again.

18 So, your date on here for this loan basically being
19 declined is 6/18.

20 Is that correct?

21 A. Yes, ma'am.

22 Q. Okay. And I'm gonna show you this again.

23 Can you tell me the date that's in the top left-hand
24 corner?

25 A. In the top right-hand corner---

Matthew Wright - Cross-examination
By MS. Boulware

- 1 Q. Oh, right.
- 2 A. ---June 19th, 2020.
- 3 Q. Okay. And does that appear to be a piece of paper that
- 4 was mailed to him?
- 5 A. I, I could not testify to how it was delivered.
- 6 Q. Does it look like it'd been folded?
- 7 A. It does appear to have several creases across the paper
- 8 from this photo.
- 9 Q. In other words it, does not look like it was printed
- 10 from a PDF format or something like that?
- 11 A. I couldn't tell you how it was printed or --
- 12 Q. Okay.
- 13 A. -- or delivered or received.
- 14 Q. Okay.
- 15 A. I'm sorry.
- 16 Q. So the date on that is 6/19?
- 17 A. Yes, ma'am.
- 18 Q. And the address that it went to was the Doe Street
- 19 address?
- 20 A. That's correct.
- 21 Q. Okay. And generally is it fair to say that things that
- 22 are mailed the date that they're dated they're not gonna get
- 23 there that same day, correct?
- 24 A. If, in fact, it was mailed.
- 25 Q. Right.

Matthew Wright - Cross-examination
By Ms. Boulware

1 A. I don't know what --.

2 Q. I understand.

3 A. who knows what the postal service is doing.

4 Q. I understand.

5 well, they wouldn't deliver it the same day I don't
6 think.

7 A. Yes, ma'am. Thank you.

8 Q. All right. Okay. And then if we can go back to what I
9 have are -- as slides 24 and 25?

10 A. Yes, ma'am.

11 Q. And -- okay. Get those marked please.

12 (WHEREUPON, the Navy Federal Credit transactions by
13 date was marked as Defendant's Exhibit No 6. The Navy
14 Federal Credit Union transactions by category was marked as
15 Defendant's Exhibit No. 7. Both were for identification
16 purposes only at this time.)

17 Q. Okay. Mr. Wright, I'm going to show you what's marked
18 Defense Exhibit 6 and 7.

19 A. Okay.

20 Q. All right. And --.

21 A. Thank you.

22 Q. Do those documents look familiar to you?

23 A. Yes, ma'am.

24 Q. Okay. what are those?

25 A. These are excerpts of 2020, 2020 bank transactions.

Matthew Wright - Cross-examination
By Ms. Boulware

1 One is transactions that are sorted by date and one is
2 transaction sorted by category.

3 Q. Okay.

4 A. But it would include the same transactions presented in
5 a different, a different way in each one.

6 Q. Okay. And that is something you created for your
7 record --

8 A. Yes, ma'am.

9 Q. -- to be able to reference what you put in your
10 presentation?

11 A. That's correct.

12 Q. Is that correct?

13 Okay. And then you did do a clip and I believe this is
14 on -- and I don't need to -- we don't need to flip to 25.
15 But we know that this is on 24 and then there's a
16 continuation of that on slide 25.

17 A. Yes, ma'am.

18 Q. Okay. Now, all these bank statements, there is a date
19 at the beginning of each transaction?

20 A. That's correct.

21 Q. And what would that date be?

22 A. That is the posting date. That's the date that the
23 transaction posted to the bank account.

24 Q. Gotcha.

25 And then we have the date -- there's a date in the

Matthew Wright - Cross-examination
By Ms. Boulware

1 middle. It says what type of transaction and it is -- and
2 then it has a date and then the -- who the transaction is
3 payable to.

4 A. That's correct.

5 Q. What would that date be?

6 A. That is the transaction date.

7 Q. Okay. So, you've got what -- tell me one more time
8 what the range was for this particular report.

9 A. I reviewed documents from 2017 through August of 2020.
10 The -- some charts reference January, 2019, through August,
11 2020. Some reference a two month timeframe. Some reference
12 a two week timeframe.

13 Q. Okay. And for your sorted by date transactions, the
14 range would be from January 2nd, 2020 --

15 A. That's correct.

16 Q. -- to --?

17 A. It's just 2020.

18 Q. August 16th?

19 A. Yes, ma'am.

20 Q. Okay. And this is every single transaction in that
21 account for that period of time?

22 A. That's correct.

23 Q. Okay. And then we have the category one begins
24 February 18th of 2020?

25 A. Oh, it would begin the same day. That January 2nd

Matthew Wright - Cross-examination
By Ms. Boulware

1 transaction---

2 Q. Oh.

3 A. ---would be -- would still be in there. It's just
4 sorted by --.

5 Q. I understand. I understand.

6 A. Alphabetical.

7 Q. So same, same date range?

8 A. Yes, ma'am.

9 Q. I was reading it like it was dated. We were just
10 talking about---

11 A. That's all right.

12 Q. ---what it was.

13 Okay. So, these contained every single transaction he
14 has.

15 But, in your presentation here, you limit it to from
16 June 17th through I think it was the 20th?

17 A. 29th I believe.

18 Q. 29th. I'm sorry.

19 A. Yes, ma'am.

20 Q. Yep.

21 So, if the jury wanted to know a little bit more about
22 this, you know, they, they think well, I want to see some
23 other stuff around that time, they could refer to these
24 documents, correct?

25 A. Yes, ma'am.

Matthew Wright - Cross-examination
By Ms. Boulware

1 Q. But the date you have on here is posted date?

2 A. Yes, ma'am.

3 Q. So, without an active bank statement in front of them,
4 the only date they have is the posted date?

5 A. Yes, ma'am, that's correct.

6 Q. So, if they needed to know a specific date of when a
7 transaction took place, they would have no idea?

8 A. They would have to review the bank statements, yes.

9 Q. Right.

10 which aren't in evidence?

11 A. I, I can not testify if, if they are or they are not.

12 Q. Okay. But it -- it's safe to say that these dates are
13 gonna be a little misleading as far as when the
14 transaction's actually took place?

15 A. I wouldn't believe they would be misleading. I think
16 it -- the bank -- I go by the standards of when the bank
17 posts a transaction as the transaction is official. The,
18 the posting date often is a day or two days behind the
19 transaction date. It many times post it the same date.

20 Q. Okay.

21 A. But, for consistency, we always go by what date the
22 transaction's posted.

23 Q. Would it be fair to say in a case in -- where dates are
24 so important, knowing the specific date of a transaction is
25 pretty important?

Matthew Wright - Cross-examination
By Ms. Boulware

1 A. Yes, ma'am.

2 MS. BOULWARE: Okay. Beg the Court's indulgence---

3 THE COURT: Take your time.

4 MS. BOULWARE: ---for one moment.

5 (Pause.)

6 Q. So, Mr. Wright, did you happen to review past
7 June 29th---

8 A. Yes, ma'am.

9 Q. ---for -- okay. Did you note deposits in July, and,
10 and I'll just go down, for 750, 700, 740, a hundred and
11 ninety forty -- I'm sorry. 945 was on August 30th and the
12 other amounts were throughout July and the other amount for
13 August was August 30th and do you know what the source of
14 those deposits was?

15 A. Let's see. There's a deposit on July 15th --

16 Q. Uh-huh. (Affirmative).

17 A. -- 2020 for \$700.00. The information I reviewed
18 indicated it was a cash deposit. I would not know the
19 source of that cash but it was cash deposited.

20 Q. Okay.

21 A. July 24th, \$740.00, cash deposit.

22 Q. Okay.

23 A. July 27th, 2020, cash deposit. There's a PayPal
24 transaction on July 28th, 2020, for \$247.50 and we
25 reference as PayPal Scott, Gene.

Matthew Wright - Cross-examination
By Ms. Boulware

1 Q. Uh-huh. (Affirmative).

2 A. There's a PayPal deposit on July 31st, 2020, for
3 \$262.35. PayPal Scott, Gene was the reference on that
4 transaction. And then, finally, on August 3rd, 2020,
5 deposit of \$945.00 and that was a cash deposit as well.

6 Q. Okay. That's August 3rd?

7 I might -- we might have it written down wrong.

8 A. Yeah, August 3rd, yes, ma'am.

9 Q. Not 30th.

10 A. Yeah.

11 Q. Okay.

12 A. I have it as third.

13 Q. My apologies.

14 okay. That's all the questions I have, judge.

15 A. Thank you.

16 THE COURT: Any redirect, solicitor?

17 SOLICITOR LIVELY: Yes. Just one moment, Your Honor.

18 Beg the Court's indulgence.

19 (Pause.)

20 REDIRECT EXAMINATION

21 BY SOLICITOR LIVELY:

22 Q. Mr. Wright, did I ask you to please go through the
23 voluminous records that we got on all these accounts so that
24 you could present it in a summarized fashion for the jury?

25 A. Yes, ma'am.

Matthew Wright - Redirect examination
By Solicitor Lively

1 Q. All right. And is that what this is on your report?

2 A. Yes, ma'am.

3 (WHEREUPON, the records from Navy Federal Credit Union
4 were marked as State's Exhibit No. 193 for identification
5 purposes only at this time.)

6 Q. And I'm showing you what's now been marked as State's
7 Exhibit No. 193.

8 Do you recognize, I know you're not going through each
9 page, 374 pages of account information that you looked
10 through to provide this summary to the jury?

11 A. Yes, ma'am.

12 SOLICITOR LIVELY: All right. Your Honor, the State
13 would move to enter this as State's Exhibit No. 193.

14 MS. BOULWARE: No objection.

15 SOLICITOR LIVELY: Thank you.

16 THE COURT: Without objection, 193 into evidence.

17 (WHEREUPON, State's Exhibit No. 193 was received into
18 evidence at this time.)

19 Q. And is that the only items that you looked at in order
20 to come up with your summary?

21 A. It is not.

22 Q. No.

23 So there's still even more records out there.

24 Also Mr. Rogers records which were very voluminous as
25 well, correct?

Matthew Wright - Redirect examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. Okay. And in isolating these particular transactions
3 here, was -- like on June the 20th, was it important for
4 us to go back and show to the jury what was going on with
5 the defendant's finances at that time?

6 A. Yes, ma'am.

7 Q. All right. Okay. So, that would be -- so, did you
8 intentionally leave out all those other records and
9 information to hide anything from the jury?

10 A. No, ma'am.

11 Q. Okay. All right. Now, now, if they want to look
12 through just the Navy Federal Credit Union account records,
13 they have 374 pages they can go through, correct?

14 A. Yes, ma'am.

15 Q. And is all that information what you used in order to
16 come up with this summary?

17 A. Yes, ma'am.

18 Q. Okay. What about PayPal?

19 When you're looking at PayPal transactions, could that
20 be from him selling tactical equipment and other types of
21 things in order to get money into his account?

22 A. It, it could be a number of transactions that caused
23 him to receive payment through PayPal.

24 Q. Okay. All right. Thank you very much.

25 A. Yes, ma'am.

Matthew Wright - Recross examination
By Ms. Boulware

1 THE COURT: Any recross, Ms. Boulware?

2 MS. BOULWARE: Briefly.

3 RECROSS EXAMINATION

4 BY MS. BOULWARE:

5 Q. So, you, you did review all the records, all the bank
6 statements from 2017 until the -- whatever end date that is?

7 A. Yes, ma'am.

8 Q. Okay. The report you prepared is the report the State
9 asked you to repair --

10 A. Yes, ma'am.

11 Q. -- prepare?

12 Excuse me. Thank you.

13 A. Thank you.

14 THE COURT: Okay. You can step down, sir. Thank you.

15 THE WITNESS: Thank you, Your Honor.

16 SOLICITOR LIVELY: Sorry about that, Your Honor.

17 The State would call Robin Furr to the stand.

18 THE COURT: Okay. Come around please, ma'am.

19 Solicitor, will this be a witness that will maybe get
20 us up to lunch break?

21 SOLICITOR LIVELY: Yes, sir, she would be the shorter
22 of the two options I have. So --.

23 THE COURT: Okay. Sure.

24 SOLICITOR LIVELY: Yes, sir.

25 THE CLERK: Please raise your right-hand. State your

Robin Furr - Direct examination
By Solicitor Lively

1 full name.

2 THE WITNESS: Robin Furr.

3 ROBIN FURR, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR LIVELY:

7 Q. Hi, Ms. Furr. Please state your full name for the
8 record.

9 A. Robin Marie Furr.

10 Q. And where do you live, Ms. Furr?

11 A. I live in York.

12 Q. In York County.

13 All right. And prior to living in York County, where
14 did you live?

15 A. 608 Doe Street, Richburg.

16 Q. How long did you live at 608 Doe Street?

17 A. Seventeen years.

18 Q. And who did you live with?

19 A. My husband, Gene Rogers.

20 Q. How long were y'all married?

21 A. Twelve years, sir.

22 Q. Twelve years.

23 And how was that marriage?

24 A. It was wonderful. I loved him. He loved me.

25 Q. Okay. And when did y'all actually separate?

Robin Furr - Direct examination
By Solicitor Lively

1 A. In 2016.

2 Q. 2016.

3 Now, did you -- were you and Gene very social with your
4 family and neighbors and -- tell us about your family.

5 A. My family, yeah, we were social with his family and my
6 family. We kept -- we were really close knit family, my
7 family and his --

8 Q. Okay.

9 A. -- and we would go to West Virginia. We would go to --
10 my family stayed mostly in Richburg. So, you know, we were
11 there for the holidays that we didn't go out, you know, to
12 Billie's. But Billie was mostly with us.

13 Q. Okay. So that would be Billie Ruth Rogers --

14 A. Yes, ma'am.

15 Q. -- the mother?

16 A. Uh-huh. (Affirmative).

17 Q. And did you know his brother, Paul Rogers?

18 A. Yes, I did.

19 Q. Okay. And do you know Aaron Scott?

20 A. Yes, I do.

21 Q. All right. And how about the defendant, Alex?

22 Do you know him?

23 A. Yes, I do.

24 Q. Tell us about your relationship with the defendant.

25 A. Our, our relationship was never a good one. I was

Robin Furr - Direct examination
By Solicitor Lively

1 always scared of him. He made me feel really uncomfortable.
2 He pushed me into a wall a few times.

3 MR. FRICK: Objection, Your Honor.

4 Q. Okay. Let me, let me just ask you about --.

5 THE COURT: Let's not get in -- I don't know where the
6 relevance would be to specifics.

7 SOLICITOR LIVELY: Okay.

8 THE COURT: She can certainly say they didn't have a
9 good relationship. But kind of leave it at that.

10 So I would---

11 THE WITNESS: Okay.

12 SOLICITOR LIVELY: That's fine.

13 THE COURT: ---I guess, sustain your objection.

14 MR. FRICK: That would be a 404(b) objection---

15 SOLICITOR LIVELY: Yes.

16 MR. FRICK: ---for the record.

17 SOLICITOR LIVELY: That's fine.

18 THE COURT: Sustained.

19 Q. Let's just talk about how he made you feel. Let's not
20 talk about specifics.

21 okay?

22 A. Okay.

23 Q. Okay. So, in -- did he ever actually live at 608 Doe
24 Street while you were there with Mr. Rogers---

25 A. Yes.

Robin Furr - Direct examination
By Solicitor Lively

- 1 Q. ---your husband?
- 2 A. Yes, ma'am.
- 3 Q. He did.
- 4 How long did y'all actually live together?
- 5 A. Probably about four or five years.
- 6 Q. About four or five years?
- 7 A. Yes.
- 8 Q. All right. And do you remember kind of -- the age
- 9 range of the defendant whenever he was living there with
- 10 you?
- 11 A. He was 18 when he lived there -- moved in.
- 12 Q. When he moved in.
- 13 A. But we had him on weekends about every other weekend --
- 14 Q. Okay.
- 15 A. -- and that was pretty much it. He had his own room
- 16 there.
- 17 Q. Okay.
- 18 A. So --.
- 19 Q. What -- in the trailer he had his own room?
- 20 A. Yes, ma'am.
- 21 Q. And what room did you and Gene occupy?
- 22 A. The master bedroom, the --
- 23 Q. All right.
- 24 A. -- back bedroom.
- 25 Q. The back bedroom.

Robin Furr - Direct examination
By Solicitor Lively

1 And is that -- which bedroom is that?

2 I'm gonna show you this. I know it's just a, a crime
3 scene actual not to scale. But show the jury where would
4 the bedroom be that you -- this is the front door here.

5 A. Yeah.

6 Q. Okay. So, which bedroom would be the bedroom that
7 y'all occupied as husband and wife?

8 A. All right. Let's see. Through the kitchen. We had
9 the first bedroom.

10 Q. Okay. So the bedroom -- that be B-1 here --

11 A. Yes.

12 Q. -- on the other side of the kitchen?

13 A. It's on the end of the kitchen.

14 Q. On the end.

15 All right.

16 A. Yeah.

17 Q. All right. Okay. And at -- let's not -- all right.
18 And which one was -- I'm sorry.

19 which one was the one that Alex, the defendant, would
20 have?

21 A. Alex had the -- Alex had the small room, the smallest
22 bedroom, and then he -- yeah, cause that was our bedroom.

23 Okay. Where's the middle bedroom?

24 It was --.

25 Q. I know it's hard to tell. Here's the fireplace and the

Robin Furr - Direct examination
By Solicitor Lively

1 living room here. Here's a small bedroom---

2 A. That was his bed---

3 Q. ---in here?

4 A. That was his bedroom and the other bedroom was my son,
5 Travis Lowe.

6 Q. Travis Lowe lived in this bedroom?

7 A. The third bedroom.

8 Q. All right.

9 A. Yes, ma'am.

10 Q. All right. Now, do you know -- well, I'll ask you this
11 in just a minute.

12 So, how long -- tell us about your son, Travis Lowe,
13 because his name has come up a couple of times, excuse me,
14 here in the courtroom.

15 Tell us about him.

16 A. He's doing great now. He lives at Myrtle Beach right
17 now. But when this all come up, he was in Bennettsville
18 prison.

19 Q. He was in prison.

20 What was he in prison for?

21 A. He was in prison for stealing but he was on meth.

22 Q. He was on meth?

23 A. Yes.

24 Q. Okay.

25 A. And---

Robin Furr - Direct examination
By Solicitor Lively

1 Q. So let me ask you this then. At -- you said when all
2 of this happened.

3 So, in June of 2020, was he in prison in Bennettsville?

4 A. Yes, ma'am.

5 Q. All right. How long had he been in prison?

6 A. Four years then. No, he'd been in for three years then

7 --

8 Q. Okay. So as of the time---

9 A. -- cause he---

10 Q. ---whenever Gene and Billie were murdered, he had
11 already been in prison for three years?

12 A. Yes.

13 Q. Okay. And, and when did he get out, Ms. Furr?

14 A. He got out in April of -- it was two years after they
15 died --

16 Q. Okay.

17 A. -- and---

18 Q. That's fine.

19 A. ---I can't say for sure.

20 Q. It was some time after---

21 A. It was---

22 Q. ---that?

23 A. It was in April though.

24 Q. Okay. Now, how about Billie?

25 Were you close with her?

Robin Furr - Direct examination
By Solicitor Lively

1 A. Me and her was real close.

2 Q. You were real close.

3 All right. Now, at some point you and Gene actually
4 did separate and get divorced.

5 Is that right?

6 A. Yes, ma'am, we did.

7 Q. All right. So tell us what happened.

8 A. It was my -- really it wasn't because we didn't love
9 each other cause we did and it was because of our children.
10 It was because of Travis and it was because of Alex.

11 Q. Okay. Okay.

12 A. And they were tearing us apart. They really were and
13 they---

14 Q. So that's when---

15 A. ---they succeeded.

16 Q. That -- and that was a big part of why y'all ended up
17 separating?

18 A. Yes, ma'am.

19 Q. And after y'all separated, what was your relationship
20 with like with Gene after that point?

21 A. Me and him still stayed friends. We were always
22 friends. We never did -- we never did argue and fight.

23 Q. Okay.

24 A. I mean he always was there to take care of -- help me
25 take care of my grandchildren. I was there to take his

Robin Furr - Direct examination
By Solicitor Lively

1 mother anywhere she wanted to go because she -- I felt like
2 she was still my mother-in-law. I, I mean I felt like I was
3 still Roger's.

4 Q. Now, now, Robin, in regards to how long you had been
5 with Gene, were you with him before he stopped drinking---

6 A. Yes.

7 Q. ---alcohol?

8 A. I was.

9 Q. You were?

10 A. Uh-huh. (Affirmative).

11 Q. All right. All right. So what kind of -- how did he
12 change after deciding to stop drinking?

13 A. It was like night and day---

14 Q. Okay.

15 A. ---when he decided he was gon' quit drinking and start
16 going to church with me and he did.

17 Q. All right.

18 A. And the day -- the first Sunday that we went to church
19 he never drunk another drop and he was -- he got -- when he
20 got into church, he got fully. I mean he was totally into
21 it. He was, you know, the Lord had him. He was great. I
22 mean I loved it. That was the best part of our marriage was
23 when we started church.

24 Q. Okay. What church did y'all go to?

25 A. We went -- Rock for All Ages over on the Gale. Eric

Robin Furr - Direct examination
By Solicitor Lively

1 Praeler (phonetic) was the preacher.

2 Q. All right. And how involved did, did Gene actually
3 become in the, the actual different events and daily, you
4 know, sermons and Sunday school and that type of thing?

5 A. Well, he started teaching Sunday school.

6 Q. Okay.

7 A. And then, after he started teaching -- he didn't really
8 want to start teaching cause he didn't -- you know, he felt
9 like he wasn't ready for it.

10 Q. Uh-huh. (Affirmative).

11 A. But he did and he done a great job. But then he got to
12 where he loved it and he would get up in the morning at six
13 o'clock. I would be laying there awake, you know, in the
14 bed.

15 We didn't have to be at church till 9:00. We didn't
16 have to be at church till 10:00. But we would have to leave
17 our house at 9:00 because he had to clean the churchyard up.
18 He would have to get it ready for church. I mean he, he
19 really was into church and that, that made me so happy.

20 Q. So, was he a, a -- how -- on Sundays, was he a, a
21 routine person in regards to every Sunday what he would do?

22 A. Yes, ma'am. He would---

23 Q. Okay.

24 A. ---wake up about six o'clock in the morning. He would
25 get him a cup of coffee. He would get his laptop and he'd

Robin Furr - Direct examination
By Solicitor Lively

1 have all of his church books laying around. We had two
2 tables at the foot of our bed and he would sit there and he
3 thought I was asleep sometimes. But then he knew I wasn't
4 most of the time. He would set his sermon up --

5 Q. Okay.

6 A. -- and then he would stand in front of our mirror and
7 he --.

8 Q. I'm sorry.

9 A. I'm sorry.

10 Q. You need some water?

11 A. No.

12 But he would stand in front of our mirror and he would
13 practice when he was gonna preach and that made me so proud
14 of him because of where, you know, he wasn't -- did drink.
15 But when he got into church, he just -- I would of never
16 left him if it wasn't for our children.

17 Q. Okay. And, Ms. Furr, the reason why I'm asking you
18 about his routine, was it highly unusual that he would miss
19 church on a Sunday?

20 A. Nope. He was always at church.

21 Q. Okay.

22 A. He was -- we were there for him to sweep the steps off,
23 sweep the porch off, sweep the handicap thing off. He
24 didn't want nobody to get hurt and we were always there by
25 fifteen -- 9:15 --

Robin Furr - Direct examination
By Solicitor Lively

1 Q. Okay.

2 A. -- 9:20 and church Sunday school started at 10:00.

3 Q. And when Billie was in town, would he take that as an
4 opportunity to skip church?

5 A. No.

6 Q. Okay.

7 A. No.

8 Q. Would she go with him?

9 A. She would go with him sometimes. But she had her
10 church in West Virginia.

11 Q. I understand.

12 A. But -- and she would watch the church show on -- if --
13 she had one she loved every -- and she would sit and watch
14 it on Sundays.

15 Q. So, on a Sunday whenever Mrs. Billie was in town, would
16 Gene then, if she didn't want to go, he would still leave
17 her there and actually go to church?

18 A. Yes.

19 Q. Okay.

20 A. Uh-huh. (Affirmative).

21 But she would be up. I mean she would get up with them
22 and --

23 Q. Okay.

24 A. -- and they would have coffee, whatever, you know, and
25 then -- and she'd watch her, her show.

Robin Furr - Direct examination
By Solicitor Lively

1 Q. Okay. And whenever he was preparing for church, would
2 he have his Bible out with him and, and having his laptop
3 and everything, everything right there at his hands in your
4 bedroom?

5 A. Yes.

6 Q. Okay.

7 A. We had a -- he had two, two tables like tray tables you
8 would have like in your living room, you know.

9 Q. Uh-huh. (Affirmative).

10 A. He had two of those and he would set, set -- he kept
11 them set up all the time. We just walked around them and he
12 kept his stuff on there for church. He took his Bible
13 everywhere he went.

14 Q. All right. I'm gonna ask you about a -- after y'all
15 separated and then divorced, before all that happened with
16 the divorce, were you aware of whether or not you were a
17 beneficiary on his life insurance or 401(k) or anything like
18 that?

19 A. I, I knew I was when we were married. But I didn't --
20 I knew he'd had, you know, probably would of changed it
21 after we divorced --

22 Q. Okay. But were you---

23 A. -- and I didn't.

24 Q. Were you sure?

25 Did he tell you that or did -- or---

Robin Furr - Direct examination
By Solicitor Lively

1 A. Oh, yeah.

2 Q. Okay.

3 A. Yeah, he did.

4 Q. All right. And, and in regards to, to him switching
5 over the beneficiaries, did he ever tell you or did you know
6 who the new---

7 A. No.

8 Q. ---beneficiaries were?

9 A. No, ma'am, I did -- we never talked about that.

10 Q. Okay. Fair enough.

11 All right. And knowing now, I mean did that make you
12 angry that he took you off or did you---

13 A. No.

14 Q. ---ever say that you were angry about him taking you
15 off as a beneficiary?

16 A. No, cause I knew we were divorced and, and, you know,
17 no, I didn't want anything.

18 Q. All right.

19 A. I didn't want anything.

20 Q. So, after the divorce, you know, how often would you
21 see or speak with Gene?

22 A. Two or three times a week. I talked to him more after
23 we got divorced than we did when we were married.

24 Q. Okay. All right. And there was some mention earlier
25 by Mrs. Johnson about the boys, the boys, and, and Gene

Robin Furr - Direct examination
By Solicitor Lively

1 having a connection with these boys.

2 what boys are we referring to?

3 A. My grandchildren.

4 Q. Your grandchildren?

5 A. well, they were Gene's grandchildren too.

6 Q. Okay.

7 A. Gene never had a child. Never had one of his own at
8 all. But he should of had 20 --

9 Q. Okay.

10 A. -- because he loved every child that walked by. And
11 when both of my grandsons were born, he was the one that
12 watched them take their first breath and he helped them
13 first and it -- and they were his from that day on.

14 Q. Okay. All right. Now, as time went by, did you, did
15 you know about the defendant going into the Marines?

16 A. Yes, I did.

17 Q. Okay. And at that time whenever he went into the
18 Marines, did you see him very often after that?

19 A. Not really. Not till he got out is when I started
20 seeing him.

21 Q. Okay. So, tell the -- okay. Were you aware or did you
22 ever have a discussion with Gene about, when he got out,
23 giving the defendant any kind of money or a business that
24 the defendant might be starting up?

25 A. Gene mentioned it was a business and he wanted a lot of

Robin Furr - Direct examination
By Solicitor Lively

1 money.

2 Q. Okay.

3 A. And he actually asked me about being on meth because my
4 son was on it.

5 Q. Okay.

6 A. And he asked me how did they act when they were on it.

7 MR. FRICK: I, I want to object to this as far as --
8 I'm sorry, Your Honor. I, I don't know where this is going.

9 SOLICITOR LIVELY: I -- not really -- okay. I wasn't
10 really sure going where she was going with that but okay.

11 Just tell me about the money and, and whether or not
12 you knew about the business.

13 A. Yeah.

14 Q. I think that's a---

15 A. I knew about it.

16 Q. Okay.

17 A. I knew that he was gonna start one.

18 Q. Okay. All right. All right. So, he's getting
19 ready -- he was gonna start one and do you know whether or
20 not, just yes or no, Gene actually gave the defendant any
21 money?

22 A. Yes.

23 Q. All right. Did he mention to you how much money?

24 A. Yes.

25 Q. How much money?

Robin Furr - Direct examination
By Solicitor Lively

1 A. It was -- he said \$100,000.

2 Q. About \$100,000?

3 A. Uh-huh. (Affirmative).

4 Q. Okay. Now, were you anywhere near the home during or
5 had you seen Gene anywhere near the home, you know, in the
6 weeks right before he was murdered?

7 A. Yes, ma'am, my grandchildren stayed with him the
8 weekend before --

9 Q. All right.

10 A. -- and he got them every other weekend. He never
11 missed a weekend.

12 Q. Okay.

13 A. And when this COVID come out and it was homeschooling,
14 you know, the kids stayed at home --

15 Q. Uh-huh. (Affirmative).

16 A. -- he got to where he would get them every weekend just
17 to give me a little break cause I -- you know, I mean I had
18 no -- I was raising them --

19 Q. Okay.

20 A. -- and they were living with me. So, he would get them
21 about every other -- every weekend.

22 Q. Okay. When was the last time that you actually spoke
23 with Gene before you learned that he had been killed?

24 A. I spoke with him the, the last week he was living. He
25 was out of town and he called me and my oldest son wasn't

Robin Furr - Direct examination
By Solicitor Lively

1 acting right, you know, cause he's an alcoholic. I'll tell
2 you. And that was the reason I had the grandchildren.

3 And he asked me was I gon' take them to see their daddy
4 and I told him no, cause he wasn't acting right. And he
5 said well, I don't want them to miss out, can I get them,
6 and I said sure. I never told him no, he couldn't get those
7 children.

8 Q. Okay. And what are their ages around -- what was their
9 ages there from---

10 A. Well, their ages then were eight and -- eight and
11 eleven I think.

12 Q. All right. So that was the last conversation you had
13 with him?

14 A. Yep.

15 Q. All right. Now, tell us how you found out about the
16 murders.

17 A. I -- my sister lived over on the Gale. She had
18 cirrhosis and she was dying. And she called me and told me
19 that Sunday morning that she needed her Michael and Bryson
20 fix because that's what she called it.

21 She loved my grandchildren too. My grandchildren were
22 lovable kids and she said will you bring them by here and
23 let me see them for a minute and I told her yes as soon
24 as -- cause we were gonna go to Gene's as soon as he got out
25 of church. The kids had flowers. I mean Dollar General

Robin Furr - Direct examination
By Solicitor Lively

1 stuff. They went and bought him all kind of stuff --

2 Q. Okay.

3 A. -- and they were gon' take it to him for Father's Day.

4 But Amber Scott's mother in -- she got in touch with me

5 through Facebook and told me to get in touch with Amber and

6 I did and Aaron told me.

7 Q. And so -- and just to clarify for the jury, Amber Scott

8 is married to --

9 A. Aaron Scott.

10 Q. -- Aaron Scott and Aaron Scott is the, the biological

11 uncle of the defendant?

12 A. Yes.

13 Q. Correct?

14 A. Yes.

15 Q. All right. Okay. So that's when you found out?

16 A. Yes, Aaron told me.

17 Q. All right. Do you remember about what time of day that

18 was?

19 A. Yeah, it was about ten minutes to 2:00 because I told

20 Gene I'd be out there at two o'clock---

21 Q. Okay.

22 A. ---and it was about 10 minutes to 2:00 and I was

23 getting ready to leave my sister's to go to Richburg.

24 Q. All right. Now, did you have an opportunity to talk to

25 law enforcement in regards to what, you know, who you were

Robin Furr - Direct examination
By Solicitor Lively

1 and how you knew the victim and how you knew the defendant?

2 A. Yes, ma'am.

3 Q. All right. And did you actually provide -- did you
4 actually physically go into the law enforcement center and
5 give an audio and video recorded statement?

6 A. Yes, I did.

7 Q. You did?

8 A. Uh-huh. (Affirmative).

9 Q. All right. And, on that same day, were you asked to
10 also write a written statement?

11 A. Yes, ma'am, I was.

12 Q. All right. I'm gonna show you this document and ask
13 you if you recognize this?

14 A. Yes, ma'am.

15 Q. You do?

16 A. (WHEREUPON, there was no audible response.)

17 Q. And was that written around the time whenever you
18 actually went and talked to law enforcement about this case?

19 A. Yes, ma'am.

20 Q. All right. Is that your signature on that document?

21 A. Yes, ma'am.

22 Q. All right.

23 (WHEREUPON, the written statement of Robin Furr was
24 marked as State's Exhibit No. 194 for identification
25 purposes only at this time.)

Robin Furr - Direct examination
By Solicitor Lively

1 Q. I'm gonna show you again what's marked as Exhibit No.
2 194.

3 The one thing I meant to ask you is what is the date on
4 that particular document that shows when you handwrote it?

5 A. Let's see. Where would it be?

6 Okay. Let's see. Oh, June the 27th.

7 Q. June 27th, 2020?

8 A. Yeah.

9 Q. Okay. All right.

10 A. Uh-huh. (Affirmative).

11 Q. All right. Now, does this -- this did not include your
12 entire interview and everything that you discussed with law
13 enforcement, correct?

14 A. No, ma'am.

15 Q. Okay. But is this kind of a summary of what you
16 actually had that day?

17 A. Yes, ma'am.

18 SOLICITOR LIVELY: All right. So I'm gonna, at this
19 time, Your Honor, State would move 194 into evidence.

20 THE COURT: What says the defense?

21 MR. FRICK: No objection.

22 THE COURT: Without objection, 194 is admitted into
23 evidence.

24 (WHEREUPON, State's Exhibit No. 194 was received into
25 evidence at this time.)

Robin Furr - Direct examination
By Solicitor Lively

1 Q. All right. And have I asked you to look that over and
2 review it?

3 A. Yes.

4 Q. Okay. And even before you're testifying here today,
5 did I allow you to watch your recorded statement from the
6 day whenever you went and talked to law enforcement?

7 A. Yes, ma'am.

8 Q. All right. So do you remember everything that you said
9 during that particular interview or most of it?

10 A. Most of it.

11 Q. Okay.

12 A. Yeah, it's been four years.

13 Q. I know.

14 A. Just -- but I do --.

15 Q. Okay.

16 A. But I live it everyday.

17 Q. I know.

18 All right. So, let me ask you this then.

19 Tell, tell the jury what you told law enforcement when
20 you went and talked to them on June 27th about the
21 defendant, Mr. Scott, and what---

22 MR. FRICK: Your Honor, can we approach on this?

23 THE COURT: Okay.

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

Robin Furr - Direct examination
By Solicitor Lively

1 Q. And, Ms. Furr, let me ask this a little bit better to
2 give you some guidance.

3 Tell the jury -- did the defendant call you after the
4 murders?

5 A. Yes, he did.

6 Q. He did.

7 And had -- how long it had been -- it had been since
8 you had talked to him just in general anyway---

9 A. Uh.

10 Q. ---if he'd ever called you?

11 A. He never called me ever before.

12 Q. Okay.

13 A. But he come and I hadn't talked to him except for at
14 the church when we had the service for Gene --

15 Q. Okay.

16 A. -- and that was Gene -- our church. So we wouldn't of
17 had it over there --

18 Q. Okay.

19 A. -- and he called --.

20 Q. Tell us what he said when he called you.

21 Can you tell me exactly what you remember---

22 A. Exactly what he said?

23 Q. ---he told you?

24 A. Okay.

25 Q. Yes, tell me what he said.

Robin Furr - Direct examination
By Solicitor Lively

1 A. All right. He called me on June the 26th around
2 8:30PM and he said that -- he said that he was glad that I
3 didn't make it up to Gene's over by two o'clock because he
4 didn't want me to find what he found.

5 Q. Okay.

6 A. And I asked him what I -- cause I didn't know anything.
7 So, I asked him what did you find. He said the backdoor was
8 broken in and he said the bedroom window was busted. And
9 also he told me that he was going to find out who killed
10 Gene and, and Billie and that -- let's see what else, see
11 what else he said and that---

12 Q. Did he say anything about the money?

13 A. No. Let's see. Wait a minute.

14 Yes. He said that he was gonna make sure my
15 grandchildren was taken care of.

16 Q. Okay.

17 A. And, like I said, I didn't need that and I told Gene I
18 didn't.

19 Q. What else did he tell you during that call?

20 A. Oh, he also told me that -- I just asked him, I said,
21 well, how were they killed, you know, cause everybody was
22 saying that it was a, a home invasion. And he said that
23 they were shot in the back of the head with a shotgun. And
24 they were put on their knees and shot in the head -- back of
25 the head, back of the head with a shotgun. And he was glad

Robin Furr - Direct examination
By Solicitor Lively

1 that I didn't walk in or let my grandkids walk in and see
2 that.

3 Q. And, Ms. Furr, had law enforcement released any
4 information to you about how they were killed?

5 A. No, they sure haven't.

6 Q. Okay. And at that time when you went and talked to law
7 enforcement, was the only information that you had what you
8 were hearing through the grapevine and also what the
9 defendant called and told you?

10 A. Yes, that's all I had.

11 Q. All right. And, at the funeral, did you talk to the
12 defendant at all?

13 A. Yes, he did.

14 Q. Okay. And how, how did he act and what did he say at
15 the funeral?

16 A. He couldn't sit still. It was like he was in a hurry
17 to go somewhere. He, he went outside the church and all the
18 way -- I thought this was pretty not good. But he stood out
19 there and smoked about a pack of cigarettes and put them out
20 right in front of the church, and when the service was
21 over -- well, he told me that he was gonna go into the Army
22 --

23 Q. Okay.

24 A. -- and I said well, I don't understand why you're going
25 into the Army when you already got four years, you know,

Robin Furr - Direct examination
By Solicitor Lively

1 years in the Marines. Why don't you go back. He said
2 something about he needed to get his, his -- what is it?

3 CPR license and it was free to go through the Army --

4 Q. Okay.

5 A. -- and then I don't know nothing about all that. But
6 that's what he told me.

7 Q. Okay. That's fine. Thank you.

8 And so he did tell you that he was going to actually
9 enlist in the Army?

10 A. Yes.

11 Q. All right. Now, after the funeral, did you actually go
12 into the -- your former home?

13 A. Yes. When Paul, his brother, Paul Rogers, came down,
14 he did let me go in because my grandkids kept stuff there on
15 weekends. They never brought everything home cause they,
16 you know, they went there every weekend or every other
17 weekend.

18 So, when Paul came down to see the, the trailer, he
19 called me and asked me did I want to go and I told him yeah.
20 And I went over and got a few things that belonged to my
21 grandchildren.

22 Q. And did you look for some of the things that, that --
23 after Alex told you what happened, did you actually look to
24 see if, if what he had told you --

25 A. Yes.

Robin Furr - Direct examination
By Solicitor Lively

1 Q. -- was a match?

2 A. The first thing I -- the first thing, the first thing I
3 looked at was the sliding glass door cause I know Gene use
4 to aggravate me because it, it was at -- we lived right,
5 right above the interstate.

6 Q. Uh-huh. (Affirmative).

7 A. And he, he went out of town all the time and he was
8 playing though. He said somebody's gon' come in that
9 backdoor and get you while I'm gone, you know. He would --
10 it was just a little joke between -- but I took it
11 seriously. Me and my sister took a mop -- a, a mop and we
12 measured it and we cut it off and we put it in the sliding
13 glass door where it couldn't be opened.

14 Q. Okay.

15 A. And when, when I went out there with Paul and them, I
16 looked and that same piece of wood was still there. No
17 broken windows.

18 Q. No broke -- what about broken -- no broken windows, no
19 broken door?

20 A. Nope.

21 Q. Okay. Have y'all ever had anyone try to break into
22 your house while you lived there?

23 A. Never.

24 Q. Okay. And never any issues with that?

25 A. No, we -- no, we locked our door every night at

Robin Furr - Direct examination
By Solicitor Lively

1 nine o'clock.

2 Q. Okay.

3 A. But it would -- I mean if we didn't lock it, people
4 didn't bother you out there. That was a really nice
5 neighborhood.

6 Q. Thank you. Answer any questions the defense may have
7 for you.

8 THE COURT: Mr. Frick.

9 CROSS-EXAMINATION

10 BY MR. FRICK:

11 Q. Ms. Furr, you said, after, after 18 years, y'all, y'all
12 had to get divorced cause you just were having issues with
13 each other's kids?

14 A. Uh-huh. (Affirmative).

15 Q. Okay. And you said Gene is pretty much a creature of
16 habit on Sunday morning at least, right?

17 A. Yes, he was.

18 Q. Six o'clock in the morning---

19 A. Every morning.

20 Q. ---he was up---

21 A. Every Sunday morning.

22 Q. ---and that's when he was doing his Bible study?

23 A. Yes, he would.

24 Q. Okay. And, just briefly, the, the phonecall you had
25 with Alex that day, you're saying that he told you that they

Robin Furr - Cross-examination
By Mr. Frick

1 were shot with a shotgun?

2 A. In the back of the head.

3 Q. Okay.

4 A. Execution style.

5 Q. Okay. All right. And you said it -- and his, his
6 demeanor at the funeral was he was -- I, I would say kind of
7 fidgety?

8 Is that fair to say?

9 A. Exactly.

10 Q. Okay. All right.

11 A. He couldn't sit down.

12 Q. Gotcha. Thank you, ma'am. That's all the questions I
13 have.

14 SOLICITOR LIVELY: Just one follow-up, Your Honor.

15 REDIRECT EXAMINATION

16 BY SOLICITOR LIVELY:

17 Q. In regards to the creature of habit, excuse me, when
18 you saw the pictures of, of where he was found in the, in
19 the actual living room, and the idea of, of a timeline of
20 when he may have been shot and killed, would that have been
21 out of character or out of his, what do you call it, like
22 out of his routine for him to have been there the morning of
23 2021?

24 A. Yes, he---

25 Q. I mean 20 -- 6/21 --

Robin Furr - Redirect examination
By Solicitor Lively

- 1 A. Yes.
- 2 Q. -- which was the morning of --
- 3 A. Of the --
- 4 Q. -- right before Alex found them.
- 5 A. Yes, it would because he would of been at church.
- 6 Q. Okay. All right. What about before church?
- 7 Where would he have been?
- 8 A. He would---
- 9 Q. I mean where would he have been in the house is what
- 10 I'm trying to ask you.
- 11 A. He would of been in the bedroom with his coffee and his
- 12 books. He -- and where he was sitting at the desk in the
- 13 living room and, and Billie was sitting in the recliner,
- 14 well, her, her rocker or recliner, they sit there. He sat
- 15 in the office chair and watched TV.
- 16 This is how they were. I mean I been there many a
- 17 times and I was more -- I was still family and Billie would
- 18 sit in her chair and he would sit in his office chair at his
- 19 desk where he done his work for work. I mean, you know, his
- 20 work.
- 21 Q. Okay.
- 22 A. Not for church but just for work.
- 23 Q. Gotcha.
- 24 A. And I -- when I walked in that house, I could see how
- 25 it was done.

Robin Furr - Redirect examination
By Solicitor Lively

1 Q. Okay. Yes, ma'am.

2 All right. Thank you. And let me take that back from
3 you.

4 THE COURT: Do you have any follow-up?

5 MR. FRICK: No, sir.

6 THE COURT: You can step down, ma'am. Thank you.

7 Okay. Ladies and gentlemen, it's 12:30. Good time to
8 break for lunch. Be back here at 1:45. Have a good lunch
9 and remember all my instructions. See you back at 1:45.
10 Have a good lunch.

11 (WHEREUPON, the following takes place outside the
12 presence of the jury.)

13 THE COURT: All right. Y'all have a good lunch.

14 SOLICITOR LIVELY: Your Honor, may I approach?

15 (WHEREUPON, Court was in recess for the lunch break.)

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE COURT: All right. Let the record reflect the jury
19 is back in.

20 Ladies and gentlemen, I understand from the State that
21 we -- that they -- we -- that they have two more witnesses
22 for this afternoon. We'll probably take a break in-between
23 the first witness and the second witness.

24 Okay. All right. State ready?

25 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

Paul Rogers - Direct examination
By Solicitor Lively

1 The State would call Paul Rogers to the stand.

2 THE CLERK: Please state your full name.

3 THE WITNESS: Paul Aaron Rogers.

4 PAUL ROGERS, being first duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR LIVELY:

8 Q. All right. Hi, Paul. I know that it's hard for you to
9 be here today.

10 A. Yes, ma'am.

11 Q. So, if you need to take a break, just let me know.

12 A. Okay.

13 Q. Okay?

14 A. Okay.

15 Q. All right. Do you need any water or are you okay?

16 A. I'm good. Thanks.

17 Q. All right. Paul, please tell the jury who Billie Ruth
18 Rogers was.

19 A. That's my, my mom.

20 Q. All right. And how about Gene Rogers?
21 who was he?

22 A. He was my oldest brother.

23 Q. Do you have any more siblings?

24 A. No, ma'am.

25 Q. Now, where were you living at the time whenever the two

Paul Rogers - Direct examination
By Solicitor Lively

1 of them were murdered?

2 A. Savannah, Georgia.

3 Q. And how long have you lived in Savannah?

4 A. I lived -- been there since 2012.

5 Q. Okay. And where was your mother living?

6 A. She -- her primary residence was in a town called
7 Winniford, West Virginia. During the winter months, it got
8 really cold there. So she would go down and stay with my
9 brother, Gene, during that summer or winter months.

10 Q. Okay. And would that be in the location we've talked
11 about, 608 Doe Street in Richburg, South Carolina?

12 A. Yes, ma'am.

13 Q. All right.

14 A. And the, the reason she was there till June was because
15 of COVID back then.

16 Q. So, the reason why she was there in June of 2020?

17 A. Yes, ma'am.

18 Q. Okay.

19 A. Normally she'd already been back home.

20 Q. Okay.

21 A. But it was locked down.

22 Q. And how many relatives do y'all have up in Winniford,
23 West Virginia?

24 A. All our family mainly.

25 Q. And so, as for your mom heading back up to west

Paul Rogers - Direct examination
By Solicitor Lively

1 Virginia, does she have sisters and other siblings up there?

2 A. She has a brother and she has sister-in-laws that we
3 main -- remain close after or I'm close after that. So --.

4 Q. Now, did you ever visit with your brother, Gene, here
5 in South Carolina?

6 A. I did.

7 Q. All right.

8 A. I'm thinking it was around -- I can't even remember
9 what the date was. I did stay down there for two weeks,
10 helped him clean his house, get things cleaned up, things
11 throwed away and it was unworkable.

12 Q. Okay. All right. And what kind of -- what was your --
13 was your brother any kind of a creature of habit?

14 A. Yes.

15 Q. Okay.

16 A. He, he worked. I mean all the times he worked five
17 days a week out of town. He had his habit of getting up,
18 drinking coffee, looking at his work computer, what he had
19 to do. Then he would leave and go to work.

20 Sometimes mom would be at the trailer by herself. But,
21 you know, it would -- I never worried about her being there.
22 Even when I was there, it was this -- it was a quiet
23 neighborhood.

24 Q. And what about your brother and his -- and, and going
25 to church?

Paul Rogers - Direct examination
By Solicitor Lively

1 I mean how -- what was that like for him?

2 A. He was a changed man. He was a man of God. There's so
3 many moments in our lives and his lives, younger years,
4 where he could of died many times. But when he found God,
5 he wanted everybody to know about God and, yeah.

6 Q. Was he involved in a particular church?

7 A. The Rock of Ages Church. He always told me about him
8 teaching Sunday school. He loved that and mom, mom didn't
9 always go with him. But he did teach Sunday school and he
10 was proud of that.

11 Q. And would he be at church at the Sunday school every
12 Sunday as far as you knew?

13 A. As far as I knew, yes. When I talked to mom, she'd say
14 he went to church. He's at church. But she, she always
15 told me he was at the church.

16 Q. Let's go back to his job.
17 Where did he work?

18 A. Airgas.

19 Q. Airgas.

20 And how many years?

21 A. Thirty plus.

22 Q. Thirty plus?

23 A. He was a very hard worker and everybody that I talked
24 to after the death were always bragging on Gene of how kind
25 and considerate and how he'd loved to help people and --

Paul Rogers - Direct examination
By Solicitor Lively

1 but, you know.

2 Q. Well, let me ask you this and I -- and please don't
3 take this the wrong way. But I'm just curious. He
4 seemed -- you know, he had this job and he -- would you
5 agree that he made pretty good money?

6 A. Yes, ma'am.

7 Q. All right. But he didn't do much with the house that
8 he lived in.

9 Do you know why?

10 A. He, he lived humbly.

11 Q. All right.

12 A. He spent his money on his grandkids. He, he loved --
13 and his family. He took care of mom as much as he could
14 and, and he took care of his grandkids. He loved them.

15 Q. And so, going to that point, how do you know Alex
16 Scott, the defendant?

17 A. My brother was married to his grandmother.

18 Q. All right.

19 A. Her name was Judy. She had two children, Aaron Scott
20 and Jessica Scott, and I knew them since they were very
21 young when Gene and Judy first started dating. And Alex was
22 Jessica's first child.

23 Q. Okay. So, Alex was the oldest of Jessica's children?

24 A. Yes, ma'am.

25 Q. All right. And Aaron Scott, Aaron Scott is, is here

Paul Rogers - Direct examination
By Solicitor Lively

1 with us today?

2 A. Yes.

3 Q. Correct?

4 A. Yes, ma'am.

5 Q. All right. And he is, relationship wise, he is the
6 defendant's uncle?

7 A. Correct.

8 Q. All right. Okay. Now, going back to -- so that's how
9 you knew the defendant?

10 A. Yes, ma'am.

11 Q. And how long have you -- I mean how old was he?

12 Did you know him since birth or --?

13 A. I, I try to remember back---

14 Q. Uh-huh. (Affirmative).

15 A. ---how -- my mind doesn't -- way, way back I can't
16 remember. But I -- the picture of him when he was a baby, I
17 remember those pictures and stuff and, and Gene always had
18 him in his life and Gene lived in South Carolina. I lived
19 in North Carolina. So I, I -- seeing him every weekend or
20 everyday or like that, I didn't always see a lot of them.

21 Q. Okay. All right. So, in regards then to, to Alex, the
22 defendant, and the relationship with, with your brother,
23 Gene, did Gene kind of take him under his wing?

24 A. Yes.

25 Q. All right. Were you aware of whether or not he

Paul Rogers - Direct examination
By Solicitor Lively

1 actually spent time every chance he got with the
2 defendant---

3 A. Yes.

4 Q. ---and gave him money and anything else?

5 A. He, he -- Gene loved him like a son. Not a grandson
6 but a son. And he did everything he could for him.

7 Q. And was there a time before Alex, the defendant, got
8 old enough to, you know, to kind of be on his own or be with
9 somebody else where he actually did go into foster care?

10 A. Yes, ma'am.

11 Q. Okay. And did Gene, when that happened, still have or
12 try to maintain contact---

13 A. Yes, ma'am.

14 Q. ---with him?

15 A. Yes, ma'am.

16 Q. He did.

17 Okay. Now, when -- was there a time whenever the
18 defendant actually moved in with your brother?

19 A. I'm pretty sure it was when he turned 18 and -- cause
20 it -- I think he was in foster care till he was 18, and when
21 he went out of the system, he came to Gene's and stayed and
22 Gene was very excited about that.

23 Q. Okay.

24 A. Gave him his own room, you know.

25 Q. All right. And was -- did you learn that the plan for

Paul Rogers - Direct examination
By Solicitor Lively

1 the defendant or was that he was gonna go into the Marines?

2 A. I didn't not till the fact that he was --

3 Q. Okay.

4 A. -- and I -- Gene had put that on his Facebook.

5 Q. All right. Okay. And so that's how you learned?

6 A. Yes, ma'am.

7 Q. All right. Now, let's talk about -- when was the last
8 time you got to actually spend time with your brother, Gene,
9 before he was murdered?

10 A. I know -- it seems like a, a, a -- it, it, it may of
11 been even before that. But the one that stands out to me
12 the most, him and mom came to Savannah cause I was
13 graduating from college --

14 Q. Okay.

15 A. -- and we'd lost our brother the year before with
16 cancer and him and mom came down to watch me graduate. We
17 weren't always in the same state. We may not have been in
18 the same city. But we remained close cause it was four of
19 us. We had our mom and I had three brothers and we remain
20 close until -- all of them are gone now. But we have a
21 tight -- we had a tightknit family.

22 Q. When was the last time that you actually spoke with
23 your mom?

24 A. I'm thinking it's probably the week before the deaths
25 of them. The weekend that that happened I was in Atlanta

Paul Rogers - Direct examination
By Solicitor Lively

1 and Aaron's and his wife was trying to reach me. And they
2 couldn't get me because, when I'm traveling, if I -- there's
3 other people in the car, I'm not gon' have my phone and be
4 talking and all that.

5 So, I had my phone off. But when I immediately came
6 home, then I -- that's when I was told by Aaron. But I
7 think it was pretty much the week, week before --

8 Q. Okay.

9 A. -- all that happened but --.

10 Q. And do you know -- well, do you know why there -- you
11 said that your mother was down in South Carolina because of
12 COVID.

13 Do you know whether or not there was any type of event
14 going on that weekend before she died that they went to?

15 A. I'm pretty sure they went to Aaron's and Amber's for --
16 I think it was one of her son's graduations.

17 Q. Okay. And when you say they, would that have been your
18 brother, Gene, and your mom?

19 A. It was my brother, Gene, and mom.

20 Q. Okay. All right. Now, that week between that and them
21 being there at the graduation and the actual -- their actual
22 death, did you have any text messaging or any kind of
23 conversations with them?

24 A. I always text them. I mean mom always texted me memes.
25 I know everybody gets little pictures all the time.

Paul Rogers - Direct examination
By Solicitor Lively

1 Q. All right.

2 A. I'm proud of you son because of my past life. But we
3 would talk on texts. I, I hate this now but I wasn't really
4 ever a phone person. I didn't like to talk on the phone for
5 hours and hours.

6 So, I would text mom and she would text me or she would
7 try to call me and I'd be at work. So she'd leave me a
8 voice message. So that's -- I do have probably 10 of those
9 just saved so I can hear her voice.

10 Q. Did you have any personal observations of the defendant
11 with either your mom, Billie, or with your brother, Gene?

12 A. Not to, to my knowledge. I mean I -- it was always
13 a -- mom -- when he went into the Marines, Gene and mom both
14 would comment they were so proud of him and --.

15 Q. All right. Was there ever a time whenever you had
16 conversations with Gene about him retiring?

17 A. On his birthday on that year -- cause he was born
18 June 2nd. I was born June 12th. I called him to wish
19 him a happy birthday and he was like I ain't got but one
20 more year, one more year and I'll be 62. I'm retiring and
21 I'm like -- and he talked about other things and that he had
22 given Alex \$100,000 and I'm like what are you gonna retire
23 on.

24 But -- how are you gonna live and he was like well,
25 I'll get my retirement -- my -- rest of my 401(k) and I'll

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By Solicitor Lively

1 get social security and I'll just make cuts, whatever I have
2 to do. But I'm retiring. I'm not working anymore.

3 So he was really -- and he was really excited about
4 that. He wanted -- he was ready to retire and I don't know
5 if anybody knows about Airgas. But it's a very physical
6 job. So he, he was ready to retire.

7 Q. Okay. And he, he told you---

8 A. Yes.

9 Q. ---that -- when it---

10 A. What he told me was he was retiring and moving back to
11 West Virginia with mom.

12 Q. Okay. Now, whenever -- so he told you this. Did --
13 and he told you about the hundred thousand or, you know, the
14 amount of money that he had given to the defendant.

15 Did he ever mention to you about what that money -- why
16 he gave that money to Alex when he did?

17 A. He said it was part of his inheritance --

18 Q. Okay.

19 A. -- and that he was gonna start a business.

20 Q. All right.

21 A. And I didn't know the name of that or what it even
22 entailed until later on when Alex would put Legion
23 International stuff on Facebook.

24 Q. Okay.

25 A. This was before the murders and I would look and see

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1 and be proud of him and, you know, click and like or love
2 and just -- cause we were all proud of him for starting this
3 business.

4 Q. All right. And, at that time, what, if anything, did
5 you know about what the business was about?

6 A. It just said a security business. That's all I know.

7 Q. All right. And what did you know about any type of
8 different things that he was buying and having delivered to
9 the house?

10 A. It---

11 Q. what did you know about---

12 A. My mom was -- she would tell me. She was like I'm
13 worried because all this stuff's coming to the house. I'm
14 like what are you talking about and she was like there's
15 guns and night vision goggles and I was like why is it not
16 going to the business. why is it coming to Gene's, Gene's
17 address on 608 Doe Street. I, I don't understand that.

18 She's like I don't know. But it's, it's coming through
19 here. But it's really scary and worrying.

20 Q. Okay. Now, had your mom actually had some health
21 problems?

22 A. She -- the only health problem she had was she had
23 cancer back in 1982 and she, she had a double mastectomy and
24 she wasn't worried about losing her breasts. She's like I
25 don't want to do reconstructive. I'll wear prosthesis.

Paul Rogers - Direct examination
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1 And anybody who knew my mom when -- before she went to
2 bed or whatever, that thing came off because they were heavy
3 and they sweated her. I always use to joke with her and say
4 if you ever get -- somebody ever tries to hurt you, just get
5 it out as a weapon.

6 But, yeah, she, she only did it when she -- sometimes
7 she would get out of the house if she's just running to the
8 store or didn't have to get out of the car for anything.
9 She wouldn't put them on. But that was something I noticed.
10 So --.

11 Q. All right. And when you say that's something that you
12 noticed, what are you referring to?

13 A. The pictures that I've seen today and yesterday, this
14 week, I noticed that she had them on. So I knew she was,
15 she was just home. When my friend picked up the bag of
16 clothes at the funeral home, she had -- they're shoes in
17 there and her prosthesis and she wouldn't of had them on had
18 she been in bed or --.

19 Q. Now, did you -- whenever you learned -- and I think
20 you, you said that you were actually in Atlanta whenever
21 the -- you got a call that you didn't pick up?

22 A. Right.

23 Q. Am I remembering right?

24 A. They were texting me and calling.

25 Q. Okay. And then once you were able to actually get the

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1 phone is whenever you found out what happened?

2 A. My friend, Yvette, called me and she's like can you
3 reach out to Amber because I've gotten a million texts from
4 them and they're trying to get ahold of you. So, Aaron
5 called -- Aaron got on the phone and I called.

6 Q. And did you hear from anyone else from the -- from
7 Chester County---

8 A. No.

9 Q. ---or from anybody -- nobody?

10 A. I asked him for the numbers---

11 Q. Okay.

12 A. ---so I could reach out and find out was this even true
13 cause I tried calling her phone.

14 Q. I understand.

15 And did you have any knowledge of what Alex's and -- or
16 the defendant, Alex, and Gene's relationship was at the time
17 whenever they -- whenever both he and your mom were
18 murdered?

19 A. As far as I knew everything was fine. I didn't know of
20 any issues with the money or, or anything like that. I just
21 thought the business was doing fine and I mean that's what I
22 would read.

23 Q. Right.

24 Okay. And after you learned about the, you know,
25 obviously about their murders, when were the actual funerals

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1 for both Billy and Gene?

2 A. It was approximately a week later. I think it was the
3 27th of June. I had to have their bodies transferred back
4 to West Virginia. Gene wanted to be up near his brother on
5 the top of the mountain and mom had a plot in West Virginia.

6 Q. Was the defendant present for the funeral?

7 A. Yes.

8 Q. Did you see him there?

9 A. Yes.

10 Q. Did you talk to him?

11 A. He said one thing to me and I never -- I may of hugged
12 him. But the only thing he said was I'm sorry that you're
13 having to go through this.

14 Q. Did he ever call you to tell you what had happened?

15 A. No.

16 Q. Did you know that he was the one that found them?

17 A. Yes.

18 Q. All right. How'd you learn that?

19 A. Aaron.

20 Q. Aaron.

21 A. Aaron had told me that Alex had called him.

22 Q. Now, were you the beneficiary of any of the, the things
23 we've discussed in regards to your brother?

24 A. No, I'm not.

25 Q. Were you the one who actually handled his estate---

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By Solicitor Lively

1 A. I did.

2 Q. ---in probate?

3 A. Yes, ma'am.

4 Q. All right. What about your mom?

5 A. I did her estate.

6 Q. You did her estate as well?

7 A. Uh-huh. (Affirmative).

8 Q. All right.

9 A. She didn't have -- she had enough insurance to bury
10 her. My family donated money for her open and closing.

11 Q. So -- and I have to ask you this. I'm sorry.

12 But -- so did you receive any money or benefits from
13 your, from your mother's estate?

14 A. No.

15 Q. And, once again, you were actually in Atlanta when this
16 took place?

17 A. Yes, ma'am.

18 Q. Just one moment.

19 A. Okay.

20 (Pause.)

21 Q. All right. Thank you so much, Paul. I appreciate it.
22 Answer any questions the defense may have.

23 A. Thank you.

24 THE COURT: The defense have any questions of
25 Mr. Rogers?

1 MS. BOULWARE: No, sir.

2 THE COURT: Sir, you can step down, sir.

3 THE WITNESS: Thank you.

4 THE COURT: Okay. We got a, a, a legal issue I need to
5 discuss with the lawyers. So this is the break in-between
6 the first and the second last witness for the -- this
7 afternoon. So if you'll go back to the jury room. We'll do
8 our best not to keep you back there too long.

9 (WHEREUPON, the following takes place outside the
10 presence of the jury.)

11 THE COURT: Okay. Something was mentioned back in
12 chambers concerning the phone analyst who I understand to be
13 Eric Devlin. There's some disagreement over the use of the
14 word slides. So I'm not sure exactly what we're talking
15 about. But --.

16 MS. BOULWARE: No, sir.

17 THE COURT: You want to educate me a little bit, Ms.
18 Boulware?

19 MS. BOULWARE: Sure.

20 Actually he has a slide presentation much like Agent
21 Wright did and there are two slides in there that refer to
22 Alex searching for an -- criminal defense attorney in
23 Columbia.

24 THE COURT: Okay.

25 MS. BOULWARE: They don't have dates or time limits on

1 them. So I'm not sure when that was done. And if that was
2 done after he was being investigated or even just after the
3 murders at all, I would ask that those be redacted from that
4 presentation because it's a -- to me it's a violation.

5 So -- and the final slide or the other slide is a text
6 or a text or a message or message between Ian Little and his
7 mother, which does not involve Alex at all, and it
8 comments -- it's commenting or it's basically when -- and,
9 and I think you may of heard about this earlier in some
10 motions, pretrial motions---

11 THE COURT: Maybe.

12 MS. BOULWARE: ---we did.

13 THE COURT: Okay.

14 MS. BOULWARE: Ian's mother messaged him -- she had
15 talked with an attorney and messaged him with instructions
16 of what he needed to do from there. Like create a timeline
17 and all this good stuff.

18 But that's just hearsay, judge, and it also goes to my
19 issue with any of Ian's statements being, being brought in
20 which we really haven't ruled on yet because we were waiting
21 until the folks on Monday were coming --

22 THE COURT: Okay.

23 MS. BOULWARE: -- who make the most statements about
24 what Ian told them.

25 THE COURT: All right. So let me just make sure.

1 we got one slide where Alex is -- what is he, Googling
2 for---

3 MS. BOULWARE: I think they're Google searches, yes,
4 sir.

5 THE COURT: Okay. Alex Googling criminal defense
6 lawyer.

7 But we don't know when that search took place is what
8 you're saying?

9 MS. BOULWARE: I don't, no, sir. They all appear to
10 have taken place over the course of the, of the slide
11 show -- I mean the presentation probably during the month of
12 June mostly. But it, it ranges from earlier to June to the
13 date around the murders to a -- maybe a little while after.
14 So---

15 THE COURT: So---

16 MS. BOULWARE: ---I'm just not sure --.

17 THE COURT: You're comfortable in saying that some time
18 in June. We don't know whether it precedes or postdates the
19 murders.

20 MS. BOULWARE: Yes, sir, if I am getting the date
21 ranges right about the slide. I know there was something
22 else on there that went to October. But I don't think it
23 concerned the, the Google searches.

24 THE COURT: All right. And then the other slide is a
25 text between Ian and Ian's mom?

1 MS. BOULWARE: Yes, sir.

2 THE COURT: And how did that get on Alex's phone?
3 Did somebody forward that?

4 MS. BOULWARE: He actually analyzed Ian's phone too I
5 believe.

6 THE COURT: Oh, okay. All right.

7 SOLICITOR LIVELY: It's iCloud, Your Honor.

8 MS. BOULWARE: Oh, iCloud. Yeah, they, they did get a
9 search warrant for that.

10 SOLICITOR LIVELY: That's correct.

11 THE COURT: Okay. Okay. And the basis for your
12 objection again, Ms. Boulware, is?

13 MS. BOULWARE: On the attorney searches depending on
14 when they took place.

15 THE COURT: Just don't know when it is.

16 MS. BOULWARE: Right.

17 And, and if it's after -- like I guess I'd -- I'll say,
18 just to be safe, the day of the murders or after. I, I
19 believe that would be a Doyle violation.

20 THE COURT: Okay.

21 MS. BOULWARE: And the Ian text with mother I believe
22 is inadmissible hearsay first off, and then, on -- the other
23 issue I have with it is we really haven't gone into what
24 statements of Ian's would come in at all to other people---

25 THE COURT: Okay.

1 MS. BOULWARE: ---would come in at all.

2 THE COURT: So is, is -- on the second slide, is it a
3 text conversation?

4 Mom says X, Y, Z?

5 MS. BOULWARE: It will---

6 THE COURT: Ian says A, B, C. Mom says---

7 MS. BOULWARE: Well---

8 THE COURT: ---whatever.

9 MS. BOULWARE: It really is just one text from mom---

10 THE COURT: Okay.

11 MS. BOULWARE: ---to Ian.

12 THE COURT: All right.

13 MS. BOULWARE: That's, that's all it is.

14 THE COURT: Okay. All right. Well, is there a way to
15 show me these two slides?

16 MS. BOULWARE: Yes, sir.

17 SOLICITOR LIVELY: Yes, sir, and I pulled out -- I just
18 don't want to mess up the lineup here. The one from the
19 mother, just to address that, refers with the Ian Little
20 situation. Yeah, we'll make a copy so that way I'm not
21 having to lose my spots cause there's like almost 200
22 slides. So I --.

23 THE COURT: Okay.

24 SOLICITOR LIVELY: It's hard to dig through it and
25 everything.

1 If you recall, Your Honor, when we talked about whether
2 or not to admit the issue of Ian Little's suicide, that one
3 of the things that came up was I showed that video of where
4 Agent Clamp and Rikki Burch had gone to Ohio---

5 THE COURT: Right.

6 SOLICITOR LIVELY: ---to talk to him.

7 Well, that was on August 31st of 2020. This text or
8 message that you're gonna see is his conversation with his
9 mother about the police having come to his house to talk to
10 him.

11 You can hand one up to the judge if you want.

12 And the reason why that's relevant, Your Honor, because
13 as a -- as we talked about as a reason to keep out some of,
14 you know, keep out the Ian Little issue of committing
15 suicide was because of concerns of prejudice in regards to
16 if that could of been him feeling guilt -- feeling guilty
17 about being a part of the crime. And one of the things they
18 raised was the fact that he's potentially a coconspirator
19 and we would have issues of possibly Brewton issues and
20 things like that.

21 So, so, in this text, the reason why I believe that it
22 is -- does not meet that same analysis is because, as a
23 coconspirator, you can actually see where the mom is talking
24 to him saying stuff like, you know, anything that came from
25 the grandparents can be tracked to you and use you as a

1 scapegoat, the timeline serves you telling him how he needs
2 to actually set up a timeline, and to make sure that he can
3 track all of the time that he spent, and also whether or not
4 any money -- I think there was something about money.

5 Yeah, actions where you went, events, and any money or
6 items given to you by roommate during that timeline. The
7 roommate is the defendant, Alex Scott.

8 So, at that point, what's happening here is it's
9 showing that further continuation of the fact that they were
10 both involved in this crime and him talking to his mother
11 after the police come to talk to him about it. And she's
12 talking about you need to probably get all these things in
13 order because they're gonna use you as a scapegoat for the
14 defendant.

15 THE COURT: All right. How you get around this text
16 message from mom -- Ian's mom, which is I guess Augustine?

17 SOLICITOR LIVELY: Yes.

18 THE COURT: How you get around it being this flatout
19 hearsay?

20 SOLICITOR LIVELY: Well, Your Honor, it -- in regards
21 to it being hearsay, with -- we end up having to actually
22 hold off on this coming in through just something that was
23 found off of his iCloud is a part of the report that we did
24 with, with Mr. Devlin. We could still have him authenticate
25 that he's actually pulled all these slides and from what --

1 where we got them from.

2 It may be something that we have to actually get in in
3 the context of dealing with the two witnesses who are coming
4 to testify on Monday in regards to, you know, Ian's actual
5 participation in the crime cause that's what they're gonna
6 talk about.

7 THE COURT: All right. I don't have a problem
8 deferring ruling on this.

9 How, how will you get Mr. Devlin to authenticate this
10 without showing to the jury?

11 SOLICITOR LIVELY: Well, I can get him to authenticate
12 it now. We could just proffer it with him that he got it
13 off the iCloud account---

14 THE COURT: Okay.

15 SOLICITOR LIVELY: ---because that is what happened
16 through the search warrant unless they're willing to at
17 least -- they, they could stipulate that it came from the
18 iCloud without stipulating that it would be irrelevant or
19 that it would be something other than hearsay to come in.

20 THE COURT: All right.

21 SOLICITOR LIVELY: However you want to do it.

22 MS. BOULWARE: And, and, judge, I don't have a problem
23 with the authentication of it. That, that was -- there was
24 a valid search warrant gotten for the iCloud. He's -- he
25 did lift that text message. I think the issue I have is,

1 first of all, mom's not here testifying.

2 THE COURT: Right.

3 MS. BOULWARE: If it's -- even if it's authenticated,
4 doesn't make it not hearsay. So --.

5 THE COURT: Right. Sure.

6 MS. BOULWARE: Um.

7 THE COURT: And, and, and, and if you stipulate to the
8 authenticity of this, I'm certainly not gonna hold your feet
9 to the fire wherein well you -- you've stipulated to the
10 authenticity, therefore you've stipulated to the
11 admissibility. You're not---

12 MS. BOULWARE: Right.

13 THE COURT: ---doing that --

14 MS. BOULWARE: Yes, sir.

15 THE COURT: -- at this point. And so -- all right. So
16 she's stipulating to it. So we don't even need to get into
17 this---

18 SOLICITOR LIVELY: Okay.

19 THE COURT: ---with Mr. Devlin. We'll just hold it
20 and, and do -- we'll deal with it later.

21 SOLICITOR LIVELY: Yes, sir.

22 THE COURT: Okay. All right.

23 SOLICITOR LIVELY: I'll pull it out---

24 THE COURT: So---

25 SOLICITOR LIVELY: ---for purposes of today.

1 THE COURT: Yeah. All right.

2 SOLICITOR LIVELY: Okay.

3 THE COURT: So --.

4 (Pause.)

5 SOLICITOR LIVELY: Judge?

6 THE COURT: Yeah. Go ahead.

7 MS. BOULWARE: There, there is another slide.

8 Mr. Frick found this slide. I didn't even notice this one.

9 But apparently there's another slide where Ian is
10 talking with someone. I'm not sure who. Issy Poo. I don't
11 know who Issy Poo is and about a bankruptcy and I -- yes,
12 slide 127.

13 SOLICITOR LIVELY: Okay.

14 MS. BOULWARE: And I think when this -- when, when it
15 was first -- there's been a couple different versions of
16 this depending on what's been let in and what hasn't. I
17 think it might of referred to a suicide with Ian on that and
18 that's why it was changed.

19 SOLICITOR LIVELY: We changed it. Yeah, that's why we
20 took it out.

21 MS. BOULWARE: Right. But it's still concerning Ian
22 and it's Ian's statements.

23 SOLICITOR LIVELY: I mean he's still a coconspirator
24 and involved in this case despite the fact that he's dead.
25 So I mean it---

1 MS. BOULWARE: Well---

2 SOLICITOR LIVELY: There's a lot of stuff that was
3 going on and also the thing is -- one, one more -- one
4 second.

5 One of the questions that came out in regards to
6 whether or not, you know, Alex had all this control over his
7 roommates, all right, because he had all the money, one of
8 the things we're saying well, how do you know that Ian
9 couldn't of made his own money. This was on the pretrial.
10 It was not in front of the jury.

11 MS. BOULWARE: Right.

12 SOLICITOR LIVELY: But that's one of the things that
13 came up too and this shows that well, actually we know that
14 he was also having money problems. He was filing
15 bankruptcy.

16 So that goes right in line with the whole motive that
17 the State has in regards to why these guys murder these two
18 individuals is because Alex had promised them money, which
19 the -- this may be another one we have to deal with on
20 Monday.

21 THE COURT: Right.

22 SOLICITOR LIVELY: Is that fair enough?

23 MS. BOULWARE: I know---

24 SOLICITOR LIVELY: And because it -- it really does
25 have to deal with the other two are gonna come and testify

1 about this.

2 THE COURT: All right. All right. And so can we
3 handle it the same way?

4 You stipulate to the authenticity of this slide but
5 deal with it on, on, on, on Monday?

6 MS. BOULWARE: Yes, sir.

7 THE COURT: Now, did I not -- and y'all, y'all correct
8 me if I'm wrong.

9 When I made the ruling that we weren't getting into
10 Ian's suicide, did I go ahead, and with respect to Brewton
11 and Crawford, rule that anything that Ian said could not
12 come in?

13 MS. BOULWARE: You---

14 THE COURT: Did I not do that?

15 MS. BOULWARE: You decided to hold off on that --

16 THE COURT: Oh, hold off on that.

17 MS. BOULWARE: -- until their -- the, the main or the,
18 the, the largest quantity I guess of Ian's statements are
19 coming from the witnesses who will testify --

20 THE COURT: Okay.

21 MS. BOULWARE: -- on Monday and I think that's why
22 we---

23 THE COURT: I got you.

24 MS. BOULWARE: ---said we'd hold off.

25 THE COURT: Okay.

1 MS. BOULWARE: Right.

2 THE COURT: All right. If you can just put this third
3 slide that we're gonna hold off on Monday, if y'all can get
4 me a copy of that, and I'm gon' have -- start with a little
5 stack here.

6 SOLICITOR LIVELY: That's --.

7 THE COURT: If you can do that for me and then we'll
8 get back to this criminal defense search.

9 SOLICITOR LIVELY: All right. Do you have the one
10 where it says -- where he's looking for the lawyer?

11 THE COURT: Yeah, that was handed to me.

12 SOLICITOR LIVELY: Okay.

13 THE COURT: Somebody handed it to me.

14 SOLICITOR SOPRANO-CESMAT: I snuck up.

15 THE COURT: Okay. Thank you.

16 (Pause.)

17 THE COURT: Okay. All right. Now so the, the Google
18 search, while -- if I'm hearing Ms. Boulware correctly, she
19 surmises that it was done more than likely some time in June
20 but we just don't know when.

21 Do you have anything on that, solicitor, as far as
22 narrowing it down?

23 SOLICITOR LIVELY: Yes, I do and I'm actually waiting
24 on the printed out -- let me just explain the complexities
25 of all this cellphone stuff and I'm probably gonna get it

1 wrong.

2 But the way that it works, especially with the Cloud
3 and Google and all that kind of stuff, it constantly updates
4 itself. So there's times when you can go back into what
5 you've already looked for and there may be it -- there may
6 be something different. Not different in it changes the
7 whole context of it. There may be additional information.
8 I hope I'm saying that correctly.

9 So, what we've done is, in one of them, we've actually
10 had the -- one of them -- we searched back through and we do
11 have a date on it and this is the one where he was looking
12 for a criminal lawyer. The date on this one was May 14th,
13 2020, at 7:16PM and that's the one that's getting printed
14 because that was the only one that we were actually able to
15 find a -- an actual date on because one of the things that
16 happens is, and this is kind of way this case is so
17 complicated, is whenever the defendant was allowed to leave
18 the scene on the 21st of June --

19 THE COURT: Right.

20 SOLICITOR LIVELY: -- and they did not take his phone
21 --

22 THE COURT: Right.

23 SOLICITOR LIVELY: -- he went in, and if you manually
24 delete your searches through the phone, even though with
25 the -- all the technology that we have and that was used by

1 my expert, we can find the Google searches. But when you do
2 that, then it actually erases or takes off -- it won't tell
3 you the date that the search was done.

4 THE COURT: Okay.

5 SOLICITOR LIVELY: But we know that it was actually
6 deleted because otherwise the date would be there. So
7 that's why some of this stuff has a date and some of it
8 doesn't.

9 THE COURT: Right. Yeah.

10 SOLICITOR LIVELY: Because you could even see some of
11 the searches he made were things like how to erase your
12 searches and things like -- I mean he had how -- you know,
13 all this other kind of stuff about deleting his Facebook and
14 how do you do this and how do you do that.

15 So, it's all this stuff. You know what is GSR. What
16 is all this stuff.

17 THE COURT: Yeah.

18 SOLICITOR LIVELY: And these are the things that some
19 of it has dates on it. But some of it he went in and he
20 actually erased it. So, there's, there's several of those
21 --

22 THE COURT: Okay.

23 SOLICITOR LIVELY: -- where, where he's gonna testify
24 about that. So, this one was one where he happened to, I
25 guess, not go back in or whatever -- yeah.

1 So what ended up happening with what he put into the
2 PowerPoint was the browser activity. But on there you don't
3 see the actual date for this one, and when we pull it up
4 here, you can actually see it.

5 well, I'm pulling up this -- the one I'm talking about
6 right now. I'm just explaining it to you. That's why all
7 this cellphone stuff is so complicated --

8 THE COURT: Yeah. Oh, yeah, I---

9 SOLICITOR LIVELY: -- because there's different ways
10 where it depends on whether someone actually goes into the
11 phone and manipulates it in some fashion --

12 MS. BOULWARE: Well, and, Your Honor---

13 SOLICITOR LIVELY: ---and from what database it's
14 actually coming from.

15 MS. BOULWARE: The problem I have too is those don't
16 look like -- these two slides look like separate searches to
17 me. One's under findlaw.com and the other's just a Google
18 search of best criminal defense lawyer in Columbia.

19 SOLICITOR LIVELY: Yes, that is two different ones.

20 MS. BOULWARE: Okay.

21 THE COURT: Okay.

22 SOLICITOR LIVELY: Yes.

23 MS. BOULWARE: And I don't have dates on either one of
24 them. So --.

25 THE COURT: well, they're, they're telling me on one

1 they have a May 14th date.

2 SOLICITOR LIVELY: That's true.

3 MS. BOULWARE: Uh-huh. (Affirmative).

4 And, and, at that point, I don't know why he's
5 searching for that.

6 THE COURT: Right.

7 MS. BOULWARE: I will say, in all candor to the Court,
8 I don't know why. I would know why, you know, the 20th or
9 after. But particularly the 21st when he's taken in, and
10 for all intents and purposes, it was kind of an
11 interrogation.

12 THE COURT: All right.

13 MS. BOULWARE: But I don't know why he would of
14 searched in May. I don't have as strong an argument for
15 that one.

16 THE COURT: Yeah.

17 MS. BOULWARE: I, I still think though, under 403, it
18 probably is still prejudicial as it's still commenting on
19 if, you know, somebody's right to an attorney.

20 THE COURT: Right.

21 MS. BOULWARE: So, I, I still think -- and, and
22 particularly since the word lawyer's highlighted. But I
23 also think it's presented to the jury like it is, they don't
24 know when that is either. So --.

25 THE COURT: All right.

1 SOLICITOR LIVELY: Well, Your Honor, just -- and, and
2 I'm talking to people who know this stuff better than I do
3 right now. But what, what we can do -- I understand what
4 her argument is and -- but I think that -- especially the
5 one that was on May the 14th, that would be the date after
6 the initial attempt was made by the defendant and Ian Little
7 to kill Gene and they got scared and ran off. We've
8 actually got that with -- that's already been discussed and
9 that's already gonna be a part of the testimony that's
10 coming in.

11 THE COURT: Yeah.

12 SOLICITOR LIVELY: So that would be right in line with
13 him Googling getting an, an attorney. And so that would be
14 definitely relevant to our timeline here.

15 THE COURT: All right. But is that not -- I mean using
16 it certainly against the defendant, is that some
17 infringement on his constitutional right to an attorney?

18 SOLICITOR LIVELY: Well---

19 MS. BOULWARE: I think if that's what she's basing it
20 on it is.

21 SOLICITOR LIVELY: No, the thing is, is that he wasn't
22 being invest -- nobody knew anything about what was going on
23 at that time.

24 THE COURT: Yeah.

25 SOLICITOR LIVELY: So what we're doing is we're showing

1 his state of mind during this time. There's a lot of things
2 he's Googling. He's Googling things that you're gonna hear
3 about. Things like can, you know, a detective recommend the
4 death penalty. Can -- you know, what's exculpatory.

5 You know, he's Googling all this stuff in the context
6 of that timeline right before the murders happen.

7 So, that's the reason why that particular one where
8 he's also looking up a lawyer, I mean there was a lot of
9 legal stuff that he looked up during that timeframe that had
10 to do with things that were about how long does it take a
11 case to go cold. You know, just all of this stuff that goes
12 in line with that -- with him actually Googling for, you
13 know, find an attorney.

14 So, to me, I mean he's not under investigation at this
15 time. So what has he got going on?

16 He just made an attempt, as we're gonna, you know,
17 prove through the evidence, that he just made an attempt
18 that he was gonna kill his grandfather. It didn't work out
19 and then, a month later, they're dead. So -- and it wasn't
20 around the time whenever he was talked to by police.

21 THE COURT: All right. Interesting.

22 MS. BOULWARE: Well, Your Honor, I -- okay. First of
23 all, it's an alleged attempt.

24 okay?

25 THE COURT: Right.

1 MS. BOULWARE: And the State may or may not prove it.
2 You know, we'll see what they say---

3 THE COURT: Right.

4 MS. BOULWARE: ---when we get up there on Monday.

5 But I still think, because of that, it's a, it's a --
6 under 403, it's going to be prejudicial, prejudicial, excuse
7 me, because if they can't prove it through those witnesses,
8 then we got the jury going well, he looked for a lawyer
9 around that time. He must of done something. I think
10 that's what it -- where it's gonna end up.

11 SOLICITOR LIVELY: well, we're gonna also present
12 evidence that shows that the -- we have got confirmation
13 through the phone detail logs and that the defendant did
14 drive up to Jacksonville, pick up Evan Webb on the weekend
15 of the 9th in order to actually commit the crime. So, we
16 have data that's actually gonna show that he's done that as
17 well.

18 So, that's a -- more of the corroborating evidence in
19 regards to not just the testimony of these witnesses on
20 Monday. But we're gonna have the cellphone data that
21 corroborates their testimony in that regard.

22 THE COURT: Okay. These, these other searches, one was
23 can somebody recommend the death penalty and some of these
24 others you're getting into, when were all those searches
25 done?

1 Do you have a date or is that one of the ones where, if
2 you delete it, then you lose the date?

3 SOLICITOR LIVELY: There are some that have dates and
4 some that do not.

5 THE COURT: All right. Well, what---

6 SOLICITOR LIVELY: I mean it's just because he---

7 THE COURT: ---generally is it May and June or just
8 June or --?

9 SOLICITOR LIVELY: The ones that we have dates are
10 mostly June. Like before -- the ones that we have were
11 mainly before the murders and then there's some that are on
12 the date the bodies are found where he's Goggling, you know,
13 how to get gun powder residue, GSR off your hands, and then
14 there's also, whenever he's Googling, can the police make
15 you turn over your phone, all of this stuff, up until the
16 time he actually turns the phone over.

17 So there are some of those that we do still have the
18 actual dates on that.

19 THE COURT: Okay.

20 MS. BOULWARE: Judge, Judge, and it's almost like she's
21 making my argument for me. She's saying yes, he was in
22 trouble for something and we're gonna prove he was in
23 trouble for something and we're gon' prove he looked for a
24 lawyer because he's in trouble for something.

25 THE COURT: Yeah. But --.

1 SOLICITOR LIVELY: That, that --.

2 THE COURT: These other searches, you're not -- you're,
3 you're, you're not objecting to those?

4 MS. BOULWARE: I don't think I can, judge. I mean
5 I'll, I'll address the issue of dated and not dated. But
6 those searches don't address his right to an attorney --

7 THE COURT: Yeah.

8 MS. BOULWARE: -- to consult with an attorney. That's
9 the problem I have --

10 THE COURT: Yeah. Yeah.

11 MS. BOULWARE: -- that, that comment -- I mean that's
12 the whole reason that that case is there because that,
13 that -- it's a prejudice to my client---

14 THE COURT: It---

15 MS. BOULWARE: ---that -- and they jump from the
16 conclusion of well, we don't know if this really happened or
17 not but he searched or he looked for a lawyer. So it must
18 of happened.

19 THE COURT: Right.

20 MS. BOULWARE: You know, he must of done something
21 wrong. That's where it's---

22 THE COURT: Yeah.

23 MS. BOULWARE: ---gonna go.

24 THE COURT: I, I don't think I can equate a search for
25 a lawyer being the same thing as searching for how, how

1 gunshot residue gets off the hands. I think, I think
2 what -- we got different situations because a right to a
3 lawyer is a constitutional right and---

4 MS. BOULWARE: Yes, sir.

5 THE COURT: ---the -- getting information about GSR is
6 not.

7 So, I think we got apples and oranges and I think what
8 you're doing -- I mean I'd do the same thing if I was in, in
9 your, in your shoes. But I think you're penalizing him for
10 trying to present evidence that directly goes to his
11 constitutional right to have an attorney whether or not
12 guilt is involved.

13 And so I'm gonna, I'm gonna order that, with respect to
14 any slides related to searching for a lawyer, I'm gonna
15 suppress that from Mr. Devlin's presentation --

16 SOLICITOR LIVELY: Okay.

17 THE COURT: -- cause I think we've got -- it's a
18 different situation.

19 By all means, searching for GSR information and, you
20 know, what can a -- what about the death penalty and all
21 that, yeah, that's, that's certainly fair game. But when
22 the -- it crosses the line -- I'm not being critical at
23 all---

24 SOLICITOR LIVELY: Oh, no, sir.

25 THE COURT: ---and please understand. But I think it

1 crosses the line when you -- you're beating him up with his
2 searching for a lawyer. So I mean -- any slides with
3 respect to lawyers you want to keep out. But other stuff
4 certainly is fair game.

5 SOLICITOR LIVELY: Okay. Your Honor, if you'll give us
6 like -- give us five minutes---

7 THE COURT: Take, take, take whatever time---

8 SOLICITOR LIVELY: ---to, to---

9 THE COURT: ---you need.

10 SOLICITOR LIVELY: Yeah.

11 THE COURT: I mean I --.

12 SOLICITOR LIVELY: Just because I want to make sure the
13 copy that we actually put in the -- is the completely clean
14 copy. So we just need to go back over it---

15 THE COURT: Sure. Yeah. Yeah.

16 SOLICITOR LIVELY: ---and pull this out.

17 THE COURT: Yeah.

18 SOLICITOR LIVELY: Okay.

19 THE COURT: Yeah, take, take whatever time you need.

20 SOLICITOR LIVELY: It shouldn't take too long.

21 All right. Was there anything else?

22 Are y'all gonna --?

23 (Pause.)

24 THE COURT: Let's bring the jury out please.

25 (WHEREUPON, the following takes place within the

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1 presence of the jury.)

2 THE COURT: Okay. Let the record reflect the jury is
3 back in.

4 State ready to call its next witness?

5 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

6 The State would call Eric Devlin to the stand.

7 THE COURT: Okay. Come around, Mr. Devlin.

8 THE CLERK: Please raise your right-hand. State your
9 full name.

10 THE WITNESS: Eric Devlin.

11 ERIC DEVLIN, being first duly
12 sworn, testified as follows:

13 THE CLERK: Please take a seat.

14 THE WITNESS: Yes, ma'am.

15 DIRECT EXAMINATION

16 BY SOLICITOR LIVELY:

17 Q. Good afternoon, Mr. Devlin.

18 A. Good afternoon.

19 Q. Now, Mr. Devlin, please tell the jury where you are
20 from and what your job position is.

21 A. I am from Houston, Texas. At the present time I'm the
22 managing director of Lone Star Forensic Group. We're a
23 digital forensics company based again out of Houston, Texas.

24 Q. Do you have any type of degrees or certifications from,
25 from your past history of what you did before then?

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1 A. I do. I'm, I'm born and raised in Houston, Texas. I
2 actually went to college at the Southern Methodist, Southern
3 Methodist University in Dallas, Texas. I then went to Law
4 School at South Texas College of Law in Houston.

5 After graduating from law school, I joined the Harris
6 County District Attorney's Office as a prosecutor and I
7 served as a prosecutor from -- joined the office in 1999.
8 Left in 2013. While I was a prosecutor, I attended the
9 Alvin Police Academy. So --.

10 Q. And do you have any training in things like computer
11 crimes and, and phone analysis and that type of stuff?

12 A. I do. I've got several thousand hours of, of
13 specialized training in computer forensics. My training
14 comes from a variety of sources from providers like
15 Cellebrite, which is the main cellphone forensic software
16 that we have, to other ones that says -- EnCase, FTK.

17 I also have specific training from the United States
18 Marshal Service as well as from the United States Secret
19 Service as well as specialized training in the areas of, of
20 digital -- of cell location analysis. All in total, again,
21 it's several thousand hours. So --.

22 Q. Okay. And have you ever been qualified as an expert in
23 digital forensics and analysis and cellphone location
24 analysis?

25 A. I have. I've been qualified in Texas as well as a

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1 variety of other states including Florida, Arkansas, Ohio,
2 and I believe Idaho. So --.

3 SOLICITOR LIVELY: Okay. Your Honor, at this time we
4 would offer Eric Devlin as an expert in digital forensics
5 and analysis as well as cellphone location analysis.

6 MS. BOULWARE: No objection.

7 THE COURT: All right. Without objection, so ordered.

8 SOLICITOR LIVELY: Thank you, Your Honor.

9 Now, Mr. Devlin, did you have an opportunity to become
10 involved in an investigation with a defendant by the name of
11 Gene Alexander Scott?

12 A. Yes, ma'am.

13 Q. All right. And which agency actually reached out to
14 you regarding the investigation of that defendant?

15 A. I traveled to the Chester County Sheriff's Office in
16 October of 2021.

17 Q. All right. So, in 2021, you traveled here.

18 Did you actually have an opportunity to meet with the
19 investigators in the case as well as be able to have access
20 to some of the evidence?

21 A. I did. I, I worked with the actual investigators.
22 They provided access to whatever evidence they had within
23 both their file as well as within their property room.

24 Q. Okay. So, was some of the evidence that you actually
25 got to retrieve and review the cellphone extraction data

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1 from the defendant's phone, Defendant Alexander Scott?

2 A. For the phone regarding Al -- Alex Scott, I received a
3 copy of a extraction that was done with a GrayKey device and
4 it was done by another police agency. Once I received it, I
5 went through and validated to make sure it had been done
6 correctly and that the data was not corrupted or changed in
7 any way.

8 Q. Okay. So, once you were out -- able to validate that
9 information that you got, were you comfortable at that time
10 to proceed with your evaluation and analysis of that phone
11 data?

12 A. Yes, ma'am, that's actually a very common thing it --
13 to provide extractions for other examiners to review it.

14 Q. All right. And, and whenever you received the, the
15 extraction and you started to go through it, what are the
16 different ways that you actually did your analysis and --
17 you, you want me to go into your PowerPoint?

18 Does that kind of help with it or do you want me --?

19 A. Whatever you'd like---

20 Q. Okay.

21 A. ---on this one. I mean I can, I can do a summary of
22 it.

23 Q. Okay. Let's go into your PowerPoint. That might help
24 cause I know that I actually asked you to break it down a
25 little bit for the jury.

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1 A. Yes, ma'am.

2 Q. So we'll, we'll do that.

3 Okay. So, you actually go into specifics in this
4 particular about the individuals that you -- can you see
5 that?

6 A. Yes, ma'am.

7 Q. Okay. About the individuals that were actually
8 relevant to this particular case and what you did.

9 Is that correct?

10 A. Yes, ma'am.

11 Q. All right. So---

12 MS. BOULWARE: Judge, may we approach for one moment?

13 THE COURT: Sure.

14 (WHEREUPON, a bench conference was held out of the
15 hearing of the jury at this time.)

16 SOLICITOR LIVELY: Okay. Sorry, Your Honor. I was
17 renumbering everything and I forgot to have it marked. I
18 apologize.

19 THE COURT: Okay.

20 SOLICITOR LIVELY: We can do that.

21 (WHEREUPON, the phone analysis of Mr. Devlin was marked
22 as State's Exhibit No. 195 for identification purposes only
23 at this time.)

24 Q. All right. I'm gonna show you -- now --.

25 THE COURT: It's 195.

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1 SOLICITOR LIVELY: One hundred ninety-five. I'm sorry.
2 Yes, 195.

3 Q. Now, Mr. Devlin, this actual presentation that you have
4 here for the jury, was this your full report regarding the
5 individuals that are involved in this particular case which
6 includes both defense -- the defendant (indiscernible) and
7 possibly other friends of the defendants?

8 A. This is my full what we call process report. As for an
9 electronic report, that's on a hard drive that contains all
10 the data that recovered -- was recovered and processed. So
11 --.

12 Q. Okay. So, everything that came off of that -- the
13 phone extraction, not the phone, you didn't have the
14 physical phone, you had all the extraction, all of that
15 information is in here?

16 A. Everything that's been bookmarked, yes, ma'am.

17 Q. Bookmarked, yes.

18 Okay. Thank you.

19 So, Your Honor, at this time, the State would move 195
20 into evidence.

21 MS. BOULWARE: And just objection as previously ruled
22 upon.

23 SOLICITOR LIVELY: Okay.

24 THE COURT: Subject to the matters already on the
25 record, 195 is in evidence for the State.

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1 SOLICITOR LIVELY: Thank you.

2 (WHEREUPON, State's Exhibit No. 195 was received into
3 evidence at this time.)

4 Q. Okay. Okay. So thank you so much.

5 So what we'll do is we'll kind of get back to what we
6 have here.

7 So tell the jury what your, your giving to us here.

8 A. I was provided a variety of records and, and, and
9 records, devices, and extractions to examine.

10 That include the examination of the Motorola android
11 that belonged to Billie Rogers, an examination of a Facebook
12 account regard -- owned by Billie Rogers, examination of an
13 Apple iPhone extraction belonging to Alex Scott, examination
14 of the Apple iCloud accounts that were obtained by search
15 warrant belonging to Alex Scott, examination of call detail
16 records for the phone number (803)899-0010 that was reported
17 to be owned by Alex Scott, Alexander -- examination of a
18 Facebook account of Alex Scott, an examination of an Apple
19 iCloud belonging to Ian Little, examination of call detail
20 records for phone number (330)510-9449 belonging to Ian
21 Little, examination of call detail records for phone number
22 (910)545-8908 belonging to Evan Webb, and, finally,
23 examination of call detail records for phone number
24 (803)556-6664 belonging to Carol Deaton.

25 Q. Okay. Now tell us what you did next and, and -- once

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1 you have all that information, the names as well as the
2 phone numbers, that you're going to be looking for.

3 A. well, I, I started with the examination of Mrs. Rogers
4 phone, phone. This was a Motorola android phone.

5 Q. Okay.

6 A. I provided the IMIE number here, which is the
7 identifying number. That's how we can tell -- that's a
8 unique number that's, that's assigned that particular
9 device.

10 Q. Okay.

11 A. I like photographs. I've always been a big picture
12 person. That's how I help -- that's how I remember what it
13 is and which device it is.

14 Q. Okay.

15 A. And so I examined the device, took a number of
16 photographs. I use Cellebrite physical analyzer and
17 Cellebrite is considered to be the, the, the, the gold
18 standard when it comes to cellphone forensics.

19 Q. Okay.

20 A. They are a company used by state and federal law
21 enforcement as well as by civilian examiners like myself and
22 it -- it's, it's thought to be the deepest tool for
23 regarding cellphone forensics. So --.

24 Q. Okay.

25 A. The interesting thing about Cellebrite is they're

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1 always updating. It's one of those things where they're
2 always improving the product and you kind have to, in this
3 world, because with cellphones you -- imagine how many
4 updates you get every day or every week on your cellphone.
5 Every time you have an undate, we have to accommodate that
6 from the forensics. So --.

7 Q. All right. And so here we've got more information in
8 regards to what you looked at in the examination.

9 A. That -- and this -- the important thing on this slide
10 is the type of extractions. In this case I did three
11 different extractions. I did a physical, a file system, and
12 an advanced logical.

13 Your physical is your deepest extraction you can get.
14 That's your bit for bit image, the actual storage drive.
15 And when you're, when you're looking for an android phone,
16 you're looking for a physical extraction. So we got the
17 deepest we could, we could get.

18 Q. Okay.

19 A. So --.

20 Q. So the deepest you can get you got it?

21 A. Yes, ma'am.

22 Q. All right. Now, the last phone communication activity
23 and this is for Billy Rogers?

24 That's -- we're still talking about the android,
25 correct?

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1 A. That's correct.

2 Q. Okay.

3 A. So, specifically on this one, we were looking for the
4 last type of communication we had on this device. I showed
5 it to be on 6/20/20 at 6:40:36PM and that's been adjusted
6 for UTC time -- from UTC time to these eastern standard
7 time.

8 Q. Okay. So that was the -- that was a Facebook post you
9 were reading?

10 A. Correct. That was a Facebook Messenger. So --.

11 Q. Okay.

12 A. And that was a communication with a Shirley Petree is
13 what it is.

14 Q. All right.

15 A. So --.

16 Q. And would -- did you have any -- have anything else
17 from her after that 6:40 time?

18 A. There were no further communications from this device
19 --

20 Q. Okay.

21 A. -- after this 6:40 time period.

22 Q. All right. Okay. Sorry. There we go.
23 what are we seeing here?

24 A. On this one, I pulled the contact information -- the,
25 the amount of contacts between this phone that was owned by

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1 Billie Rogers as well as with -- for Alex as well as for
2 Gene, Gene Rogers.

3 Q. Okay.

4 A. And, on this one, on Gene Rogers, which is the one in
5 the right, I found substantial communications. I found 63
6 calls. I found 74 chats. Sensitive communications with
7 Gene Rogers.

8 with Alex, I, I found one chat communication. I found
9 zero calls on this one. So, I found minimal contact in
10 relation to Alex.

11 Q. Okay. All right. So, what is the GrayKey extraction
12 on the -- what is that that we're looking at now?

13 A. This is where Alex Scott's phone -- they used a GrayKey
14 extraction. GrayKey is a great device and it was the first
15 device we had that would allow us to break passcodes on an
16 Apple iPhone.

17 It used to be, if they had a passcode on it, you had to
18 use alternative methods. This was the first one. And when
19 you can -- use a GrayKey to extract an Apple iPhone, you get
20 what's called a full file system extraction, which, for an
21 iPhone running Apple IOS software, is the deepest extraction
22 you can make on a modern iPhone.

23 So it -- it's actually a, a game changing device and
24 the fact that it was used here back in 2020 is great. They,
25 they were fairly new at this point in time and this software

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1 is extraordinarily expensive and, and is really just an
2 amazing extraction to have been done. So --.

3 Q. All right.

4 A. This is what a GrayKey looks like. It's not something
5 super secret. It, it -- it's nothing, no hidden technology.
6 But this is the device. This is what allows us to, to
7 bypass passcodes both with Brute-Force as well as several
8 other forms of attacks and allows us to do that full file
9 system extraction. So --.

10 These are -- your, your top three and your bottom two
11 are extraction -- are, are screenshots from Cellebrite and
12 this is actually identifying information regarding the
13 phone.

14 And so, on this particular case, the Apple ID
15 associated with his Apple iPhone was AS6676064@gmail.com. I
16 learned, during my investigation, that that particular email
17 address belonged to Alex Scott.

18 Q. Okay.

19 A. That phone number attached to this particular phone
20 that was done with the GrayKey is (803)899-0010. The
21 following number is the, is the IMIE number that
22 international -- that equipment identifier.

23 The screenshot just below the IMA -- IMIE is actually
24 from the Verizon call detail records and the reason I pulled
25 this one is to verify that the IMIE number's the same for

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1 the ones in the call detail records that we're gonna see in
2 a bit with the phone that was imaged and processed with the
3 GrayKey.

4 Q. Okay. So another verification you did?

5 A. Correct.

6 Q. All right. Okay. Now we're going into this Cellebrite
7 physical analyzer.

8 A. Correct.

9 Q. All right.

10 A. And these are just a series of, of log files regarding
11 how we actually process it. It's not gonna be of any real
12 interest except for the fact that, under iPhone settings,
13 message retention duration, this particular device was set
14 to keep, with the default setting, to keep messages forever.

15 So, any of your messages that are deleted on here are
16 messages that are manually deleted. Somebody actually goes
17 in and deletes them. So --.

18 Q. Okay. All right. Because it's set at for -- at
19 forever, then you, you would have to go in and manually
20 delete those messages?

21 A. Correct.

22 Q. Okay. All right. So what are we seeing on this
23 particular one?

24 A. These are, are more parts of the log file. We use this
25 to confirm it's the correct device. Again---

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1 Q. Okay.

2 A. ---the same Apple ID, same phone number, same IMIE
3 number.

4 Q. All right. And we see the same gmail account and the
5 same phone number?

6 A. Correct.

7 Q. All right. And, on this particular one, just more
8 information about the phone --

9 A. Correct.

10 Q. -- a specific phone?

11 Okay. All right.

12 A. And then all the way down, the very last one, which is
13 the malware scanner. Not everybody runs these. I run this
14 on every device we do just looking to see if it's any type
15 of malware on the device. Very uncommon to find them on
16 Apple iPhones. But you still run it just, just to be
17 thorough.

18 Q. Okay.

19 A. So --.

20 Q. All right. So now what is this screenshot telling us?

21 A. This is the synopsis of everything recovered from the
22 iPhone device.

23 Q. Okay.

24 A. And so you can see quite a few activity logs. You can
25 find quite a few chats and communications. Every -- some

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1 applications on there.

2 Q. Okay. And what are the, the numbers that are in red?

3 A. The number in red are, are what's called carved items.

4 So they're ones that were deleted but recovered.

5 Q. Okay. They were deleted but recovered?

6 A. Correct.

7 Q. Okay. All right. And this is more of the same?

8 A. Correct. And that, that is more focused on your
9 images, your audio, your video, and what we call the media
10 files. So --.

11 Q. Okay. Okay. So what is this slide?

12 what are we going into now?

13 A. One of the things that I do is I -- is I do validation
14 with multiple tools. So, I don't just rely upon one tool to
15 spit out and tell me that I've, that I've recovered
16 everything. So, the second tool I used is called Magnets
17 Axiom.

18 And so I -- these are both ingesting the same type --
19 the same data. We're looking to make sure the results
20 are -- match each other.

21 Q. Okay.

22 A. A lot of people like Axiom better simply because it
23 breaks down the artifacts. Recovered a little bit more than
24 some of the others. So --.

25 Q. Okay. What are we seeing on this particular slide?

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1 A. What this shows is that, on this particular device, I
2 recovered 7,617,800 -- excuse me. Sorry. 674 artifacts
3 from that device. And so everything from chat
4 communications, web activity, media, documents, you name it.

5 The one on the right is the refined results and this is
6 where it's been gone through and seen something like -- it
7 shows the Google searches that were run. It shows the
8 different visits to various sites, torrent (phonetic)
9 memorials, that type of thing.

10 Q. Okay.

11 A. So --.

12 Q. All right. And with the refined results that we're
13 looking at here, is that where it's -- did you refine those
14 results?

15 A. The pro -- forensic program resigns -- refines it. So
16 --.

17 Q. Refines it for you?

18 A. Sure.

19 Q. Okay. All right. I was just curious. Sorry. Thank
20 you.

21 All right. So what do we have in this particular one
22 that says web related?

23 A. This breaks down the web activity and the
24 communications.

25 So, your web activity is your searching, your browsing,

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1 cookies, different tabs that are within the device itself.
2 The one on the communication shows the different
3 applications.

4 In this case, there were quite a few applications used
5 for communication. Things like the Burner application,
6 Facebook Messenger, your standard IOS message, SMS -- MS,
7 Snapchat, WhatsApp, and textPlus. So --.

8 Q. What is a Burner -- what's the Burner App?

9 A. It's, it's an application that allows you to basically
10 acquire a phone number temporarily and you can make calls,
11 receive calls from it. You can do messages, same thing.

12 Q. Okay.

13 A. It's, it's very similar to TextNow or even WhatsApp.
14 So --.

15 Q. All right. Gotcha.

16 All right. So, in this particular instance, social
17 networking, is that another breakdown---

18 A. Correct.

19 Q. ---of what you're just now talking about?

20 You're going through each different type?

21 A. In this case, in this case, it's Instagram, Facebook,
22 Tinder, Pinterest, TikTok, and Twitter.

23 Q. Okay. All right. And media?

24 A. Media is your, your audio, your video, and your images
25 that are recovered.

Eric Devlin - Direct examination
By Solicitor Lively

1 And so it, it can be things that you actually saved
2 pictures wise or as you're browsing through the phone.
3 Your, your browser will pull up all -- pick up all kinds of
4 images and videos as well. So --.

5 Q. All right. And, in this particular one, you're still
6 showing more information that you're able to pull off?

7 A. Correct.

8 Q. Okay. And email, a calendar, documents, and usage?

9 A. Cloud storage app---

10 Q. Cloud storage?

11 A. Right.

12 Q. Okay. All right.

13 A. So this, this is just designed to show everything
14 that's recovered from the phone.

15 Q. Okay.

16 A. So --

17 Q. Fair enough.

18 And you're not gonna take us through millions of
19 things?

20 I just want to make---

21 A. I don't think you'll want to.

22 Q. ---sure that everybody---

23 A. So --.

24 Q. No. Exactly.

25 But, but you're just saying what's on the---

Eric Devlin - Direct examination
By Solicitor Lively

1 THE COURT: I heard him say he will not do that.

2 SOLICITOR LIVELY: Thank you, Your Honor. Point taken.

3 Yes, sir. Yes.

4 So, the reason why you put it on there was just to show
5 how much was on the phone, is that right, or how many
6 accounts---

7 A. And a lot of it's based upon questions I get asked.

8 Q. Sure.

9 A. If, all of a sudden, you ask me did you recover any
10 emails and how many, it's there---

11 Q. I got you.

12 A. ---it's there to be provided for y'all. So --.

13 Q. Okay. And it's, and it's in your report as well?

14 In case anybody is, is interested, what we're seeing
15 here is gonna be in the report that you provided for the
16 Court?

17 A. For the electronic report.

18 Q. Oh.

19 A. All of this data is on the electronic hardware.

20 Q. Oh the electronic---

21 A. Electronic report's---

22 Q. Got it.

23 A. ---been provided. So --.

24 Q. Got it. All right. Perfect.

25 Okay. Now, this -- at the bottom it says Alex Scott

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By Solicitor Lively

1 iPhone.

2 what are we seeing here?

3 A. These are the actual messaging breakdowns. So, this is
4 from---

5 Q. Okay.

6 A. ---Cellebrite as opposed to Vermaxiom.

7 Q. Okay.

8 A. And specifically this is the numbers and messages
9 pulled from each one of them. So --.

10 Q. Okay. And the same thing with this --?

11 A. The second one is the location data---

12 Q. Okay.

13 A. ---and that's one thing that Cellebrite can do that
14 Axiom can not. Cellebrite can actually carve out the
15 location data that's stored within the phone.

16 Q. Okay.

17 A. Axiom is trying to it was claiming. But Cellebrite's
18 the one that is gold star. So --.

19 Q. Okay. And that's why you did both?

20 A. Correct.

21 Q. Okay. All right. So here we've actually talked to you
22 a little bit about, like I said, the evidence in the case
23 and you met with investigators in this case. So there were
24 some things that we asked you to either target or tag if you
25 found it in the information.

Eric Devlin - Direct examination
By Solicitor Lively

- 1 Is that a fair statement?
- 2 A. Correct.
- 3 Q. Okay.
- 4 A. The investigators asked me to pull up information
5 regarding the set-up of a company --
- 6 Q. Okay.
- 7 A. -- and I wasn't sure at the time what the company was.
8 But I looked for any messages. In this case, these are
9 messages from Snapchat --
- 10 Q. Okay.
- 11 A. -- with a individual, Titan5157, talking about
12 establishing the actual company itself. So --.
- 13 Q. Okay. All right. And in this he's talking about, like
14 you said, establishing the company and also, at the very
15 bottom, he's talking about who may be involved in the, in
16 the company?
- 17 A. Correct.
- 18 Q. All right.
- 19 A. And I think, I think actually the Titan5157 is Alex
20 Scott's --
- 21 Q. Is Alex Scott's---
- 22 A. ---user, user name. So --.
- 23 Q. That was gonna be my next -- okay. That was gonna be
24 my next question.
- 25 A. Yes.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. Thank you.

2 All right. So, the name of the, the company?

3 A. What -- I found it to be a Legion International and
4 when I went to look for -- to do some research on the
5 company when I, I was doing this in 2021 --

6 Q. Okay.

7 A. -- I could not find an active website. I found where
8 there was a registered domain. But no website up and
9 operating. So --.

10 Q. All right. And is this something else that you found
11 in regards---

12 A. I---

13 Q. ---to the company?

14 A. I did find a Facebook page for Legion International.
15 So --.

16 Q. All right. And, once again, how -- how'd you know that
17 this was in regards to Alex Scott?

18 A. I actually found it connected with the phone number.
19 The (803)899-0010 was the phone number belonging to Alex
20 Scott. They registered this Facebook page under that, under
21 that particular account.

22 Q. And his gmail account as well?

23 A. Correct. The other one was that -- the
24 AS6674064@gmail.com.

25 Q. Okay. Okay. Now we've got native messages.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. These are messages from the IOS application, the IOS,
2 SMS message, message application.

3 Q. Okay.

4 A. So --.

5 Q. Tell us what he's, he's saying -- this is dated
6 June 2nd, 2020.

7 A. I found a number of communications where he was
8 describing his service in PMC, a private military company,
9 specifically servicing the Ukraine. And on this one here --
10 this message on here, local user, which is this Alex Scott
11 phone, posts a message I got shot in Ukraine if that's
12 considered a hiccup. But, other than that, no. We're just
13 laying in the apartment until we move to build a training
14 facility. I pay for everyone's food and rent and Internet
15 so everyone can take a break before we start.

16 Q. Okay. All right. And he has a response from DeJesus
17 on the same day, correct?

18 A. Right. How -- describing how they, how they got shot.

19 Q. Yeah.

20 A. And then it comes -- continues on in the message. Fire
21 fight -- Alex's response, fire fight with the Russians.
22 Went out and got a contact with the Ukraines to help them.
23 Don't worry. LMAO. He's dead. So --.

24 Q. All right. And, once again, that's June 2nd of 2020?

25 A. Correct.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. All right. Here we have another -- is this still more
2 between that conversation of---

3 A. Correct.

4 Q. ---of Alex and this --

5 A. Correct.

6 Q. -- DeJesus person?

7 Okay. All right.

8 A. More communications about that and then, moving on, we
9 found that -- it was, it was -- this was all one part, part
10 of one chat thread. Excuse me.

11 Q. One -- oh, the chat thread.

12 A. Yes.

13 Q. Okay. All right. And then we have a Facebook
14 Messenger that you have here.

15 What is -- what are we seeing?

16 This is March the 25th of 2020.

17 A. Correct. And---

18 Q. Okay.

19 A. ---this was a, a communication with an Isaac Maturner
20 (phonetic) specifically says -- Alex specifically says but
21 I'll tell you a secret, that the management I'm working
22 under continuement (sic) -- working on getting a team in
23 Ukraine to help get the Russians out. Pay's great.

24 Q. Okay. And just to clarify for the, for the jury,
25 Raphael Scott, we've actually heard that name here this

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By Solicitor Lively

1 week.

2 Is that his Facebook page name?

3 A. Correct.

4 Q. It is?

5 A. That, that -- he had an account under, under the name
6 Raphael Scott. When you go back into the actual information
7 on it --

8 Q. Okay.

9 A. -- it came back to Alex Scott with the same phone
10 number and the same email address.

11 Q. Okay. All right. So -- and then is this a
12 continuation of that conversation?

13 A. Yes. And specifically Alex Scott posts a message I'm
14 not sending anyone to the Ukraine until I'm positive they're
15 ready. You will be trained.

16 Q. Okay. All right. And on this particular -- is it
17 still talking about this contract in Ukraine and, and
18 what -- what's gonna happen?

19 A. Correct.

20 Q. Okay. There's a contract with Syria, Kurdish, ISIS,
21 everything---

22 A. Correct.

23 Q. ---going on?

24 A. And this, and this one, these are communications
25 regarding a three week contract in the Ukraine, another two

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By Solicitor Lively

1 week contract in Syria helping the Kurdish Army fight---

2 Q. Okay.

3 A. ---and that he's planning on now joining the Army for
4 two years to become a combat vet.

5 Q. All right. And the date on that is May 13th of 2020,
6 correct?

7 A. Correct.

8 Q. All right. All right. So there's more continuation
9 about him talking about his plans from -- and that's May
10 19th, 2020?

11 A. That is correct.

12 Q. All right. And then still more talking about -- and in
13 the, in the white, is that what, or the grayish white, is
14 that Alex's con -- side of the conversation?

15 A. Correct.

16 Q. All right. And where he's talking about having former
17 Navy Seals and a Green Beret medic with him?

18 A. Correct.

19 Q. All right. Okay. All right. And then where, where
20 does he say he's actually at on May 22nd, 2020?

21 A. On May 22nd, 2020, at 9:43:06AM, he posts a message
22 I'm in Ukraine right now on the satellite phone and we move
23 later today.

24 Q. All right. So, they're telling him to be safe and what
25 are we looking at here?

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By Solicitor Lively

1 A. This is a Facebook post where he says I own a, a PMC
2 now. We just did a contract in Ukraine. He says I made
3 20,000 -- 20,000 on the last week in Ukraine and he posts
4 this particular photograph on 5/24/2020, which is reportedly
5 showing him having been shot in his plate carrier---

6 Q. Okay.

7 A. ---in the Ukraine.

8 Q. Let's see if I can pull that back up. There we go.

9 All right. So that's where he's claiming to have been
10 shot in Ukraine?

11 A. Correct.

12 Q. All right. And this is where he's explaining it here?

13 A. Yes. What he says -- what he posts yeah, we got a job
14 pushing into the, into a Russian separatist held city in
15 Ukraine. We came under fire at the border around 3:00PM
16 pushing into the city. By 1:00AM the next day and proceeded
17 to root out the Russian separatist. City fell on 46 hours.

18 Q. Okay. And this is May 27th of 2020?

19 A. The---

20 Q. Well, the 26th through to the 27th?

21 A. Correct. What I just read was from the 26th. And,
22 on the 27th, he says yeah, I know. We just came back from
23 Ukraine. So no, so no one is overseas.

24 Q. All right. Now, on this particular one, are we going
25 back a little bit to where he's talking about his

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By Solicitor Lively

1 corporation again and trying to recruit people?

2 A. Yes. I was able to find that, while Legion
3 International was his latest company name, originally he had
4 created this company called Atlas and he had had an email
5 address of atlasceoraphael@gmail.com. He had talked about
6 different people getting commissions. He was recruiting
7 people, that type of thing.

8 Q. Okay. And he's talking about the type of experience
9 that they could get and, and that the pay and what kind of
10 pay they would get and---

11 A. Yes.

12 Q. ---et cetera?

13 okay. And this is February of 2020?

14 A. Correct.

15 Q. All right. Now, what is -- what are we seeing here?
16 It looks like a Facebook Messenger.

17 A. This was a Facebook message and this was all part of
18 the same conversation that he had from the previous slide --

19 Q. okay.

20 A. -- where he says that they don't go live until
21 March 15th. I'm going to, to combat instructor courses
22 for the last three months while I wait for my three to get
23 out of the military on March 4th. And then he lists all
24 the training that he, that he is claimed to be having---

25 Q. okay.

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By Solicitor Lively

1 A. ---at this point in time.

2 Q. Got it.

3 And then he goes on to say he's also gonna work on his
4 scuba diving and skydiving while he's in the States or he's
5 working on them right now, right?

6 A. Correct.

7 Q. Okay. Now, this here, you've actually got a -- what is
8 this message?

9 A. This is actually a message. It -- it's within the -- a
10 IOS messaging from Gene Rogers using that phone number
11 (704)621-1870 and that message was to Alex specifically
12 asking, and it was on March 25th, 2020, 4:30:19PM, where he
13 says did the company go -- company name go through. Is the
14 company set up now. Inquiring minds want to know.

15 Q. And then we have some information here. This looks
16 like this was around June the 20th of 2020. We first have
17 a message up at the top.

18 Is that Alex Scott?

19 A. I---

20 Q. Is he the local user?

21 A. I, I -- correct. Alex Scott is the local user.

22 Q. Okay.

23 A. So --.

24 Q. All right. So -- and he -- what is he talking about in
25 that particular message?

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By Solicitor Lively

1 A. I was asked to search for any type of financial
2 transactions, money transactions, within the messages and
3 the top one is a message sent by Alex Scott saying bro, I
4 have almost two million-dollars in my wells Fargo account.
5 It's not an issue. So --.

6 Q. Okay. And that was on January -- let's see.

7 A. That was, that was January 23rd---

8 Q. Twenty-third.

9 A. ---2020 --

10 Q. Okay.

11 A. -- at 2:50:25AM.

12 Q. All right. And then on June 20th, 2020, he's got
13 someone asking him for a loan.

14 Is that---

15 A. Yes.

16 Q. ---right?

17 A. This---

18 Q. Okay.

19 A. The person under Familia asked for a favor. Asked to
20 borrow a thousand dollars to settle some bills and register
21 vehicles, which Alex replied that he doesn't have the money
22 right now. He has enough for mine and your next month rent.

23 But that's it. So --.

24 Q. That's it.

25 Okay. All right. So now what we've got are some web

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By Solicitor Lively

1 searches that were off of his phone. Let's look at the date
2 for these particular web searches.

3 This is June 21st, 2020, right?

4 A. Correct.

5 Q. Okay. Now, were you made aware that the bodies of Gene
6 and Billie Rogers were actually found by the defendant, Alex
7 Scott?

8 A. Yes, I was actually -- when searching the phone, I
9 found a 9-1-1 call from this phone at 12:48PM on this day.

10 Q. Okay. Now, during this time -- this timeline that
11 we're looking at here, what time does he actually look up
12 how long does GPR stay on through the Google search?

13 what's the time on this?

14 A. This search was done at 2:58:43PM.

15 Q. Okay. And that was on -- that was on---

16 A. On---

17 Q. ---a Sunday.

18 A. June 21st, 2020.

19 Q. Okay.

20 A. And GPR I -- when reading it, it appeared to be looking
21 for gun, gunpowder residue.

22 Q. Okay. And as you -- as a matter of fact, as you go a
23 little bit further down into his Google searches, what does
24 it actually -- does it actually spell it out?

25 A. Yes. It -- there's more searches for how long does GPR

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By Solicitor Lively

1 stay on. How long does GPR stay on. Again, at two, two---

2 Q. Okay.

3 A. Excuse me. At 4:28:14PM the search is done how long
4 does GPR stay on. At a few seconds later, how long does gun
5 residue stay on hands.

6 Q. All right. And were you aware of, at the time, whether
7 or not he had actually been asked to do a gunshot residue
8 kit that day---

9 A. No, ma'am.

10 Q. ---after he found the bodies?

11 Okay. Now, so you were just basically finding the
12 things that the investigators asked you to look for?

13 A. I, I went through all the searches for those days. And
14 so I wasn't told to specifically look for GPR or GSR.

15 Q. Okay.

16 A. But in searching it, based upon the relevant date and
17 time, that stood out to me as important.

18 Q. That---

19 A. So --.

20 Q. Okay. Right. Okay. So here we have the next page.

21 You're, you're showing some additional searches,
22 correct?

23 A. Correct.

24 Q. All right. And then---

25 A. These are, these are all searches done. It's 7:00PM,

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By Solicitor Lively

1 9:00PM, 9:30PM, and almost 10:00PM and searches being run on
2 the phone during that time period.

3 Q. All right. Which is the -- which I've told you is the
4 day that he actually discovered the bodies?

5 A. Correct.

6 Q. Now, here we have a little bit more specific timeline
7 for the, the GPR staying on the hands that you have for us
8 here, correct?

9 A. After finding the, the -- those terms, I isolated these
10 particular searches and, and screenshotted them. So --.

11 Q. All right. So, what do we have here in regards to the
12 call log that you provided to us?

13 A. This is the call log. It actually goes from the latest
14 time down to earlier times. And so the -- I end at the
15 9-1-1 call at 6/21/2020, 12:48:35PM.

16 Q. Okay. All right. And prior to that, who had he
17 called?

18 A. There is a call to Gene Rogers at 6/21/2020,
19 11:26:27AM. That call was not, not answered. At
20 6/21/2020 at 7:11:34AM, there's a call to an individual in
21 his contact list as Cravener.

22 Q. All right.

23 A. That call also was not answered. 6/21/2020 at seven,
24 seven o'clock AM and 16 seconds, a call to Gene Rogers.
25 Again, the call was not answered.

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By Solicitor Lively

1 Q. Okay.

2 A. On 6/21/2020 at 6:53AM, there's a six minute phonecall
3 to Evan listed in the contact list as Evan Second Supply.
4 That call was answered. That call did last a little over
5 six minutes.

6 Q. Okay. We can actually stop there. That was the ones
7 that I really wanted you to talk about cause the other ones
8 looked like they were either missed or not answered,
9 correct?

10 A. Correct.

11 Q. All right. Well, let me ask you -- let me see where we
12 go next. So, let me ask you this.

13 In regards to that 9-1-1 call that was made from his
14 phone at 12:48PM on that day, can you tell, from the way
15 that the call was made, whether or not that was something
16 that was done with -- by saying hey, Siri---

17 A. I can not.

18 Q. ---SOS?

19 You can not tell.

20 Okay. All right. If someone were to do that, based
21 upon your experience and what you know about iPhones, if
22 someone had their phone laying face up in a vehicle that was
23 not turned on, was not -- no Bluetooth, nothing was
24 connected, and they had their phone laying there, and they
25 couldn't get to it as in the windows were rolled almost all

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By Solicitor Lively

1 the way up, okay, and he yells hey Siri, SOS or whatever --

2 I hope nobody has their phone on cause we're gonna have---

3 (WHEREUPON, a phone goes off in the courtroom.)

4 Q. It happens every time.

5 A. I, I can tell you in practice---

6 Q. It's too much.

7 A. ---you can---

8 Q. You might have a demonstration right now.

9 A. You can call 9-1-1 by using, by using the Apple
10 assistant. I'm not gonna use that word --

11 Q. Thank you.

12 A. -- so we don't call again.

13 Q. Right.

14 A. You can call it. When you do make that, that
15 communication, when you do have the Apple assistant make
16 that call, the default is to the handheld, what they call
17 the handheld volume. If you wish to switch it over to a
18 Bluetooth or a speaker, you have to actually connect it to
19 that Bluetooth or that speaker to do it. If you want to
20 have it out on the, the, the speakerphone mode, then it's
21 gonna have to be enabled by you.

22 Q. It has to be -- you have to physically enable I want
23 this on my speaker?

24 A. Correct.

25 Q. Okay. So, if he can't touch that and say I want this

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By Solicitor Lively

1 on my speaker, then -- and the phone is inside the car and
2 he says that, is there -- I mean how difficult is it gonna
3 be for him to be outside of a window and hear what someone's
4 saying on that phone?

5 A. I, I -- that would be speculation on my part---

6 Q. Okay.

7 A. ---as to whether you can hear on it.

8 Q. Well, just---

9 A. But---

10 Q. ---leave it at that.

11 A. ---you should be able to hear. 9-1-1 calls are
12 recorded.

13 Q. Uh-huh. (Affirmative).

14 A. And so you should be able to hear if somebody is
15 shouting or yelling and be unable to hear. So --.

16 Q. Okay. All right. Thank you very much.

17 Now, let's go into -- you've got more calls.

18 Now you're actually backdating a little bit from the
19 21st, which was the date that the bodies were found.

20 A. Correct.

21 Q. So you've got calls on the 20th and we have some of
22 those same people, the Evan Supply. We also have one at
23 6:35AM from Gene Rogers.

24 A. Correct.

25 Q. Is that correct?

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By Solicitor Lively

1 A. Well, it's a call to Gene Rogers.

2 Q. To Gene Rogers.

3 So -- and that was 15 minutes---

4 A. Correct.

5 Q. ---right?

6 A. That -- in length.

7 Q. Okay. All right. And going through these -- so
8 you've -- you documented every single call that was coming
9 in, coming out, whether it was missed, answered or not, or
10 whatever?

11 I mean everything was documented?

12 A. When I did this, unless I'm given specific directions
13 to search for something or information --

14 Q. Uh-huh. (Affirmative).

15 A. -- this kind of call log, I'm gonna pull everything
16 because I'm not sure what's relevant---

17 Q. Okay.

18 A. ---to the investigation.

19 Q. Absolutely.

20 Okay. All right. So now we have some instant
21 messages. We're going back a little bit to April of 2020.
22 who -- and it's a little bit hard to see. So it might --
23 actually it's better to see on here. Local user. He's
24 reaching out to someone.

25 who is that that he's reaching out to?

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By Solicitor Lively

1 A. The local user is the -- this particular phone. So
2 it's Alex Scott that's actually doing the posting and the
3 communications to somebody in his, in his contact list
4 listed as Evan Second Supply.

5 Q. Got it.

6 All right. And, and the crux of this particular string
7 of messages in, in the top, he's, he's asking Evan something
8 about, about working?

9 A. Well, he -- the, the message -- the, the middle message
10 right under where sure is, brother --

11 Q. Uh-huh. (Affirmative).

12 A. -- there is -- it says hey, bro, and it's 4/17/2020 at
13 7:52:20AM. Hey, bro. I'd like to talk to you about
14 something later. I trust you. So we can call or do it over
15 Xbox Live in a party.

16 Q. Okay. So he's saying how would you like to never work
17 again and then he's gonna give him a call?

18 A. Right. And---

19 Q. All right.

20 A. ---a, a few seconds later says, you know, Alex Scott
21 tells Evan how would you never like to work, work another
22 day in your life.

23 Q. Okay. And, and then there's a little bit more
24 conversation and then, on the, the last part that you have
25 up here, Alex is saying make sure you aren't around anyone

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By Solicitor Lively

1 when I call, correct?

2 A. Correct.

3 Q. Okay. And that was April 17th of 2020?

4 A. That is correct.

5 Q. All right. And on that same, that same day, we have
6 some more of a thread here and we have one of the
7 individuals you looked for, Ian Little, correct?

8 A. These are -- this is -- these are the communications
9 with Ian Little --

10 Q. All right.

11 A. -- 4/17/2020.

12 Q. Okay.

13 A. So --.

14 Q. And then we've got more communications. He's still
15 trying to get up with Evan---

16 A. Correct.

17 Q. ---Supply, correct?

18 All right. That same day 4/17 and then just more
19 communications between these individuals and you don't know
20 who these individuals are in regards to their communication
21 and why they're communicating, right?

22 A. I don't. I was, I was directed to try to find any
23 communications with those individuals.

24 Q. That's fine. Not a problem.

25 Okay. We have Ian Little who, on a couple days later,

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By Solicitor Lively

1 is talking about something I'm down---

2 A. On four---

3 Q. ---for the mission?

4 A. On 4/19/2020 at 9:35---

5 Q. Okay.

6 A. ---41PM Ian sends a message to Alex Scott. Says I'm
7 down for the mission.

8 Q. Okay.

9 A. Alex responds which one. The one from the other day.
10 Ian replies yes. Alex response is copy.

11 Q. Got it.

12 All right. And then Evan follows up on April 30th
13 about that job offer that he made. We don't know what that
14 job offer is. They're just -- they're talking back and
15 forth.

16 A. On---

17 Q. You never find a job offer, do you?

18 A. On April 30th, 10:19AM, Evan sends a message. Hey,
19 man, just wanted to see if there was any update about the
20 job offer you made---

21 Q. Okay.

22 A. ---that you want to tell me.

23 Q. Right.

24 A. And his reply -- Alex Scott replied yeah, man, we're
25 still good. I'm gonna call you later.

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By Solicitor Lively

1 Q. All right. Now, on May the 9th of 2020, we've got Evan
2 Supply at 8:19PM where he's talking to the local user, which
3 is Alex Scott, correct?

4 A. Correct.

5 Q. All right. And, in that message, what is he telling
6 us?

7 A. He's -- he sends a message to Alex saying so I know
8 he's your boy and we're sitting next to each other. But
9 straight up, this shit is annoying listening to your friend
10 deal with his woman.

11 Q. Okay. All right. So, you don't know the context of
12 that obviously?

13 A. I do not.

14 Q. Okay. Then -- not a problem.

15 And then we have some messages here. This is Aaron
16 PNC.

17 A. Correct.

18 Q. Do you know Aaron PNC?

19 A. I do not.

20 Q. Okay.

21 A. These, these were messages communicated between this
22 particular contact and Alex Scott.

23 Q. Okay. And they're talking about just psychology and---

24 A. Correct.

25 Q. Yeah.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. Do you want me to read the messages?

2 Q. Okay. And in regards to Alex, he's talking about
3 sociopaths and how he doesn't feel emotions and empathy like
4 everyone else?

5 A. Alex sends a message to Aaron saying I truly believe I
6 show traits of sociopathy and I don't think it's a bad
7 thing. Not all sociopaths are evil. I just don't feel
8 emotions and empathy like everyone else and personally I
9 believe that that's an evolutionary advantage especially in
10 real stressful situations.

11 I can't even feel fear. That's why I want to make a
12 team of sociopathic or psy -- psychopathic individuals and
13 give them the best training and gear. People who aren't
14 capable of feeling fear with tier one training and gear
15 would be seriously unstoppable.

16 Q. And that was April 21st of 2020, correct?

17 A. That is correct.

18 Q. All right. And then here is -- now we're back to
19 June 20th of 2020, which is around the time of, of the day
20 of the murders at this point, which is one of the things
21 that was relayed to you.

22 what is it that we're seeing in this particular
23 messages?

24 A. This is a set of chat communications with somebody by
25 the name of Cravener.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. Uh-huh. (Affirmative).

2 A. Specifically he's -- Alex sends that message saying I
3 sent y'all a hundred dollars. Cravener replies could you
4 send 30.00 more. Sorry. The fees came in for Coda
5 (phonetic). We're here now.

6 Q. Okay.

7 A. Alex replies Ian is going to Greenville or something
8 with, with Care at 10:00. I'm going to Spartanburg to sell
9 the MPX. Call me when you get back and I'll buzz you in.

10 Q. Okay. All right. And in regards to the, the message
11 right here, just for -- just to remember here at
12 6/21/2020 is showing received 1:22PM.

13 Is that another message from that number Cravener
14 asking can you buzz us in?

15 A. That's correct.

16 Q. Okay. All right. And this is Snapchat?

17 A. The -- this is Snapchat. This is---

18 Q. All right.

19 A. ---a communication with -- this is underscore Glen.

20 The message starts out at 6/21/2020, 3:33:28PM, what the
21 absolute fuck. Titan5157 replied. I was the one that found
22 them. I walked in and saw it. This is Glen replies dude,
23 I'm sorry. This is Glen re -- again sends another message.
24 How. Alex Scott replies I don't know yet. They were shot.

25 Q. Okay. Let me ask you this since you're an expert in

Eric Devlin - Direct examination
By Solicitor Lively

1 phones, and if, if the -- if the defendant didn't -- if the
2 EMS or fire had not gotten his phone out until four o'clock
3 PM on 6/21/2020, do you know how he could be making those
4 communications on his phone?

5 A. Well, I mean these are -- these are Snapchats from this
6 actual device. So, if you're not doing it from an iPad or
7 an Apple watch or anything else, it's from the actual phone.

8 Q. Okay.

9 A. So --.

10 Q. So even if he had an, an Apple watch, he---

11 A. No.

12 Q. ---he couldn't do that?

13 A. Not---

14 Q. You'd have to be---

15 A. Not from where we recovered these from. So --.

16 Q. Okay. And what we're seeing is at 3:30 on June 21st,
17 2020, when he found the bodies -- he's actually talking
18 about finding the bodies?

19 A. Correct.

20 Q. All right. And here we have more of him talking.
21 So this is still before four o'clock on June 21st,
22 2020, correct?

23 A. This is at -- with a different chat communication.
24 This is with a Bailey wood who purports themselves on
25 Snapchat to be female. I don't know a whole lot of

Eric Devlin - Direct examination
By Solicitor Lively

1 information other than that. But he appears to be chatting
2 with a girl.

3 Q. Okay.

4 A. It says---

5 Q. All right.

6 A. Do you want me to read them?

7 Q. It's -- I'll, I'll let the jury---

8 A. Okay.

9 Q. ---actually read them. That will be fine letting them
10 read through as we go.

11 Did -- each one of those were actually sent and
12 responded to the last one I think was 3:34PM---

13 A. Correct.

14 Q. ---on that day?

15 Okay. Now, we have an -- you did a -- like an iPhone
16 Steps. On May 9th, going back to that date, which you
17 actually have some other information from an Evan Webb on
18 that date where he was talking about hey, man, I'm sitting
19 here with your guy and he's getting on my nerves. He's
20 talking about his woman.

21 All right. On that same day, May 9th of 2020, at
22 8:11PM, what are we seeing here?

23 A. These are what's called Apple Steps. They're on the
24 Apple Health Application and---

25 Q. Okay.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. ---within your Apple iPhone, there's actually a
2 gyroscope that detects movement.

3 Q. Okay.

4 A. And they've actually got it trained pretty darn, darn
5 well that will measure steps. I've always thought it was
6 kind of a joke, that, that, that it wasn't very accurate.
7 But, in forensic training, we've actually tested that and
8 they are surprisingly accurate. So --.

9 Q. Okay. All right. So, if, if the defendant, with that
10 particular, that particular screenshot that we're seeing
11 here, if he was trying to say that he was at home and was
12 not -- and had not gone anywhere or done anything that night
13 or at least anything substantial, what is the -- what do
14 those steps tell us?

15 A. I could tell you, between 8:11:35PM and 8:15:20PM,
16 someone carrying the phone took approximately 81 steps.

17 Q. Eighty-one steps and that's it?

18 A. (WHEREUPON, there was no audible response.)

19 Q. Okay. All right. And that's on that particular day?

20 A. Correct.

21 Q. All right. Or evening between that time, right?

22 A. Correct.

23 Q. Now, we've got May 9th again and these are more of the
24 Apple steps where you've actually broken it down for us,
25 correct?

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. Correct.
- 2 Q. Okay. And that's the times from 2:31PM until 8:11PM,
- 3 right?
- 4 A. Correct.
- 5 Q. Okay. And what is this number here?
- 6 I remember asking you about it before and I wasn't
- 7 really sure. I think it doesn't tell us what that is.
- 8 A. The -- which, which number?
- 9 I, I didn't---
- 10 Q. Oh, I'm sorry.
- 11 A. ---didn't see which one you pointed to.
- 12 Q. Yeah. I'm talking about this column here.
- 13 A. The, the one in the middle?
- 14 Q. (WHEREUPON, there was no audible response.)
- 15 A. That, that is the time duration between the step --
- 16 Q. The time duration.
- 17 A. -- between the---
- 18 Q. Okay.
- 19 A. ---logged files.
- 20 Q. All right. All right. And then -- okay. So now we've
- 21 got 5/10/2020, same thing.
- 22 you're dealing with the fitness app and/or the Apple
- 23 Steps and you've got only 31 steps taken at that time?
- 24 A. Correct.
- 25 Q. Okay. And, again, you don't know the relevance of this

Eric Devlin - Direct examination
By Solicitor Lively

1 at this point, correct?

2 A. I do not.

3 Q. All right. Fair enough.

4 Now, let's go to Facebook Messenger. Now we're back at
5 the time around June, 2020, which is close in time to the
6 murders here.

7 A. Correct.

8 Q. Okay.

9 A. These are Facebook messages between Alex Scott and
10 other parties.

11 Q. All right.

12 A. This one is -- this was a Facebook chat that was going
13 on.

14 Q. All right.

15 A. Got -- he Alex Scott, at 6/21/2020, 5:27PM, received a
16 message. Hey, man, what happened. Alex Scott replied my
17 grandparents were murdered. At 8:11 -- 8:01:11PM the person
18 he was communicating with sent another message. Do you know
19 if it's tied to your contracting to which Alex replied no,
20 it's not. I don't know much more than that.

21 Q. Okay. All right. So they were asking him whether or
22 not, because of his business, which you've, you've seen just
23 a little bit about, whether or not it could of been
24 something related to that?

25 A. Correct.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. Okay. All right. Then what is this and in regards
2 to -- oh, this is still -- this is something from a
3 particular @discord.

4 A. Correct.

5 Q. You did explain that to me.

6 Okay. What is that?

7 A. Discord is, is a -- another chat application---

8 Q. Okay.

9 A. ---very much like Facebook Messenger. There's, there's
10 differences to it. But it, it is a chat application.

11 Discord was originally created as a gaming communication --

12 Q. That was it.

13 A. -- platform and it's still very heavily used among the
14 gamers. However, it is kind of branched off into other
15 areas. Some of it is perfectly acceptable. There's
16 actually a very large forensic community on Discord.

17 There's also a lot of really weird stuff on Discord. So --.

18 Q. Okay. And the sender here, did you -- were you able --
19 I mean I know this is a rhetorical question.

20 A. The---

21 Q. Was this from Alex?

22 A. This was a posted message from the -- Alex using the
23 term -- using the user name of God.

24 Q. Okay.

25 A. The message was my dog got hit by a car and was dead.

Eric Devlin - Direct examination
By Solicitor Lively

1 Be on later but I'm handling this right now.

2 Q. Okay.

3 A. That was on 5/19/2020 at 6:59PM.

4 Q. All right. Now, we've got some, some searches here
5 that, that you actually find and tell the jury how you
6 decided which ones to, to pull out and document in your
7 report?

8 A. There were thousands of searches done. I pulled what I
9 thought was relevant based upon what I learned about the
10 case --

11 Q. Okay.

12 A. -- and I provided a copy of all the searches there.
13 But these appeared to be the ones that -- and, and we
14 were -- I was focusing on the timeframe around the murders.

15 Q. Okay. Got it.

16 All right. So this one's actually June 1st of
17 2020---

18 A. On June 1st, 2020---

19 Q. ---as to --?

20 A. ---this particular phone was searched percent of white
21 murdered by Loackx, L-O-A-C-K-X.

22 Q. Did you know what Loackx are?

23 A. I, I don't speculate as to what people are thinking.

24 Q. I see.

25 A. So --.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. That's fine. You didn't -- okay. And what do we have
2 here?

3 This is June 5th of 2020.

4 A. I---

5 Q. What is he Googling now?

6 A. On June 5th, 2020, at 2:34AM, the search, if I delete
7 my Facebook account, would my messages disappear was done.

8 Q. Okay. And there were -- looks like there were several
9 times when he would back up and re --

10 A. What---

11 Q. ---search?

12 A. When I found that search---

13 Q. All right. I don't know how else to say it.

14 A. ---I ended up looking specifically for that---

15 Q. Yeah.

16 A. ---thread of searches.

17 Q. Okay.

18 A. And so I found a, a bunch of searches that were done.

19 Q. Okay.

20 A. And if you're asking my belief is it's -- reading the
21 various articles, basically search results, and so---

22 Q. Okay.

23 A. ---hitting the back button. When you hit the back
24 button, it will actually redo the search.

25 Q. Got you.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. So --.

2 Q. Okay. And all of those are on June the 5th?

3 A. Correct.

4 Q. And what about this one?

5 This is --.

6 A. On June 15th, 2020, the user searched can a detective
7 recommend the death penalty, recommend death penalty.

8 Q. Okay. And that was five days before the murder?

9 A. Correct.

10 Q. All right. And -- oh, there's --

11 A. And so, again---

12 Q. -- more of the same.

13 A. -- the same thing. Multiple search hits based upon
14 hitting the back button.

15 Q. Okay. All right.

16 A. Then this search, June 19th, 2020, .50 caliber damage
17 to a human -- to human.

18 Q. Okay. And that was actually the day before the
19 murders?

20 A. Correct.

21 Q. Okay.

22 A. And so there were lots and lots of search results on
23 this one.

24 Q. Okay. All right. And then we have June 18th of
25 2020. He's searching for pawn shops.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. Correct. Specifically made the search pawn shops near
2 me.

3 Q. All right. And, once again, just like the breakdown of
4 what you gave us for the other information, he made several
5 searches?

6 A. Correct.

7 Q. All right. Several searches.

8 A. Yes.

9 Q. Quite a few.

10 Okay. Now, on June 17th, 2020, we have a search term.

11 A. Correct.

12 The June 17th, 2020, 11:04AM searched plastic bags
13 suffocation statistics. The reason only the plastic bag
14 suffocation is, is highlighted is because, when I found that
15 particular search term and I went back to see if this was a
16 frequent search term, I searched for plastic bags
17 suffocation. That's why that part is highlighted. That's
18 not me going in with a highlighter. So --.

19 Q. Okay. All right. I, I thank you for explaining that.

20 A. So --.

21 Q. All right. And this one, this one is actually -- I
22 want you to explain this to the jury.

23 So it says how long does it take for life insurance to
24 pay---

25 A. This was a search---

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. ---correct?

2 A. ---that was done on Google, how long does it take for
3 life insurance to pay. I do not have -- I did not recover a
4 date and time for that. I can not tell you when it was
5 done. This is a deleted search that was recovered. So --.

6 Q. Okay. And ex -- explain to the jury again what -- how
7 you explained it to me. It was a deleted search. So you
8 did not find the day.

9 A. Um.

10 Q. But what does that mean?

11 A. The -- exactly that, that I'm, I'm not gonna -- I don't
12 recover date and times on, on---

13 Q. Okay.

14 A. ---the searches -- on, on deleted items. So --.

15 Q. All right. Okay. And how does it become deleted?

16 A. It could be deleted a bunch of different ways. It can
17 be deleted manually by user. It can be deleted based upon
18 clearing cash and history. There's, there's a variety of
19 ways it can be deleted. So --.

20 Q. Okay. All right. And then right along with that, we
21 have another one, does life insurance cover murder?

22 A. Correct. This is also a deleted search that was
23 recovered during the forensic process.

24 Q. Okay. All right. And, once again, it had been, like I
25 said, deleted --

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. Correct.
- 2 Q. -- which could be done by the user, correct --
- 3 A. Correct.
- 4 Q. -- or someone who's getting ready to turn over their
- 5 phone to the police possibly could do that?
- 6 A. Absolutely.
- 7 Q. Okay. Can psychopaths like someone?
- 8 A. Another deleted search that was recovered.
- 9 Q. Okay. All right. And then we have murder by gun
- 10 caliber.
- 11 A. Correct. And, and this was another deleted search that
- 12 was recovered.
- 13 Q. Another deleted search that was recovered.
- 14 okay. All right. And then here we have also
- 15 interrogation techniques.
- 16 A. Correct. Another deleted search that was recovered.
- 17 Q. All right. And then we have Rock Hill murder solve
- 18 rates.
- 19 A. Yep. I found this one while I was staying in Rock
- 20 Hill. So, those---
- 21 Q. Okay.
- 22 A. I was---
- 23 Q. All right. And you didn't do it though?
- 24 A. I did not---
- 25 Q. You're not---

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. ---search that.
- 2 Q. No. Okay. Okay.
- 3 A. But I ran across it.
- 4 Q. All right.
- 5 A. And so. --.
- 6 Q. But there's no date on this one as well?
- 7 A. Correct.
- 8 Q. All right. And then we've got just a general murder
- 9 solve rates in America---
- 10 A. Correct.
- 11 Q. ---correct and it's been deleted.
- 12 But here's the thing too that I want to ask you. I
- 13 mean you said that you were just searching of anything that
- 14 may seem to be relevant.
- 15 So you're not putting an interpretation on these---
- 16 A. No.
- 17 Q. ---correct?
- 18 Okay. All right. And so --.
- 19 A. Another search that -- another deleted search, what is
- 20 needed for evidence of murder.
- 21 Q. Evidence of murder.
- 22 All right.
- 23 A. Another deleted search, what is needed to charge
- 24 someone with murd -- it's suppose to be with murder. But---
- 25 Q. Okay.

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. ---with the murder, murder.
- 2 Q. All right.
- 3 A. Search for exculpatory. Again, deleted but recovered
- 4 search.
- 5 Q. All right.
- 6 A. Another one, when is someone no longer a suspect.
- 7 Deleted but recovered search.
- 8 Stages of grief, a deleted but recovered search.
- 9 What do police look for in a murder investigation, a
- 10 deleted but recovered search.
- 11 Q. Okay.
- 12 A. How solid are alibis, a deleted but recovered search.
- 13 Gunshot residue, a deleted but recovered search.
- 14 Q. And you did actually recover some stuff with -- about
- 15 gunshot residue. We'd seen that---
- 16 A. Different---
- 17 Q. ---earlier.
- 18 A. Different searches, correct.
- 19 Q. Different searches.
- 20 A. So this was---
- 21 Q. Correct.
- 22 A. This was, this was a completely different search. So
- 23 --
- 24 Q. Okay.
- 25 A. -- then those.

Eric Devlin - Direct examination
By Solicitor Lively

- 1 Q. All right.
- 2 A. Are alibis strong, a deleted but recovered search.
- 3 Does 48 hours really matter in homicide, a deleted but
- 4 recovered search.
- 5 When does a case go cold, a deleted but recovered
- 6 search.
- 7 How do I sign over my house to my son --
- 8 Q. Okay.
- 9 A. -- a deleted but recovered search.
- 10 Q. All right.
- 11 A. Paperwork to give my house away, a deleted but
- 12 recovered search.
- 13 How to transfer assets to an LLC, a deleted but
- 14 recovered search.
- 15 A house deed, how to get.
- 16 Q. Okay. And that we actually have a---
- 17 A. And this I actually---
- 18 Q. ---date.
- 19 A. ---have a date on. This was done on 4/18/2020.
- 20 Q. All right.
- 21 A. Why do people murder other people. That was a deleted,
- 22 deleted but recovered search.
- 23 ~~How do people get caught after a murder. That was a~~
- 24 ~~deleted but recovered search.~~
- 25 Why are people evil enough to murder. That's a deleted

Eric Devlin - Direct examination
By Solicitor Lively

1 but recovered search.

2 what are my chances of getting murdered, deleted but
3 recovered search.

4 Q. Okay.

5 A. And then let's see. This one was -- this was done off
6 of Safari. This is a murder victims in U.S. by race,
7 ethnicity, ethnicity, and gender.

8 Q. Okay.

9 A. Let's see.

10 Q. And we have some current -- some -- just some document
11 search for search and seizure.

12 A. On 6/22/2020, specifically search, search and seizure
13 facts.

14 Q. Yeah, search and seizure.

15 So that was at 6/22/2020 at 10:12AM.

16 A. Correct.

17 Q. Okay. All right.

18 A. Then on 6/22/2020, at 10:13AM, the, the search is when
19 can police take your phone.

20 Q. Did, did law enforcement tell you that's when he was on
21 his way to take the phone to them?

22 A. I, I don't know the date they went---

23 Q. You don't know the date.

24 A. I know, I know that they took the phone.

25 Q. Okay.

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. But I don't know when.
- 2 Q. Okay. All right. And then we have another one for
- 3 6/22/2020.
- 4 A. Yeah, can police---
- 5 Q. Can police---
- 6 A. ---force you to turn over your phone.
- 7 Q. And same thing again.
- 8 A. Correct.
- 9 Q. All right.
- 10 A. That's a few minutes later.
- 11 Q. All right. So we've got a few of those?
- 12 A. They're actually three, three---
- 13 Q. Three.
- 14 A. ---of those searches.
- 15 Q. Okay. And then there's another type of search.
- 16 A. This, this was a Google search, what do you need for a
- 17 search warrant.
- 18 Q. All right.
- 19 A. That was ten -- 6/22/2020 at 10:12AM.
- 20 Q. All right. Okay. So, in this particular slide here,
- 21 what -- this one actually has a time -- a day and timestamp,
- 22 correct?
- 23 A. Correct.
- 24 Q. All right.
- 25 A. This, this is a, a YouTube search, don't put words in

Eric Devlin - Direct examination
By Solicitor Lively

1 my mouth. Defense witness.

2 Q. Okay.

3 A. 10:17:40PM.

4 Q. All right. And this was the evening of the murder as
5 relayed to you by the investigators---

6 A. Correct.

7 Q. ---correct?

8 All right. And the next one, the just a little bit
9 later on that same evening.

10 A. This was also a YouTube video, Regent University School
11 of Law. Don't talk to the police, 6/20/2020---

12 Q. Okay.

13 A. ---a few minutes later, 10:23:03PM.

14 Q. Okay. All right. Now we've gone into the iCloud
15 analysis.

16 Your Honor, do, do you want to -- anybody wants to take
17 a stretch?

18 I don't want to presume that but I want to give them an
19 opportunity.

20 THE COURT: Jury, how you feel?

21 You ready to keep plowing forward or do you need to
22 take a short break?

23 (WHEREUPON, there was no audible response.)

24 SOLICITOR LIVELY: Okay.

25 THE COURT: You good?

Eric Devlin - Direct examination
By Solicitor Lively

1 (WHEREUPON, there was no audible response.)

2 Q. All right. All right. So we have the iCloud account
3 analysis now that you've done.

4 A. Correct.

5 Q. Okay.

6 A. On this particular case, they -- you have to have a
7 search warrant to do it. But you can send a search warrant
8 to Apple and they will, they will provide the account backup
9 from the iCloud account. So --.

10 Q. Okay. And you've got Alex Scott and Ian Little,
11 correct?

12 A. Correct.

13 Q. All right. So, Alex Scott, you've already confirmed
14 this earlier, that is his gmail account---

15 A. Correct.

16 Q. ---right?

17 A. The name, the name of the phone at that time and that
18 matches up with the phone I examined that Jodie (phonetic)
19 has your WiFi. The source is, is that same Apple ID, Apple
20 ID that you see on there, AS6674064@gmail.com.

21 Q. All right. Okay. So here we have some text messages
22 and -- going back and forth.

23 This is actually after the murder, correct?

24 A. Correct.

25 Q. Okay.

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. So this---
- 2 Q. And what do we---
- 3 A. That---
- 4 Q. ---have here?
- 5 A. It's a message with Cravener specifically where he says
- 6 I don't have three -- 350, y'all. I'm covering 2K rent.
- 7 Just buried my grandparents. I can see if I can work
- 8 something out.
- 9 Q. Okay. All right. And then the response is just hey,
- 10 that would be great but we both understand.
- 11 A. Right.
- 12 Q. And what does he say that he's gonna try to do?
- 13 A. He said he was gonna sell, sell his personal computer.
- 14 So --.
- 15 Q. All right. All right. Then we have Ian's iCloud
- 16 account.
- 17 Is this where you verified his, his gmail?
- 18 A. Correct. The ianlittle333@gmail.com.
- 19 Q. Okay. And we've got messages.
- 20 A. The---
- 21 Q. Oops. Went too far. Hold on. Sorry about that.
- 22 A. Specifically he referred to, in, in his account, Alex
- 23 Scott was referred to as bossman.
- 24 Q. Bossman.
- 25 okay. All right. So here, this particular message, so

Eric Devlin - Direct examination
By Solicitor Lively

1 now we're in September of 2020.

2 so we were three months out from the murders, correct?

3 A. Correct.

4 Q. Okay.

5 A. And so he is, he is designating different people for
6 rolls within his supposed company.

7 Q. All right.

8 A. Sorry.

9 Q. You're fine.

10 And then we've got a kids summer camp that he's talking
11 about?

12 A. There, there was a, a plan and a talk to create a camp
13 as a replacement for the Boy Scouts.

14 Q. Okay.

15 A. And then communications with, with Ian Little regarding
16 rejoin the military and his investments since I'm not
17 talking about giving the company \$140,000, that type of
18 thing.

19 Q. All right. And you don't know anything about his
20 financial situation, do you?

21 A. Not anything before I was---

22 Q. Right.

23 A. ---in here earlier.

24 Q. Oh, yeah, until you saw.

25 okay.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. Correct.

2 Q. There you go.

3 All right. All right. So we have here -- and this is
4 Billie Rogers Facebook here?

5 A. Correct.

6 Q. All right. Her last Facebook activity is what you've
7 documented here.

8 Is that right?

9 A. Correct. That's another way of trying to validate that
10 it was correct off of her phone. This is the only
11 communication -- this is the last communication I had.

12 Q. Okay.

13 A. Afterwards there was quite a bit of attempts to get
14 ahold of her.

15 Q. Okay.

16 A. But none of them were successful.

17 Q. All right. So I don't -- see there's things like video
18 chats and things like that---

19 A. Right.

20 Q. ---when the -- where the -- started a video chat around
21 8:11PM and there's no response?

22 A. Correct.

23 Q. Okay. Now --.

24 A. These are a whole group of messages. I -- what I was
25 trying to do was establish who the -- who this person was---

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. Uh-huh. (Affirmative).

2 A. ---and I found lots and lots of communication from well
3 wishers and people who were sadden by her death. And, and
4 --.

5 Q. All right. And then we have Alex Facebook here
6 around -- so we have something pretty early in the morning
7 on June 21st, 2020?

8 A. Correct.

9 Q. All right. And he talks about going to Spartanburg at
10 seven o'clock and then going by old house after that,
11 correct?

12 A. Correct.

13 Q. All right. And then the next thing that we're seeing
14 is -- this kind of relays back to what you said a minute ago
15 where you have someone asking about the death of the
16 grandparents and whether or not they think -- he might think
17 that this has something to do with his contracting business?

18 A. Yes, he had put out---

19 Q. Okay.

20 A. ---quite a bit of information on Facebook---

21 Q. Okay.

22 A. ---and other places about this private military company
23 he was---

24 Q. Yes.

25 A. ---to be running.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. Right.

2 A. And so I think there were several communications asking
3 if it was tied to his contracting or --

4 Q. Got it.

5 A. -- other status.

6 Q. All right. And you, you may know this. I'm not sure.
7 We actually had Officer Shane Chipley come and speak with
8 us -- with the jury earlier this week.

9 Is this that -- this is a -- the actual chat
10 communications through Facebook I think Marketplace --

11 A. Yes.

12 Q. -- maybe?

13 Okay. And it started on June the 19th.

14 Is that right?

15 A. Correct. And specifically about selling several night
16 vision goggles or a set of night vision goggles. So --.

17 Q. Okay. All right. And then we have more messages
18 talking about the same thing, correct?

19 A. Right.

20 Q. Okay.

21 A. And --.

22 Q. And so there were quite a few conversations and
23 pictures of different weapons---

24 A. Right.

25 Q. ---that -- going on between these two, correct?

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By Solicitor Lively

- 1 A. The -- Alex Scott was attempting to sell this
2 particular firearm to---
- 3 Q. Okay.
- 4 A. ---Shane Chipley. So --.
- 5 Q. And so we've got all of this in talking about how much
6 money he would take for it.
- 7 That's listed in these, correct?
- 8 A. Correct.
- 9 Q. All right. And we're still on June 19th.
10 So they're, they're having quite a conversation?
- 11 A. They are.
- 12 Q. Okay. And then he -- his response says I can come
13 Sunday morning, correct?
- 14 A. Correct.
- 15 Q. All right. And he says he'll be there around
16 11:00AM---
- 17 A. Correct.
- 18 Q. ---to Mr. Chipley, Chipley?
19 All right. So, I'll move through this cause it sounds
20 like they've all agreed and everyone's happy and we'll move
21 along here and he's still talking about --
- 22 A. Well, the, the message---
- 23 Q. ---the contract.
- 24 A. ---before---
- 25 Q. Yeah.

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By Solicitor Lively

- 1 A. ---he talks about DOD contracts---
- 2 Q. Yeah.
- 3 A. ---foreign government contracts, and then the next
- 4 message talks about having just returned from the Ukraine.
- 5 Q. Okay. I'm locked up here for second. Hold on. I'm
- 6 not sure. It's our Internet. It's not your fault.
- 7 Okay. Here it is up at the top. You're talking about
- 8 I own a starting private military company.
- 9 Is that right?
- 10 A. Correct. And we're talking about his DOD contracts.
- 11 Q. His DOD and foreign, and foreign governments, correct?
- 12 A. Right.
- 13 Q. And that was June 19th --
- 14 A. Correct.
- 15 Q. -- right?
- 16 A. And then the next set of messages talk about having
- 17 just returned from service in the Ukraine.
- 18 Q. Okay. So he just got back from the you -- the Ukraine?
- 19 A. Correct.
- 20 Q. All right. And then he says look forward to meeting
- 21 him and we've already -- he said around 11:00AM. Oops. I'm
- 22 sorry.
- 23 So, in regards to this conversation with Mr. Chipley,
- 24 it looks like it went on for a while?
- 25 A. Correct.

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By Solicitor Lively

1 Q. Okay. And then the, the last communication we had
2 between him and Mr. Chipley was at the -- not the last one.

3 But, on the 20th, it was at 7:34PM he's still --
4 he -- Chipley sends something to him and when is the first
5 time that Raphael Scott actually responded to that message?

6 A. Let's see. Let me get to the side.

7 So, so on the 20th, it's all good. What time should
8 I try and be there tomorrow.

9 Q. Uh-huh. (Affirmative).

10 A. Raphael Scott says I'll be there at 8:06.

11 Q. Right.

12 A. Shane Chipley---

13 Q. Right.

14 And then---

15 A. ---responded it opens at 10:00. That was a---

16 Q. Okay.

17 A. ---a message at 6:35:46AM.

18 Q. Okay. Let me just confirm. There is a gap between
19 June 20th, 2020, at 7:34PM by Shane Chipley when he sends
20 this and then Raphael Scott does not respond until 11:08PM
21 on the 20th that evening.

22 A. Correct.

23 Q. Is that correct?

24 A. That is correct.

25 Q. All right. We do have a gap there and then he's

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By Solicitor Lively

1 talking about getting there in Spartanburg in that last
2 message.

3 A. Correct.

4 Q. All right. So, he actually read these out to the jury.
5 So what I'm gonna do, this is where he's talking about
6 trying to get there earlier where -- so that, that way --
7 that way they could do the transaction and he continues to
8 talk about that and describing what they'll be driving so
9 they can both recognize who one another is.

10 A. Correct.

11 Q. I'm just trying to get to where the jury's already
12 seen.

13 Okay. Now, here it looks like the transaction's taken
14 place at 8:28AM on the 21st. Thank you. You're gonna
15 love it. And then, at 1:40PM on June 21st, 2020, the
16 defendant gets this message from Shane Chipley.

17 A. Correct.

18 Q. And---

19 A. The message is I, I meant to ask you are the, are the
20 laser sighted in at 1:58:28PM on the 21st. Alex Scott
21 responds -- replies yes, the laser's sighted perfectly. You
22 might need some small adjustments.

23 Q. Okay. All right. And are you aware that's within like
24 an hour and a few minutes of whenever he found---

25 A. At that time my understanding is he's---

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By Solicitor Lively

- 1 Q. ---the bodies?
- 2 A. ---still there at the scene of the murder --
- 3 Q. All right.
- 4 A. -- and his phone is reportedly locked in his car.
- 5 Q. Right.
- 6 All right. Call data records analysis.
- 7 what are call de, I'm sorry, call detail records?
- 8 A. Call detail records are the records you get from AT&T,
- 9 Verizon, Sprint, the records that they keep within their
- 10 database when a phone connects to an actual cell tower.
- 11 Q. Okay. So that's, that's kind of some of that cool
- 12 stuff you hear where people, I know you're gonna say I'm
- 13 wrong, where it's like triangulation to see which ones
- 14 bouncing off---
- 15 A. Absolutely incorrect.
- 16 Q. ---of what's -- huh?
- 17 A. Absolutely incorrect.
- 18 Q. I knew that. That's why I said---
- 19 A. It is not triangulation.
- 20 Q. Okay. That's why I'm having you explain it because,
- 21 you know, on TV they make it sound like they can pinpoint
- 22 where you are based on your phone bouncing off a cell tower.
- 23 A. I am not Mark Harmon.
- 24 Q. Okay.
- 25 A. I am not.

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By Solicitor Lively

1 Q. And that's, that's why I'm asking.

2 So, so what is it actually doing?

3 what are we seeing here?

4 A. All these records are -- the call detail records are
5 historical records --

6 Q. Okay.

7 A. -- kept by your cellphone provider, AT&T, Verizon,
8 Sprint, as to what cell tower and specifically what, in, in
9 most cases, what bank of antenna is within that cell
10 tower---

11 Q. Okay.

12 A. ---that the phone's connected to.

13 Q. Got it.

14 Okay.

15 A. When you're talking about triangulation, that requires
16 a whole nother Court order. It requires going up on
17 multiple towers. It's something that's done.

18 Q. Okay.

19 A. It's not done very often and it's, it's done in advance
20 of what -- of an activity happening.

21 Q. Got it.

22 A. Typically we do triangulation when we're looking for
23 someone, hunting somebody, or like in a kidnapping case
24 where somebody has taken somebody---

25 Q. Got it.

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By Solicitor Lively

- 1 A. ---and you know it's an active, in progress activity.
2 Q. Perfect. Thank you so much.
3 All right. So is this what you use in order to, to, to
4 go through the call detail records?
5 A. I use a platform called Cell Talk. It's used by most
6 major law enforcement.
7 Q. Okay.
8 A. I do like the fact that it's also a Texas based
9 company. So we always like those but --
10 Q. All right.
11 A. -- it is considered to be the, the, the, the best
12 program available for---
13 Q. Okay.
14 A. ---interpreting these records.
15 Q. All right. So let's look -- your exhibit, that's just
16 an example of what you just basically explained to us?
17 A. Correct. These---
18 Q. This is what we're looking at?
19 A. These are your typical cell towers and I, and I always
20 include that second picture because I obviously think it's
21 amusing that they try to hide what it actually is. That is
22 a cell tower in what is suppose to be a palm tree.
23 Q. Okay.
24 A. So they have those in the -- Galveston, Texas where we
25 don't have palm trees.

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By Solicitor Lively

1 Q. Yeah.

2 A. So --.

3 Q. Great. All right. And then---

4 A. This is one where my wife got mad at me because I took
5 a stop at the Super Bowl in Houston to take a picture of
6 this particular cell tower.

7 Q. All right.

8 A. These are cell towers they'll put up in emergencies and
9 they will, or for large crowds, so Super Bowl, world series,
10 college football games.

11 Q. Got it.

12 A. And so --.

13 Q. All right. And these are the different types and
14 that's just really wherever---

15 A. Most---

16 Q. ---money---

17 A. Most of your cell towers nowadays throughout the United
18 States are trifold towers is that they have three banks of
19 antennas covering approximately 120 degrees each. So --.

20 Q. Okay. All right. Oh. All right. Here we go.

21 A. This is an example map. You can see where cell towers
22 are typically, are typically had -- typically positioned and
23 placed. They are typically covering your urban areas. They
24 do cover, when they leave the urban areas, they're typically
25 along highways, freeways, and interstates, that type.

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By Solicitor Lively

1 Q. Okay. All right.

2 A. And that's used in -- because that's why we're --

3 Q. Yeah.

4 A. -- problem -- so --.

5 Q. All right. So they -- cellular data, they -- the
6 actual companies, the providers are the ones that have that
7 information, correct?

8 A. Correct.

9 Q. Okay. And here's one of the things I wanted to ask you
10 too.

11 If you do a search warrant for those records to someone
12 like Verizon or AT&T, if you don't give them -- you have
13 to -- you give them a specific timeframe.

14 If you don't get it -- if you don't get what you want
15 at that particular time, do they keep their records forever?

16 A. They do not. In fact, the actual government -- there
17 is no law telling them how long they have to keep these
18 records.

19 Q. Okay.

20 A. Some of them keep them for a very short period of time.
21 Some of them keep them for a lot longer. It is, it is
22 changed in the recent years --

23 Q. Okay.

24 A. -- and I say within the last about two years, they,
25 they -- they've expanded to keeping them a lot longer.

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By Solicitor Lively

- 1 Q. Okay.
- 2 A. But you have to ask them for a specific timeframe of
3 records or they will not send you anything at all. So --.
- 4 Q. Got it.
- 5 Okay. All right. That's part of what we did for
6 search warrants and Court orders in order to get that
7 information, right?
- 8 A. You have to obtain a search warrant and these search
9 warrants were obtained in this case --
- 10 Q. Okay.
- 11 A. -- allowing me to get the records. So --.
- 12 Q. All right.
- 13 A. This was a part of the records. What I get is I get
14 the official subscriber information. I get the historical
15 call detail records. I get the antennas allowing me to --
16 what, what processed the calls and how the antennas are set
17 up and that can be important because that can tell me the
18 angle of the tower, where it's actually facing, where the
19 angle of each one---
- 20 Q. Right.
- 21 A. ---that sets up antennas.
- 22 Q. So a lot of detail?
- 23 A. Correct.
- 24 Q. All right. So we got it from these different
25 individuals, Ian Little, based on his telephone number, and

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By Solicitor Lively

1 Evan Webb?

2 A. Correct.

3 Q. Okay.

4 A. As well as from Alex Scott.

5 Q. And Alex Scott, which is our defendant.

6 Okay.

7 A. In addition -- this is something different. When I --
8 aside from the call detail records, you can pull location
9 data from the actual cellphone itself and it's from a
10 combination of, of, of records within the cellphone. Some
11 of them are more accurate than others and that's why we pull
12 this data to combine with the call detail records to try to
13 give you the best, best evaluation of location.

14 Q. Okay. All right. So, here's the significant locations
15 that you were given -- oops. I'm sorry. I went too fast.

16 So you were given significant locations that were
17 relevant to this case --

18 A. Correct.

19 Q. -- that you were asked to actually pull up, correct?

20 A. Correct.

21 Q. Let me lie this down for a moment. Here's our numbers
22 and we've got Alex.

~~23 All right. And then we have significant location.~~

24 There we go.

25 A. So I received three locations. The location what was

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By Solicitor Lively

1 reported to be the murder, 608 Doe Street, the home of Alex
2 Scott, which is an apartment complex at 2050 North Beltline
3 Boulevard in Columbia, and the Piedmont Interstate
4 Fairgrounds. So --.

5 Q. Okay. And then the time period?

6 A. I was told to focus on June 20th, 2020, starting
7 around 10:00PM.

8 Q. Okay.

9 A. Going all the way through June 21st, 12:41PM, which
10 is my understanding around the first time -- the first 9-1-1
11 call.

12 Q. And what were -- what you're trying to determine
13 here -- actually at the time -- you, you also looked at the
14 time from 6:00 to 10:00PM on June the 20th, correct?

15 A. That is correct.

16 Q. Okay. So, what you're looking at here in regards to
17 this timeframe is any activity from up until the time of
18 10:00PM, which is -- well, I'm gon' let you explain that.

19 10:00PM or little bit later, is that wherever you start
20 seeing some activity on the defendant's phone?

21 A. Correct.

22 Q. Okay.

23 A. In, in looking specifically at 6:00PM through 10:00PM
24 on June 20th --

25 Q. Uh-huh. (Affirmative).

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By Solicitor Lively

1 A. -- looking at Alex Scott's phone, there was no
2 activity. No movement during that time period.

3 Q. Okay.

4 A. So --.

5 Q. So his phone did not move from that apartment during
6 that timeframe?

7 A. Correct.

8 Q. Okay. And we'll talk about that in a minute.

9 All right. So here's your overview of the area, the,
10 the different locations that that you, you marked as being
11 relevant, correct?

12 A. Correct.

13 Q. All right.

14 A. These are just to show that the locations in, in
15 connection---

16 Q. Okay.

17 A. ---to each other. So --.

18 Q. Got it.

19 All right. There's the map of that too and his home
20 and where -- this is an overview of that -- of where Alex
21 Scott was living---

22 A. Correct.

23 Q. ---in Columbia.

24 okay. And then this is the actual fairgrounds where he
25 was communicating with Shane Chipley and he went and he

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By Solicitor Lively

1 actually sold some, some tactical gear, correct?

2 A. Correct.

3 Q. Okay. Now here's Ian Little.

4 A. So Ian Little's record, from his call detail records,
5 he had AT&T for a service. He used -- he had 438 calls
6 during this time period, 5,464 communications, and his
7 records ranged from 5/21/2020 through 6/30/2020.

8 Q. Okay. And this would be a breakdown of all the things
9 that he was doing---

10 A. It's what's called a call frequency analysis.

11 Q. Okay.

12 A. So you're looking for the, the top calls, top
13 communications. This is only from 6/20/21 through 6/21/21.

14 Q. Okay. All right.

15 A. 6/21/20. Sorry.

16 Q. And now we have Evan Webb.

17 A. Evan Webb used AT&T for a, for a cellphone service.

18 Q. Okay.

19 A. There was a total of 1,033 unique cell sites used
20 during this time period, 53,231 communications. Records
21 range from 1/1/20 through 12/31/20.

22 Q. Okay. And then this is the same thing like you did for
23 Ian Little?

24 A. Correct.

25 Q. It's just showing all the different communications?

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By Solicitor Lively

1 A. Correct.

2 Q. All right. Now we have the defendant here.

3 A. Alex Scott use a -- Verizon, 15 total -- 15 unique cell
4 sites used, 217 calls. Total records range from
5 5/21/20 through 7/20/20.

6 Q. Okay. And the same thing that you're showing with Ian
7 Little and Evan Webb, correct?

8 A. Correct.

9 Q. Okay.

10 A. So from the -- from, from the Cellebrite location, this
11 is from the Cellebrite forensic platform, I've carved out
12 dates from 6/20/2020 through 6/22/2020. I've recovered a
13 total 23,209 total locations from the phone.

14 Q. And this is Ian Little as well and you're showing --
15 the first record that you documented, May 21st, 2020, based
16 on the search warrant date, correct?

17 A. Correct.

18 Q. All right. And then this is just another report?

19 A. Correct.

20 Q. All right.

21 A. This is, this is Ian Little's movements between 5/21---

22 Q. Okay.

23 A. ---2020 and 6/30/2020.

24 Q. All right. Okay. Now what are -- have -- this says
25 all plotted locations from May 21st, 2020, through June

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By Solicitor Lively

1 30th, 2020.

2 A. Correct.

3 Q. Is this -- this is Alex Scott, correct?

4 A. No, this is Ian Little.

5 Q. This is Ian.

6 okay. That's why I asked.

7 All right. So, this shows everywhere that he's gone in
8 this timeframe?

9 A. Correct.

10 Q. With his phone?

11 A. Well, this is everywhere the phone has gone.

12 Q. That's what I mean. Let me not say -- you know, that's
13 right. The phone has gone and, and either he was with it or
14 somebody else have it. But that's the phone's movements.

15 A. All, all I can tell you where the phone -- is where the
16 phone was moving.

17 Q. Got it.

18 A. So --.

19 Q. All right. And this is another -- this is actually the
20 one where you do this like the visual --

21 A. Correct.

22 Q. -- timeline?

23 okay. I'll just go to the next one on that.

24 How do I get to the next one?

25 There it goes.

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By Solicitor Lively

1 All right. Now, Ian Little phone locations on the
2 actual -- on the day of or the period of the murders.

3 A. Correct.

4 Q. Okay. And you start at 10:00PM that night through
5 6/21 and what are you finding?

6 A. The, the location activity is ending up down with the
7 Alex Scott location --

8 Q. Uh-huh. (Affirmative).

9 A. -- at the Beltline address.

10 Q. Okay. So showing that his phone was at Alex Scott's
11 apartment?

12 A. Correct.

13 Q. Now Evan Webb.

14 And so this is -- you kind of start off with him again.
15 You go all the way back to the 21st of May, which was the,
16 the search warrant day.

17 A. Correct.

18 Q. All right. And then this is his plotted or his phone's
19 plotted locations, correct?

20 A. Correct. From 5/21/2020 through 6/30/2020 and you'll
21 actually see it at the far right of your screen. I could of
22 picked a better color but this is in green---

23 Q. Uh-huh. (Affirmative).

24 A. ---of this one. So --.

25 Q. Okay. So his -- and he's actually -- you -- I don't

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By Solicitor Lively

1 know if you had it earlier that he's from Jacksonville,
2 North Carolina?

3 A. Correct.

4 Q. You did.

5 Okay. So he -- his phone is not showing any time from
6 May 21st of 2020 through the -- through June 30th of
7 2020?

8 A. You -- that---

9 Q. That---

10 A. That---

11 Q. I mean no -- and the outside of that area or at Alex
12 Scott's home?

13 A. The phone is showing to be around the area of his home
14 in Jacksonville, North Carolina.

15 Q. Okay. And not at Alex Scott's home in --

16 A. Correct.

17 Q. -- North Beltline?

18 Okay. And this is more information showing the same
19 thing.

20 We're talking about this is the actual evening of the
21 24 hour period or -- of the, the murders, correct?

22 A. Correct.

23 Q. All right. All right. He's still in Jacksonville --

24 A. Correct.

25 Q. -- or his phone is?

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By Solicitor Lively

1 A. The phone is in Jacksonville.

2 Q. There you go.

3 Okay. And the same thing, he's still in Jacksonville,
4 correct?

5 A. Correct.

6 Q. All right. So, for that period of June the 20th of
7 2020, explain to us what this is telling us and this
8 actual---

9 A. From---

10 Q. Sorry.

11 A. From 6:21PM on June 20th, 2020, through 6/21/2020 at
12 6:41AM, there is no record of, of, of locations. So there
13 were several calls. The ones in red are where we don't have
14 a location on it. We just show that there was a
15 communication to that particular company. What this
16 indicates, in my training and experience, is the phone was
17 turned off or powered off.

18 Q. Okay. So, the last thing that we know on his phone
19 that's actually showing that's not in the red is at 6:21PM
20 on June 20th of 2020?

21 A. Correct.

22 Q. Okay. And then these in the red are showing that the
23 phone was turned off in your, in your opinion?

24 A. In my opinion, the phone was turned off.

25 Q. The phone's turned off.

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By Solicitor Lively

1 Okay. So -- and it remains off, it appears, until
2 5:50, or I'm sorry, 6:41AM on June 21st of 2020?

3 A. Correct.

4 Q. And what does that mean, 146 calls on the -- 6/21?

5 A. On -- well, on, on that date, there was a total of
6 106 -- 146 communications.

7 Q. Got it.

8 Okay. All right. Okay. So, the next time that you,
9 in your opinion, that the phone was turned back on where he
10 received the communication would of been the next morning at
11 6:41AM?

12 A. Correct.

13 Q. All right. And then what about Mr. Scott?

14 A. On Mr. Scott's records, we had calls made, calls
15 received, and calls answered.

16 Q. Got it.

17 And you used that same extended timeframe and going
18 back only as far as May 21st based on the search warrant,
19 correct?

20 A. Correct.

21 Q. All right. And so what are we seeing here?

22 A. The first one is the all -- all off the records.

23 Q. Okay.

24 A. So from 5/21/2000 -- 2020 through 6/21.

25 Q. Okay.

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By Solicitor Lively

- 1 A. Those records show pretty wide -- pretty widely
2 traveled throughout the state.
- 3 Q. Okay.
- 4 A. So --.
- 5 Q. All right. And then now we're looking at that isolated
6 timeframe again.
- 7 A. Correct?
- 8 Q. This would be from June 20th, 2020, correct?
- 9 A. Correct.
- 10 Q. All right. And then what is the -- what does this
11 particular chart tell us?
- 12 A. This one here are - is the communications on the
13 20th, what calls we had regarding location data. Then, on
14 the 21st, showing that the first location data we have on
15 the 21st is at that 6:53:01AM. I do -- and the purpose
16 behind this is showing that there's a, a break in
17 communications. You don't see anything from 10:41 through
18 6:53.
- 19 Q. Okay.
- 20 A. So --.
- 21 Q. And what about the gap in the communication between the
22 11:35AM---
- 23 A. Prior---
- 24 Q. ---and 10:41PM?
- 25 A. Prior to that, you have a break, 6:35 -- are you

Eric Devlin - Direct examination
By Solicitor Lively

1 talking about the one at 6:35AM?

2 Q. The one at 11 -- it's at 11:35 and then you don't have
3 anything until---

4 A. Correct.

5 Q. ---10:41PM.

6 A. That -- there's nothing that has call detail records as
7 a part of it. It has no locations based in those records.
8 Now there's other sources which we'll talk about in a
9 minute.

10 Q. Okay.

11 A. But nothing from Verizon.

12 Q. Nothing from Verizon.

13 Okay. So here we have information regarding Alex
14 Scott's phone and its location, correct?

15 A. Correct.

16 Q. All right. So, tell me what we're seeing in this
17 particular snapshot.

18 A. This is June 20th, 2020, 10:41:13PM.

19 Q. Okay.

20 A. He's hitting off a tower that covers -- that, that --
21 that is close proximity to the Beltline address.

22 Q. All right. And it's showing that he made -- the
23 outgoing caller is Alex Scott, correct?

24 A. The, the -- it's an outgoing communication from Alex
25 Scott to a John and area as Cravener.

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By Solicitor Lively

1 Q. And that's at 10:41PM?

2 A. Correct.

3 Q. All right. And, at that point, you're also -- here's
4 some more -- what is this one?

5 You're documenting --?

6 A. Your first movement of, of activities.

7 Q. Got it.

8 A. So, on the next day, 6:53AM, that's where you first see
9 a location point.

10 Q. Gotcha.

11 And then 10:41PM.

12 A. Well, the 10:41PM was the previous day.

13 Q. Was the previous day?

14 A. Correct.

15 Q. So you have the 10:41PM is the first time you're
16 getting some type of location data --

17 A. Right.

18 Q. -- on the 20th -- June 20th, 2020.

19 A. It's the last -- the last communication you're getting.

20 Q. The last communication.

21 Okay. And then into 6:53AM on the 21st.

22 A. Correct.

23 Q. Okay. Which we just saw was whenever he -- him and
24 Evan Webb, it appears they have a phone -- like there was
25 some phonecall---

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. Correct.
- 2 Q. ---between them?
- 3 Okay. And now we're looking at Evan Webb.
- 4 A. This is that 6:53---
- 5 Q. This is the---
- 6 A. ---call. There's the outgoing call.
- 7 Q. Okay. Yes, properly -- okay. I remembered that.
- 8 So 6:53AM on the 21st?
- 9 A. Correct.
- 10 Q. And you had just said that Evan Webb's phone had been
- 11 turned off before then, correct?
- 12 A. Correct.
- 13 Q. Okay. All right. So they both now are having a
- 14 communication with one another.
- 15 All right. Then we have 12:48PM on the 21st.
- 16 A. The---
- 17 Q. What do we, what do we have---
- 18 A. This---
- 19 Q. ---here?
- 20 A. This is a 9-1-1 call made by Alex Scott's phone.
- 21 Q. All right.
- 22 A. That shows to be connected to a tower that covers the
- 23 homicide scene.
- 24 Q. Covers the homicide scene.
- 25 Okay. Now here we go to the 20th again.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. Yep, I think that's just the same --

2 Q. It is the same one.

3 A. -- same screenshot.

4 Q. That's correct.

5 A. Correct.

6 Q. Okay. Let me do this. All right.

7 A. So now we're getting into the, the location carving
8 from the actual device.

9 Q. All right.

10 A. And so these are, these are records not depending upon
11 Verizon. So these are records we pulled from the actual
12 phone itself. So --.

13 Q. Got it.

14 Okay. All right. So what are we seeing then on this
15 information?

16 A. This is the activity, Alex Scott's phone remaining in
17 Columbia, South Carolina from 10:45, 6/20/2020, through
18 6:30AM, 6/21/2020.

19 Q. Okay. And then we have on this one, which is some
20 we're talking about, where he actually goes to the Piedmont
21 Fairgrounds, which is where he sees Shane Chipley?

22 A. Correct. So this---

23 Q. Okay.

24 A. ---is traveling from his Beltline apartment all the way
25 up to the Piedmont Fairgrounds.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. Okay. And then we have him at the fairgrounds and
2 you've documented the time based on his, his phone
3 locations?

4 A. Correct.

5 Q. All right. And then we have where he heads back from
6 Spartanburg to his home in Columbia, right?

7 A. Correct.

8 Q. Okay. And he gets there at 10:46AM?

9 A. Correct.

10 Q. Now, in this one, this actually shows the -- his trip
11 then to the homicide location.

12 A. Right.

13 Q. Okay.

14 A. If you zoom in on it, there's lots of individual dots.
15 It looks like a line.

16 Q. Okay.

17 A. But it, it, it is his travel from Beltline -- the
18 Beltline apartment up to the homicide scene --

19 Q. Okay.

20 A. -- and showing specifically arriving at the, at the
21 scene at approximately 12:16PM.

22 Q. All right. So he gets there at 12:16PM and do you
23 happen to recall what time he made the 9-1-1 call?

24 A. 12:48.

25 Q. 12:48.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. And if you look -- if you see the -- oh, I'm sorry.

2 Can you go back real quick?

3 Q. I'll be glad to. Sure.

4 A. Keep going. Go forward. Go forward and you'll see
5 each box populates.

6 So you first see him in the, in the approximate area at
7 12:13:20. Then over at 12:14:29 finally arriving at where
8 the house would be at 12:16. If you look at the last box,
9 be very gentle, there you go, that last box, 12:49, that's
10 the approximate time of the 9-1-1 call.

11 Q. Got it.

12 Okay. Thank you. That's very helpful.

13 All right. Okay. Now, now what we have is you going
14 into cellphone activity from 6:00PM on the night of
15 June 20th, 2020, until 10:41PM.

16 A. Correct.

17 Q. All right.

18 A. And these records are very dependent upon that deep
19 extraction that was done using GrayKey. That full file
20 system extraction gives you not only things like messages,
21 media, you know, call logs, but also application logs within
22 there such as plugging a phone in, plug -- taking a phone,
23 unplugging a phone.

24 Q. Okay.

25 A. So these are---

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. You can actually tell if someone plugs their phone in
2 to charge it or unplugs their phone?

3 A. On an Apple iPhone, if you get that full file system
4 extraction, you can find almost everything that's been done
5 on that device.

6 Q. Okay.

7 A. So --.

8 Q. All right. So -- and that's detailed in this chart?

9 A. Correct.

10 Q. All right. Tell us exactly what this is telling --
11 tell the jury what this is telling us.

12 A. Well, starting out at the very top, you have the device
13 physical movement. That's at that 6:12PM. So it's showing
14 that the device is moving around. Steps are being taken.

15 Q. Okay. And that's the Apples Steps?

16 A. Correct.

17 Q. You've talked about that before.

18 Okay.

19 A. If you want to hit the space bar again?

20 Q. Yes.

21 A. And then one more time.

22 So next you see the browser search. So these are a set
23 of browser searches for how longs do -- how long do dreams
24 last.

25 Q. All right.

Eric Devlin - Direct examination
By Solicitor Lively

1 A. If you hit it again, this is where -- the device
2 physical movement again at 6:19PM.

3 Q. Okay.

4 A. Hit it again.

5 All right. So then it -- right here you have the
6 iPhone plugged into a charger. You can actually see the
7 power log, power log lightening cable status. This is where
8 it shows to be connected.

9 Q. Okay. All right. So let's -- it's, it's connected and
10 this is what you found.

11 There's a -- completely describes the timing of
12 whenever that happened, correct?

13 A. Right.

14 Q. Okay. Now, what are we seeing next?

15 A. The next one here, you, you don't have any activity
16 from that 6:23:10PM that -- all the way to 10:28PM. On that
17 time the phone is still plugged in and a Snapchat message is
18 sent.

19 Q. So from the time whenever the phone is actually plugged
20 in and it's charging at around 6:21PM that night, the first
21 thing that actually comes -- that you document or that you
22 can document of activity is gonna be at 10:28PM?

23 A. There's no other activity on the phone until that
24 10:28PM.

25 Q. Okay. And based on the timing of that particular

Eric Devlin - Direct examination
By Solicitor Lively

1 event, from like 6:21 until 10:28, was that unusual from
2 what you had been looking at?

3 A. Based upon his history, yes.

4 Q. Okay. All right. So, it's just sitting there, and if
5 we're to believe that he's with the phone at the apartment,
6 then he's not even using it even though it's, it's charging?

7 A. His phone seems, seems to show very constant activity.

8 Q. Okay.

9 A. All kinds of searching, all kinds of web browsing, this
10 activity---

11 Q. Okay.

12 A. ---chat activity back and forth.

13 Q. Okay.

14 A. To have this range of time, that -- that's odd---

15 Q. Okay.

16 A. ---and not -- in addition, there's no movement. So
17 there's no -- remember we talked about the Apple Health, the
18 gyroscope where somebody would pick it up and move it.

19 This has been plugged in, placed on a table, or a bed,
20 or a floor, and not touched again until this next, you know,
21 this Snapchat message at 10:28PM.

22 Q. Okay. At 10:28PM.

23 All right. And then after the 10:28---

24 A. The---

25 Q. ---communication.

Eric Devlin - Direct examination
By Solicitor Lively

- 1 A. There's some browser activity.
- 2 Q. Okay.
- 3 A. And then finally the plug -- the phone is unplugged at
- 4 10:35:13PM.
- 5 Q. At 10:35?
- 6 A. And that's---
- 7 Q. Okay.
- 8 A. And that's the first time you see -- you're gonna hit
- 9 the space bar again.
- 10 Q. Okay. Yes.
- 11 A. So there's, there's your searches. Then you finally
- 12 have physical movement at 10:36. And then your first
- 13 outgoing phonecall at 10:41.
- 14 Q. All right. So, from that block of time, there -- it's,
- 15 it's plugged in and there's nothing touching the phone -- it
- 16 may -- even if you touched the phone, opened the phone, or
- 17 anything --
- 18 A. If, if you would -- the -- you can actually see when
- 19 the phone gets unlocked.
- 20 Q. Okay.
- 21 A. So --.
- 22 Q. All right. And it was just sitting there, nothing?
- 23 A. Correct.
- 24 Q. All right. Okay.
- 25 A. And that's it.

Eric Devlin - Direct examination
By Solicitor Lively

1 Q. That's it.

2 All right. I know that was a lot.

3 Now, after you actually provided us with this
4 particular information, was there -- did you have any other
5 thing to do with the investigation of this case other than
6 to continue to help us follow-up with, with what you had
7 provided in this extraction -- I mean in this analysis?

8 A. No, ma'am, I only do digital forensics and location
9 analysis.

10 Q. Okay. All right. Okay. All right. Thank you. And I
11 appreciate everyone's patience in regards to this
12 information and that was very helpful, Mr. Devlin. If you
13 would please answer any questions the defense may have.

14 Do you want me to leave this up for you?

15 MS. BOULWARE: Yes.

16 THE COURT: Okay.

17 MS. BOULWARE: If you would.

18 THE COURT: Okay. Ms. Boulware?

19 MS. BOULWARE: Can we take a quick break, judge?

20 THE COURT: Sure.

21 MS. BOULWARE: I need to --.

22 THE COURT: Okay. All right. Let's take a short break
23 and then come back and finish with their cross-examination.

24 MS. BOULWARE: Thank you.

25 (WHEREUPON, a short recess was taken at this time.)

Eric Devlin - Cross-examination
By Ms. Boulware

1 (Whereupon, the following takes place within the
2 presence of the jury.)

3 THE COURT: All right. Let the record reflect the
4 jury's back in.

5 Ms. Boulware.

6 MS. BOULWARE: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. BOULWARE:

9 Q. All right. Mr. Devlin, I'm gonna keep this super short
10 cause I sent everybody out for a break. But---

11 A. Yes, ma'am.

12 Q. But we won't be here much longer. I promise. I just
13 got a couple of questions.

14 A. Sure.

15 Q. Those searches that you said were deleted --

16 A. Yes, ma'am.

17 Q. -- can you tell when they were deleted?

18 A. No, ma'am.

19 Q. Okay. And then you were asked by I presume the
20 solicitor or whoever hired you to tag certain items in the
21 report to sort of tailor it to the case.

22 Is that correct?

23 A. I was given information that -- by Chester County as to
24 what would be -- could -- what could be important, could be
25 relevant --

Eric Devlin - Cross-examination
By Ms. Boulware

1 Q. Okay.

2 A. -- and I usually expand upon that to the best of my
3 ability. Sometimes I know the case. Sometimes I don't.

4 Q. Okay.

5 A. So. --.

6 Q. So, when you, and I'm not gonna pull the slide up, but
7 when you had a slide that had, for instance, money problems
8 out beside it --.

9 A. That's my editor---

10 Q. That's your own---

11 A. That's me.

12 Q. ---editorial.

13 A. So sorry.

14 Q. Yeah, that's what I thought.

15 So, so you---

16 A. That's why I keep track---

17 Q. ---kind of are interpreting this stuff, aren't you?

18 A. I'm, I'm trying to keep track of the slides as, as to
19 what they are and --.

20 Q. With, with your title though?

21 A. Yes, ma'am.

22 Q. Okay. All right. And so -- and please feel free to
23 refer, of course, back to your report if this is incorrect.

24 But I believe we've got -- in the timeframe you looked
25 at, we've got 55,000 web browser searches -- around 50.

Eric Devlin - Cross-examination
By Ms. Boulware

- 1 I'm, I'm, you know, I'm not saying exactly how many.
2 But around 55,000 web browser searches?
3 A. That -- actually that's the entire life of the phone.
4 Q. Okay. So that just doesn't cover the timeframe you're
5 in?
6 A. Right.
7 Q. Okay.
8 A. Yeah, that's the entire recovery from the phone.
9 Q. Got you.
10 okay. So, that -- and we've got around a little under
11 20,000 messages and 28,000, what were those, chats?
12 A. Yes, ma'am. I mean there -- there's substantial
13 numbers.
14 Q. Okay.
15 A. So --.
16 Q. And, of course, I, I didn't say exact numbers.
17 A. No.
18 Q. But that's approximately.
19 so, let's talk about when you did first look at this
20 case.
21 Do you -- you have any relationship with the show Cold
22 Justice?
23 A. I do.
24 Q. Okay.
25 A. The --.

Eric Devlin - Cross-examination
By Ms. Boulware

- 1 Q. Tell us about that.
- 2 A. Kelly Siegler, who is the main component of the show,
3 was my boss at the DA's office --
- 4 Q. Okay.
- 5 A. -- and she dragged me into it a number of years ago.
- 6 Q. Okay. And so Cold Justice is one of those shows like
7 48 Hours or First 48, something like that, that's just a --
8 basically a crime show for entertainment purposes, right?
- 9 A. It's, it's a show that they -- law enforcement invites
10 that group in, Kelly in specifically --
- 11 Q. Uh-huh. (Affirmative).
- 12 A. -- to do -- to help with the investigation and it's --
13 some of it is just organizing case files. Some of it is new
14 forensics. It just, it just kind of depends.
- 15 Q. But, but it's a show for entertainment?
- 16 A. There's, there's a crew that follows around. Then they
17 cut and edit the show and everything else and I have nothing
18 to do with that part. I'm asked to come in and do
19 forensics.
- 20 Q. Okay. That wasn't my question at all.
- 21 A. I'm sorry.
- 22 Q. It's a show for entertainment?
- 23 A. I don't watch it. But, yeah, I, I, I think its main---
- 24 Q. Entertains some people?
- 25 A. It's ap---

Eric Devlin - Cross-examination
By Ms. Boulware

1 Q. A lot of people. It's a national show.

2 A. It's, it's -- I thinks it's a popular show. So --.

3 Q. Okay. All right. So, probably got paid a good bit of
4 money to do that and, and---

5 A. No.

6 Q. ---I suspect that it's paid or, or it is -- let's see.
7 Paid for by the show at first and -- well, we got to go with
8 the narrative of the show, right?

9 So we're gon' tailor our report to the narrative of the
10 show.

11 A. No, I, I take a huge hit when I do the work for Cold
12 Justice. So the -- it's, it's not -- I don't do it for
13 money. It's not -- it -- it's something where I take a huge
14 loss for it.

15 Q. Okay. But what other association do you have with Cold
16 Justice?

17 A. What do you mean?

18 Q. Are you their legal consultant?

19 A. I had been on some cases where there's no forensics
20 involved because of my past experience as a prosecutor. I
21 would travel with her and, you know, take notes.

22 Q. And you do all that for free?

23 A. That I got paid for. So ---.

24 Q. Oh. Okay. All right. Okay.

25 A. Also not well. I take a huge hit doing that too. So

Eric Devlin - Cross-examination
By Ms. Boulware

1 --.

2 Q. All right. Well, that's, that's good.

3 But we started this with the Cold Justice show in the
4 Fall of 2021. I believe you said about October is when you
5 really started---

6 A. I, I came out---

7 Q. ---looking at it?

8 A. I came October, October I believe 2nd of 2021---

9 Q. Okay.

10 A. ---to come in and do the forensics.

11 Q. The show premiered I believe in December of that year

12 --

13 A. I---

14 Q. -- or this episode did?

15 A. No idea. I've never seen the episode. So --.

16 Q. Okay. And you're telling me you do not tailor your
17 analysis to what the shows pays you to do?

18 A. No. Do not.

19 Q. All right. Thank you.

20 No further questions.

21 THE COURT: Anything in redirect, solicitor?

22 SOLICITOR LIVELY: Just, just one question.

23 REDIRECT EXAMINATION

24 BY SOLICITOR LIVELY:

25 Q. And was one of the things that you agreed to, which you

Eric Devlin - Redirect examination
By Solicitor Lively

1 probably also take a hit on, is that, when the case does end
2 up going to trial, that you would continue to be a part of
3 the investigation and actually agree to come and testify at
4 your -- the hearing in a courtroom?

5 A. That's -- I don't have any agreement with Cold Justice
6 on any of that. They asked me to perform forensics for
7 Chester County.

8 Q. Okay.

9 A. I did and, and provide the results. And that continues
10 on to the prosecutor or the defense or to anybody. I'm here
11 to help. I'm here to assist. I'm here to provide
12 information.

13 But do I take a financial hit?

14 Absolutely.

15 Q. Okay.

16 A. But it's worth it.

17 Q. Thank you.

18 THE COURT: Any recross?

19 MS. BOULWARE: No, sir.

20 THE COURT: Okay. You may step down, sir. Thank you.

21 THE WITNESS: Thank you, sir.

22 THE COURT: Okay. Ladies and gentlemen, I would
23 assume, if I put it to a vote to the jury if we adjourn for
24 the day, I think it would be unanimous, would it not?

25 (WHEREUPON, jurors respond in the affirmative.)

1 THE COURT: All right. Y'all have worked extremely
2 hard this week and you've been alert. You've been attentive
3 as I told you at the outset that you needed to be and I
4 appreciate that.

5 We still have more work to do. We're gonna start back
6 on, on, on Monday and then continue forward.

7 I know the alternate, I think you're concerned about
8 going on the pool -- a week. But I've told the clerk is
9 I'll, I'll talk to you on Monday morning. We'll chat
10 through that and figure out what we need to do.

11 okay?

12 All right. Ladies and gentlemen, have a good weekend.
13 Have a good restful weekend.

14 Again, remember all my instructions. Stay away from
15 any news media through the television, radio, newspapers,
16 Internet, and that sort of thing. No independent research
17 into any aspect about this case. Don't talk to anybody
18 about this case and we'll see you back at 9:30 on Monday
19 morning.

20 okay. Again, have a great weekend.

21 (WHEREUPON, the following takes place outside the
22 presence of the jury.)

23 THE COURT: Concerning the alternate juror, he had, at
24 the first of the week I guess maybe when he kind of heard
25 that this is going into the second week, and he's expressed

1 concerns that while he may do a part of the week but not the
2 entire week. And so what I'm gonna do on Monday is just see
3 if he can stay as long as he can and -- he's just in
4 business for himself I think.

5 THE CLERK: Yes, sir.

6 THE COURT: So it's -- and if we have to, you know,
7 he's, he's an alternate. So if I have to replace, you know,
8 with anybody. So, I'll just kind of talk with him and just
9 kind of see what he can do for next week if that's fine.

10 SOLICITOR LIVELY: Thank you, Your Honor.

11 THE COURT: Thank you.

12 Anything, anything else before we recess for the
13 weekend?

14 SOLICITOR LIVELY: I think the only thing, now that our
15 cellphone guy has actually testified, I just wanted to ask
16 whether or not the defense had any more information
17 regarding that expert. I haven't gotten any reports and I
18 know that it was suppose to be --.

19 MS. BOULWARE: Yeah, judge. I talked with him actually
20 at -- this morning and he will have us a report he said by
21 the end of today. So, I am hoping we will -- I don't have
22 it yet. Let me make sure. But I am hoping we will receive
23 that at least by the end of the actual day.

24 THE COURT: So, is there a way to call him or text him
25 and just kind of see hey, 5:30, haven't gotten a report yet?

1 MS. BOULWARE: Yes, sir, I will check on that.

2 THE COURT: If you'll do that and just share that with
3 the State.

4 MS. BOULWARE: And let me -- I'm gon' double-check and
5 see if we can make sure cause my computer's not showing all
6 my emails here.

7 SOLICITOR LIVELY: And, Your Honor, we did have a
8 stipulation as to the trace evidence. Not trace evidence.
9 No, it was latent prints.

10 SOLICITOR SOPRANO-CESMAT: Latent prints. I'm sorry.

11 SOLICITOR LIVELY: The latent prints, yes.

12 SOLICITOR SOPRANO-CESMAT: I've got it.

13 SOLICITOR LIVELY: The latent prints from SLED.

14 So we will not be calling those particular witnesses
15 and, yeah, they were reports from Tom Darnell as well as
16 Victoria DeLoach and they stipulated to the findings. The
17 State was gonna just put those into evidence and it's my
18 understanding from talking to the defense that they did
19 agree to stipulate to the findings.

20 MR. FRICK: That's correct.

21 THE COURT: Okay. So would that be one exhibit?

22 SOLICITOR LIVELY: Yes, I was gonna do it as one
23 exhibit just because -- see, I thought I did two. I thought
24 I did it yesterday.

25 SOLICITOR SOPRANO-CESMAT: One hundred ninety-one.

1 SOLICITOR LIVELY: Let's go off-the-record for a
2 second. Yeah, look at 191.

3 I just think I did not tell Your Honor yet that we had
4 stipulated. We went ahead and marked it and it is -- yes,
5 191, Your Honor.

6 THE COURT: Well, 191, by agreement, is into evidence
7 for the State and that is the SLED fingerprint report?

8 SOLICITOR LIVELY: Correct, Your Honor.

9 THE COURT: Okay.

10 SOLICITOR LIVELY: And I think --.

11 THE COURT: You probably wasn't -- what you need to do
12 some time, you know, maybe Monday is just mention that so
13 the jury will know---

14 SOLICITOR LIVELY: Yes.

15 THE COURT: ---that that -- that is a piece of
16 evidence.

17 (WHEREUPON, State's Exhibit No. 191 was received into
18 evidence at this time.)

19 SOLICITOR LIVELY: That's right, yes, and I was
20 actually, you know, at that -- so they'll understand, you
21 know, why that's there and they didn't hear from anybody.

22 THE COURT: Sure.

23 SOLICITOR LIVELY: Absolutely, yes. If I -- if you
24 don't mind just making a note that I'll do that and I think
25 that we also stipulated to the chain of custody. I think I

1 already said that in regards to Paula Stephens with Fort
2 Mill on the original GrayKey extraction of the phone.

3 THE COURT: Right.

4 SOLICITOR LIVELY: We did put that---

5 THE COURT: That was mentioned yesterday and that was
6 stipulated to.

7 SOLICITOR LIVELY: Oh, yes, and then and in the chain
8 of custody for the GSR kit that was done on the defendant,
9 we all agreed to stipulate to that chain of custody cause,
10 Kevin Blake, we decided -- they agreed that he did not have
11 to come and testify. But our trace evidence person from
12 SLED is coming. That's Megan Fletcher.

13 THE COURT: Mr. Frick.

14 MR. FRICK: That is correct, Your Honor.

15 SOLICITOR LIVELY: Okay.

16 THE COURT: So noted.

17 SOLICITOR LIVELY: All right. I think that was just
18 house cleaning things. I think that's it.

19 THE COURT: All right. Very good.

20 All right. Ms. Boulware, were you able to actually
21 reach your expert?

22 MS. BOULWARE: He did not answer the phone. But I'm
23 gonna text him real quick and hopefully he'll---

24 THE COURT: Okay.

25 MS. BOULWARE: ---shoot something back.

1 THE COURT: What I'll -- I'll hang around for a few
2 minutes back there. Just if you need me on that just---

3 MS. BOULWARE: Okay.

4 THE COURT: ---let me know.

5

6 (WHEREUPON, Court was in recess for the weekend.)

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Monday, May 20th, 2024

THE COURT: -- and get started.

SOLICITOR LIVELY: State's ready, Your Honor.

THE COURT: Okay. Defense ready?

MS. BOULWARE: Yes, sir.

THE COURT: Okay. All right. Let's, let's bring the jury in.

Morning, Sue.

THE CLERK: Morning, judge.

THE COURT: We're gonna try to close -- get the glare off a little bit at least on this end.

Looks like they're stuck.

SOLICITOR LIVELY: You can do it the old fashioned way and just --.

THE COURT: Do we have anybody that considers themselves to be an expert in blinds?

There you go.

SOLICITOR LIVELY: Hey. There you go.

THE COURT: Make that happen.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: There you go.

All right. Let's hear it for the --.

Okay. Good morning, ladies and gentlemen. Hope you're

1 doing well and had a good restful weekend and ready to get
2 back to work.

3 okay. Is the State ready?

4 SOLICITOR LIVELY: Yes, Your Honor.

5 The State would call Evan Webb to the stand.

6 THE COURT: Okay.

7 THE CLERK: Please raise your right-hand. Place your
8 left-hand on the Bible and state your full name.

9 THE WITNESS: Evan James Webb.

10 EVAN WEBB, being first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR LIVELY:

14 Q. Good morning, Mr. Webb.

15 A. Morning, ma'am.

16 Q. Good morning. Please make sure that you speak into the
17 microphone so that the jury can hear you.

18 okay?

19 A. Yes, ma'am.

20 Q. All right. Now, what's your full name?

21 A. Evan James Webb.

22 Q. And where are you living now?

23 where are you currently living?

24 A. I currently live in Minnesota.

25 Q. And where'd you live previous to that?

Evan Webb - Direct examination
By Solicitor Lively

1 A. Previous to Minnesota I lived in Florida.

2 Q. Florida?

3 THE COURT: Mr. Webb, I need for you to speak up a
4 little louder please.

5 SOLICITOR LIVELY: Yeah.

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you.

8 Q. And if you want to pull the microphone -- that might
9 help you or -- yes, there you go.

10 All right. Are you nervous?

11 A. Yes, ma'am.

12 Q. Were you subpoenaed to be here today?

13 A. I was, yes.

14 Q. Let's talk a little bit about where you were back in,
15 let's see, 2019.

16 okay. All right. Have you ever been in the military?

17 A. Yes, I was in the Marine Corps.

18 Q. And when did you get out?

19 A. I got out in September of 2019.

20 Q. And so, right now, are you employed?

21 A. No, I'm not employed right now.

22 Q. All right. So, what, what is your situation right now
23 financially?

24 A. I currently receive disability from the military.

25 Q. All right. And how long did it take you to get that

Evan Webb - Direct examination
By Solicitor Lively

1 disability from the military?

2 A. Roughly two years.

3 Q. When did you get out of the military?

4 A. 2019.

5 Q. In 2019.

6 What month?

7 A. September.

8 Q. So, let's talk about this.

9 What, what branch of the military were you in?

10 A. Marine Corps.

11 Q. How old were you when you enlisted?

12 A. Seventeen.

13 Q. So, how long were you actually in the Corps then?

14 A. Four years.

15 Q. Where were you stationed?

16 A. I was at Camp Lejeune, North Carolina.

17 Q. What's the -- what's that actual town or city?

18 A. Jacksonville.

19 Q. So, how long did you live in Jacksonville, North
20 Carolina?

21 A. Three-ish years.

22 Q. So, while you were in the Marines, what was your
23 military occupational special -- specialty or your rank or
24 what was it that you did?

25 A. I was a supply administrator.

Evan Webb - Direct examination
By Solicitor Lively

- 1 Q. Supply administrator.
2 All right. And what did -- what does that mean?
3 what would you do?
- 4 A. I basically helped take care of a warehouse and
5 supplied most of the units on the east coast with whatever
6 gear they happened to need. Everything from nuts and bolts
7 to rifles to whatever.
- 8 Q. All right. And were you ever deployed while you were
9 in the Marines?
- 10 A. No, I wasn't.
- 11 Q. When you were in the Marines and especially started
12 when you said you were 17 when you enlisted.
13 Is that right?
- 14 A. Yes, ma'am.
- 15 Q. Did you make any close friends while you were in the
16 Marines?
- 17 A. Yes, I did.
- 18 Q. All right. Tell us about who was probably the closest
19 friend you made.
- 20 A. One of them would of definitely been Alex Scott.
- 21 Q. The defendant, Alex Scott?
- 22 A. Yes, ma'am.
- 23 Q. So how did the two of you meet?
- 24 A. We met during a qualification on the rifle range.
- 25 Q. So, tell us about that meeting.

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By Solicitor Lively

1 A. It's pretty standard as far as Marines go. We just
2 happened to be on the same lineup and never met each other
3 before that day and things just kind of instantly clicked
4 and we got to be really good friends pretty quickly.

5 Q. Okay. So, did y'all remain close throughout your time
6 at the -- in the Marines?

7 A. Yes, ma'am, we did.

8 Q. And did y'all remain close even after you left the
9 Marines in September of 2019?

10 A. Yes, ma'am.

11 Q. And, as you stated before, he was one of your closest
12 friends that you made in the Marines.

13 Is that right?

14 A. Yes.

15 Q. So, would the two of you then being such close friends,
16 would y'all discuss your family lives?

17 A. Yes, we would.

18 Q. All right. So, what did he tell you about his family?

19 A. That his grandfather had murdered his parents and that
20 he could -- hated him for it. As far as any other family
21 members, I don't know anything about anyone else.

22 Q. So, when he told you his grandfather murdered his
23 parents, was he referring to his biological parents I'm
24 assuming?

25 A. Yes, ma'am.

Evan Webb - Direct examination
By Solicitor Lively

1 Q. Okay. Did he ever give you any more details about
2 that?

3 A. I never felt comfortable enough to ask.

4 Q. All right. What else did he tell you about his
5 childhood and, and how he got to the Marines?

6 A. I never really got a whole lot of detail. It wasn't
7 something that was talked about a whole lot. I just know it
8 was a rough childhood.

9 Q. Okay. Fair enough.

10 All right. Did you know the name of his grandfather or
11 who he was actually referring to as being the person who
12 killed his parents?

13 A. No, ma'am, not at the time.

14 Q. All right. So, what, if any, emotion would he show
15 when he talked about his grandfather?

16 A. Anger.

17 Q. Anger?

18 A. Yes, ma'am.

19 Q. Did he ever tell you a specific way that he felt about
20 his grandfather?

21 A. That he hated him and that he wished that he could do
22 something about what he had said had been done to his
23 parents by him.

24 Q. When he told you these things and y'all were still in
25 the military together -- I mean did you trust him?

Evan Webb - Direct examination
By Solicitor Lively

- 1 A. Completely, yes, ma'am.
- 2 Q. Completely?
- 3 A. (WHEREUPON, there was no audible response.)
- 4 Q. Now, did the two of you have mutual friends that you
- 5 made in the Marine Corps?
- 6 A. Yes.
- 7 Q. All right. So, who else did you get to know while you
- 8 were in the Corps with the defendant?
- 9 A. One would of been Ian Doolittle.
- 10 Q. Okay. Ian and who else?
- 11 A. I had other friends such as Tristan Robertson, Madison
- 12 Epeley, Dalton Yates. We made some good friends while we
- 13 were in.
- 14 Q. Okay. And you talk very low. So, let's just try to
- 15 make sure that you talk a little bit louder.
- 16 okay?
- 17 A. Yes, ma'am.
- 18 Q. All right. Did you know a Jerry Familia?
- 19 A. No, I didn't.
- 20 Q. Okay. Well, tell us about then -- going to Ian little,
- 21 what was your relationship like with him?
- 22 A. We weren't like best friends, super close, or anything
- 23 like that. But I would of considered us friends. We, we
- 24 worked in the same unit while we were in the military. So
- 25 I'd see him most everyday going to and from company office