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SC Court of Appeals

VOLUME III 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

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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)**

Evan Webb - Direct examination
By Solicitor Lively

1 and, you know, we'd, we'd cut up and go to parties at the
2 barracks and stuff like that together, hang out, whatever.

3 Q. All right. And whenever you're cutting up and hanging
4 out in the barracks, what are the kind of things that, you
5 know, teenage Marine men do?

6 A. Drink a lot.

7 Q. All right. And how often was that that y'all were
8 drinking a lot while you were hanging out together?

9 A. Myself, I drank very often. I can't speak for how
10 often Ian would. He, he didn't really do anything like that
11 around me too often.

12 Q. Okay. What about the defendant, Alex Scott?

13 A. Me and him would get drunk sometimes and hang out and
14 it wasn't an every weekend thing or anything like that. But
15 --.

16 Q. Okay. Now, in regards to Ian, did you know anything
17 about his family and his background?

18 A. I know that he'd had problems with an ex-wife of his
19 and had custody issues and things like that. But as far as
20 details, no, I don't know, ma'am.

21 Q. Well, where was he from?

22 Were you aware of where he's from?

23 A. Ohio.

24 Q. Ohio.

25 Okay. Now, when you were in the Marines, did you have

Evan Webb - Direct examination
By Solicitor Lively

1 any physical ailments or issues that you had to deal with?

2 A. I have multiple disabilities, which is part of where my
3 rating comes from through the VA. I have feet, knee, back,
4 and head problems.

5 Q. Okay. And when you say head problems, what are the
6 head problems that you're, you're treated for?

7 A. Specifically for my head, it's migraines.

8 Q. Migraines.

9 All right. And how old are you now, Evan?

10 A. I'm 26 right now.

11 Q. Twenty-six.

12 A. Twenty-seven, twenty-seven this month.

13 Q. So, while you were in the Marines, did you ever have to
14 be hospitalized for any of those things?

15 A. I had been for my back before, yes.

16 Q. For your back?

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

18 Q. Now, have you ever received any other -- any type of
19 treatment for things like mental health or counseling or, or
20 therapy?

21 Anything like that?

22 A. Yes, I've received multiple treatments for that.

23 Q. All right. Well, tell us about that.

24 A. While I was enlisted I was prescribed Klonopin for my
25 anxiety and Ambien for sleep and then I was also on Vyvanse

Evan Webb - Direct examination
By Solicitor Lively

1 for AD -- ADD and I saw a therapist at least once a week,
2 things like that.

3 Q. Okay. Have you ever been diagnosed with any kind of
4 mental illness or anything like that?

5 A. I have been diagnosed with major depressive disorder,
6 severe anxiety, and insomnia.

7 Q. And insomnia.

8 Okay. And are you still on those medications that you
9 were on back in 2019 that were issued -- prescribed through
10 the military?

11 A. No, I'm not.

12 Q. Okay. So you've already told us how long you stayed in
13 the Marines and you have -- you were never deployed.

14 Is that correct?

15 A. Correct.

16 Q. Do you know whether or not Alex, the defendant, was
17 ever deployed while he was in the Marines?

18 A. I think he was once.

19 Q. Okay. All right. What about Ian?

20 A. I'm not sure about Ian.

21 Q. Okay. So, whenever you got out, you said you -- you
22 actually got out in September of 2019.

23 What was it showing on your, I think you called it a
24 DD214, which is the discharge paperwork?

25 Is that what they call it from the, from the military,

Evan Webb - Direct examination
By Solicitor Lively

1 correct?

2 A. Yes, ma'am.

3 Q. Okay. All right. So, what did that paperwork reflect
4 as to the type of discharge that you received?

5 A. I received an honorable discharge.

6 Q. All right. When you were discharged from the Marines
7 in September of 2019, were you still in good contact with
8 the defendant, Mr. Scott?

9 A. Yes.

10 Q. Was he still one of your close friends?

11 A. Yes.

12 Q. Okay. So, when you got out of the Marines in 2019,
13 tell the jury -- what was your state of mind in, in regards
14 to how you were doing personally, physically, and mentally
15 at that time?

16 A. When I first got out, I was still fighting with the VA
17 trying to get my disability rating and having a really hard
18 time with it. And I obviously still had to eat and pay
19 bills. So, I had to continue working and I've never been
20 good with much but working with my hands.

21 So, I started working construction at a place called
22 East Carolina Mechanical and it was pretty much just
23 destroying my body everyday trying to pay bills, and I got
24 really tired of it and I was drinking everyday. And I was
25 self-medicating a lot. I was getting really tired of

Evan Webb - Direct examination
By Solicitor Lively

1 hurting. So, I started taking a bunch of pain killers that
2 I would buy from some people.

3 Q. You had mentioned that while you were in the military
4 that you actually had a prescription for vyvanse, Klonopin,
5 and Ambien.

6 what ended up happening?

7 Did you continue with those prescriptions?

8 A. I only continued the prescriptions for about a month
9 after I got out.

10 Q. And then you just stopped cold turkey?

11 A. Yes, ma'am.

12 Q. So, what, if anything, are you taking now if you're
13 taking anything to, to deal with some of these issues?

14 A. Living in Minnesota, marijuana is both legal, legal
15 recreationally and medically. So, I do take a daily THC oil
16 to help with my pain.

17 Q. All right. Now, after you're out of the Marines, did
18 you know whether or not the defendant was also going to be
19 either staying in the Marines or reenlisting or, or did you
20 know what he was gonna do?

21 A. He had wanted to start up a security company of his and
22 then, after he got that off the ground, he was wanting to
23 get out of the Marine Corps and go into the Army.

24 Q. All right. And so did he actually discuss his plans
25 with you then?

Evan Webb - Direct examination
By Solicitor Lively

- 1 A. At that time in detail, no, ma'am.
- 2 Q. Okay. But you did know that he, he was planning on
- 3 starting some type of a business?
- 4 A. Yes, I did.
- 5 Q. All right. And did you still feel like a close friend
- 6 with him at that point?
- 7 A. Yes, I did.
- 8 Q. Now, if he needed something from you, based on y'all's
- 9 friendship, would you, at that point, be willing to help him
- 10 in any way?
- 11 A. I would of done anything for him at the time.
- 12 Q. You'd of done anything for him at the time?
- 13 A. (WHEREUPON, there was no audible response.)
- 14 Q. Okay. All right. And, at that time, was he still
- 15 someone you trusted?
- 16 A. He was.
- 17 Q. At some point during -- do you know when he actually
- 18 got out of the, the Marines then?
- 19 If you don't remember exactly that's fine.
- 20 A. I don't remember, no.
- 21 Q. Okay. So were y'all still communicating off and on --
- 22 A. Yes, we were.
- 23 Q. --after you got out?
- 24 Yep.
- 25 All right. So -- and you had already testified that

Evan Webb - Direct examination
By Solicitor Lively

1 you were living in North Carolina.

2 Is that right?

3 A. That's correct.

4 Q. Did you know at what point if the defendant moved
5 somewhere else like to South Carolina?

6 A. Yes, ma'am, he moved down here to Columbia.

7 Q. To Columbia.

8 All right. And do you know -- was he living with --
9 well, did he have a house?

10 was he living with family, friends?

11 what did you know?

12 A. He was living in an apartment building with Ian
13 Doolittle.

14 Q. Okay. So, with Ian.

15 Do you know if he had any other roommates at that
16 point?

17 A. I didn't know about any at the time, no.

18 Q. All right. So, at some point did the defendant
19 actually talk to you about possibly having a job with his
20 business?

21 A. Yes, we had a conversation about it. I, I basically
22 told him that I wasn't sure if it was something that I would
23 be interested in or if he would even want me for obviously
24 because of all of my physical stuff that I had going on, and
25 working for a security company, that obviously develops

Evan Webb - Direct examination
By Solicitor Lively

1 problems and whatnot. So --.

2 Q. All right. So you were worried about your physical
3 ability to, to do that type of work?

4 A. Yes, ma'am.

5 Q. All right. So, at some point did the defendant
6 actually reach out to you and get a little more specific
7 about wanting to talk to you regarding the business?

8 A. Yes.

9 Q. Okay. All right. And I'm just gonna turn this on so
10 that we can kind of refer to a few things. I mentioned that
11 to you earlier.

12 Let me see. Internet's slow. I don't think that's
13 working. That's what that is.

14 All right. Give me one second. Let me decide the best
15 plug for me to plug. So --.

16 (Pause.)

17 Q. Okay. All right. Now let's see. Hey. See. Thank
18 you.

19 All right. Now, when we -- before you actually came to
20 testify or just to clarify to the jury, have you had several
21 meetings over like through Zoom and Microsoft Teams and
22 stuff like that to go through some of your cellphone
23 communications with the defendant?

24 A. Yes, I have.

25 Q. Okay. So, let's go to specifically what I was just

Evan Webb - Direct examination
By Solicitor Lively

1 asking you about.

2 At some point, the defendant, did he reach out to you
3 basically just to make sure that you had the same number I
4 think is what that text thread was about?

5 A. Yes, that happened.

6 Q. Okay. All right. So, here it is. It's kind of hard
7 to see.

8 But in this particular text here, who is Evan 2D
9 Supply?

10 A. That would be me.

11 Q. That's you.

12 All right. And so you get a text on April 17th,
13 2020, at about 6:00 -- 7:51AM and it says is this still your
14 number, Evan?

15 A. Yes.

16 Q. who is that from?

17 A. That was from Alex Scott.

18 Q. That was from Alex Scott.

19 All right. And you reply.

20 And then what was he actually wanting to do at that
21 point in this text thread?

22 A. Talk about something private.

23 Q. All right. Talk about something private and the date
24 on that once again is April 17th, 2020, and what does he
25 actually tell you that it's about?

Evan Webb - Direct examination
By Solicitor Lively

1 Can you read from there?

2 A. Not really to be honest, ma'am.

3 Q. Okay. Well, I'm just gonna read it to you and ask you
4 if you recognize it.

5 How would you like to never have to work another day in
6 your life?

7 A. I remember, yes, ma'am.

8 Q. You remember him sending that to you?

9 A. I don't remember what it was about, but yes---

10 Q. That's fine.

11 A. ---I remember.

12 Q. No, I'm just asking -- that is a response from Alex
13 Scott, correct?

14 A. Correct.

15 Q. And you say obviously you're all about that idea?

16 A. Yes.

17 Q. All right. So, that's still April 17th.

18 So then, after that, you continue to have
19 communications with him on that same day through April
20 17th, 2020.

21 Is that right?

22 A. Yes.

23 Q. So, was there -- so him saying that you would never
24 have to work another day in your life, did that peak your
25 interest about what he could be talking about?

Evan Webb - Direct examination
By Solicitor Lively

- 1 A. Yes, very much.
- 2 Q. All right. So, did he try to arrange a phonecall with
3 you in this entire text thread that we have here?
- 4 A. At some point throughout it, yes, ma'am.
- 5 Q. All right. And so what, if any, instructions did he
6 give you in regards to when that phonecall took place?
7 what did he want to make sure that you did?
- 8 A. That was I was alone whenever I took it.
- 9 Q. That you were alone whenever you took the call?
- 10 A. (WHEREUPON, there was no audible response.)
11 Okay. Do you recall what that conversation was about?
- 12 A. No, I don't.
- 13 Q. All right. And, once again, going back to your state
14 of mind and what was going on during that time, tell the
15 jury what you were doing.
16 what type of things you were doing that could affect
17 you memory.
- 18 A. Drinking every day, and self-medicating a lot, taking a
19 bunch of pain killers, taking stuff for anxiety. Just pills
20 that I bought off people. I was going through a case of
21 beer a day. One --.
- 22 Q. Okay. All right. Okay. And, and it's been, it's been
23 a long time. It's been over four years. So, I'm gonna
24 continue to show you a little bit more.
25 So, at the end of April 17th, he's -- you're still

Evan Webb - Direct examination
By Solicitor Lively

1 continuing to try to hook up on this phone, correct?

2 A. Correct.

3 Q. All right. All the way through the 17th. So I'm gonna
4 push through that.

5 Now we are on a different day. I don't know if you can
6 see the date on this or not. But I know we've gone through
7 this. April 30th, 2020.

8 All right. So we're at the very last day of April.

9 What did you do on that day when you communicated with
10 the Defendant Scott?

11 What, what was your message to him?

12 A. I don't remember or I asked him about my -- or the job.

13 Q. Okay.

14 A. I was asking him if he had an update on like his
15 security business or whatever.

16 Q. Okay. All right. So, you wanted to see if there's any
17 update on that job offer that you want to tell me about and
18 he tells you yeah, man, we're still good. I'm gonna call
19 you later.

20 Correct?

21 A. Correct.

22 Q. All right. Now, that's April 30th of 2020.

23 So, you were still kind of curious to hear about more
24 of what his business was gonna be about?

25 Is that right?

Evan Webb - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. Okay. Did he ever tell you where he was getting the
3 money to start this business?

4 A. To the knowledge that I had, he had money that was
5 already put back in his bank account from where his parents
6 had died and he had life insurance from it.

7 Q. Okay. So, he had told you, you're talking about the
8 defendant, that he still had money in his bank account from
9 when his biological parents had died?

10 A. Yes, ma'am.

11 Q. From the insurance money?

12 A. Yes, ma'am.

13 Q. Okay. I wanted to make sure that I heard you right.
14 who, if anyone, did he tell you was going to be a part
15 of running this business with him?

16 A. I know that Ian was suppose to be a big part of it with
17 him. But other than him, I don't know anybody.

18 Q. Did he specifically tell you, at some point, and I know
19 we don't see it in this thread, but did he specifically tell
20 you at, at some point what you might be doing in the
21 business?

22 A. We'd kind of spit balled some ideas around like I
23 discussed. But we never really settled on anything cause I
24 wasn't even sure if I wanted it or not.

25 Q. All right. And so while these conversations were going

Evan Webb - Direct examination
By Solicitor Lively

1 on, were you still working that same construction job you
2 testified to?

3 A. Yes, ma'am.

4 Q. And were you still living in Jacksonville, North
5 Carolina?

6 A. I was.

7 Q. Okay. And did you have -- what was your situation in
8 Jacksonville?

9 Did you have an apartment or a house or what?

10 A. I was living in an apartment with a couple roommates
11 who were friends of mine.

12 Q. All right. And how about transportation?

13 Did you have your own vehicle?

14 A. I didn't have a vehicle at the time, no.

15 Q. All right. So how would you have to get around?

16 A. Had my friends drive me wherever I needed to go and
17 then, for work, we had a, a work van. So, that kind of
18 worked out for me.

19 Q. Okay. All right. At that point in regards to your
20 job, how were you feeling about it?

21 A. I hated that job.

22 Q. You hated the job?

23 A. ~~(WHEREUPON, there was no audible response.)~~

24 Q. Okay. So, was that at the point whenever you actually
25 were considering the possibility of working with the

Evan Webb - Direct examination
By Solicitor Lively

1 defendant, Mr. Scott?

2 A. It was a, a strong possibility in my mind. I mean it
3 was hypothetically suppose to be better pay, better
4 benefits. I wasn't gonna have to kill myself at work
5 everyday.

6 Q. Right.

7 A. Just made sense to me.

8 Q. So, after these conversations on April 30th, 2020,
9 was there ever a -- an offer by the Defendant Scott to have
10 you and him talk in person about his plan?

11 A. At some point though I don't remember when, yes.

12 Q. Okay. And I'm gonna refer to -- the date on this
13 particular text here is May 9th, 2020.

14 Do you recall actually being in Columbia with -- at the
15 defendant's apartment on the date of May 9th, 2020?

16 A. I was on that day, yes.

17 Q. Okay. Now let me ask you. You don't have a car.

18 So, how did you get to Columbia, South Carolina from
19 Jacksonville, North Carolina?

20 A. Scott picked me up and brought me back.

21 Q. Okay. So, the Defendant Scott actually drives to North
22 Carolina, picks you up, and drives you back to his apartment
23 in South Carolina?

24 A. Correct.

25 Q. Okay. If I say anything incorrect, please let me know.

Evan Webb - Direct examination
By Solicitor Lively

1 All right. So when you -- when he picked you up and,
2 and actually started driving back to South Carolina, what
3 did -- what was the conversation?

4 How'd it start out in the, in the car?

5 A. In the beginning it started out about the job and then
6 it moved to him wanting to talk to me about something more
7 serious---

8 Q. Okay.

9 A. ---which was related---

10 Q. What was that that he wanted to bring up that was more
11 serious?

12 A. That he had finally come up with an idea of how he was
13 gonna take care of his grandfather.

14 Q. Specifically what did he tell you?

15 A. That he wanted to hurt his grandfather and that he was
16 going to talk to everybody about it whenever I got to the
17 apartment.

18 Q. What did he want you to do in regards to his plan to
19 hurt his grandfather?

20 A. I was suppose to be part of an alibi by showing that
21 everybody was still in the apartment when they said that
22 they were in the apartment. So, my way of handling that was
23 I got his phone and Ian's phone both and I was using them
24 and making it look like everybody was there and having
25 conversations with each other, which is that text right

Evan Webb - Direct examination
By Solicitor Lively

1 there, the first---

2 Q. Well, let me stop you there real -- cause we'll get to
3 that.

4 okay. Let's talk about you did -- did you eventually
5 arrive at his apartment?

6 A. I did, yes.

7 Q. And when you got there, who all was there?

8 A. It was me, Alex, Ian, and another guy whose name I
9 don't know.

10 Q. Okay. And so were there -- so it was four of you there
11 in the apartment?

12 A. Yes.

13 Q. All right. Well, tell me kind of what the apartment
14 looked like, some of the things that, that you remember
15 seeing while you were in there.

16 A. I mean when I first got there, it just -- regular
17 apartment. It was a nice looking place. Showed me some of
18 the gear that he had boughten (sic) for his company and
19 whatnot. Had some vests. Had some weapons. Just -- I
20 don't know.

21 Q. All right. What kind of weapons were in the apartment?

22 A. A little bit of everything, rifles, pistols. I
23 couldn't tell you what make or anything like that.

24 Q. No, that's fine.

25 But I mean -- but different types of guns---

Evan Webb - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. ---correct?

3 All right. Now, at this point whenever, whenever
4 you're there, did Alex actually kind of gather y'all around
5 because he wanted to have a conversation with all of you at
6 one time?

7 A. Yes, ma'am.

8 Q. All right. Now, tell the jury exactly what that
9 conversation was.

10 A. It was the plan on how we was gonna kill his
11 grandfather and what role everybody had to play in it. And,
12 as I said, mine was suppose to be an alibi. The other
13 person whose name I don't know was also suppose to be there
14 with me to solidify that alibi and Ian was going to go help
15 him. To what extent I don't know but --.

16 Q. Okay. All right. So, so he, he got everybody -- all
17 of y'all, the four of you were sitting there, and he said he
18 was going kill his grandfather?

19 A. Yes.

20 Q. Yes.

21 And you and the unknown, unknown guy was -- were gonna
22 be making sure the alibi would be good.

23 ~~Tell me about that.~~

24 How was, how was that gonna work out?

25 A. So, everyone left their phones in the apartments so

Evan Webb - Direct examination
By Solicitor Lively

1 that, knowing that things were gonna be looked at, that it
2 would ping off the towers there and show that everybody was
3 there and---

4 Q. Whose phone did you have that, that you were
5 controlling?

6 A. Both Alex's and Ian's.

7 Q. Okay. So you're sitting in the apartment.

8 well, let me ask you this then before we get to that.

9 Once all of this was discussed, was there anything --
10 did the defendant say anything about what you would get out
11 of it if you and the unknown guy would do the alibi, the
12 fake alibi for him?

13 A. I was suppose to receive \$10,000.

14 Q. Ten thousand dollars?

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

16 Q. All right. And where was he gonna get that money?
17 what did he tell you?

18 A. That's always been a little unclear for me. But
19 something along the lines of taking out a loan at some later
20 date and paying me in cash.

21 Q. Okay. What about any other way that he said that he
22 was expecting to get the money?

23 A. Whenever his grandfather was dead, he was suppose to
24 get a life insurance payment from it.

25 Q. Okay. So, he specifically told you possibly a loan

Evan Webb - Direct examination
By Solicitor Lively

1 that he'd get personally and then life insurance from the
2 murder of his grandfather?

3 A. Yes.

4 Q. Yes.

5 Okay. At that point when he's telling you all of this
6 stuff and were you in a position to where you could get up,
7 leave, get in a car, and drive back to Jacksonville?

8 A. No.

9 Q. Okay. So was Alex your ride back?

10 A. Yes.

11 Q. So, you talk about the, the fake alibi that you were
12 gonna have.

13 You said that you had Alex's phone and you had Ian's
14 phone, correct?

15 A. Yes.

16 Q. And the point was that, when Alex and Ian had left, it
17 would look like they were both still at the apartment with
18 you and the mystery guy?

19 A. Yes.

20 Q. Yes.

21 All right. Now, whenever -- right -- whenever they
22 were leaving, how were they dressed?

23 A. Woodland attire.

24 Q. Woodland attire?

25 A. Jeans, long sleeve shirts.

Evan Webb - Direct examination
By Solicitor Lively

1 Q. All right. What, if anything, were they taking with
2 them that you saw?

3 A. His vest that he had gotten for the company and some of
4 his weapons and like Jan Ware duffle bag.

5 Q. A Jan Ware duffle bag.

6 All right. Now, did you see -- you said -- did you see
7 what was put into the duffle bag?

8 A. Some of the weapons. I don't remember specifically
9 what.

10 Q. Okay. And when you're saying weapons, you're talking
11 firearms?

12 A. Yes.

13 Q. All right. So, before he left, did he also give you
14 some details about how he was going to plan things out up
15 until he, he got up to the point of the murder?

16 A. Driving up there he said that he was gonna have a gas
17 can so he wouldn't have to stop at any gas stations so that
18 no cameras would catch his car, and that whenever he got
19 there, he was gonna park roughly a mile off of wherever the
20 house was and basically just truck through the woods to get
21 the rest of the way there and do what he was gonna do. And
22 then, whenever he left, he was gonna change the tires on his
23 car so that the tread didn't match up anymore.

24 Q. So, he gave you all of those details about what he was
25 gonna do to try to avoid someone maybe later finding this

Evan Webb - Direct examination
By Solicitor Lively

1 stuff like cameras of him you said stopping to get gas?

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

3 Q. At anytime -- okay. So whenever he then leaves or
4 do -- does he and Ian leave the apartment at some point and
5 you know that's when you were suppose to start being the
6 fake alibi?

7 Is that fair?

8 A. Yes.

9 Q. All right. And what about the other guy that was
10 sitting there with you, how, how was he acting?

11 A. He was panicked pretty much the entire time.

12 Q. Okay.

13 A. The whole concept freaked him out and he just kind of
14 went with it. I -- not no -- really no else to put it.

15 Q. Okay. All right. And were y'all drinking or anything?

16 A. Yes.

17 Q. All right. Did anyone ever come by either -- even
18 before they left, any other random person, female, male?

19 Anyone come by before, you know, you began the fake
20 alibi?

21 A. I don't remember anybody before they left, no.

22 Q. Okay. Did anybody come by while y'all were there, just
23 you and the mystery guy, while y'all were doing the fake
24 alibi?

25 A. I don't remember anybody, no, ma'am.

Evan Webb - Direct examination
By Solicitor Lively

1 Q. That's fine. You don't remember it.

2 Now, let's get back to this particular text message.

3 I'm, I'm gonna show you May 9th of 2020.

4 Do you remember that particular text message?

5 A. Yes, I do.

6 Q. All right.

7 A. That --.

8 Q. So tell the jury and me, to be clear, who it -- once
9 again, you already said you're Evan 2D Supply.

10 Is that right?

11 A. Yes, ma'am.

12 Q. All right. So, who are you sending this text message
13 to?

14 A. I'm sending that to Alex.

15 Q. Alex.

16 And where is Alex's phone when you're sending that text
17 message?

18 A. In my other hand.

19 Q. In your other hand.

20 And where were you?

21 Still in Alex's apartment?

22 A. Yes.

23 Q. And where was Alex?

24 A. Gone.

25 Q. To kill his grandfather from what he told you?

Evan Webb - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. All right. Okay. So, you send this text message and
3 then how did you respond to yourself?

4 A. Just that it was fine and not to worry about it
5 basically.

6 Q. Okay.

7 A. I was just creating a conversation to show -- looked
8 like two people sitting next to each other that just weren't
9 comfortable speaking out loud.

10 Q. Got it.

11 Okay. Now, so you're sending this, this fake text
12 message and do you know what the unknown, or mystery guy
13 that was with you, do you know what he was doing?

14 A. I mean he was on the couch next to me. I, I know he
15 was on his phone and stuff. But I mean he wasn't doing
16 anything like weird to me I guess.

17 Q. Okay.

18 A. He was just panicking the whole time like I said.

19 Q. One of the things that I forgot to, to ask you and
20 that's -- and I know there's, there's a lot that happened.

21 Before Alex left with Ian, did he tell you what he
22 would do with the murder weapon after he committed the
23 crime?

24 A. They were suppose to be broken down and dumped in
25 random places. I don't know what places or how many pieces

Evan Webb - Direct examination
By Solicitor Lively

1 or anything like that.

2 Q. Okay. Did he say anything else about what he would do
3 with his own body and things he was wearing to kind of try
4 to throw off an investigation?

5 A. A weighted vest so his footprints looked like somebody
6 heavier made them.

7 Q. So a weighted -- like weighted, weight vest?

8 A. Heavy.

9 Q. Heavy.

10 All right. To make it look like someone heavier was
11 making the footprints?

12 A. Yes.

13 Q. All right. So, what other thing did you do while you
14 were there to make it look like all four of you were there
15 together that night?

16 A. We ordered a bunch of food off of Alex's card. We got
17 a bunch of wings, like a hundred dollars worth or something
18 like that --

19 Q. Okay.

20 A. -- to make it look like there was, you know, four
21 hungry men in an apartment eating, watching TV, and stuff.

22 Q. Okay. All right. And at that point when you, you
23 ordered a bunch of wings and you're doing the fake text
24 messages, did you kind of have a timeline of whenever he
25 told you he would -- him and Ian would be back that night?

Evan Webb - Direct examination
By Solicitor Lively

1 A. Something like mid -- midnight'ish or --.

2 Q. Okay. So sometime maybe midnight or that was kind of
3 in your mind at the time that he would be back?

4 Is that right?

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

6 Q. Okay.

7 A. Yes, ma'am.

8 Q. So, as the time gets later that night, how was the
9 other guy that was with you acting?

10 A. He was getting more and more nervous as the night went
11 on and he's very clearly like not comfortable with the whole
12 situation and didn't want to be there. And whenever time
13 went on and it started to get later than when they said they
14 were gonna be back, he started saying that he was just gonna
15 leave and not be a part of it and he just never ended up
16 doing it. But he kept saying it over and over and didn't
17 want to be there very clearly.

18 Q. Okay. All right. And how were you handling it?

19 A. At the time I was mostly just numb to the whole thing
20 because the money would of been huge for me. I wanted help
21 to get me out of a really bad spot. So, I just turned
22 myself off to it and didn't care as much as I should of.

23 Q. So, at some point did they actually make it back to the
24 apartment?

25 A. They did.

Evan Webb - Direct examination
By Solicitor Lively

1 Q. All right. And tell us how they looked or what you,
2 you saw whenever they got there.

3 A. They were covered in sweat from where they had been
4 running through the woods and hiking through the woods. I
5 guess some dogs had seen them and was chasing them down
6 through the woods. I don't know how that whole thing
7 happened or how long they ran or anything like that.

8 Q. So, so what did he specifically tell you about that
9 attempt on May 9th of 2020?

10 A. That because some animals had seen them and they were
11 sure that other people had heard it, that they weren't gonna
12 do it that night and that we would talk about it at a later
13 date and try and set something up some other time.

14 Q. Okay. All right. So, it didn't happen that night.
15 They got ran off by dogs, were worried that people may of
16 heard them.

17 So that you're -- he was gonna set it up for a later
18 time?

19 A. Yes.

20 Q. All right. So, when they -- after -- who said that?
21 was that Alex, the defendant?

22 A. Yes, that was Alex.

23 Q. So, what did they do after he said that it didn't work
24 out this time?

25 What was the next thing they did?

Evan Webb - Direct examination
By Solicitor Lively

1 A. Got cleaned up and got comfortable and, at that point,
2 it was just a normal guys hanging out night, just doing
3 regular stuff, drinking, watching TV, whatever.

4 Q. Do you know whether or not Ian had a guest come over
5 that night?

6 A. Ian had a girlfriend of his come over some time that
7 night, yes.

8 Q. All right. So, what happened the next day?
9 That would of been May 10th.

10 A. The next day I woke up and got driven back home and
11 that was pretty much about it for me.

12 Q. And while you were in the vehicle with the defendant,
13 did you, did you talk anymore about his failed attempt to
14 kill the grandfather?

15 A. Not really. It was, as I said, more just saying that
16 we'll talk about it some other time and try and set up a
17 different day to do stuff. But the plan was just gonna stay
18 the same.

19 Q. Okay. After that time in -- at Alex's apartment, did
20 you ever travel back to South Carolina to visit him at the
21 apartment again?

22 A. No, ma'am.

23 Q. You did not.

24 Was that the first and only time that you had been to
25 the apartment?

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By Solicitor Lively

1 A. Yes.

2 Q. Now, in, in June of 2020, did you get some
3 communication from the Defendant Scott on the month -- on
4 the actual morning of June 20th, 2020?

5 A. Yes, I did.

6 Q. All right. So, once again, you're Evan Second Supply.
7 Is that right?

8 A. Yes, ma'am.

9 Q. Now, do you remember, at 11:35AM, answering a call from
10 the Defendant Scott?

11 A. I do, yes.

12 Q. All right. Tell this jury what was discussed and the
13 reason for that call.

14 A. It was a really short conversation. But he basically
15 just asked me if I was still good to go to be his alibi and
16 still willing to do what I said I was gonna do and I told
17 him that I would. That's pretty much the end of it.

18 Q. Okay. But be specific.

19 Did he tell you that he needed you for that alibi that
20 night?

21 A. Yes.

22 Q. All right. Explain how he decided -- well, you were in
23 Jacksonville, North Carolina at that time, correct?

24 A. Correct.

25 Q. Well, was he gonna come pick you up?

Evan Webb - Direct examination
By Solicitor Lively

1 A. Well, the lie was still suppose to be the same. Yes,
2 he was suppose to come pick me up and drive me back to my
3 apartment, which obviously never---

4 Q. Drive you back to his apartment?

5 A. Oh, yes, ma'am. Sorry.

6 Q. It's fine.

7 Okay. So he was suppose to pick you up, drive you to
8 his apartment, right?

9 A. And then I was suppose to do the same thing as last
10 time. Just pretend I was on the phone. Just create another
11 situation that looked like a bunch of people were in one
12 place.

13 Q. Okay. At anytime did you leave Jacksonville, North
14 Carolina the weekend of June 20th, 2020?

15 A. No, I did not.

16 Q. All right. So, that plan to say that you were with
17 Alex at his apartment in Columbia, whose idea was that?

18 A. It was Alex's.

19 Q. All right. And you -- how did -- how were you gonna
20 pull that off, Mr. Webb, with you not being there?

21 A. I mean it was obviously problematic for me at the time.
22 So, the only thing that I could come up with was to turn my
23 cellphone off so that it wasn't pinging off any towers and I
24 was just gonna say that I just left my phone at my apartment
25 whenever he came and got me.

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By Solicitor Lively

1 Q. Okay. So, you were gonna make it up as if you had
2 accidentally left your phone at your apartment in
3 Jacksonville --

4 A. Correct.

5 Q. -- whenever Alex came to pick you up for you to hang
6 out with him in Columbia?

7 A. Correct.

8 Q. But -- so what time did he ask you to have your phone
9 turned on?

10 A. Sometime around, I don't know, at dinnertime'ish. So
11 before night. I just turned it off around that time and
12 didn't turn it back on until the next day when I woke up.

13 Q. All right. And the point of that was to be so there'd
14 be no type of activity pinging off of your phone to show or,
15 or at least to -- that you could just -- you were gonna lie?

16 Were you gonna lie about where your phone was?

17 A. Yes, ma'am.

18 Q. Okay. So that you could physically be in Columbia and
19 pretend to be on Alex's phone like you had done on May the
20 9th of 2020?

21 A. Correct.

22 Q. All right. So here we're showing you had an answered
23 call from him at 11:35AM. Now, I'm gonna show you a 12 hour
24 period on June the 20th of 2020.

25 Okay. Remember I showed you this information?

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By Solicitor Lively

1 A. Yes, ma'am.

2 Q. All right. So, what time are we showing that you
3 actually turn your phone off so that you would then have --
4 anything coming in would not connect?

5 A. Some time after 6:21.

6 Q. 6:21PM, June 20th, 2020?

7 A. Yes, ma'am.

8 Q. And was that time and that night based on the
9 conversation you had with the Defendant, Alex Scott, that
10 morning where he told you to be his alibi again?

11 A. Yes, it was.

12 Q. It was.

13 Okay. Now, so did you receive then -- so you turned
14 your phone off. So you didn't use -- did you use your, your
15 phone at all from 6:21PM until we're showing here in the
16 black again at 6:41AM on the 21st?

17 A. No, my phone was turned off that whole time.

18 Q. Your phone was turned off the whole time.

19 Okay. All right. So here is another screenshot of
20 6/21/2020.

21 You said that you turned your phone back on, and let's
22 just go back, at 6:41AM that morning -- that Sunday morning,
23 correct?

24 A. Yes.

25 Q. Okay. Now we're seeing here -- here you are again,

Evan Webb - Direct examination
By Solicitor Lively

1 Evan Supply, at 6:53AM you have a six minute call that you
2 answered.

3 who called you at 6:53AM?

4 A. Scott did.

5 Q. Scott did.

6 The Defendant Scott?

7 A. Yes.

8 Q. Okay. And what was your discussion whenever he called
9 you?

10 A. Basically just asking if I had made it home safe and
11 everything was okay and just trying to create some kind of
12 precedent that I'd been taken back.

13 Q. To create some type of precedent, precedent or evidence
14 that you had been in Columbia and taken back to North
15 Carolina?

16 A. Yes, ma'am.

17 Q. All right. And I see that there were a couple of calls
18 before then, 5:50AM, from this same -- from Alex Scott that
19 morning, correct?

20 Did you see you had already missed a couple calls from
21 him by the time you turned your phone on?

22 A. I don't remember.

23 Q. You don't remember. That's fine.

24 okay. All right. Now, after you get that call from
25 him about, you know, glad you made it home to North

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By Solicitor Lively

1 Carolina, did you, at that point, have any conversation with
2 him about what had happened the night before?

3 A. I've never been able to talk to him about it since
4 then.

5 Q. Never talked to him about it.

6 So, you still do not know for sure what happened on the
7 night of June 20th, 2020?

8 A. I still have no idea.

9 Q. You still have no idea.

10 Do you -- did you learn, however, that his grandfather
11 and great grandmother had been murdered?

12 A. Yes, I did.

13 Q. Now, was there a time after you had that conversation
14 with the defendant that you actually reached out to him
15 yourself again?

16 A. I received a phonecall from a detective telling me
17 about the case and asking me some questions about where I'd
18 been and what we were doing and everything cause I -- Alex
19 had told him that we were all at that apartment. So, this
20 was whenever my alibi was suppose to start kicking in.

21 Q. Okay. All right. So, when you talked to the detective
22 at that time that called you, did you stick by the
23 information that you had told or that the defendant told you
24 to do for the fake alibi?

25 A. Yes, I did.

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By Solicitor Lively

1 Q. All right. And after that telephone call with the
2 detective, what did you do?

3 A. I immediately called Alex to try and get a gauge on
4 what was going on, how much he knew about what, if
5 everything use still fine. Just general questions like
6 that. But I wasn't able to talk about anything over the
7 phone. When I called him, he's on the way to the police
8 department with somebody in his vehicle to go talk about the
9 murders and whatnot.

10 Q. Okay. So, so, how was he responding to you on the
11 phone?

12 A. Sit---

13 Q. Was it very little?

14 A. Just acting surprised and we didn't know what was going
15 on.

16 Q. Okay. But he was a passenger in the car being driven
17 by someone else?

18 A. I believe so, yes, ma'am.

19 Q. And when you talked to the detective that day, were
20 you -- were there concerns that you had personally about,
21 about the alibi since you never actually went to Columbia
22 this time?

23 A. One big issue that I had, that I had found was him
24 messaging me asking if I had made it home safe, which
25 wouldn't make sense if he was the one that had driven me

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By Solicitor Lively

1 back. So, that was already something that I figured would
2 be a problem.

3 Q. So what did you do as a result of that?

4 A. I asked another friend of mine if he would lie and then
5 say that he picked me up from his apartment.

6 Q. From whose apartment?

7 A. From Alex's apartment.

8 Q. Okay. So you pulled another person into this, this
9 whole plan?

10 A. Yes.

11 Q. And who was that?

12 A. It was my friend Jimmy James.

13 Q. Okay. And do you know whether or not Jimmy James did
14 help you with that part of the alibi?

15 A. I know that he lied for me at least once.

16 Q. Okay. So, what about Ian?

17 Did you have any communications with him after the
18 murders?

19 A. No, ma'am, I didn't.

20 Q. And after you got that initial call from the detective,
21 did you continue to get calls from the detective as a
22 follow-up on your alibi?

23 A. I started getting a lot more phonecalls. After the
24 first one, they started getting a little bit more frequent
25 and they turned less friendly conversation to more of an

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1 interrogation and obviously it -- I mean it freaked me out.
2 I could tell that he knew more than I was telling him and
3 --.

4 Q. So were you feeling pressured at that point?

5 A. Yes.

6 Q. Okay. And physically and mentally, how were you
7 feeling at that point?

8 A. Still not great. Still fighting with a lot of the same
9 things that I was dealing with, and then a little bit before
10 the last phonecall that I received from him is whenever I
11 finally got my, my disability and I quit my job and was
12 finally starting to like try and get on my feet again and be
13 okay.

14 Q. So, was that money a substantial amount of money cause
15 you would of gotten a lump sum at that time?

16 Is that right?

17 A. Yes, ma'am, I received about two years worth of back
18 pay.

19 Q. Okay. And when you received that money, what did you
20 decide to do?

21 A. I immediately got a lawyer.

22 Q. Okay. And what's the name?

23 Who was the lawyer that you got?

24 A. Gary Lemel.

25 Q. All right. And he is -- is he still your attorney for

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By Solicitor Lively

1 this particular case here today?

2 A. Yes, he is.

3 Q. All right. So once you had -- you actually hired the
4 lawyer, at that point did you contact law enforcement or it
5 may of been they contacted you and you agreed to sit down
6 and talk about what you knew?

7 A. Law enforcement got a hold of my lawyer and my lawyer
8 told me to come in and sit down with him.

9 Q. And so when you agreed to sit down and talk to law
10 enforcement at that point, was it with your attorney
11 present?

12 A. Yes, it was.

13 Q. And, at that time, had you at least admitted that you
14 had lied to law enforcement?

15 A. Yes.

16 Q. As a result of you lying to law enforcement for the
17 alibi for when Alex was saying he was going to kill his
18 grandfather, were you charged with a crime?

19 A. Yes, I've been charged with obstruction.

20 Q. Obstruction of justice.

21 And is that a felony?

22 A. Yes, it is.

23 Q. Okay. And do you have a felony on your record?

24 A. No, I do not.

25 Q. So, what also helped you in deciding that you were

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By Solicitor Lively

1 gonna cooperate and come and testify here today?

2 Did you come to an agreement?

3 A. I signed a proffer agreement, yes.

4 Q. You signed a proffer agreement.

5 Okay. And, in that proffer agreement, what are you
6 required to do as a condition of that particular agreement?

7 A. Tell the truth about what I know.

8 Q. Okay. And you also had to come and testify here today,
9 correct?

10 A. Yes.

11 Q. All right. And have you had to be present at least
12 virtually for follow-up discussions and talking about things
13 like all of these text messages that you had with the
14 Defendant Alex Scott?

15 A. Yes, ma'am, I've been present for multiple video calls.

16 Q. All right. And have you been given any type of an
17 offer from my office about what is going to happen with your
18 charge of obstruction of justice?

19 A. No, I have not.

20 Q. So, are you still potentially exposed to a 10 year
21 felony?

22 A. Yes, I am.

23 Q. Okay. Have I promised you anything at all in regards
24 to your testimony here today?

25 A. No, you have not.

Evan Webb - Direct examination
By Solicitor Lively

1 Q. And what has this experience been like for you to have
2 to go through this?

3 A. I hate every moment.

4 Q. And how's it felt to have your -- one of your closest
5 friends put you into this situation?

6 A. Terrible. I mean this is not a situation I or anybody
7 else would want to be in.

8 Q. All right. Now, Mr. Webb, would you please point out
9 to the jury who this friend of yours is that asked you to be
10 a fake alibi in the murder of his grandfather?

11 Do you see that person in the courtroom?

12 A. Yes.

13 Q. What's he wearing?

14 A. Gray suit.

15 Q. Gray suit.

16 Your Honor, may the record reflect that he is actually
17 identified the defendant, Mr. Alexander Scott?

18 THE COURT: So noted --

19 SOLICITOR LIVELY: Thank you, Your Honor.

20 THE COURT: -- for the record.

21 Q. Thank you.

22 Hold just one moment please.

23 (Pause.)

24 Q. All right. Mr. Webb, thank you so much. Please answer
25 any questions the defense may have.

1 THE COURT: Ms. Boulware, do you anticipate your cross
2 being lengthy?

3 MS. BOULWARE: Yes, sir.

4 THE COURT: Let's take---

5 MS. BOULWARE: A little bit.

6 THE COURT: Let's, let's take a real short morning
7 break and we'll come back out and proceed forward.
8 okay.

9 (WHEREUPON, the following takes place outside the
10 presence of the jury.)

11 THE COURT: All right. We'll be in a short little
12 recess.

13 SOLICITOR LIVELY: Thank you, Your Honor.

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

15 THE COURT: Okay.

16 SOLICITOR LIVELY: State's ready.

17 THE COURT: Ms. Boulware, you ready?

18 MS. BOULWARE: Yes, sir.

19 THE COURT: Okay. Let's bring the jury out please,
20 sir.

21 (WHEREUPON, the following takes place within the
22 presence of the jury.)

23 THE COURT: All right. Let the record reflect the jury
24 is back in.

25 Ms. Boulware.

Evan Webb - Cross-examination
By Ms. Boulware

1 MS. BOULWARE: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. BOULWARE:

4 Q. Good morning, Mr. Webb.

5 A. Morning, ma'am.

6 Q. Now let's just start right into it.

7 So, when you first gave this interview where your
8 attorney came and sat down with you, you pointed out more
9 than once that you were self-medicating on -- and you were
10 on pain killers and drinking a lot and the night you
11 describe you were, I believe as you put it and I'll put it
12 that way too, you were really f'ed up that night?

13 A. Yes, ma'am.

14 Q. Okay. And you kind of go back and forth with what you
15 can and can't remember.

16 Is that fair to say?

17 A. I suppose so, ma'am.

18 Q. Okay. So, so let me ask you this.

19 Are you sober here today?

20 A. I am, ma'am.

21 Q. All right. So, you, you mentioned how many guns and
22 things Alex had in his apartment.

23 ~~Alex liked to go to the shooting range --~~

24 A. Yes, he did, ma'am.

25 Q. -- a lot, right?

Evan Webb - Cross-examination
By Ms. Boulware

1 A. Yes.

2 Q. Okay. And so it wouldn't have been that unusual to see
3 all these guns cause he's a, he's a gun lover?

4 A. Correct, ma'am.

5 Q. I think all of y'all kind of had an interest in guns.

6 A. Yes, ma'am.

7 Q. Okay. So that's not anything neither here nor there.

8 All right. why -- so you didn't come forward with this
9 interesting story until you were aware that you were gonna
10 be charged with something?

11 A. It's not a story. But yes, ma'am.

12 Q. Okay. And you said you would do anything for Alex,
13 right, at that time?

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

15 Q. But when he first reach (sic) out to contact you, he
16 wasn't even sure if that was your correct number. Y'all
17 were so close that he didn't have you -- he didn't know if
18 he had your phone number?

19 A. That's not really a thing with people like us. We
20 could not talk for years and still be just as close as the
21 day we stopped talking.

22 Q. Okay. But he didn't have your phone number or didn't
23 think he did?

24 A. I guess not at the time.

25 Q. Okay. So, the conversation that the solicitor showed

Evan Webb - Cross-examination
By Ms. Boulware

1 you earlier in the text about the hey, I got something I
2 want to talk with you about and you're like cool, I need a
3 job, I need some money, let's talk, today you're saying
4 that's about the murders. But that ain't what you said when
5 you talked to SLED in March of this year.

6 A. which messages, ma'am?

7 Q. well, let's, let's watch and see.

8 (Pause.)

9 Q. Mr. Webb, that's a Zoom meeting or something that you
10 had with SLED back in March.

11 A. Yes, ma'am.

12 Q. Do you recall that?

13 A. Vaguely.

14 Q. Okay. You were on -- I think that might be you on the
15 screen. I'm not positive.

16 But that's your voice in this interview?

17 A. Okay.

18 Q. Okay. So let's see what we're talking about.

19 (WHEREUPON, a portion of a Zoom meeting was played for
20 the jury at this time.)

21 A. To finish up on that, ma'am, I don't remember that
22 being the conversation that started that. I didn't claim
23 that here today either today I don't think.

24 Q. well -- okay. So, what was it a conversation about
25 then?

Evan Webb - Cross-examination
By Ms. Boulware

1 A. As I said in the video, ma'am, I, I vaguely remember
2 something about some rich person but that---

3 Q. You're pretty frustrated cause you're not saying what
4 they want you to say cause they say you said it---

5 SOLICITOR LIVELY: Objection, Your Honor.

6 Q. ---before?

7 SOLICITOR LIVELY: The -- she's been argumentative
8 about what they're wanting him---

9 THE COURT: Well, yeah.

10 SOLICITOR LIVELY: ---to say.

11 MS. BOULWARE: I can---

12 THE COURT: Try to rephrase and, you know, without --

13 SOLICITOR LIVELY: Yes.

14 THE COURT: -- annotating --

15 SOLICITOR LIVELY: Thank you.

16 THE COURT: -- the conversation.

17 Q. So, was Agent Clamp mistaken when she says you told
18 them that before?

19 A. I don't recall to be honest, ma'am.

20 Q. Okay. You don't recall a lot.

21 A. I use---

22 SOLICITOR LIVELY: Objection as to her just basically
23 testifying, Your Honor.

24 THE COURT: Okay. All right. I sustain.

25 SOLICITOR LIVELY: Thank you.

Evan Webb - Cross-examination
By Ms. Boulware

1 Q. So -- okay. So let's get back to what you do recall.

2 So Alex gathered all y'all around and said hey, y'all,
3 guess what?

4 Let's -- I'm gon' kill my grandparents. You do that
5 and you're gon' do this and you're gon' do that and you're
6 gon' do that and you---

7 A. Well---

8 Q. ---went sure.

9 A. It wasn't made out like any kind of party. He got us
10 all together because we were people that he trusted and
11 people that he --.

12 Q. You had some chicken wings.

13 A. We -- I had chicken wings that night, yes, ma'am.

14 Q. Do you recall how those chicken wings got to the house?

15 A. They were delivered.

16 Q. Delivered by whom?

17 A. I couldn't tell you, ma'am.

18 Q. Okay. So, then Alex says, you know, what?

19 For you I'll pay you ten grand if you do the little
20 phone thing and cause I hate my grandparents and they
21 murdered my parents. But then there's insurance money.

22 So which motive is it?

23 A. Both as far as I knew, ma'am.

24 Q. Okay. Okay. So all this happens. You had this
25 meeting. We go back or Alex and Ian leave and you and who

Evan Webb - Cross-examination
By Ms. Boulware

1 is now known as John Cravener -- speaking of Mr. Cravener,
2 were you -- and, and I -- and I just don't actually know the
3 answer to this question.

4 But were you in the same unit as him?

5 A. I'm not even sure to be honest, ma'am.

6 Q. Okay.

7 A. Like I -- like I said, I didn't even know who he was
8 before I went there that day.

9 Q. Okay. Talked to Alex a good bit though.

10 You didn't know he had a roommate?

11 A. From what I understood that it was a fairly recent
12 thing where he'd been arguing with his wife or something and
13 needed somewhere to stay.

14 Q. When who had been arguing with the wife?

15 A. The John I guess his name is.

16 Q. All right. So, you're saying that you had a phone in
17 each hand while doing your little conversation back and
18 forth.

19 So you were texting with your phone?

20 A. Well, that was more a figure of speech. I had the
21 phones laid out in front of me and I was just picking them
22 up and using them one at a time.

23 Q. Okay. Mr. Cravener's on his phone?

24 A. Correct, ma'am.

25 Q. So there's how many phones?

Evan Webb - Cross-examination
By Ms. Boulware

- 1 A. Four total because it---
- 2 Q. Four total?
- 3 A. Be---
- 4 Q. Whose phones are there?
- 5 A. Mine, Alex's, Ian's, and then, like you said, Mr. --
- 6 John or whatever had his own.
- 7 Q. Okay. And then you, you told us today though that Alex
- 8 told you all about what he's gon' do with the murder weapon,
- 9 that he was gon' break it down and throw it away. I, I,
- 10 I -- I'm sorry. I know -- that's new to me.
- 11 Have you ever told anybody else that before?
- 12 A. I've brought it up before, yes, ma'am.
- 13 Q. Okay. With whom?
- 14 A. A couple different times that I've talked to law
- 15 enforcement.
- 16 Q. Okay. All right. So, you said they came back sweaty,
- 17 with the -- you might of said dirty or something or just
- 18 sweaty?
- 19 A. I said just sweaty. But I mean yeah, again, they were
- 20 running through the woods and however you'd imagine somebody
- 21 looking that like running through the woods.
- 22 Q. Okay. How, how long -- did -- I mean I know you didn't
- 23 know exactly where his grandparent's house was but you had
- 24 an idea, correct?
- 25 A. I knew that it was a few hours away or something. But

Evan Webb - Cross-examination
By Ms. Boulware

1 that's about as close as I got.

2 Q. Okay. Did Alex's Mustang have air conditioning in it?

3 A. I don't remember, ma'am.

4 Q. Would it be fair to say that, if it did, they probably
5 would of cooled off by the time they got back home?

6 SOLICITOR LIVELY: Objection. She's asking him to
7 speculate.

8 THE COURT: I, I think that's proper cross-examination.

9 SOLICITOR LIVELY: Okay.

10 THE COURT: You can answer the question if you're able
11 to.

12 A. I suppose so, ma'am. I'm not sure.

13 Q. So, apparently this was a failed plot that night and
14 Alex comes -- Alex and Ian come back sweaty, inexplicably
15 sweaty, and Alex takes you back to Jacksonville?

16 A. Not that night, ma'am, no. The next morning.

17 Q. Okay. So he does the next morning.

18 You testified earlier that you couldn't leave because
19 y'all are all in this meeting and you felt like you were
20 kind of trapped in this, right?

21 A. And then my ride left.

22 Q. Okay. But the next day nothing happened and the next
23 day he takes you home. You're able to leave.

24 So, you're telling me you heard your friend announce
25 his plan to kill his grandfather, to brutally murder his

Evan Webb - Cross-examination
By Ms. Boulware

1 grandfather, and you, United States Marine, didn't tell
2 anybody even when you had the opportunity to do that?

3 A. No, ma'am, I didn't. I'm not defending or justifying
4 my decision.

5 Q. Well, tell me this. Let's, let's go to June when you
6 say you got your phonecall and then you're like oh, no, this
7 is what he wants to do. I better turn my phone off.

8 So, he goes -- even though his alibi is no where
9 around, doesn't show up, he goes out and does this anyway?

10 A. To my knowledge, ma'am, as I've said before, I don't,
11 to this day, actually know what happened that night. I only
12 know what I was told was suppose to happen.

13 Q. So, let, let me get this straight real quick. You
14 turned your phone off around six o'clock that night and I'm
15 a little lost on the dates here. But you do a lot of
16 turning your phones off and off and this and this and that.

17 But, at some point the next morning, Alex calls you,
18 after you turned your phone back on, which I have at 11:00
19 in the morning, but I couldn't quite follow what times
20 phones went on and off, what your testimony was about that,
21 but you're saying Alex called you to see if you got home
22 okay?

23 He called you?

24 A. He sent me a message.

25 Q. Okay. You said called.

Evan Webb - Cross-examination
By Ms. Boulware

1 A. I don't remember.

2 Q. You said telephone call.

3 A. I think I talked to him later in the day. But I know
4 that I got a message.

5 Q. Okay. well, let's talk about the day you realized I'm
6 gonna have to come up with something because I'm Alex's
7 buddy. They're looking at Alex who now I'm in it and oh,
8 gosh, I'm getting ready to be charged with something. I
9 better hire an attorney, which is your right absolutely. I
10 advise doing that.

11 You knew you were gon' be booked in that day, getting
12 charged. You signed a proffer for which you're told you're
13 not promised anything but you signed a proffer.

14 So were you also told it might be okay if you didn't
15 testify?

16 A. No, ma'am.

17 Q. Okay.

18 A. I've known pretty much from the start that I was gonna
19 end up here.

20 Q. Okay. well, yeah, you need to end up here to explain
21 your -- whatever your role is in this story that makes
22 absolutely no sense.

23 Beg the Court's indulgence one moment.

24 THE COURT: Sure. okay.

25 (Pause.)

Evan Webb - Cross-examination
By Ms. Boulware

1 Q. One more question, Mr. Webb.

2 The night -- the May 9th night of the big meeting y'all
3 had, do you remember or -- Mr. Cravener, he's married,
4 right?

5 A. I believe so.

6 Q. Okay. Do you remember if his wife was there at all?

7 A. I don't remember ever seeing her, no, ma'am.

8 Q. Okay. Do you remember if he was communicating with
9 her?

10 A. I think that he was like texting her and stuff like
11 that. But I don't, I don't know for sure.

12 Q. Okay. Did you review your texts before you came today?

13 A. My ones that are up there, yes, ma'am.

14 Q. Okay. The ones that are up here.

15 Okay. No further questions.

16 THE COURT: Any redirect?

17 SOLICITOR LIVELY: Yes.

18 Do you want your computer, Ms. Boulware?

19 MS. BOULWARE: Oh, yeah.

20 SOLICITOR LIVELY: You got it.

21 REDIRECT EXAMINATION

22 BY SOLICITOR LIVELY:

23 Q. Okay. Just so that we can clarify, Mr. Webb.

24 The date again that I asked you about whenever
25 you've -- you got a call come in from the defendant, Alex

Evan Webb - Redirect examination
By Sol. Lively

1 Scott, that morning after you turned your phone back on,
2 correct?

3 A. Yes, ma'am.

4 Q. All right. And I showed you the actual list of
5 phonecalls and that the defendant called you and that a call
6 was actually answered by you from him.

7 Is that right?

8 A. Yes.

9 Q. Was there also a text message regarding what they're
10 referring to and what defense counsel asked you about?

11 A. Yes, ma'am, there's a text asking if I got home safe.

12 Q. All right. And that particular text messages, once
13 again, you're Evan Second Supply, correct?

14 A. Correct.

15 Q. And you received text messages from the defendant
16 starting back at -- can you see the time on that?

17 A. I can't, ma'am.

18 Q. Okay. If I told you it's 5:59AM, would that surprise
19 you or does that sound about right?

20 A. That sounds accurate enough, ma'am.

21 Q. Okay. And then the call that you talked about, that
22 was after 6:00AM at some point that you answered a call from
23 him.

24 Is that correct?

25 A. Sounds accurate, yes, ma'am.

Evan Webb - Redirect examination
By Sol. Lively

1 Q. Okay. Well, we were just talking about in your
2 testimony. I know it's a lot.

3 All right. So, after that text message, do you recall
4 receiving that telephone call from Mr. -- from the
5 defendant?

6 A. Vaguely.

7 Q. Vaguely.

8 All right. And he said glad you made it back safe,
9 brother.

10 Look forward to working with you and you said vice
11 versa, brother, correct?

12 A. Yes, ma'am.

13 Q. Okay. But you never left Jacksonville, North Carolina
14 that day, that night before, did you?

15 A. No, I didn't.

16 Q. Okay. Thank you.

17 THE COURT: Any recross?

18 MS. BOULWARE: No, sir.

19 THE COURT: Okay. Is there an agreement for Mr. Webb
20 to be released from his subpoena?

21 SOLICITOR LIVELY: I apologize, Your Honor. He was
22 whispering. I---

23 THE COURT: That's okay.

24 SOLICITOR LIVELY: I'm so sorry.

25 THE COURT: That's all right.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 SOLICITOR LIVELY: What was that?

2 THE COURT: Is there an agreement that Mr. Webb is
3 released from his subpoena?

4 SOLICITOR LIVELY: There is, Your Honor.

5 THE COURT: Okay. All right. State consents.
6 Defense?

7 MS. BOULWARE: That's fine, judge.

8 THE COURT: Okay. All right. You're free to leave the
9 courthouse, Mr. Webb. You're more than welcome to remain
10 with us if you'd like, either way.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: All right. Next witness for the State.

13 SOLICITOR LIVELY: Yes, Your Honor.

14 The State would call Michelle Eichenmiller to the
15 stand.

16 THE COURT: Okay. Come around please, ma'am.

17 THE CLERK: Please state your full name for the record.

18 THE WITNESS: Michele Eichenmiller.

19 MICHELLE EICHENMILLER, being first duly
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR LIVELY:

23 Q. Now, Ms. Eichenmiller, please state your full name and
24 spell your last name for us.

25 A. Michelle Eichenmiller. E-I-C-H-E-N-M-I-L-L-E-R.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 Q. All right. And, Ms. Eichenmiller, where are you
2 currently employed?

3 A. I work for the South Carolina Law Enforcement Division
4 in the forensic laboratory in the firearms department.

5 Q. And what type of forensic work do you do when you're in
6 the firearms department of SLED?

7 A. Firearms identification is the branch of forensics
8 science that deals with firearms, fired bullets, fired
9 cartridge cases, and a couple other exams that we'll do that
10 are required of us like serial number restoration.

11 Q. Okay. And how much educational background do you have
12 and training in order to be able to testify about these
13 types of, these types of actual tests?

14 A. In order to be hired at SLED, I have a Bachelor's
15 Degree in Biology. I also have a Master of Science in
16 Forensic Science.

17 However, in order to be a firearms examiner, there's no
18 college you can go to. So, once you're hired somewhere, you
19 become an apprentice like program. It's about two to three
20 years of training. You learn with the examiners that are
21 there, the Court qualified examiners. You do a lot of
22 studying and practical exercises on your own. At the end of
23 the training program, I took a competency test and then I --
24 they deemed me worthy to do casework on my own.

25 Q. Okay. And, and how long have you actually been working

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 in that particular area of SLED?

2 A. Approximately 18 years.

3 Q. Eighteen years.

4 And have you ever been qualified in forensic firearms
5 examinations?

6 A. I have.

7 SOLICITOR LIVELY: All right. Your Honor, we would
8 offer her in the field of forensic firearm examination and
9 ballistics as an expert.

10 MR. FRICK: No objection, Your Honor.

11 THE COURT: All right.

12 SOLICITOR LIVELY: Thank you.

13 THE COURT: Without objection, so ordered.

14 Q. All right. Now, so, Ms. Eichenmiller, were there some
15 items that actually got submitted to SLED for firearms
16 comparisons and examination from this case under Lab Number
17 L2007201?

18 THE WITNESS: Can I refer to my notes?

19 SOLICITOR LIVELY: Sure.

20 THE COURT: You sure can.

21 A. Yes, there were evidence -- items of evidence
22 submitted.

23 Q. Okay. Could you tell the jury, just so that we can try
24 to talk about the different items that you tested, how many
25 individual weapons were actually sent to SLED for testing?

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 A. I received three different weapons for testing.

2 Q. Three different weapons.

3 And do you know anything about the context of what
4 these weapons were, who had them, or anything like that
5 whenever the weapons come to you?

6 A. No, evidence is just submitted to the SLED laboratory
7 from any agency in the State or internal crime scene
8 department.

9 Q. Okay. So, did you know anything about the facts of
10 this case?

11 A. No.

12 Q. All right. So, let's talk about some of the items that
13 were actually sent to you then for, for testing.

14 First -- the first item number that was actually sent
15 to you for testing, what, what is your SLED item number on
16 that?

17 A. It's SLED Item 1.

18 Q. Item 1.

19 Okay. All right. SLED Item 1.

20 And what is it described as in your paperwork at SLED
21 Item 1?

22 A. It is one SIG Sauer Model 320 X-VTAC semiautomatic
23 pistol, 9-millimeter luger caliber with the Serial Number
24 58J0600353. I received it with two magazines and four
25 unfired 9-millimeter luger caliber cartridges.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 Q. Okay. So, when you receive it, if it has this yellow
2 taping on it, is that an indication that it's actually been
3 to SLED and, and there's markings on it regarding who
4 receives it and if it's been tested?

5 A. Yes.

6 Q. All right. And so was this the item that we're looking
7 at -- that you're looking at right now?

8 That is State's No. 142.

9 Was this one of the items that you tested?

10 A. Yes, this is the firearm I examined.

11 Q. Okay. And then as a part of Item 1, did you also have
12 the, the bullets and the actual magazine with the bullets
13 that were still in it at the time they were sent to you?

14 A. Yes.

15 Q. Okay. So all of this.

16 Now, in regards to that particular weapon, did you have
17 other cartridge casings that were provided to you through
18 SLED crime scene, that would be Agent Hunton, that were
19 actually collected from the area of the shooting?

20 A. Yes.

21 Q. All right. What -- how did you itemize those in your
22 casework?

23 A. Those are SLED Item 2, 3, 4, 5, 6, and 7.

24 Q. Okay. And just describe to the jury -- cause I haven't
25 asked you this question yet while I look through this.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 If you could describe to them, when you get a casing,
2 let's say for instance the shell casings that were itemized
3 on this particular -- I know you don't know specifics about
4 the case.

5 But if the shell casings are itemized and they have
6 markers on them, and then they're sent to you for testing
7 from the actual crime, tell the jury what you do when you
8 undergo follow-up testing and how it's done.

9 A. How do I firearm -- firearms examination?

10 Q. Yes.

11 A. Okay. We receive cartridge cases from a case. They'll
12 be in a sealed envelope. I document them using photographs.
13 Once I have them opened, I will fill out worksheets on them
14 based -- I will write down the make, caliber, any marks that
15 I see on it, if I saw any trace evidence, and then I will
16 compare them to each other.

17 Q. And whenever you do that comparison, is that part of
18 what your actual conclusions that you'll put into your
19 report to send back to the agency that requested the
20 testing?

21 A. Yes.

22 Q. All right. So, let's talk about Item Number 1, which
23 ~~is actually State's No. 142.~~ I think I've already told you
24 about that.

25 A. Uh-huh. (Affirmative).

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 Q. All right. Now, is it identified in your paperwork
2 where that particular item was -- where it came from?

3 A. No, it's not.

4 Q. Okay. Did you, at that point in time, Item 1 is --
5 you've already told the type of pistol it was.

6 Tell the jury what your test specimens fired through
7 that Item 1 weapon, what were the results of, of that
8 firearms test?

9 A. I compared the fired cartridge cases that I received in
10 this case. They were the same caliber as the firearms. So
11 I compared them to each other. The results -- my
12 conclusions were that Items 2 through 7 were not fired by
13 Item 1 --

14 Q. Okay.

15 A. -- which is this pistol.

16 Q. All right. So, the shell -- would that be the shell
17 casings two through seven that you're referring to?

18 Were those the shell casings that were taken from SLED
19 crime scene and sent to you that you're suppose to use for
20 comparison?

21 Are they just suppose to actually compare your test
22 fires to?

23 A. Yes.

24 Q. All right. Does that make sense?

25 A. Yes.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 Q. You could probably say it better than me.

2 Okay. So, you do the test firing to see whether or not
3 those shell casings that off of your tests would show
4 markings on them that were consistent with the ones that
5 were found at the murder scene?

6 A. That's correct.

7 Q. Okay. All right. Now, so Item Number 1, not our
8 murder weapon, correct?

9 A. That's correct.

10 Q. So, what's the next one that you actually -- you
11 already said in your testimony earlier that you actually had
12 three firearms that you tested, correct?

13 A. That's correct.

14 Q. Okay. And just for purposes of the record, State's No.
15 Exhibit 143, this is your test fired specimens in this
16 particular envelope, correct?

17 A. Yes.

18 Q. Because you save everything---

19 A. Correct.

20 Q. ---that you do?

21 A. Yes.

22 Q. All right. So that's in there.

23 All right. Now, under your -- I'm looking at Item 2,
24 3, 4, 5, 6, 7, which you just talked about. Those are
25 actually State's Exhibit No. 146 would of been the, the

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 fired luger, luger caliber cartridge casing that was found
2 at Marker 1.

3 Is that right?

4 A. Yes.

5 Q. Okay. So, I'm just going, I'm going back again.

6 This is gonna be the same ones that you're gonna
7 continue to use whenever you're doing a test to see whether
8 or not the firearm was the one that was actually used in the
9 murder of the victims in this case, correct?

10 A. That's correct.

11 Q. Okay. So, we're always referring back to the markers
12 that are on here through the crime scene, correct?

13 A. Yes.

14 Q. All right. Now so we've moved on from Item 1. Not the
15 murder weapon.

16 Now, did you actually have some other items that you
17 ended up testing that you've listed on your, on your actual
18 report?

19 A. Yes, I received fired projectiles in this case as well.

20 Q. So, fired projectiles.

21 And what did you do with those fired projectiles?

22 A. I'm gonna do the same thing that I did with the
23 cartridge cases. I photo documented them. After I checked
24 the seals to make sure that it was all sealed, I opened them
25 up, photo document them, fill out worksheets, calibers,

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 jacket type, rifling patterns, and then I'll compare them to
2 each other.

3 Q. Okay. All right. So, these different bullet fragments
4 and fired bullets that were listed on these different
5 markers that are here on that -- on the actual crime scene
6 photo here, all right, when you got these items, what were
7 the markers that you actually ended up that you're referring
8 to that's on here?

9 Tell us the numbers.

10 A. It's Marker 5, 6, 7, 8, and 11.

11 Q. Okay. All right. So, those are the, the different
12 bullet fragments and bullets that you actually did your
13 examination of, correct?

14 A. Yes.

15 Q. And what were the results -- I believe that was through
16 State's No. 147. I'm gonna show you this. Ask if you
17 recognize that and if that would be part of what you used
18 for your examination.

19 A. Yes.

20 Q. All right.

21 A. These are the bullets I examined.

22 Q. And what was the results of that particular
23 examination?

24 A. Item 10, which was a lead fragment, had no marks of
25 value, and was suitable for identification with a firearm.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 Q. Okay. So, you can even tell what caliber 10 was?

2 A. That's correct.

3 Q. Okay. All right. What else?

4 A. Due to damage and insufficient individual identifying
5 characteristics, the results of comparisons of Item 8, which
6 is a fired bullet, Item 9, which is a fired bullet, and Item
7 11, which is a fired bullet, and Item 12, which is a bullet
8 fragment, compared to test fires with Item 1 were
9 inconclusive. Could not be determined whether these items
10 were fired by Item 1 or by another firearm or firearms.

11 Q. Okay. All right. So, there's just too much damage and
12 not enough, not enough there for you to make a conclusion as
13 to, as to what firearm that actually fired those bullet
14 fragments?

15 A. That's correct.

16 Q. Okay. So, did you, at that time, end up get -- getting
17 another weapon where the Chester County Sheriff's Office
18 asked you to do a follow -- to also do an examination on
19 that particular weapon?

20 A. Yes.

21 Q. And you've listed that as Item 38.

22 Is that right?

23 A. That's correct.

24 Q. Okay. Tell us what type of a weapon that was.

25 A. Item 38 is one SIG Sauer Model MPX semiautomatic

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 pistol, 9-millimeter luger caliber, with serial number
2 62B067052.

3 Q. All right. And, once again, did you go through this
4 same type of testing with this particular weapon and the
5 shell casings that you had submitted from this particular
6 crime scene?

7 A. Yes, I did.

8 Q. And what were the results?

9 A. Sufficient differences in class characteristics were
10 found to conclude that the cartridge cases that I received,
11 Items 2 through 7, were not fired by Item 38.

12 Q. Okay. So, once again, not our murder weapon from this
13 particular case?

14 A. Correct.

15 Q. All right. So, did you, at some point in time, end up
16 getting a -- an additional weapon and a request for firearms
17 testing later on by the Chester County Sheriff's Office?

18 A. Yes, I did.

19 Q. All right. And please tell the jury what that
20 particular weapon was and -- I mean if you did the same type
21 of testing with that weapon?

22 A. It was SLED Item 46. It was one Glock Model 19 Gen 5
23 semiautomatic pistol in 9-millimeter luger caliber with
24 Serial Number BPNH610. I had two magazines and 28 unfired
25 cartridges submitted with it.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 Q. And in regards to -- I'm gonna show you State's No. 159
2 actually.

3 Could you open this for me?

4 A. (WHEREUPON, the witness complies.)

5 Q. All right. I'm gonna show you State's No. 159 and this
6 was with this particular item whenever it was returned to --
7 in fact, it was returned back in 2021. I'm gonna show this
8 to you.

9 Do you recognize what this particular item is?

10 A. Yes, this is the Item 46 firearm that I examined.

11 Q. The Item 46 firearm that you examined.

12 Okay. And are those there the test specimens from your
13 firearms test?

14 A. Yes.

15 Q. All right. Now, whenever you tested this particular
16 weapon, what was your results from doing the same type of
17 analysis with the shell casings that were found at the
18 murder scene and your test specimens from this particular
19 weapon?

20 A. Once I compared the cartridge cases from the scene to
21 the test specimens from this firearm, there were sufficient
22 differences in individual characteristics and it was
23 concluded that two through seven were not fired by Item 46.

24 Q. Okay. So, bottom line then in regards to all three
25 weapons that you examined, none of them came back as being

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 the weapon that was used for or used with the shell casings
2 that were actually collected off of this crime scene?

3 A. That's correct.

4 Q. All right. And are these the three -- I know you don't
5 have the, the middle weapon and, you know, that's, that's
6 not something you would know about.

7 But in regards to all these weapons, has anything else
8 been submitted to you at this point other than the three
9 that you've tested?

10 A. No.

11 Q. Okay. All right. And one thing I did want to ask you
12 just briefly.

13 In regards to a shell casing from a 9-millimeter weapon
14 and a, let's say, something like a .40 caliber, what's the
15 difference in size?

16 A. So a nine -- pardon me. A 9-millimeter luger caliber
17 is .354 inches and a .40 caliber is .40 inches.

18 Q. Okay.

19 A. So not very much.

20 Q. Not very much.

21 what about the shell casings itself?

22 what's the difference in those?

23 Do you know?

24 A. They're probably about the same height and the diameter
25 would be just slightly different.

Michelle Eichenmiller - Direct examination
By Sol. Lively

1 Q. So, if I had a shell casing lying on the floor let's
2 say even maybe about right here and, and I didn't tell you
3 whether it was a .40 millimeter or a 9-millimeter shell
4 casing just laying here, would it be difficult for you, even
5 as an expert in firearms, to be able to, by plain sight,
6 conclusively say that it was a particular caliber?

7 A. Yes, it would be difficult.

8 Q. It would be difficult.

9 Okay. And you've been doing this for 18 years?

10 A. Yes.

11 Q. Okay. All right. Thank you. Answer any questions the
12 defense may have.

13 THE COURT: Any cross-examination?

14 MR. FRICK: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. FRICK:

17 Q. Agent Eichenmiller, I, I can't remember if y'all got
18 into this. But I want to a little bit.

19 When you're looking at shell casings, you're looking
20 for specific markings?

21 That's correct?

22 A. Yes, the cartridge cases will be contacted by the
23 firearm and the firing pin impression and the breach face
24 marks, those marks are microscopic. And so I need a
25 microscope to look at those.

Michelle Eichenmiller - Cross-examination
By Mr. Frick

1 Q. And, and, and are sometimes the ejector, what's kicked
2 out of the gun, does the ejector make specific markings?

3 A. Yes.

4 Q. Okay. So, so when you're getting your test shell
5 casings to compare against those, those are the markings
6 you're looking for, correct?

7 A. I'm looking for the firing pin impression primarily and
8 the breach face marks. That -- the ones that show it was
9 actually fired by a firearm.

10 Q. And then that's why you go get out the microscope and
11 compare them to see if they match up, correct?

12 A. Yes.

13 Q. Okay. And so, in this case, when you did that, the,
14 the shell casings that were found at the scene, I think is
15 two through seven, you concluded that they were all fired by
16 the same gun.

17 Is that correct?

18 A. That's correct.

19 Q. Okay. But when you compared them to the shell casings
20 that were test fired by the three guns you've got in this
21 case, they did not match?

22 A. That's correct.

23 Q. Okay. So, it -- it's -- that's, that's what happened.
24 Those guns did not fire those shell casings, correct?

25 A. That's correct.

Michelle Eichenmiller - Cross-examination
By Mr. Frick

1 Q. And your microscopic examination, it didn't match up?

2 A. That's correct.

3 Q. Okay. And the, the -- I think you had some bullets and
4 bullet fragments.

5 A. Yes.

6 Q. When, when, when you have a bullet, are there markings
7 as it goes down the barrel that you're looking for?

8 A. Yes.

9 Q. Okay. Now, I think, in this case, they were mainly so
10 damaged you couldn't make any determination?

11 A. They were damaged. But we could see some class
12 characteristics on them.

13 Q. Okay. But nothing that matched up to the three guns
14 that we got here?

15 A. That's correct.

16 Q. Okay. So, it's fair to say we obviously do not have
17 the gun that fired these, these shell casings or these
18 bullets?

19 A. The results of the bullets were inconclusive but that
20 was due to damage.

21 Q. Right.

22 A. The cartridge cases were not fired by these firearms.

23 Q. Okay. All right. Did you receive a Glock box?

24 A. No, the Glock I received was in an evidence box.

25 Q. Okay. And so you didn't receive anything from a Glock

Michelle Eichenmiller - Cross-examination
By Mr. Frick

1 box other than that one Glock that probably came in a Glock
2 box?

3 A. Probably.

4 Q. Okay. And you said you -- you have -- you've been
5 doing this for about 18 years, correct?

6 A. Yes, that's correct.

7 Q. Is it fair to say 9-millimeter is a fairly common
8 ammunition that's used?

9 A. Yes.

10 Q. Okay. Thank you, ma'am. That's all the questions I
11 have.

12 THE COURT: Any redirect?

13 SOLICITOR LIVELY: Just one question just because --
14 thank you, Mr. Frick. I did not ask this conclusion, this
15 conclusion.

16 REDIRECT EXAMINATION

17 BY SOLICITOR LIVELY:

18 Q. Your conclusion in regards to those shell casings that
19 were actually collected at the crime scene were all shot
20 from the same 9-millimeter weapon.

21 Is that correct?

22 A. Yes, that's correct.

23 Q. All right. Thank you. No further questions.

24 THE COURT: All right. You can step down, ma'am.
25 You're free to leave the courthouse. You're more than

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By Solicitor Soprano-Cesmat

1 welcome to remain with us if you like. I imagine you're
2 pretty busy and need to get, get back.

3 THE WITNESS: Thank you.

4 THE COURT: All right. Next witness for the State.

5 SOLICITOR SOPRANO-CESMAT: The State would call
6 Caroline Deaton to the stand please. I believe she's in
7 that side room.

8 THE COURT: Okay.

9 SOLICITOR SOPRANO-CESMAT: Oh, no, I'm sorry. She's
10 coming up from back here.

11 THE CLERK: Please raise your right-hand. Place your
12 left-hand on that Bible. Please state your full name.

13 THE WITNESS: I'm Caroline Deaton.

14 CAROLINE DEATON, being first duly
15 sworn, testified as follows:

16 THE WITNESS: Thank you.

17 DIRECT EXAMINATION

18 BY SOLICITOR SOPRANO-CESMAT:

19 Q. Good morning.

20 Please state your name for the record.

21 A. I'm Caroline Deaton.

22 Q. Can you spell your last name?

23 A. It's D-E-A-T-O-N.

24 Q. Great. Thank you.

25 And how old are you, Caroline?

Caroline Deaton - Direct examination
By Solicitor Soprano-Cesmat

- 1 A. I'm 23.
- 2 Q. Where do you live?
- 3 A. I live in West Palm Beach, Florida.
- 4 Q. Okay. And how long have you lived there?
- 5 A. About two years now.
- 6 Q. In June of 2020, where did you live?
- 7 A. I lived with my mom in Columbia, South Carolina.
- 8 Q. Did you have a job at that time?
- 9 A. I did. I worked at a vape shop in the area and I also
- 10 did freelance modeling as well.
- 11 Q. Have you ever been in any legal trouble before?
- 12 A. When I was 16 I got a charge for possession of
- 13 marijuana. But it's no longer on my record.
- 14 Q. Okay. Do you recognize the person sitting in the gray
- 15 suit over there?
- 16 A. I do.
- 17 Q. Do you know what his name is?
- 18 A. His name is Gene Alexander Scott.
- 19 Q. What do you know him as?
- 20 A. I know him as Raphael.
- 21 Q. Did you know Gene or Billie Rogers?
- 22 A. I never met them, no.
- 23 Q. Did you ever hear the defendant speak about either of
- 24 them or their relationship?
- 25 A. Not until after their death.

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By Solicitor Soprano-Cesmat

1 Q. And how do you know the defendant?

2 A. I know Raphael or Alex through my ex-boyfriend, Ian.

3 Q. Okay. And how did Ian and the defendant know each
4 other?

5 Do you know?

6 A. Yes, they met each other in the Marine Corps and then,
7 after they got out, Ian moved to Columbia to work for
8 Raphael and be a business partner with him in his business.

9 Q. Okay. What, if anything, did the defendant tell you
10 about his biological parents?

11 A. They -- he told me that they had been murdered.

12 Q. Okay.

13 A. Yeah.

14 Q. How long did you date Ian?

15 A. About five, six months.

16 Q. Okay. Did you ever spend time at the apartment that he
17 lived in?

18 A. Yes, almost everyday when we were dating.

19 Q. And who else lived at that apartment with him?

20 A. Originally it was just Alex and him and then his other
21 friend from the Marine Corps, John, moved there with his
22 wife, Ariez.

23 Q. Okay. And you said you were there almost everyday. So
24 you spent a lot of time there.

25 Is that correct?

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By Solicitor Soprano-Cesmat

1 A. Yes, I spent a lot of time though -- there while we
2 were dating.

3 Q. Did you ever stay the night over there?

4 A. Yes, very often.

5 Q. And what were the sleeping arrangements at the
6 apartment?

7 A. Yes, after John and Ariez moved in, Raphael slept in
8 the bedroom. Ian and I slept on the couch in the living
9 room. And then John and Ariez slept on the air mattress
10 that was in the living room as well.

11 Q. Okay. So, there were -- I beg -- if I may, my math is
12 correct, that's four people living there plus you coming to
13 visit.

14 Is that correct?

15 A. Yes, that's correct.

16 Q. And when you'd go there, which of those four
17 individuals were you there to visit with and spend time
18 with---

19 A. I---

20 Q. ---primarily?

21 A. I was primarily there to see Ian.

22 Q. What was his relationship like with the defendant?

23 A. Yeah, they were close friends. But there was obviously
24 a little bit of a power dynamic just because Raphael was the
25 owner of the business. And so he was in, in -- in that

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1 regard, he was like Ian's boss basically and he controlled
2 like paying him for jobs. And he also was the primary on
3 the lease of the apartment or the only one on the lease of
4 the apartment. So, he controlled the living situation as
5 well.

6 Q. Okay. And who paid the rent for that apartment or do
7 you know?

8 A. Alex.

9 Q. Alex paid the rent?

10 A. Paid the rent, yeah.

11 Q. Okay. And you said Ian was suppose to work for his
12 company.

13 Is that correct?

14 A. Yes.

15 Q. Who all would come by the apartment when you were
16 there?

17 Did anybody else ever come and hang out?

18 A. Sometimes Jerry Familia had come by with his wife on a
19 couple of occasions. And I think on one other occasion
20 another guy, I met him once, I think his name was Evan, he
21 came by as well.

22 Q. Okay. And you said Ian and Alex were in the military
23 together.

24 Is that correct?

25 A. Yes, they were in the Marine Corps together.

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By Solicitor Soprano-Cesmat

1 Q. And were they still in the military when you met them?

2 A. No, they were not.

3 Q. So they were both out of the military at this point in
4 time.

5 what was their continued connection?

6 what kept them close?

7 A. Yeah, it was Raphael's business, Legion International.

8 Q. Okay. What did you see or know about the type of
9 business that this was?

10 A. They had told me that it was like a private military
11 company. But I didn't really know what that meant. They
12 kind of described it as like bounty hunting type thing.

13 Q. Okay. And did you ever see any equipment for this
14 business around the apartment or did he ever talk about
15 anything like that?

16 A. Yes, they had many guns all around the apartment and
17 also tactical gear for their work. And, at some point, he
18 had talked about how he owned a -- like a storage unit type
19 thing with a bunch of vehicles.

20 Q. Okay.

21 A. But I never actually saw that unit.

22 Q. But you did see the guns in the apartment.

23 Is that correct?

24 A. Yes.

25 Q. Okay. Did you ever bring any friends over with you to

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By Solicitor Soprano-Cesmat

1 hang out?

2 A. Yes, I brought my friend Skyler.

3 Q. Did she know anything or have any involvement in the
4 business that you know of?

5 A. Not that I know of.

6 Q. Now, you were dating Ian, seeing him pretty frequently.
7 Can you tell the ladies and gentlemen of the jury, how
8 was his health towards the end of your relationship?

9 A. Towards the end of our relationship, he got very, very
10 sick. He actually got lipid pneumonia and he almost died.

11 Q. Okay. So, I assume he was in the hospital.
12 Is that correct?

13 A. Yes, he was in the ICU.

14 Q. And that was -- what town was he in the ICU?

15 A. In -- I believe he was at Lexington Medical Center.

16 Q. Okay. So down in the Columbia area?

17 A. Yes, in, in the Columbia area.

18 Q. Okay. And he was later discharged from the hospital.
19 Is that correct?

20 A. Yes.

21 Q. And what happened at that time?

22 A. After he was discharged, he went back to Ohio so that
23 he could receive medical care for insurance purposes.

24 Q. Okay. And what was the significance of Ohio?
25 why did he go to Ohio?

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By Solicitor Soprano-Cesmat

1 A. Yeah, he was originally from there and his family lived
2 there.

3 Q. Okay. And so he needed some extended healthcare that
4 he needed to go have in Ohio.

5 Is that correct?

6 A. Yes.

7 Q. Did he ever come back to South Carolina that you know
8 of?

9 A. I think he came back to get his truck and put new tires
10 on it. But I never saw him again after he went to Ohio.

11 Q. Okay. And are you still dating Ian?

12 A. No, Ian is dead.

13 Q. Okay. Do you recall Father's Day weekend of 2020?

14 A. Yes.

15 Q. That would of been June the 19th through 21st?

16 A. Yes.

17 Q. Where did you stay that Friday night, which would of
18 been June 19th?

19 A. That Friday night I stayed at Alex's apartment with
20 Ian, John, and Ariez.

21 Q. Okay. Did y'all make plans together, hang out during
22 the day?

23 A. Raphael or Alex had told me and John and Ariez that
24 they were gonna be having a business meeting at the
25 apartment that Saturday and that we couldn't be at the

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1 apartment for that business meeting. So, he had arranged
2 for John and Ariez to get an Airbnb for that night --

3 Q. Okay.

4 A. -- so they --.

5 Q. Was that unusual or was that something that happened
6 often where he had told you guys you couldn't be in the
7 apartment for a business meeting?

8 A. It had happened before where he had gotten an Airbnb
9 for Ian so that like girls could come over or something like
10 that. But it never happened in regards to a business
11 meeting before.

12 Q. Okay. Do you know who was suppose to be involved in
13 that meeting?

14 A. Ian, Raphael, and Evan.

15 Q. Okay. And you said that you had met him maybe one
16 time---

17 A. Maybe---

18 Q. ---but didn't know him well?

19 A. Maybe once. I didn't know him well at all.

20 Q. Do you know if Evan lived nearby or in South Carolina
21 or where he lived?

22 A. It was my understanding that he lived in North Carolina
23 at Camp Lejeune.

24 Q. Okay. So you left the apartment on Saturday, is that
25 correct, for this business meeting?

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By Solicitor Soprano-Cesmat

- 1 A. Yes.
- 2 Q. Around what time did you leave?
- 3 A. They had told me that Evan was about to be there in
4 about 20 minutes and I left between two o'clock and three
5 o'clock in the afternoon.
- 6 Q. Okay. And where did you go when you left the
7 apartment?
- 8 A. I went to get some food before work and then I went to
9 work at about five o'clock.
- 10 Q. Okay. And what time did you get off work that
11 evening --
- 12 A. About---
- 13 Q. -- about?
- 14 A. About ten o'clock.
- 15 Q. And what did you do afterwards?
- 16 A. After work I went home and I took a bath at my mom's
17 house.
- 18 Q. Okay. Did you end up staying all night at home with
19 your mom?
- 20 A. No, between 10:30 and eleven o'clock Ian had texted me
21 to tell me that their friend had left early and that I could
22 come back and hang out at the apartment if I wanted to.
- 23 Q. Okay. And you said that text message was around
24 10:30 or 11:00?
- 25 A. 10:30 or 11:00, yeah.

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By Solicitor Soprano-Cesmat

1 Q. Okay. And did you head straight over there or --?

2 A. I took my time and got out of the bath and I got to the
3 apartment at about twelve o'clock midnight.

4 Q. Do you know where John and Ariez were at that time?
5 Did they come back to the apartment as well?

6 A. No, John and Ariez were at the Airbnb that Alex had
7 provided them.

8 Q. And that was for the business meeting, correct?

9 A. Yes.

10 Q. When you got to the apartment, were Ian and Alex
11 already there?

12 Were they inside?

13 Kind of explain that direction.

14 A. They weren't there when I got there. They were just
15 pulling up. We got there at about the same time.

16 Q. Okay. So you guys were getting out of the car about
17 the same time and you met in the parking lot?

18 A. Yeah.

19 Q. Did you notice anything about their appearances when
20 they got out of the vehicle?

21 A. They looked slightly disheveled and elated. But I
22 didn't think much of it.

23 Q. Okay. When you say disheveled, can you give me a
24 little more details about that?

25 What do you mean?

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By Solicitor Soprano-Cesmat

1 A. Yeah, like their hair was messed up. Just a little
2 disheveled.

3 Q. Okay. What did the three of you do that evening?

4 A. That evening we made food and then we sat on the couch
5 together and watched this movie called Train to Busan.

6 Q. Okay. And this was almost four years ago, correct?

7 A. Yes.

8 Q. What made you remember that it -- that was the movie
9 you watched?

10 That seems like something that you might not remember.

11 A. Yeah, after Alex's grandparents had passed, he kind of
12 drilled that into my head on numerous occasions. Like yeah,
13 I couldn't do it. You remember cause you were with me.
14 We watched Train to Busan.

15 Q. And that's what the Defendant Alex had said to you?

16 A. Yes.

17 Q. Did Ian or Alex ever discuss what happened with that
18 meeting earlier in the day with you?

19 A. No, they never gave me details about the meeting.

20 Q. Okay. And we're talking about June 20th here.

21 Was Evan with Ian and Alex when you got back to the
22 apartment that evening?

23 A. No, Evan was not in the apartment.

24 Q. Did you ever see Evan that day on June 20th?

25 A. I never saw Evan that day.

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1 Q. He was suppose to be there for a business meeting,
2 correct?

3 A. Yes.

4 Q. Is that your understanding?

5 A. That's my understanding.

6 Q. Do you know where he went, why he wasn't there?

7 A. It was my understanding that he had left because he had
8 to go back to Camp Lejeune because he had work in the
9 morning.

10 Q. Okay. Anything else strange happen that Saturday
11 evening or into the Sunday morning?

12 A. Yes. That night we -- when we were watching the movie,
13 Raphael fell asleep in the middle of the movie, which was
14 kind of strange just cause he never falls asleep during
15 movies. But I thought he was probably just tired. And then
16 eventually he went back to his room and Ian and I slept on
17 the couch. And then at about 5:00 in the morning, Raphael
18 woke Ian up to tell him that he was leaving to go to
19 Spartanburg.

20 Q. Okay. And when you say Raphael woke Ian up, we're
21 referring to the Defendant Alex---

22 A. Yes.

23 Q. ---Scott, right?

24 A. Alex Scott woke Ian up, yes.

25 Q. Was that unusual?

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By Solicitor Soprano-Cesmat

1 Did he usually tell Ian where he was going or leave
2 that early in the morning or anything like that?

3 A. No, it was very strange. He had never woken us up
4 before to tell us that he was leaving to go anywhere.

5 Q. Okay. Do you have any personal knowledge as to what
6 Alex did the night before, that morning, anything?

7 A. No.

8 Q. So, you were still dating Ian at this time, correct?

9 A. Yes.

10 Q. How was his behavior after that weekend?

11 A. He was more irritable and a little on edge I guess.
12 But I thought he was just upset about something.

13 MS. BOULWARE: Objection, Your Honor.

14 May we approach?

15 THE COURT: Okay.

16 (WHEREUPON, a bench conference was held out of the
17 hearing of the jury at this time.)

18 Q. So you testified that you observed that he was more
19 irritable.

20 was that out of character for him?

21 How was he normally as a person?

22 A. Yes, he was more irritable and that was out of
23 character. He was always a very happy, easy going person
24 usually.

25 Q. Okay. Thank you.

Caroline Deaton - Direct examination
By Solicitor Soprano-Cesmat

1 Did you have any further communications with Alex after
2 this weekend --

3 A. Um.

4 Q. -- about what, what occurred that weekend?

5 A. Not about what had occurred that weekend, no.

6 Q. Okay. And just to recap one more time for the, for the
7 ladies and gentlemen of the jury, there was a time period on
8 Saturday, June 20th where you were not with the defendant
9 and Ian from when you left the apartment around 2:00 or
10 3:00 until about midnight when you came back to---

11 MR. FRICK: Your Honor, I believe she's testifying for
12 our witnesses.

13 THE COURT: Okay. Just, just ask her---

14 SOLICITOR SOPRANO-CESMAT: She's previously testified
15 about this.

16 THE COURT: ---again what period of time.

17 SOLICITOR SOPRANO-CESMAT: I'm recapping---

18 THE COURT: Right.

19 SOLICITOR SOPRANO-CESMAT: ---for the jury, Your Honor.

20 THE COURT: All right.

21 Q. As you previously---

22 MR. FRICK: So then it's asked and answered.

23 THE COURT: Okay. Well, she can ask it again to kind
24 of finalize the direct testimony.

25 Go ahead.

Caroline Deaton - Direct examination
By Solicitor Soprano-Cesmat

1 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

2 Last question.

3 So when you left the apartment on Saturday,
4 June 20th between 2:00 and 3:00PM as you previously
5 testified, you were gone until midnight and you did not see
6 Ian and Alex during that time?

7 A. Yes, that's correct.

8 Q. Thank you. No further questions. Please answer any
9 questions the defense may have for you.

10 THE COURT: Mr. Frick, any cross?

11 MR. FRICK: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. FRICK:

14 Q. All right, Ms. Deaton.

15 A. Hello.

16 Q. When did you start hanging out at the apartment?

17 A. Around -- like when I, when I met them?

18 Q. Yeah. Yeah.

19 A. Around beginning or at -- somewhere in March, 2020.

20 Either shortly before or shortly after the pandemic started.

21 Q. Okay. Okay. So, by June you'd been coming over there
22 for a few months, correct?

23 A. Yes.

24 Q. And you were coming over there almost daily then?

25 A. Yes.

Caroline Deaton - Cross-examination
By Mr. Frick

- 1 Q. Okay. Did anybody ever get food?
- 2 A. Yes.
- 3 Q. Okay. And when food would arrive, how would it
- 4 generally arrive?
- 5 A. Well, Alex often ordered Uber Eats to the house and I
- 6 mean sometimes Ian and I would go out and get food --
- 7 Q. Right.
- 8 A. -- or anything like that.
- 9 Q. But Alex ordered a lot of Uber Eats, didn't he?
- 10 A. Alex ordered a lot of Uber Eats.
- 11 Q. Okay.
- 12 A. Yes.
- 13 Q. All right. And I think they were asking you about
- 14 Evan.
- 15 Had you met Evan Webb?
- 16 A. I think I'd met him once. It was a very brief
- 17 interaction.
- 18 Q. Okay. You, you didn't have a whole lot of contact with
- 19 him?
- 20 A. No.
- 21 Q. All right. Do you recall whether or not you were over
- 22 at the apartment on May 9th?
- 23 A. May the 9th. Maybe. I, I don't know.
- 24 Q. Okay.
- 25 A. That was a long time ago.

Caroline Deaton - Cross-examination
By Mr. Frick

1 Q. You don't recall anything specific about that
2 particular day though, correct?

3 A. Hu huh. (Negative).

4 Q. And, and no one ran you out like they did on, on June
5 the 20th, correct?

6 A. I don't recall being there. I --

7 Q. Okay.

8 A. -- have no idea.

9 Q. Okay. But you were over there -- by that time in
10 May -- I mean you were still going over there pretty
11 regular, right?

12 A. Yes.

13 Q. So, likely you would of been over at the h -- the
14 apartment sometime?

15 A. I would have to check and see. I'm not sure.

16 Q. Okay. And you did state in your direct examination
17 that you saw a lot of weapons over at the house?

18 A. Yes.

19 Q. And you understood those weapons were a part of the,
20 the company that was being started, correct?

21 A. Yes.

22 Q. Okay. And during the time -- I don't think you had any
23 communication with Ian between -- on, on June 20th,
24 between that two or three o'clock when you left to go get
25 something to eat before you went to work, you didn't have

Caroline Deaton - Cross-examination
By Mr. Frick

1 any more contact with him until about 10:30 that night?

2 A. I provided you guys the text messages from that
3 timeframe. I don't remember off the top of my head. I
4 don't remember off the top of my head.

5 Q. Okay. All right. And then, then once you -- you --
6 once you received the, the message to come back over, you,
7 you took your time but you did eventually go over there that
8 night, right?

9 A. Yes.

10 Q. And then you stayed up -- y'all -- I think y'all made
11 some noodles?

12 A. Rice with like eggs and --.

13 Q. Okay.

14 A. Yeah.

15 Q. Was that your idea?

16 A. I think it was Ian's.

17 Q. Okay. All right. So you had rice with eggs, watched
18 the movie, and then everybody kind of fell asleep, correct?

19 A. Yes.

20 Q. And you stayed with Ian for the rest of the night,
21 correct?

22 A. Yes.

23 Q. He did not leave you, correct?

24 A. No.

25 Q. Okay. You said Alex went to his bedroom, correct?

Caroline Deaton - Cross-examination
By Mr. Frick

1 A. Yes, at some point.

2 Q. Okay. I mean he did wake y'all up the next morning
3 early --

4 A. Yes.

5 Q. -- saying that he was going to Spartanburg?

6 A. Yes.

7 Q. Do you have any clue what that was about?

8 A. I think in my statement with the police I said that he
9 had gone to like a gun show or to sell a gun or something.

10 Q. Okay. And you did give a, a, a video interview with
11 SLED at some point, correct?

12 A. Yes.

13 Q. Okay. And in preparation for this case, were you not
14 provided a copy of that video and a transcript of that
15 video?

16 A. Yes.

17 Q. Okay. Thank you, ma'am. That's all the questions I
18 have.

19 THE COURT: Any redirect?

20 SOLICITOR SOPRANO-CESMAT: No redirect, Your Honor.

21 THE COURT: You can step down.

22 Bring -- release her from her subpoena?

23 SOLICITOR SOPRANO-CESMAT: No objection.

24 MR. FRICK: No objection.

25 THE COURT: Okay. You're free to leave, ma'am. But

1 you're more than welcome to remain with us.

2 All right. For scheduling purposes, can I see the
3 lawyers for just a minute?

4 (WHEREUPON, a bench conference was held out of the
5 hearing of the jury at this time.)

6 THE COURT: All right. Ladies and gentlemen, I'm gonna
7 go ahead and excuse you for lunch. Gon' take a little bit
8 longer lunch break. We've got some things -- we got
9 something else unrelated to this case I need to deal with
10 and we've got a few legal matters we need to work through.

11 So, a little bit longer lunch break. Be back here at
12 2:15.

13 Now you've got two hours and just remember all my
14 instructions. I don't need to repeat them again and get a
15 good lunch and we'll see you back at 2:15.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 THE COURT: Okay. What do we want to do?

19 Do we want to go ahead and break -- us break for lunch
20 and then come back?

21 MS. BOULWARE: Judge, I would prefer to do that because
22 I -- I've been through Cravener's stuff so many times. But
23 I just want to go back through one more time --

24 THE COURT: Okay.

25 MS. BOULWARE: -- to see what needs to not be included.

1 SOLICITOR LIVELY: Well, I would just ask, Your Honor,
2 cause he's ready and we -- here's my thing. I just don't
3 want us to get any further past that 2:15 mark cause we
4 might be in -- I mean cause I know they've got some
5 witnesses too.

6 We just need to keep in mind that, you know, the more
7 time we take on each one of these things -- he's gonna be a
8 long witness and I was actually gonna also try to call
9 another witness today. We could potentially -- how many do
10 I have left?

11 UNIDENTIFIED SPEAKER: Nine.

12 SOLICITOR LIVELY: Nine, nine witnesses.

13 THE COURT: All right. How, how much time do you need
14 to kind of go back through whatever you need to go back
15 through concerning Cravener?

16 MS. BOULWARE: I -- I'll do the best I can with it,
17 judge. I -- it's fine. We can go ahead and do it now.

18 THE COURT: Okay. All right.

19 SOLICITOR LIVELY: You want to give me -- okay. Let
20 me -- I can go and get -- can we have just like 10 minutes
21 and let me go tell him what's going on?

22 THE COURT: Yeah, let's, let's take a 10 minute break.

23 ~~SOLICITOR LIVELY: Okay.~~

24 THE COURT: we'll come back and do the in camera with
25 Cravener and then we will break for lunch.

1 SOLICITOR LIVELY: Okay. I'll let him know, Your
2 Honor.

3 THE COURT: And then we'll make plans on that other
4 matter maybe, maybe at four o'clock.

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

6 THE COURT: -- him in please.

7 THE CLERK: Please raise your right-hand. State your
8 full name.

9 THE WITNESS: John Michael Cravener.

10 JOHN CRAVENER, being first duly
11 sworn, testified as follows:

12 THE CLERK: Step up.

13 SOLICITOR LIVELY: Okay. All right.

14 THE COURT: So we're not gonna take his entire
15 testimony---

16 SOLICITOR LIVELY: No.

17 THE COURT: ---in camera?

18 It's just gon' be on---

19 SOLICITOR LIVELY: Right.

20 THE COURT: ---several issues or areas that defense has
21 some, some concern?

22 SOLICITOR LIVELY: Yes, sir, Your Honor.

23 What I'm gonna do is I'm gonna start off with that
24 testimony. Mr. Cravener's aware of -- he also, Your Honor,
25 is very aware, we've already told him that the, Ian, his

John Cravener - Direct examination
By Solicitor Lively

1 suicide can not be mentioned.

2 THE COURT: Right.

3 SOLICITOR LIVELY: So he already is very familiar with
4 that. So, I'm just gonna jump right into --.

5 DIRECT EXAMINATION

6 BY SOLICITOR LIVELY:

7 Q. Now, Mr. Cravener, just so the, the Court knows, you
8 were one of the roommates that lived with the defendant,
9 Alex Scott, up until the time -- from about I think end of
10 April through maybe August or, or whatever after the
11 murders.

12 Is that right?

13 A. Yes, ma'am.

14 Q. In 2020?

15 A. Yes.

16 Q. Okay. Now, on the weekend of the, of the murders, the
17 weekend of June 19th, 20th and 21st, did you actually
18 go somewhere the night -- that Saturday night with your
19 wife, Ariez?

20 A. Yes.

21 Q. You did.

22 And whenever you did that, what were you told by the
23 defendant as to why he needed y'all to leave the apartment?

24 A. There was another business meeting coming into town.

25 Q. There's another business meeting?

John Cravener - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. And do you know who the business meeting was gonna be
3 with?

4 A. No.

5 Q. All right. So, you went to -- you weren't there,
6 right?

7 A. No.

8 Q. All right. So, the next day, did you actually go back
9 to the apartment where you and your wife were living?

10 A. Yes.

11 Q. All right. Whenever you got back, at some point did
12 you run into Mr. Ian Little?

13 A. Yes.

14 Q. All right. Pull that towards you so the judge can
15 hear.

16 Okay. I want him to understand.

17 A. Yes.

18 Q. All right. So, whenever you saw Mr. Little, tell this
19 Court about that conversation that you had with him.

20 A. I asked if he -- they went and killed the grandparent
21 and he said yes and then---

22 THE COURT: Repeat that and get a little closer to the
23 microphone.

24 SOLICITOR LIVELY: Yeah, it's---

25 THE WITNESS: Sorry.

John Cravener - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: You got to make sure---

2 THE COURT: Back up.

3 SOLICITOR LIVELY: ---we can hear you.

4 THE WITNESS: Yes.

5 Q. All right. Say that again.

6 All right. So you -- you see him and now -- is Alex
7 there at that point?

8 A. No.

9 Q. All right. So, did -- so it's just Ian and who else in
10 the apartment?

11 A. Me.

12 Q. You and him.

13 All right. So, what did you and Ian talk about?

14 A. We talked about the murder and Ian described in detail
15 who was killed first and who died.

16 Q. Okay. What did he tell you?

17 A. He told me that they went to the house. Oh, the
18 grandparents were eating pizza there and got invited in and
19 then Scott shot the grandfather first and then the
20 grandmother in the chair.

21 Q. And then the grandmother in the chair?

22 A. Yes.

23 Q. Specifically gave you those details?

24 A. Yes.

25 Q. All right. Have you ever heard those details from

John Cravener - Direct examination
By Solicitor Lively

1 anyone else involved in this case?

2 A. No.

3 Q. All right. Did we tell you those details?

4 A. No.

5 Q. And let me ask you about the defendant, Mr. Alexander
6 Scott.

7 Did you ever have a conversation with him after that
8 conversation with Ian Little that day?

9 A. Yes.

10 Q. All right. Tell us about that.

11 A. We were on the balcony. Ian was on---

12 Q. Wait a minute.

13 Okay. You're, you're jumping a little bit and I may
14 not have been clear.

15 When did you have the opportunity to actually see and
16 speak with Alex Scott after that conversation with Ian?

17 A. This was a few days later.

18 Q. A few days later?

19 A. Yes, ma'am.

20 Q. Okay. And whenever you had this conversation -- did
21 you ever know where Alex was that day?

22 A. No.

23 Q. The day of the 21st you did not know?

24 A. No.

25 Q. All right. Did you know whether or not he had been in

John Cravener - Direct examination
By Solicitor Lively

1 contact with law enforcement or anyone by that time?

2 A. No.

3 Q. So, now back to what you were saying. It was maybe a
4 couple days later or at some point whenever the first chance
5 you had to talk to the defendant, Mr. Scott.

6 A. Yes.

7 Q. Tell the judge what exactly was said in that
8 conversation and how it came up.

9 A. We're on the balcony. I asked him if he killed his
10 grandparents. He checked me for a wire by moving my shirt
11 and said yes and not to mention it ever again.

12 Q. Okay.

13 THE COURT: And so you asked the defendant if he killed
14 his grandparents and he said what?

15 THE WITNESS: Yes.

16 Q. And before he said that, what did he do to you?

17 You said it so fast. You need to slow down.

18 what did he do before he answered?

19 A. He moved my shirt to the side --

20 Q. Okay.

21 A. -- and checked to see if I had a wire.

22 Q. Checked you for a wire and then he said?

23 ~~A. Don't ever ask about it again at the end of the~~
24 ~~conversation.~~

25 Q. So, after he tells you yes, he then says don't ever

John Cravener - Direct examination
By Solicitor Lively

1 talk about it again and did y'all ever talk about it again?

2 A. No.

3 Q. All right. Did you ever talk to Ian about it again?

4 A. Yes.

5 Q. All right. Tell us about that conversation.

6 A. Ian was starting to say that he was having nightmares
7 and that it was keeping him up at night and he just really
8 wasn't feeling well. So, I took the ammo from him and threw
9 it away.

10 Q. You took the what from him?

11 A. The ammo that they used that they had left over from
12 the night of the murder and I threw it away down a side road
13 in a complex of housing.

14 Q. Okay. All right. Did you know what had happened with
15 the actual weapon itself?

16 A. I learned that Ian and them stopped at the side of a
17 pull-off by the river and they threw the gun in the river.

18 Q. They threw the gun in the river?

19 A. Yes.

20 Q. Okay. All right. Were you told anything else in
21 regards to what happened to the weapon?

22 A. No.

23 Q. I'm gonna go ahead and let you answer questions that
24 the defense may have for you, and I might have some
25 follow-up questions.

John Cravener - Direct examination
By Solicitor Lively

1 THE COURT: All right. Ms. Boulware.

2 MS. BOULWARE: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. BOULWARE:

5 Q. I got a lot of stuff up here for him cause we got
6 transcripts and videos and everything else.

7 THE COURT: Yeah, I think some time previous I read
8 about 108 page transcript of, of an interview---

9 MS. BOULWARE: Yes, sir.

10 THE COURT: Okay.

11 MS. BOULWARE: And that's mainly what I'm focusing on
12 because this is where -- my -- a lot -- most of his
13 information does come from Ian I believe and that's what I
14 was gonna do.

15 Mr. Cravener, I was gonna recap what you're saying Ian
16 told you and that you did not learn directly.

17 okay?

18 A. Yes, ma'am.

19 Q. All right. So, you're saying that Ian told you what
20 they did with the gun?

21 A. Yes.

22 Q. Okay. How did you know that ammo was the ammo they
23 used?

24 A. Ian told me.

25 Q. Ian told you.

John Cravener - Cross-examination
By Ms. Boulware

1 Okay. And when you were talking about pizza, Ian told
2 you that?

3 A. Yes.

4 Q. Okay. And, and SLED also mentioned that to you I, I
5 believe in the March interview?

6 A. I'm unsure.

7 Q. Yeah. I believe they did. I can get the clip for you
8 if you need it. I don't have it right this second. But we
9 can -- I can remind you about that and then -- let's see.

10 Beg the Court's indulgence.

11 THE COURT: Sure.

12 MS. BOULWARE: Let me just go through here real quick.

13 (Pause.)

14 Q. And I believe you, you said in your interview pretty
15 much everything that happened after you and your wife left
16 and went to the Airbnb, anything after that, except for what
17 you directly asked Alex, came from Ian?

18 A. Yes.

19 Q. Okay. And that would be weapon, ammo?

20 I think he described to you what the murder was like?

21 A. Yes.

22 Q. What happened when he shot or when Mrs. Billie got
23 shot?

24 A. Yes.

25 Q. Okay. And I know basically -- and, and I'm trying to

John Cravener - Cross-examination
By Ms. Boulware

1 think of all the details you shared about that.

2 But that is nothing that you directly learned from
3 anybody other than Ian?

4 A. Yes.

5 Q. You weren't at the scene?

6 A. No.

7 Q. Weren't even there that night?

8 A. No.

9 MS. BOULWARE: Okay. Beg the Court's indulgence --

10 THE COURT: Sure.

11 MS. BOULWARE: One moment.

12 (Pause.)

13 Q. Okay. One more question.

14 Do you recall telling SLED in the March interview that
15 everything you knew about this you learned from Ian?

16 A. That would be no cause -- rephrase your question.

17 Q. Well, you had an interview with SLED?

18 A. Yes.

19 Q. And what you told them was, when they were asking you
20 what all Ian told you about it, you basically said
21 everything I learned I learned through Ian?

22 A. From the murder out there. I was at the, at the
23 Airbnb, yes.

24 Q. Okay. Okay. Cause I'm not asking you anything you're,
25 you're saying that Alex told you. I'm just asking you about

John Cravener - Cross-examination
By Ms. Boulware

1 the conversations with Ian.

2 A. Yes. And --

3 Q. Okay.

4 A. -- after the Airb (sic), yes.

5 Q. And I can play that clip for you if you need it.

6 But if you're agreeing with me right now that you
7 probably did say that, then we're good.

8 A. I'm just -- can you play the clip?

9 I'm actually -- I'm confused---

10 Q. Okay.

11 A. ---on what you're asking.

12 Q. Okay. Sure. We can do that. It, it won't be very
13 long at all.

14 It's about probably what, two seconds?

15 (Pause.)

16 MS. BOULWARE: All right.

17 (WHEREUPON, the clip from the interview with SLED was
18 played at this time.)

19 Q. I learned everything through Ian. That was the --.

20 A. Yes, after the -- about the murder after that, yes.

21 Q. You said after that?

22 A. Yes.

23 MS. BOULWARE: Did you catch that clip?

24 THE COURT: I did.

25 MS. BOULWARE: Okay. I think -- let me check real

John Cravener - Redirect examination
By Solicitor Lively

1 quick and see if there's anything else I'm forgetting.

2 (Pause.)

3 MS. BOULWARE: I -- that's all the questions I have,
4 Your Honor.

5 THE COURT: Solicitor, anything in follow-up?

6 REDIRECT EXAMINATION

7 BY SOLICITOR LIVELY:

8 Q. Now, Mr. Cravener, after that conversation with Ian, is
9 that what prompted you to then have that follow-up question
10 and conversation with the defendant, Mr. Scott?

11 A. Yes.

12 Q. All right. Thank you.

13 THE COURT: Okay. All right. You'll be testifying, as
14 I understand it, he'll be the first witness following after
15 lunch. So, you need to remain.

16 I guess, solicitor, you, you want him to remain in the
17 courthouse?

18 SOLICITOR LIVELY: Yes, that's fine. Yeah, not a
19 problem. Yes, we've actually brought in lunch. So that's
20 not a problem.

21 THE COURT: Okay.

22 THE WITNESS: Thanks.

23 ~~THE COURT: All right. So go back wherever they've~~
24 ~~been holding you.~~

25 okay?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right. Not holding you. Keeping you.

3 All right. Anything from the defense with respect to
4 the in camera testimony from Mr. Cravener?

5 MS. BOULWARE: Yes, sir.

6 So, I believe we started this last week or might be
7 week before last now. I think we've kind of hinted on it
8 the Thursday we had some pretrial week last, and, judge, I
9 had brought up Brewton and Crawford --

10 THE COURT: Right.

11 MS. BOULWARE: -- which, you know, we provided those --
12 you with those cases and I believe that here -- here's the
13 issue I have. I think that is testimonial, what Ian has
14 told Mr. Cravener under Crawford. That is something though
15 to absolutely be used in a prosecution against Ian and what
16 is attempted to be used in a, a prosecution against
17 Mr. Scott when he has no way to confront Ian.

18 I, I don't think it -- and, and you could -- I know the
19 argument's gonna be well, even if it is hearsay, it might be
20 present sense impression or something like that. But
21 Crawford overrides that, judge. That's why Crawford came
22 out.

23 THE COURT: Okay. All right. Solicitor.

24 SOLICITOR LIVELY: Yes, sir, Your Honor.

25 Crawford, the whole point of Crawford, was that if the

1 person who is speaking believed that their statement was
2 going to be used in some form or fashion by law enforcement
3 or it was taken in the context of being interviewed or a
4 statement. He was talking to his friend and Cravener was
5 his friend.

6 So, the other thing that ends up happening is I --
7 we've even had the defense say, if he was a coconspirator,
8 if he's a codefendant, would he have been charged and the
9 state clearly has said he would have been charged at this
10 point just like Evan Webb was charged with lying about an
11 alibi.

12 So, I look at this under U.S. v. Bottoms, which is a
13 Fourth Circuit case. It talks about coconspirators as being
14 in statements that they make against their own interests,
15 which may also implicate the defendant here, and that, that
16 is it not hearsay if it's offered against a party and is a
17 statement made by a coconspirator of a party during the
18 course and furtherance of the conspiracy.

19 well, the reason why we've, we've been talking about
20 this whole situation is because everyone, even Evan Webb has
21 talked about, this was their plan. It was their common
22 plan. They tried on May the 9th and then they went through
23 with it on June the 20th.

24 So, that's the reason why the context of that
25 conversation with Ian is then what led Mr. Cravener to go

1 and talk to the defendant, Alex Scott, and actually confront
2 him. Did you kill your grandparents and that's whenever he
3 said yes.

4 So, it was based on that conversation where Ian gives
5 details as a coconspirator and it was not because he thought
6 he was gonna be questioned by law enforcement 20 minutes
7 later. I mean there's no indication, at that point when
8 Cravener talked to him, that they were -- all they were
9 doing is having a conversation at that point regarding well,
10 did y'all end up doing it.

11 So, he gives information regarding the crime scene. He
12 gives information about what he saw.

13 So, all of those things are things that, as the -- as a
14 part of the conspiracy and aiding and abetting, that
15 information is not testimonial at that point cause he's not
16 talking to someone that is an agent of the State.

17 So I think, under the conspiracy, under the, you know,
18 not only present sense impression, but the specific details
19 about the plan is clearly something as a coconspirator that
20 should be allowed and that is an exception to hearsay and it
21 does not -- it doesn't count as a -- Brewton in that regard.

22 THE COURT: But any discussion between Cravener and Ian
23 after the fact, how would that be in furtherance of the
24 conspiracy -- "conspiracy"?

25 SOLICITOR LIVELY: Correct.

1 THE COURT: It's just a, just a, a statement of what
2 allegedly happened after it happened.

3 So, what I'm trying to figure out is how can you say
4 that their discussion was in furtherance of this conspiracy
5 to kill the two grandparents?

6 SOLICITOR LIVELY: That's a great question. It's
7 because the alibi and all the lies and everything that had
8 to continue from that point in order for him to successfully
9 not be charged and be able to get the insurance money as the
10 beneficiary ought -- the whole bottom line was getting that
11 money and that is still a part of the conspiracy.

12 The conspiracy doesn't end until everybody continues to
13 lie to the police and do everything that they're suppose to
14 do, which was a part of the original plan.

15 THE COURT: What is that case you just cited?

16 Can you get with---

17 SOLICITOR LIVELY: It's U.S. v. Bottoms. It's 983 F.2d
18 1058. It's a Fourth Circuit case from 1992.

19 THE COURT: Ninety-three fed second and what was the
20 page number?

21 SOLICITOR LIVELY: 1058.

22 THE COURT: 1058?

23 ~~SOLICITOR LIVELY: Yes, sir.~~

24 THE COURT: Thank you.

25 SOLICITOR LIVELY: And it, it talks about in order to

1 aid and abet, to commit a crime, they must of associated
2 himself with the venture, participated in it as something
3 that he wishes to bring about, and seek, by his action, to
4 make it succeed.

5 So, not only was the death the succession -- was part
6 of the successful part of the plan. But that they continued
7 to lie so that they could -- he could actually receive that
8 insurance money and pay them for their lies.

9 THE COURT: Thank you.

10 SOLICITOR LIVELY: Thank you.

11 MS. BOULWARE: Your -- Your Honor, I still don't know
12 that overcomes Crawford because Crawford is all about
13 confrontation of this person who is saying this against you
14 and Crawford also left open the definition of testimonial on
15 purpose. And I suspect it was for situations like this
16 where they might not be getting ready to be interviewed by
17 the police in 20 minutes. But they know what they're saying
18 can absolutely be used against them for prosecution
19 purposes.

20 So I, I don't -- even -- you know, this -- the
21 coconspirator, all that, that's fine. But I think that
22 takes in account that that person's here and the
23 confrontation clause is available.

24 THE COURT: What I'm gonna do is I'm gonna, over lunch,
25 will review, once again, Crawford and Brewton. I'm gonna

1 take a look at this case that the State has cited, State
2 versus Bottoms, and I'll let you know something when we get
3 back after lunch.

4 okay?

5 SOLICITOR LIVELY: Thank you, Your Honor.

6 MS. BOULWARE: Thank you, Your Honor.

7 THE COURT: Thank y'all.

8 (WHEREUPON, Court was in recess for the lunch break.)

9 THE COURT: Thank you.

10 Let me give you my ruling and the -- a basis for my
11 ruling.

12 As far as defense, I don't know if you officially made
13 a motion to suppress any testimony as, as, as far as what
14 Ian told them. But I took it to mean that that was your
15 request.

16 MS. BOULWARE: Yes, sir.

17 THE COURT: All right. I've reviewed the Bottoms case
18 and the Shores case that the State offered. I will just
19 note that both those cases were before Crawford. And
20 besides what Crawford allows or does not allow, the issue --
21 the first issue before me is, what Ian said to John, does it
22 follow under the coconspirator exception to hearsay.

23 Now, Bottoms dealt with discussions about lining up
24 places and dates to sell drugs. That being discussion
25 within the conspiracy.

1 Shores dealt with discussions about planning a murder
2 for hire.

3 All right. So, the coconspirator exception to hearsay
4 basically says what was said out-of-court, court during the
5 course of and in furtherance of the conspiracy. Shores
6 makes a very keen observation in defining this coconspirator
7 exception.

8 The Shores case says were they statements intended to
9 promote the conspiracy's objectives and what is being
10 offered by the State is just a recitation of Ian's version
11 of what happened during the murder. It was not in
12 furtherance of the or intended to promote the conspiracy's
13 ob -- objectives.

14 So, I find that it was -- those statements made to
15 Cravener were not -- does not rise to the level of the
16 coconspiracy exception to hearsay. And, two, what I think
17 is important is that Crawford prohibits -- and, again,
18 Crawford came out after both Bottoms and Shores. Crawford
19 says, you know, you know, unless there have been a prior
20 opportunity to cross-examine the, the declarant, be that
21 until cross-examining witnesses at Grand Jury, but they do
22 mention Grand Jury, preliminary hearings, and that sort of
23 thing, and, as a general rule, they are not going to be
24 permitted.

25 So I'm gonna prevent that under both, one, Crawford

1 and, two, it does not rise to the level of coconspirator
2 exception to hearsay. However, I think if you -- it's
3 certainly permissible to ask Cravener, as a result of your
4 conversation with Ian concerning what happened, what did you
5 do next. Well, I went to Alex several days later and this
6 is what he told me. But as far as any specifics that Ian
7 said, I'm not going to allow that in.

8 Okay. Any questions by the State or solicitor?

9 SOLICITOR LIVELY: No, Your Honor.

10 And if I may just have a minute to tell the witness
11 that that's---

12 THE COURT: Sure.

13 SOLICITOR LIVELY: ---your ruling and -- but no,
14 there's -- that was it from the State---

15 THE COURT: Okay.

16 SOLICITOR LIVELY: ---at this point.

17 THE COURT: Take a few minutes.

18 SOLICITOR LIVELY: Okay.

19 THE COURT: Anything from the defense?

20 MS. BOULWARE: The conversation part is sort of -- but
21 --.

22 THE COURT: Well, we're not getting into---

23 MS. BOULWARE: What he said, yes, sir.

24 THE COURT: ---any of the specifics of the conversation
25 and I think, you know, typically when there is a hearsay

1 objection and that is sustained, you know, I, I know I've
2 many times have said okay, it's okay for you to say as a
3 result of such and such---

4 MS. BOULWARE: Yes, sir.

5 THE COURT: ---you did this and that.

6 MS. BOULWARE: Yeah.

7 THE COURT: And --.

8 MS. BOULWARE: Yeah, I'm pondering it over. I mean the
9 Court -- you know, I, I believe it's okay. I just --

10 THE COURT: Well---

11 MS. BOULWARE: -- wanted to object if I needed to.

12 THE COURT: While Solicitor Lively---

13 MS. BOULWARE: So, I'm thinking about it for a minute.

14 THE COURT: ---goes down and talks to her witness, if
15 you want to consult with learned co-counsel --

16 MS. BOULWARE: Sure.

17 THE COURT: -- have at it---

18 MS. BOULWARE: Let's do it.

19 THE COURT: ---and let me know.

20 (Pause.)

21 SOLICITOR LIVELY: I guess he needs to call him in and
22 that -- because he hasn't been sworn in front of the jury,
23 right?

24 THE COURT: Ma'am?

25 I'm sorry.

1 SOLICITOR LIVELY: He hasn't been sworn in front of the
2 jury. So he probably -- I would let him sit out there until
3 we---

4 THE COURT: Why don't you just have him sit right out
5 there?

6 SOLICITOR LIVELY: You want to just do that since
7 you're already in?

8 THE COURT: Just sit out there and then Solicitor
9 Lively will call you up --

10 THE WITNESS: Okay.

11 THE COURT: -- and get you sworn in---

12 SOLICITOR LIVELY: Sit right there and make sure
13 that---

14 THE COURT: ---before the jury.

15 SOLICITOR LIVELY: That will work. Thank you, Your
16 Honor.

17 We're ready.

18 THE COURT: Okay. Anything further on the record
19 before we bring the jury in?

20 State, defense?

21 SOLICITOR LIVELY: State's ready, Your Honor. Nothing
22 from the State.

23 MS. BOULWARE: No, sir, I played the scenario out in my
24 head and I think you're right about that --

25 THE COURT: Okay. Thank you.

1 MS. BOULWARE: -- which, of course, you are.

2 THE COURT: Yeah.

3 MS. BOULWARE: So we're good.

4 THE COURT: Thank you.

5 All right. So, let's bring the jury out please.

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

8 THE COURT: All right. Let the record reflect the
9 jury's back in.

10 Good afternoon, ladies and gentlemen. Hope you had a
11 good lunch and ready to get back to work.

12 All right. Solicitor.

13 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

14 The State would call John Cravener to the stand.

15 THE CLERK: Please raise your right-hand. State your
16 full name.

17 THE WITNESS: Johnathan Michael Cravener.

18 JOHN CRAVENER, being first duly
19 sworn, testified as follows:

20 THE CLERK: Scoot a little closer.

21 THE WITNESS: I was.

22 Okay.

23 DIRECT EXAMINATION

24 BY SOLICITOR LIVELY:

25 Q. Mr. Cravener, please spell your last name for the

John Cravener - Direct examination
By Solicitor Lively

- 1 record?
- 2 A. C-R-A-V-E-N-E-R.
- 3 Q. If you want to kind of scoot up your chair a little bit
- 4 so that you can talk into the microphone.
- 5 okay. Thank you.
- 6 How old are you, Mr. Cravener?
- 7 A. Twenty-five.
- 8 Q. And are you married?
- 9 A. Yes.
- 10 Q. All right. And who are you married to?
- 11 A. Ariez Cravener.
- 12 Q. And how long have y'all been married?
- 13 A. Five years.
- 14 Q. Do you have any children?
- 15 A. One.
- 16 Q. How old's your child?
- 17 A. She is two.
- 18 Q. And where do y'all live?
- 19 A. Right now Virginia.
- 20 Q. Okay. And do you have family up there?
- 21 A. I don't. They're in Pennsylvania.
- 22 Q. All right. So, do you -- does your wife have family up
- 23 there?
- 24 A. Yes.
- 25 Q. Now, at some point did you ever live in South Carolina?

John Cravener - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. And where was that?

3 A. Columbia --

4 Q. Okay.

5 A. -- South Carolina.

6 Q. That's fine.

7 And before living in Columbia, South Carolina, where
8 were you and what were you doing?

9 A. I was on Camp Lejeune, North Carolina. I was an ammo
10 tech in the Marine Corps.

11 Q. You were an ammo tech in the Marine Corps?

12 A. Yes, ma'am.

13 Q. All right. How old were you when you enlisted in the
14 Marine Corps?

15 A. Eighteen.

16 Q. And did you actually -- did you do a four year stint in
17 the Marines?

18 A. No.

19 Q. Did not.

20 Okay. How long were you in there?

21 A. Three years.

22 Q. And whenever you were in the Marines, did you actually
23 make any good friends there?

24 A. Yes and no.

25 Q. Okay. Well, just did you know someone by the name of

John Cravener - Direct examination
By Solicitor Lively

- 1 Ian Little?
- 2 A. Yes.
- 3 Q. All right. Was he your friend?
- 4 A. Yes.
- 5 Q. How about the defendant, Alexander -- Gene Alexander
- 6 Scott?
- 7 A. No.
- 8 Q. You did not meet him?
- 9 A. (WHEREUPON, there was no audible response.)
- 10 Q. All right. When, if ever, did you actually meet
- 11 Mr. Gene Alexander Scott?
- 12 A. Facetime a few days before I was separated.
- 13 Q. Before you separated from what?
- 14 A. The Marine Corps.
- 15 Q. From the Marine Corps.
- 16 All right. How about someone by the name of Jerry
- 17 Familia?
- 18 A. He was a corporal in my unit. He was in a section over
- 19 from mine.
- 20 Q. Okay. So, he was a corporal and so that's how you knew
- 21 him?
- 22 A. Yes.
- 23 Q. All right. So, while you were in the Marines, what was
- 24 life like for you there?
- 25 A. It was okay. Our unit was kind of like trashy.

John Cravener - Direct examination
By Solicitor Lively

1 Q. Okay.

2 A. So it was really just kind of stuck to ourselves.

3 Q. All right. I'm a little confused.

4 what do you mean trashy?

5 A. It was just -- I mean it's not like stressful but it
6 was very like isolated.

7 Q. All right. Okay. And so what would y'all do to kind
8 of let off steam and have fun?

9 A. Honestly we just drank a lot.

10 Q. Drank a lot.

11 okay. what did you drink?

12 A. Anything really.

13 Q. Anything.

14 All right. while you were in the Marines, did you ever
15 get deployed?

16 A. No.

17 Q. And while you were there, did you happen to -- did you
18 have any kind of physical injuries or problems physically
19 while you were in the Marines?

20 A. Yes.

21 Q. Okay. what?

22 A. I got talked to for a TBI whenever I got out.

23 Q. Okay. You need to tell us what the -- for a TBI?

24 A. Uh-huh. (Affirmative).

25 Q. Okay. Is that traumatic brain injury?

John Cravener - Direct examination
By Solicitor Lively

- 1 A. Yes.
- 2 Q. Okay. Did you actually go to the hospital for this
- 3 traumatic brain jury?
- 4 A. Yes, the day after it happened.
- 5 Q. All right. What else?
- 6 A. And I crushed my left-hand.
- 7 Q. You crushed your left hand.
- 8 was that on-the-job?
- 9 A. Yes.
- 10 Q. Okay. And what did you do to treat both of those
- 11 injuries?
- 12 A. Stitches and cast for the left-hand and then my head
- 13 really, just honestly, self-medication.
- 14 Q. Okay. All right. So tell us what happened with that
- 15 traumatic brain injury.
- 16 was it -- were you diagnosed with some type of a
- 17 concussion or what was it?
- 18 A. Yes, I got a concussion and that was from the naval
- 19 hospital.
- 20 Q. And that was at the naval hospital.
- 21 Okay. So, they actually diagnosed you with that?
- 22 A. Yes.
- 23 Q. And how long ago was that?
- 24 Do you remember when---
- 25 A. Four---

John Cravener - Direct examination
By Solicitor Lively

- 1 Q. ---it happened, your concussion?
- 2 A. April. No, November. Sorry.
- 3 Q. Okay. Do you remember what year?
- 4 A. 2019.
- 5 Q. All right. Okay. Have you had any other types of
- 6 injuries?
- 7 A. No.
- 8 Q. And were you on medications for those injuries?
- 9 A. No, except for my hand was just Ibuprofen.
- 10 Q. Just Ibuprofen?
- 11 A. Yes.
- 12 Q. Okay. Have you ever gotten any type of mental health
- 13 counseling or emotional treatment or anything like that
- 14 while in the military?
- 15 A. Yes.
- 16 Q. All right. For what?
- 17 A. Substance abuse.
- 18 Q. Substance abuse?
- 19 A. Yes.
- 20 Q. All right. For abuse of what substance?
- 21 A. Alcohol.
- 22 Q. Alcohol.
- 23 All right. And do you drink alcohol now?
- 24 A. No.
- 25 Q. Why?

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By Solicitor Lively

1 A. It doesn't work.

2 Q. It doesn't work?

3 A. No.

4 Q. What do you mean?

5 A. It just really kind of makes you not a good person.

6 Q. All right. So, was that a decision you made on your
7 own?

8 A. Yes, and through counseling.

9 Q. Okay. All right. Now, when did you decide to leave --
10 well, yeah.

11 when did you decide to leave the Marines?

12 A. It was whenever I separated after my concussion,
13 whenever I got it. I ended up getting in a fight and was
14 knocked unconscious through the fight and that started a
15 paperwork trial for an NJP, which is nonjudicial punishment,
16 and that's just -- best way to describe it really is like a
17 misdemeanor.

18 So, I got put on 14 days restriction, which is
19 restricted to the barracks and then I got 14 days half pay.
20 And that started separation paperwork for a trail
21 separation.

22 Q. So, at that point when you -- you got that nonjudicial
23 I guess punishment?

24 A. Yes.

25 Q. All right. And you got half pay, 14 day restriction at

John Cravener - Direct examination
By Solicitor Lively

1 the barracks.

2 Were you aware that that was going to then kind of lead
3 to your separation from the Marines?

4 A. Yes and no. It was the unit discretion. Like I knew I
5 was messing up at that point. But the paper trail was
6 really just for your unit to make the decision what to do.

7 Q. Okay. All right. All right. So, it's documentation
8 at that point?

9 A. Yes.

10 Q. All right. And how long was it from that point did it
11 take for you to actually be separated from the Marines?

12 A. Five months. Give a particular month --.

13 Q. Okay. Do you remember approximately what it was that
14 you actually got out?

15 A. April.

16 Q. All right.

17 A. Mid April.

18 Q. All right. What year?

19 A. 2021.

20 Q. Are you sure?

21 A. 2022.

22 Q. Are you sure?

23 A. Yes.

24 Q. Okay. All right. So, so you -- then that would of
25 made you be in the Marines for about four years if you add

John Cravener - Direct examination
By Solicitor Lively

1 in -- well, three years.

2 A. Oh, the end of 2021. It was April, 2021.

3 Q. When were you living in Columbia then in -- with the
4 defendant?

5 A. It was April, 2020.

6 Q. Okay.

7 A. Sorry.

8 Q. That's okay.

9 All right. I understand. Are you nervous?

10 A. Yes.

11 Q. Okay. All right. So let's just -- if you -- if you're
12 not sure, just, you know, let me know you're not sure and,
13 and I'll ask the question a different way.

14 A. Okay.

15 Q. So, you were separated or out of the Marines in April
16 of 2020?

17 A. Yes.

18 Q. Okay. Now, when you got out of the Marines in April of
19 2020, where did you go?

20 A. I got a job offer from a friend and I went down to
21 South Carolina to start work.

22 Q. Okay. So, when you first got out, where did -- where's
23 the first place that you went?

24 A. South Carolina.

25 Q. Okay. So South Carolina.

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By Solicitor Lively

1 And were you still with your wife?

2 A. Yes.

3 Q. And whenever you got -- you said you got a -- an offer
4 from a friend.

5 Tell us who that friend was.

6 A. It was a Facetime call from Ian Little.

7 Q. Okay. From Ian Little.

8 And who was the job gonna be with?

9 who all was gonna be a part of this job?

10 A. Ian Little, myself, Jerry Familia, and Scott.

11 Q. And Scott.

12 The Defendant Scott?

13 A. Yes, ma'am.

14 Q. All right. So, what type of job was this that you were
15 being offered?

16 A. It was suppose to be bounty hunter work and then
17 paramilitary work.

18 Q. And, at that point, did you have any type of plans for
19 what you were gonna do for a career or money whenever you
20 got out of the Marines in April of 2020?

21 A. No. Whenever they started my separation, they fast
22 tracked it. So I was out pretty fast.

23 Q. Okay. So you got out pretty fast and then you were
24 basically looking for either a job or a place to live?

25 A. Yes.

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By Solicitor Lively

1 Q. All right. So, whenever that happened, you said that
2 you have this conversation.

3 So, after that conversation, what did you decide to do?

4 A. Move down to South Carolina. Give the job a try.

5 Q. Okay. And who all moved down to South Carolina?

6 A. Me and my wife.

7 Q. All right. And what was that trip like?

8 what all did you have with me?

9 A. We had our 27-foot U-Haul and the dog.

10 Q. All right. Did you know anything about your living
11 arrangements for whenever you got there?

12 A. Yes.

13 Q. Where were you gonna live?

14 A. I was gonna live with -- we -- me and my wife were
15 gonna live with Scott until we found adequate housing.

16 Q. All right. And did he say anything to you about
17 helping you with housing?

18 A. Yes.

19 Q. What did he tell you about housing?

20 A. That he would pay for the first couple months of the
21 rent and then -- until we were able to start working and
22 take over the actual rent.

23 Q. Okay. And was after you -- were you, were you waiting
24 for you to actually start working with the business that
25 he -- the -- a job he had offered you?

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By Solicitor Lively

1 A. Yes.

2 Q. Okay. All right. So, at the time then because of him
3 telling you that he would help you with getting a place,
4 what did you do with the U-Haul that you pulled down there?

5 A. We parked it into the back parking lot of the apartment
6 complex until we had to turn it in or get charged extra late
7 fees for the truck.

8 Q. Okay. All right. So why didn't you unpack it right
9 away?

10 A. It was a one bedroom apartment.

11 Q. All right. And so whenever you, you got into that
12 apartment then, what was the set-up for you and your wife?

13 A. Air mattress in the corner of the living room.

14 Q. All right. Did y'all have any privacy whatsoever?

15 A. No.

16 Q. And where did the Defendant Scott sleep?

17 A. In his room.

18 Q. In his room.

19 And who else was living there at the time, Mr.
20 Cravener?

21 A. Ian Little.

22 Q. Okay. And where did he sleep?

23 A. The couch.

24 Q. The couch.

25 All right. So, was your, your air mattress bedroom

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By Solicitor Lively

1 we'll call it, was it out in the open in the same general
2 location as where Ian was sleeping?

3 A. Yes.

4 Q. Now, before you made this decision to actually move
5 into this apartment and take the job with the defendant, did
6 he tell you how, how the business was doing and, and, you
7 know, what his plans were financially for the business?

8 A. He didn't tell me what his plans were financially. But
9 I figured he was doing good because he already had one
10 family set up in an apartment already.

11 Q. Okay. So -- and what family had he already set up in
12 an apartment?

13 A. Jerry and Liz.

14 Q. Okay. Is that Jerry Familia?

15 A. Yes, ma'am.

16 Q. And were they living in the same apartment complex?

17 A. No.

18 Q. They weren't.

19 were they living close by?

20 A. Yes.

21 Q. Okay. So would you see them on occasion?

22 A. Yes.

23 Q. All right. Now, while you were living there with the,
24 with the defendant and with Ian, did you also -- did you
25 have any other source of income?

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By Solicitor Lively

1 A. We donated blood plasma.

2 Q. Okay. Well, why did you do that?

3 A. Cause I didn't have a job --

4 Q. All right.

5 A. -- and we weren't getting any money.

6 Q. You didn't have any money.

7 well, well, what about the, the job offer and what you
8 were suppose to be doing with the defendant?

9 what was going on with that?

10 A. Nothing.

11 Q. Nothing.

12 All right. And would you ask him about what was going
13 on?

14 A. Yes. And it constantly changed to we're starting
15 courses up this week, to Jerry just got his CCW, to
16 nothing's happening.

17 Q. And how was your wife responding to this situation?

18 A. To be frank, she kind of hated me.

19 Q. So, were there problems with your marriage during that
20 time?

21 A. Yes.

22 Q. Now, in regards to living in that apartment, was there
23 something unique about how you would be able to get in and
24 out of the main building itself and then the apartment
25 individually?

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By Solicitor Lively

1 A. Yes. The main building was stopped by a buzzer. So
2 you had to buzz in kind of like going in your garage but
3 it's on a phone app. And then usually we would just block
4 the door to get in. But if the housing people removed the
5 block on the door, you had to get buzzed in and then go
6 upstairs to the apartment.

7 Q. Okay. All right. So, did you ever have that app on
8 your phone or your wife's phone in order for you to get into
9 the apartment building?

10 A. No.

11 Q. So, how would you come and go from the apartment
12 building?

13 A. I didn't have a phone at the time. So, my wife would
14 text on her phone to have Scott let us into the apartment.

15 Q. Okay. So -- and would he be able to do that, provide
16 you access to the apartment from wherever he may be?

17 A. Yes.

18 Q. All right. So, he would not have to be in the
19 apartment in order to let you in?

20 A. No.

21 Q. Well, let me ask you what a normal day would be like
22 with you and Mr. Little and Alex Scott while living in that
23 apartment.

24 what's a normal thing that y'all would do all day?

25 A. For me, I kind of like just internalized into video

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1 games and would watch Doughnut Operator or YouTube or
2 anything else on the TV and Scott sat in his room and played
3 Rust.

4 Q. Played what?

5 A. Rust. It's a video game.

6 Q. It's a video.

7 Okay. I'm sorry.

8 So, was there any time during this whole time you were
9 staying there where he took you somewhere to see the
10 location where he was going to have this facility or
11 anything related to the business?

12 A. No. He said he had a compound that he was getting
13 started. But the only thing we ever did was went to the
14 range once.

15 Q. All right. What about equipment for this business?
16 Did you ever see anything like that?

17 A. Yes.

18 Q. All right. Tell the jury about that.

19 A. He had firearms, NVG Googles, ballistic vests, plate
20 carriers, and speed helmets.

21 Q. Now, did you know much about his, his family or his
22 home life growing up?

23 A. No, the only thing I knew is that his parents died.

24 Q. Okay. Did he tell you how they died?

25 A. Yes, that his grandfather killed them.

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1 Q. All right. And had you ever met his grandfather at
2 that point when you first moved in?

3 A. No.

4 Q. All right. Did you ever have the chance to meet some
5 of his family members at some point while you were still his
6 roommate?

7 A. Yes.

8 Q. Okay. We'll talk about that in just a minute.

9 So, were there different types of business meetings and
10 things that would happen in order to try to get or recruit
11 people for the business?

12 A. Yes.

13 Q. Okay. Were you ever a part of that?

14 A. Yes.

15 Q. All right. Who were some of the people if you
16 remember?

17 A. One was -- it wasn't really a recruit thing. I would
18 make fun of him. It was like a chubbier set guy. He was
19 doing the storm power thing. So, it wasn't a business
20 meeting --

21 Q. Okay.

22 A. -- but it was. And then there was a guy with a German
23 shepherd. He came down one time and that was really it.

24 Q. Okay. So, you don't really remember specifics about
25 who these people were?

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By Solicitor Lively

1 A. No.

2 Q. All right. Now -- so, so what did you know about
3 Legion International itself?

4 A. That it was his company and he started it up. But
5 nothing else past that.

6 Q. And what types of things would he do in order to try to
7 promote the, the company?

8 A. He would post videos that we would take to help promote
9 the company. Facebook posts.

10 Q. Now, let's go to a particular timeframe. You said that
11 you got out of the Marines in April.

12 Was it kind of towards the end of April or beginning or
13 do you remember?

14 A. About the middle of April.

15 Q. Middle of April.

16 All right. So, was there a time around the first week
17 and a half of May where there was a plan to have a meeting,
18 a meeting with the business people?

19 A. No plan.

20 Q. Okay.

21 A. It was just I was sitting in the couch or the chair
22 playing my video games and he came in and said we're having
23 a business meeting.

24 Q. Okay. So, you didn't know until the defendant -- was
25 it Ian or the defendant came in and said that?

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- 1 A. The defendant.
- 2 Q. Okay. So, the Defendant Scott comes in and says hey,
- 3 we're having a business meeting?
- 4 A. Yes. And someone from out of town was coming.
- 5 Q. Someone from out -- okay. From out of town.
- 6 Do you know who this person was?
- 7 A. Not at the time. But now I do.
- 8 Q. And what, what was that person's name?
- 9 A. Evan Webb.
- 10 Q. Evan webb.
- 11 All right. So, had you ever met Evan before?
- 12 A. Never.
- 13 Q. Did you know anything about him?
- 14 A. I knew he was in the Marine Corps.
- 15 Q. So what was the plan -- well, where was Evan?
- 16 I mean was he in Columbia or what?
- 17 A. He was traveling down out-of-state I believe.
- 18 Q. Okay. All right. So, do you know how he got down
- 19 there?
- 20 A. He drove.
- 21 Q. Okay. So, you don't, you don't even know?
- 22 A. No, I don't know, no.
- 23 Q. Okay. If you don't know, just say you don't know.
- 24 A. Yes, ma'am.
- 25 Q. Okay. All right. So you don't know how he got down

John Cravener - Direct examination
By Solicitor Lively

1 there?

2 A. No.

3 Q. All right. And, at that point, he shows up at the
4 apartment.

5 Is that right?

6 A. Yes.

7 Q. Okay. And when he shows up at the apartment, who else
8 is there?

9 A. Me, Ian Little, and Scott.

10 Q. Okay. And so, at that point, what's the conversation
11 like at that point whenever he -- whenever you're talking?

12 A. Scott told us that he was going to make a plan to kill
13 his grandfather at the meeting.

14 Q. Had you ever heard the Defendant Alex Scott say that
15 before that day?

16 A. No.

17 Q. All right.

18 A. And he said the reason he did -- made the plan was
19 because his grandfather killed his parents.

20 Q. Okay. So he told you the reason why he made that plan
21 was because his grandfather had killed his parents?

22 A. Yes, to get revenge.

23 Q. He want revenge.

24 All right. Now, when you heard that, and he said that
25 he was making a plan, did he give you details about that

John Cravener - Direct examination
By Solicitor Lively

1 plan?

2 A. No, he told me that I wouldn't be involved in it
3 because I had a wife.

4 Q. He said you wouldn't be involved -- can you just talk a
5 little slower?

6 Okay. He said you wouldn't be involved in it because
7 why?

8 A. Because I had a wife.

9 Q. Were you still there for the entire meeting?

10 A. Yes.

11 Q. All right. And had you been drinking at that point?

12 A. No.

13 Q. All right. And what about this Evan guy that you met
14 for the first time, was he drinking?

15 A. No.

16 Q. What about Ian?

17 A. No.

18 Q. How about Alex?

19 A. No.

20 Q. So when was this suppose to happen?

21 A. The meeting?

22 Q. No, no, no. During the meeting, he's talking to you
23 about what he -- what his plan is.

24 when was the plan to kill the grandfather going to
25 actually happen?

John Cravener - Direct examination
By Solicitor Lively

- 1 A. The 24th.
2 Q. The 24th?
3 A. Yes.
4 Q. Of what?
5 A. Or I --.
6 Q. Okay.
7 A. Rephrase.
8 Q. All right.
9 A. Sorry.
10 Q. It's fine.
11 All right. On May the 9th whenever you were there at
12 the apartment --.
13 A. Yes.
14 Q. All right. There was a conversation of the -- about
15 him going to kill his grandfather, correct?
16 A. Yes.
17 Q. Okay. What were y'all doing later on that night?
18 A. That night---
19 Q. That night.
20 A. That night I was told that I was going to use Ian
21 Little's phone to use his Snapchat to make his geo location
22 stay at the house and then also to text my wife to show I
23 was at the house. And then, Evan Webb, after threatening me
24 during the meeting saying his family owned a pig farm, he
25 said and, and did that he used both phones -- both Scott's

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By Solicitor Lively

1 phone and his phone to correlate texts to each other while
2 sitting on a couch. And then that's whenever we started
3 drinking after the meeting. We drank and ordered food to
4 make it look like we were all at the house.

5 Q. Okay. And did you and Evan ever talk about what you're
6 testifying here today prior to you coming into this
7 courtroom today?

8 A. No.

9 Q. All right. Now, in regards to what you're saying -- so
10 was it that day that they went or that evening whenever Ian
11 and Alex left?

12 A. It was later in the evening. It was probably 6:00 --
13 five to seven o'clock, six o'clock, and then they returned
14 at 1:00 to 2:00 in the morning.

15 Q. All right. So, on the day whenever y'all were meeting
16 and talking and Alex brought this up about killing his
17 grandfather, was that the same evening of that meeting?

18 A. Yes.

19 Q. Okay. All right. So, that would of been May the
20 9th of 2020---

21 A. Yes.

22 Q. ---correct?

23 All right. All right. I'm gonna show you just the --
24 just a short little text thread and just ask you if you've
25 seen this before.

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By Solicitor Lively

1 Okay. All right. So this is May 9th of 2020 and it's
2 8:19PM.

3 At 8:19PM on May 9th, 2020, was this the night that you
4 were with Evan Webb---

5 A. Yes.

6 Q. ---at the apartment?

7 All right. And was he sitting next to you during this
8 time?

9 A. Yes.

10 Q. And at that time whenever he was sitting next to you,
11 was this whenever y'all were both sending text messages on
12 their phones?

13 A. Yes.

14 Q. Okay. So, do you recall then these different text
15 threads?

16 A. Yes.

17 Q. So, after you said that he would -- they were both
18 gone, Alex and Ian, from around -- some time after
19 6:00 until almost 1:00 or 2:00 in the middle of night?

20 A. Yes.

21 Q. All right. So, after that point, when they got home,
22 what do you remember seeing and what did they -- what did
23 Alex tell you?

24 A. They were muddy and wet and they said that the dogs
25 stopped them from being able to kill the grandfather.

John Cravener - Direct examination
By Solicitor Lively

1 Q. Okay. And was anything else said regarding the, the
2 actual -- what was gonna happen with the plan?

3 A. No.

4 Q. Okay. During the meeting, before, you know, they, they
5 left, were you made any type of an offer from the defendant
6 about what you would get if you did the alibi?

7 A. Yes. We were all offered \$3,000.

8 Q. And so, at that time, would \$3,000 have been a huge
9 help for you?

10 A. Yes.

11 Q. Okay. All right. I mean cause you just said a minute
12 ago that you were selling your plasma for money.

13 A. Yes.

14 Q. Now, what type of things were you doing on Ian's phone
15 whenever -- while he was gone?

16 A. I was Snapchatting and then I posted on their story.

17 Q. Okay. All right. At the time whenever the plan was
18 mentioned, I mean how were you feeling?

19 A. Floored. I couldn't really go anywhere. There was an
20 AR sitting by the door and then one guy's telling me he's
21 gonna feed me to a pig farm if I tell anybody. And then I
22 just got told somebody wants to kill their grandparents for
23 revenge --

24 Q. Okay.

25 A. -- and then told I'm not gonna be involved. But yet

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By Solicitor Lively

1 here I am stuck and my wife's at work. So, I can't really
2 just leave.

3 Q. Okay. All right. So, were you scared?

4 A. Yes.

5 Q. Who told you they were gonna feed you to their pig
6 farm?

7 A. Evan Webb.

8 Q. Evan Webb did?

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

10 Q. Were those weapons -- you said the AR15 was by the
11 door.

12 Were they just out in plain view?

13 A. Yes, all of them were.

14 Q. And you said your wife was at work.

15 At some point did she come home that evening?

16 A. No.

17 Q. No.

18 Okay. Where was she?

19 Who was she staying with that weekend?

20 A. She was with the Familia family cause we were arguing.

21 Q. Okay. So, she was actually with the Familia family?

22 That was Jerry Familia?

23 A. Yes.

24 Q. And that was because y'all were arguing that weekend?

25 A. Yes.

John Cravener - Direct examination
By Solicitor Lively

1 Q. After that evening and, and being there with Evan Webb,
2 did you ever see or speak with Evan Webb again?

3 A. Never.

4 Q. So, whenever you ended up, you know -- the next day or
5 the next few days, did you ever discuss what had happened on
6 that Saturday and, and what your involvement was?

7 A. No, not after the day -- the night they came back.

8 Q. So, you never talked to the Defendant Alex about it?

9 A. At first?

10 Q. I'm talking about initially whenever---

11 A. Initially, no.

12 Q. Okay. All right. So, what was the next event that
13 y'all actually did that was suppose to be something for the
14 business?

15 A. We went and shot a promotion video for the business and
16 that is where we went, at the time I didn't know, but was
17 the grandfather's house and it was a slip toe of canyons.
18 So we laid down in the canyons and then took a video where
19 they shot a ballistic vest and also shot over us to make pop
20 sounds. So, if you don't know, if you get shot, it makes a
21 zip sound when it goes by you.

22 So, we went there and shot a promotion video for his
23 business.

24 Q. Okay. Who was in charge of the camera for the -- for
25 that particular video?

John Cravener - Direct examination
By Solicitor Lively

1 A. I do not remember.

2 Q. Okay. So, you don't know who was actually holding the
3 camera while -- who could you see in the video?

4 who were the people that were actually in it?

5 A. In it was Fam, Ian, and then Scott himself was in one
6 of those videos too.

7 Q. Okay. Were you in the video?

8 A. No.

9 Q. And why is that?

10 A. I was holding the camera at the beginning but --

11 Q. Okay.

12 A. -- they switched to some --.

13 Q. Okay. That's fine.

14 I'm just -- I'm just asking were you a cameraman at
15 some point?

16 A. Yes.

17 Q. Thank you.

18 All right. All right. So I'm gonna show you this
19 particular screenshot that came off of the defendant's
20 phone.

21 who is Raphael Scott?

22 A. The defendant right there.

23 Q. The defendant.

24 All right. So, are you pointing to the defendant here
25 in the courtroom?

John Cravener - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. And what is he wearing?

3 A. A blazer with a white shirt.

4 SOLICITOR LIVELY: All right. Your Honor, let the
5 report reflect that he's identified the defendant, Alex
6 Scott?

7 THE COURT: So noted.

8 SOLICITOR LIVELY: Thank you.

9 All right. Can you see that okay?

10 A. Yes.

11 Q. All right. Now does that look familiar to you?

12 A. Yes.

13 Q. All right. So tell us what -- what's going on here in
14 this picture---

15 A. He put---

16 Q. ---and it -- let's just, for the record, that's May
17 24th of 2020, correct?

18 A. Yes.

19 Q. All right. And you already said that y'all were at the
20 grandfather's place but you didn't know who the grandfather
21 was at that time.

22 Is that right?

23 A. Yes.

24 Q. Were you aware that this is the grandfather that he was
25 going to kill or that he told you he was gonna go kill---

John Cravener - Direct examination
By Solicitor Lively

1 A. No.

2 Q. ---on May 9th?

3 You did not know.

4 okay. All right. So, in this particular video, what
5 are we seeing with Mr. Scott?

6 A. I was out there -- that's a ballistics vest. We had a
7 plate inside of it and then they set it down and shot it
8 when it was off the body and then put it on for potential
9 picture.

10 Q. Okay. I'm gonna slow you down cause you talk really
11 fast.

12 A. Sorry.

13 Q. All right. So, where was that vest before he put it on
14 his body?

15 A. On the ground.

16 Q. On the ground.

17 what did he do with that vest while it was on the
18 ground?

19 A. Shot it.

20 Q. He shot it with what?

21 A. A handgun.

22 Q. A handgun.

23 And then once it was -- he shot it with a handgun, what
24 did he do?

25 A. Put it on and took a picture for promotion.

John Cravener - Direct examination
By Solicitor Lively

1 Q. He put it and put a tic -- a picture for the promotion
2 and what was the promotion?

3 What was his claim?

4 A. For the business saying that he had a close call.

5 Q. Had a close call.

6 Where was he?

7 A. In the backyard --

8 Q. Okay.

9 A. -- of the grandfather's house.

10 Q. Where did he say he was?

11 A. Oh, overseas.

12 Q. In Ukraine?

13 A. Yes.

14 Q. All right. And, and how much money did he say that he
15 made last week?

16 A. 20K.

17 Q. Uh-huh. (Affirmative).

18 All right. So, he was trying to promote this business,
19 Legion International.

20 Is that right?

21 A. Yes.

22 Q. Okay. At that time while this was happening, how was
23 the money situation at the, at the apartment?

24 A. I don't know. I was still doing the same thing of
25 donating plasma and trying to just --

John Cravener - Direct examination
By Solicitor Lively

1 Q. Okay.

2 A. -- go on about the day.

3 Q. Okay. Had he, at any point in time, paid you any money
4 for you moving down there and being a part of this business?

5 A. No.

6 Q. Now, I'm gonna show you another screenshot here. The
7 date on this is the same date, May 24th, 2020.

8 What are you suppose to be -- what is suppose to be
9 happening in this particular screenshot?

10 A. The picture on the right is just doing like a patrol
11 down the road.

12 Q. Okay. And---

13 A. And then---

14 Q. All right. And what else?

15 A. The one on the left was just showing that we got
16 ambushed on the patrol.

17 Q. So, the one on the left was him saying that he got
18 ambushed?

19 A. And that's where the vest got shot, yes.

20 Q. And that's where the vest got shot?

21 A. Yes.

22 Q. Okay. Was any of this true?

23 A. No.

24 Q. Now, also I believe that -- have you seen the actual
25 map in regards to the area for the location of the

John Cravener - Direct examination
By Solicitor Lively

1 grandfather's house?

2 A. Yes.

3 Q. Okay. In regards to where that road is, can you tell
4 us on here where that road, where that road is on this map?

5 A. Yes.

6 Q. Okay. I'm just gonna put it right up beside you. It's
7 kind of big. So hold on. All right.

8 A. Right here and that was the road going this way.

9 Q. Okay. So, on Doe Street heading back towards -- this
10 says Lancaster County Sheriff's Thompson's residence. So
11 it's this curb here.

12 Is that right?

13 Oh, right in here though.

14 A. Uh-huh. (Affirmative).

15 Q. What all is in there in those woods?

16 What is it that -- that's back there that you guys
17 actually used?

18 A. Just it's a raviney (sic). So, it goes down. It has
19 almost like a two tier drop to it. So, his yard will go
20 down and then there's caverns. Not caverns. But like rain
21 water that ran down like washout and then it goes back down
22 over a bottom hill --

23 Q. Okay.

24 A. -- toward the main road.

25 Q. All right.

John Cravener - Direct examination
By Solicitor Lively

1 A. And we used the washed out areas.

2 Q. All right. Did you remember -- I mean whenever you
3 went there, did you actually see the, the, the police car or
4 the sheriff's deputy's vehicle?

5 A. Yes.

6 Q. Okay. All right. And so was that close by to where
7 y'all were?

8 A. Yes.

9 Q. All right. Now, you said that you weren't sure at the
10 time who the grandfather was on that particular day, is that
11 right, or---

12 A. Yes.

13 Q. ---I want to make sure I'm saying that right.

14 Okay. So, were you not aware that that could of been
15 who he was talking about like a, a few weeks before?

16 A. No.

17 Q. Were there other people there when you went?

18 A. Yes.

19 Q. Who else did you meet?

20 A. The family members, that's where I met the grandfather
21 and then don't know the titles of the other people in the
22 family but they were there.

23 Q. Okay. Male or female?

24 A. Male and a female.

25 Q. Okay. And where did you meet the female?

John Cravener - Direct examination
By Solicitor Lively

- 1 A. In the home.
- 2 Q. In the home.
- 3 And what was she doing?
- 4 A. Sitting on a chair.
- 5 Q. Where?
- 6 A. In her living room.
- 7 Q. Okay. All right. Was that in the main area or where
- 8 was she?
- 9 A. Yes, that'd be the main living room. As soon as you
- 10 walk in the door, it'd be directly to the left into the
- 11 living room.
- 12 Q. Okay. So, she was sitting in that chair?
- 13 A. Yes, toward the sidewalk.
- 14 Q. And what else did you see when you walked into the
- 15 house?
- 16 A. Pictures of the family, pictures of the defendant, and
- 17 then cleaning. Looked like a house.
- 18 Q. All right. Now, after y'all were finished with this
- 19 promotional video, where did y'all go?
- 20 A. Into the home.
- 21 Q. Okay. And after you're finished with going into the
- 22 home and you're finished with everything, did y'all head
- 23 back to Columbia or did y'all go somewhere else?
- 24 A. We stopped back down in Columbia and stuff.
- 25 Q. Okay. You went back to Columbia.

John Cravener - Direct examination
By Solicitor Lively

1 All right. Now, at anytime had you met Ian's
2 girlfriend, Caroline?

3 A. Yes.

4 Q. All right. And how often would she come to the
5 apartment?

6 A. She was there pretty regularly.

7 Q. All right.

8 A. They were dating. So she was there pretty regularly.

9 Q. And so y'all were there April, May, June at least of --
10 before the murders.

11 So, how often would you see her on a weekly basis?

12 A. Two, three times a week.

13 Q. And would she spend the night there?

14 A. Occasionally, yes.

15 Q. And where would they sleep?

16 A. On the couch.

17 Q. All right. Now, are you good with remembering like
18 specific dates and years?

19 A. Yes and no. Depending on when I'm not nervous.

20 Q. Okay. And also you mentioned you have a traumatic
21 brain injury.

22 Is that correct?

23 A. Yes.

24 Q. Does that, does that help -- did that hurt your
25 abilities sometimes to pinpoint dates and times?

John Cravener - Direct examination
By Solicitor Lively

1 A. Yes. I forget my -- yeah. Sorry. I can explain.

2 Q. That's fine. That's fine. No.

3 But the reason why I'm asking you that is, during this
4 time, was this also the time of when COVID had really hit
5 big?

6 A. Yes.

7 Q. All right. At that point, you know, what, what options
8 did you really have for things like making money or trying
9 to not have to sell your plasma every week?

10 A. None really because no -- like it was just right there
11 at the beginning of COVID. So, it was kind of still like
12 touch and go getting hired anywhere if you did and there
13 wasn't really much options at all.

14 Q. All right. Now, after -- so, after the May
15 24th event, what were y'all doing up until the time of the
16 weekend of June 20th, 2020?

17 A. Really just sitting in the house honestly.

18 Q. Okay. And was there any discussion about money or
19 asking you to help with money?

20 A. Yes, we asked to sign a loan to help pay for rent for
21 the business cause COVID was hitting the business hard
22 and---

23 Q. Who asked you for a loan?

24 A. The defendant Ian -- or Scott.

25 Q. Okay. So, Scott.

John Cravener - Direct examination
By Solicitor Lively

1 So what specifically did he ask you in regards to a
2 loan?

3 A. He asked us to cosign to help get money for the
4 business.

5 Q. Okay. And what was your response to that?

6 A. Really just kind of said no. I have to talk to the
7 wife and then that's when we went up to Virginia to visit
8 family.

9 Q. Okay. All right. So, at that point in time, how were
10 you feeling in regards to the decision to, to be in Columbia
11 to work in this business?

12 A. I wanted to leave. But I was just trying to stay as
13 small as possible and not get noticed.

14 Q. Okay. All right. Had anything come up again about the
15 plan that -- the failed plan of May 9th, 2020?

16 A. No.

17 Q. All right. So, let's talk about then on the weekend of
18 June the 19th through June the 21st.

19 Okay?

20 A. Yes.

21 Q. All right. So, during that particular weekend, were
22 there any plans that you had with your wife or anyone else?

23 A. No.

24 Q. All right. So, on that -- and, and you can just say --
25 was, was there a time on that weekend where the defendant

John Cravener - Direct examination
By Solicitor Lively

1 came to you and asked you if you would go somewhere else?

2 A. Yes.

3 Q. All right. Tell us about that.

4 A. He said there was a person coming down for a business
5 meeting and that he didn't want anybody knowing that we
6 lived there at the apartment cause it hurt the im -- the
7 image of the business. So, he said he would get me a hotel
8 room.

9 Q. Okay. So, he didn't want -- he didn't want a crowd of
10 people living -- like sleeping on an air mattress?

11 A. Yes.

12 Q. All right. So, he said that would be a bad image for
13 the business?

14 A. Yes.

15 Q. So, who paid for y'all to get a hotel room?

16 A. Eugene Scott.

17 Q. He did.

18 All right. So, he pays to get a hotel room and for
19 what night was that?

20 A. June 20th.

21 Q. June 20th.

22 All right. So that's Saturday?

23 A. Yes.

24 Q. Okay. So, whenever he got y'all a hotel room, was that
25 for you and your wife?

John Cravener - Direct examination
By Solicitor Lively

1 A. Me and the wife and they accepted animals. So, we took
2 our house cat at the time.

3 Q. All right. So, on that particular day, about what time
4 did you actually go over to the hotel on the 20th?

5 A. Mid afternoon, late afternoon.

6 Q. Okay. And who was at the apartment, at the apartment
7 before you left?

8 Do you remember who else was there?

9 A. Scott and Ian.

10 Q. Okay. Do you remember whether or not Caroline Deaton
11 was there?

12 A. I don't believe so for sure. I don't remember.

13 Q. That's fine.

14 All right. So, Ian and Scott were there and, at that
15 time, they were going to be interviewing somebody for the
16 business is what you said, correct?

17 A. Yes.

18 Q. Do you know whether or not anyone else was gonna be
19 there for that meeting other than the defendant and Mr. Ian
20 Little?

21 A. No.

22 Q. So you leave and then, after that, at that point in
23 time, did you have any idea other than what the defendant
24 had told you as to what was gonna happen that night?

25 A. No.

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By Solicitor Lively

1 Q. All right. So, after you leave with your wife and your
2 dog, and you go to the hotel room, did you have any other
3 conversations or communications with the defendant, Alex
4 Scott, until later that night?

5 A. No.

6 Q. Okay. And, at some point in time, did you actually
7 hear from the defendant that same night, June 20th, 2020?

8 A. Yes.

9 Q. All right. Tell the jury what happened.

10 A. He told us that the business was done and we could come
11 home.

12 Q. Okay. Say that -- you got a---

13 A. Sorry.

14 Q. All I heard was home.

15 A. He said that the business meeting was over and that we
16 were able to come back to the house.

17 Q. Okay. All right. So, I'm gonna show you what's
18 already in evidence as a call record.

19 A. Yes.

20 Q. Okay. And, and I'm just gonna show you this
21 information. The time on this call is 10:41PM on June 20th
22 of 2020.

23 who is this person's -- whose number is this?

24 A. That is my wife's phone number.

25 Q. That's your wife's phone number?

John Cravener - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. Okay. Was that the first call or, or any communication
3 that you got from the defendant that night, June 20th,
4 2020?

5 A. No, we did ask for the extra money to let the dog --
6 for deposit for having the dog there in case it caused
7 damages. But, after that, that was it.

8 Q. Okay. And I'm gonna show you that one in just a
9 minute.

10 But other than asking for that extra money for a
11 deposit with the hotel, was this the first time, later on
12 that night, that you actually got a call?

13 A. Yes.

14 Q. All right. And he was offering that you could come
15 back, didn't he?

16 A. Yes.

17 Q. And what did you say?

18 A. No.

19 Q. No.

20 Okay. So you and your wife actually got to have a
21 hotel room for the night?

22 A. Yes.

23 Q. All right. And the dog.

24 Okay. All right. Here we go. Same day, June 20th,
25 2020. So it's saying I sent y'all a hundred.

John Cravener - Direct examination
By Solicitor Lively

1 who's Cravener here?

2 A. Me.

3 Q. That's you.

4 Okay. And that's your wife's telephone number,
5 correct?

6 A. Yes.

7 Q. All right. And this is -- is this what you're talking
8 about at about 6:53PM where you're asking for more money?

9 A. Yes.

10 Q. Okay. All right. And it says specifically sorry. The
11 fees came in for Coda.

12 Is Coda your dog?

13 A. Yes, Coda was our husky.

14 Q. Okay. Your husky. We're here now.

15 So you're at the hotel and you said you need a little
16 bit more money, right?

17 A. Yes.

18 Q. Okay. Now, these other communications are the next
19 day. So then, when I flip back from that time when you got
20 the -- when you -- ever you were texting about the
21 additional fees, okay, and then the 10:41PM.

22 Was the 10:41PM the very -- the next time that you
23 heard from Mr. Scott?

24 A. Yes.

25 Q. Now, you stayed there at the hotel the whole night.

John Cravener - Direct examination
By Solicitor Lively

1 Is that right?

2 A. Yes, until checkout the next morning.

3 Q. All right. And whenever y'all checked out, what was
4 your plan at that point for that day, that Sunday, which was
5 actually Father's Day?

6 A. To really just go home slowly and then the wife had
7 work.

8 Q. The wife had work.

9 Okay. So, at some point did you end up needing to go
10 back to the apartment?

11 A. Yes, to grab Ariez her apron for Texas Roadhouse.

12 Q. Okay. So Ariez is your wife?

13 A. Yes.

14 Q. Just slowing you down a little bit.

15 And you needed to get what for her work?

16 A. Her work apron.

17 Q. Her work apron.

18 Okay. So, when you go back to -- when you actually go
19 to the apartment, we're looking at here, there's a
20 communication from you and it says can you buzz us in.

21 A. Yes.

22 Q. All right. And, again, explain to the jury can you get
23 into the apartment complex?

24 Do you have that app on your phone or your wife's
25 phone?

John Cravener - Direct examination
By Solicitor Lively

1 A. No.

2 Q. No.

3 who is the only one who had that app on their phone?

4 A. The Defendant Scott.

5 Q. The Defendant Scott.

6 So, if you wanted to get into the apartment and he
7 wasn't there, then could he open it for you?

8 A. Yes, he could if we -- he wasn't at the apartment.

9 Q. Okay. So, when you went back to the apartment, is that
10 the reason why you sent him that message?

11 A. Yes.

12 Q. Okay. And then you get a response from him, correct?

13 A. Yes.

14 Q. You got it and you say thank you.

15 A. Yes.

16 Q. Then a little bit later -- and all he says to you is,
17 of course, I'll be back soon, right?

18 A. Yes.

19 Q. Then is there another request for him to buzz you in
20 again?

21 A. Yes.

22 Q. All right. So, what happened?

23 Did you get locked out again or, or I mean do you
24 remember?

25 A. No, that would be when Ariez went to work.

John Cravener - Direct examination
By Solicitor Lively

1 Q. That was when Ariez went to work?

2 A. Yes, I was coming back.

3 Q. All right. So, whenever you sent this for him to buzz
4 you in again, did he buzz you in?

5 A. Yes.

6 Q. Okay. And the time on this was 1:22PM, June 21st,
7 2020, correct?

8 A. Yes.

9 Q. Did you know where he was at that point?

10 A. No.

11 Q. Did he tell you anything that had happened by then?

12 A. No.

13 Q. Did he call you to tell you what had -- where he was at
14 1:22PM on June 21st, 2020?

15 A. No.

16 Q. And then again later on that day or actually that
17 evening, June 21st, 2020, at 10:45PM, did you, once again,
18 have to ask him to buzz you in?

19 A. Yes.

20 Q. Okay. And did he?

21 A. Yes.

22 Q. And, once again, did he call and tell you anything that
23 had happened that day?

24 A. No.

25 Q. That day?

John Cravener - Direct examination
By Solicitor Lively

1 A. No.

2 Q. All right. All right. Let me do this. I don't want
3 to do this yet.

4 Okay. Now, while you were home on that Sunday, June
5 the 21st, 2020, did anyone come home who's also a roommate
6 in that apartment?

7 A. Yes.

8 Q. All right. Who was that?

9 A. Ian.

10 Q. All right. Now, in regards to Ian being home, was this
11 after Ariez had already gone to work?

12 A. Yes.

13 Q. All right. And don't tell me specifics but did you
14 actually have a conversation with Ian Little on that
15 afternoon of June 21st, 2020?

16 A. Yes.

17 Q. Okay. And as a result of that conversation, did you
18 then have a conversation with Mr. Alexander Scott a few days
19 later?

20 A. Yes.

21 Q. All right. Now, so when you talked to Scott the next
22 time, okay, after having talked to Ian, was it that same
23 evening or that same day?

24 A. No.

25 Q. All right. And you've already testified to that. You

John Cravener - Direct examination
By Solicitor Lively

1 said that you're having these communications.

2 But you didn't know where he was or what was going on,
3 right?

4 A. Yes.

5 Q. Okay. So, a couple days, maybe, or whatever later, did
6 you actually get to see the defendant, Alex Scott, in person
7 again?

8 A. Yes.

9 Q. And where did you see him in person?

10 A. In the apartment.

11 Q. In your apartment?

12 A. Yes.

13 Q. Well, his apartment that you were living in?

14 A. Yes.

15 Q. And when you saw him there, what did you do?

16 A. I asked him about the conversation that I was told
17 about earlier.

18 Q. Okay. Well, don't tell me about that.

19 Tell me what did you do specifically to, to Alex?

20 What did you say to him?

21 A. I asked him if he killed his grandfather. He said yes.
22 And then before he said yes, he pulled my shirt aside cause
23 I was wearing a button up shirt to check and see if I was
24 wearing a wire. Whenever I told him no, he then turned it
25 around and told me don't ever ask it again or he said yes,

John Cravener - Direct examination
By Solicitor Lively

1 that he killed his grandparents and he said don't ever ask
2 about it again.

3 Q. All right. Okay. That was pretty fast and a little
4 confusing. Let me ask you again.

5 Where was he whenever you went and asked him that
6 question?

7 A. His balcony.

8 Q. He was on the balcony.

9 What was he doing?

10 A. Smoking a cigarette.

11 Q. And when you walked out there, what was the first thing
12 that you said and then stop and tell me what, what it is you
13 said?

14 A. Just causal conversation like did you do -- did you
15 kill your grandparents, and he said yes after pulling my
16 shirt aside and checking for a wire and then told me never
17 to ask again.

18 Q. Okay. So, before he actually answered you -- that's
19 what I'm trying to ask.

20 Before he actually answered your question about did you
21 kill your grandfather or, or, or whatever, what did he do
22 first?

23 A. He pulled my shirt aside and then that's where he
24 checked to see if I was wearing a wire and any listening
25 device.

John Cravener - Direct examination
By Solicitor Lively

1 Q. Okay. And then, after he had done that -- were you
2 wearing a listening device?

3 A. No, I was wearing a button down shirt with a button
4 down pretty much---

5 Q. Okay.

6 A. ---open.

7 Q. And, and, at that time, that's whenever he told you
8 what?

9 A. That he had killed his grandparents.

10 Q. And to never speak of it again?

11 A. Yes.

12 Q. And did y'all speak of it again?

13 A. No.

14 Q. So, after that conversation, I mean what were you
15 thinking at that point?

16 A. Um.

17 Q. Were you scared?

18 Were you nervous?

19 A. I was terrified and I just was trying to keep my wife
20 safe.

21 Q. You were terrified?

22 A. Yes.

23 Q. Were there still weapons in the apartment?

24 A. Yes.

25 Q. Okay. Was there a time whenever you actually got

John Cravener - Direct examination
By Solicitor Lively

1 contacted or law enforcement contacted you at the apartment?

2 A. Yes, the first time I got contacted by law enforcement
3 was from Columbia Police Department.

4 Q. The Columbia Police Department.

5 And whenever the Columbia Police Department showed up,
6 what did you do?

7 A. I called the Defendant Scott to see if I could let the
8 cops into the building or what he would of do cause he was
9 the leaseholder and I was just living there. And I also
10 called because there's guns all over the house. So, I
11 didn't know what the laws were in South Carolina for the
12 guns. So, I didn't want to just let cops in.

13 Q. Okay. And whenever you called the defendant because
14 the police were at the door, how did that conversation go?
15 what did, what did he say?

16 A. Don't let them in. I'll be able to talk to them later.

17 Q. Okay. All right. So he told you he would talk to the
18 police later?

19 A. Yes.

20 Q. And so did you let them in the apartment that night?

21 A. No.

22 Q. All right. Did you have a conversation with them that
23 day?

24 A. No, the conversation was just about I need to call the
25 landlord here or the tenant holder here to see if they'll

John Cravener - Direct examination
By Solicitor Lively

1 let you know.

2 Q. Okay. Now at some point after he tells you that, that
3 he killed his grandparents, where, where was Ian at that
4 point?

5 Like right the end of June.

6 A. Ian was on the couch --

7 Q. Okay. All right. And---

8 A. -- the night that I asked---

9 Q. Okay. And then, at some point, did Ian go back home to
10 Ohio?

11 A. Yes.

12 Q. He did.

13 All right. And so as -- when he leaves, what was your
14 plans in regards to whether you're gonna stick around for
15 the business or not?

16 A. No.

17 Q. Okay. So, at, at that point, what was your goal in
18 regards to trying to -- I don't know.

19 Were you trying to distance yourself from the Defendant
20 Scott---

21 A. Yes.

22 Q. ---at that point?

23 All right. Okay. So, at that -- at, at about, you
24 know, middle of June, how were things going in regards to
25 money?

John Cravener - Direct examination
By Solicitor Lively

1 A. I still really had none. The wife was working at Texas
2 Roadhouse and then I was still waiting for the business to
3 start up cause we weren't -- we were told not to get jobs.

4 Q. Okay.

5 A. And then---

6 Q. You were told not to get jobs?

7 A. Yes.

8 Q. By whom?

9 A. The Defendant Scott.

10 Q. Okay. All right. And so were you actually asking him
11 for some type of help because of your financial situation?

12 A. No.

13 Q. Well, did you ever send him a request for him to help
14 you with some money because of your financial situation?

15 A. Yes.

16 Q. Okay. That's all I'm asking.

17 All right. So, on this -- do you remember in July,
18 July 14th, actually reaching out to him to try and get
19 some help?

20 A. Yes.

21 Q. All right. So tell us what that's about.

22 A. It was for the U-Haul.

23 Q. Okay.

24 A. It was for -- we moved our entire house into the
25 U-Haul.

John Cravener - Direct examination
By Solicitor Lively

1 Q. Right.

2 A. So, it was really just trying to be able to keep all
3 the stuff that was on that 27-foot U-Haul whenever we moved,
4 which was still in there.

5 Q. All right. Now, Mr. Cravener, at this point were you
6 and your wife in a really good or a really bad financial
7 situation?

8 A. It was still the same. Bad.

9 Q. It was bad.

10 Okay. And whenever you were -- continued that same
11 thread with Mr. Scott on this particular day, July 14th,
12 2020, what is he telling you he was gonna do to see if he
13 could try to get you some money?

14 A. To see if he can sell his games or any of his other
15 stuff.

16 Q. Games.

17 His PC?

18 A. Yes.

19 Q. All right. All right. Now, Mr. Cravener, did you
20 actually ever get called in to the -- somewhere in Columbia
21 to actually talk to law enforcement and SLED agent --

22 A. Yes.

23 Q. -- about, about your living with the defendant and
24 everything that had happened?

25 A. Yes.

John Cravener - Direct examination
By Solicitor Lively

1 Q. And, in that interview, do you remember that you
2 actually met Agent Clamp who's sitting here today, also
3 Investigator Rikki Burch?

4 A. Yes.

5 Q. All right. And did you tell them the truth whenever
6 you met with them that day?

7 A. No, I lied.

8 Q. You lied.

9 why did you lie?

10 A. I still had no where to go. Still living in the
11 defendant's house, Scott's house, and really that I just
12 didn't have anywhere to go still.

13 Q. Okay. So you lied even though, according to what he
14 told you, he had killed two people?

15 A. Yes.

16 Q. Okay. All right. So, at some point did you actually
17 get contacted by law enforcement again to try and discuss
18 what you may have known regarding the murders of Gene Rogers
19 and Billie Ruth Rogers?

20 A. Yes, that was up in Chester County.

21 Q. Okay. And whenever you were asked again to give
22 details about what you knew, what did you do that time?

23 A. I lied again that time.

24 Q. Okay. At that point in time, who, who were you trying
25 to save?

John Cravener - Direct examination
By Solicitor Lively

1 A. My wife and baby.

2 Q. Okay. All right. And, and was that what mattered to
3 you more so than coming forward with the truth?

4 A. Yes.

5 Q. Okay. And, at some point, did you get contacted by law
6 enforcement again and told that you needed to come down to
7 Chester County because you could potentially be a witness in
8 this case?

9 A. Yes.

10 Q. All right. And who came down to talk to law
11 enforcement at that point?

12 A. Me and Ariez.

13 Q. You and Ariez.

14 That's your wife, right?

15 A. Yeah, that's my wife.

16 Q. Okay. And let me just ask you in regards to what she
17 had been through.

18 what happened to her physically while you were living
19 with Alex Scott?

20 A. She miscarried while living there.

21 Q. Okay. And was that rough on your marriage?

22 A. Yes.

23 Q. Okay. So, now by the time you travel down here, wasn't
24 that May of 2024?

25 So that was recent. Not May. I'm sorry.

John Cravener - Direct examination
By Solicitor Lively

1 March of 2024?

2 A. Yes.

3 Q. All right. So, do y'all -- y'all have a child now,
4 right?

5 A. Yes.

6 Q. How old is she?

7 A. Two years old.

8 Q. Two years old.

9 So, when you came down, did you know what law
10 enforcement was gonna do in regards to how the conversation
11 was gonna change that particular day?

12 A. No.

13 Q. Okay. Did you think you were just gonna lie your way
14 through it again?

15 A. Yes.

16 Q. Did that happen?

17 A. Yes.

18 Q. At first?

19 A. Yes.

20 Q. Okay. So, when did that change?

21 A. Whenever I asked for a lawyer, the conversation
22 stopped.

23 Q. When you asked for a lawyer in March of this year, the
24 conversation stopped?

25 A. Yes.

John Cravener - Direct examination
By Solicitor Lively

1 Q. At some point during that conversation do you know
2 whether or not the SLED agents actually reached out to me,
3 the prosecutor in this case?

4 A. Yes.

5 Q. All right. And after that discussion, what was decided
6 in regards to what you knew had happened on May 9th of 2020
7 and on June 20th of 2020?

8 A. I asked for full immunity from the solicitor. She told
9 me as long as I wasn't the one that pulled the trigger or
10 there in the time of the trigger being pulled, then, yes,
11 she would offer me immunity.

12 Q. Okay. So, at this point in time based on you coming
13 down and having that conversation with the -- with SLED
14 agents, you were offered immunity for your testimony here
15 today.

16 Is that correct?

17 A. Correct.

18 Q. Okay. So, clearly though what I wanted to make sure
19 of, Mr. Cravener, is that, at any point in time, did you
20 have a conversation with Evan Webb or any other person in --
21 excluding Ian Little cause I know he's no longer alive, but
22 as -- but as for Evan Webb, did you tell anybody about what
23 it was that you're testifying here to today?

24 A. No.

25 Q. All right. As a matter of fact, did you tell your wife

John Cravener - Direct examination
By Solicitor Lively

1 what happened -- what you knew about those two -- about both
2 the murder as well as the failed attempt on May 9th?

3 A. Yes, I talked to her on the way back up to Virginia
4 from the last time I'd interviewed with SLED.

5 Q. Exactly.

6 And March of 2024 was the first time that you even told
7 your own wife what you knew happened?

8 A. Yes.

9 Q. Okay. So, up until that time, you -- who had you told
10 what you knew happened?

11 A. Nobody.

12 Q. Nobody.

13 Okay. And at the point whenever you gave this
14 statement that you've given back in March of 2024 and what
15 you're telling us now, are those the first two times that
16 you've ever spoken of it?

17 A. Yes.

18 Q. Okay. Do you have any -- and I know you have immunity.
19 So you can't be charged with anything, correct?

20 A. No.

21 Q. Okay. So -- but is this something that you really
22 wanted to do, have to come down to court and testify in a
23 trial?

24 A. No.

25 Q. Okay. Were you subpoenaed to be here for this trial?

John Cravener - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. And, once again, everything that you're saying, this is
3 only the second time that you've spoken it out loud.

4 Is that correct?

5 A. Yes.

6 Q. And is what you're telling this jury the truth about
7 what you knew from May 9th and the murders on June 20th,
8 2020?

9 A. Yes.

10 SOLICITOR LIVELY: Hold on just a minute.

11 THE COURT: Sure. Take your time.

12 (Pause.)

13 Q. At -- that's -- no, that's a good point.

14 All right. So now you and Mr. Webb were here to
15 testify. You didn't -- he actually testified earlier here
16 today.

17 Did you know that?

18 A. I knew he'd be here for testifying from the whiteboard
19 up in the office from yesterday.

20 Q. Okay. But did you ever see him?

21 A. No.

22 Q. So, you -- did you ever run into him while you were
23 here at the courthouse today?

24 A. No.

25 Q. Okay. And, once again, have you talked to him at all

John Cravener - Direct examination
By Solicitor Lively

1 ever since the time whenever y'all were together on May
2 9th of 2020?

3 A. No.

4 Q. Okay. Thank you. No further questions.

5 THE COURT: Okay. Ms. Boulware, any cross-examination?

6 MS. BOULWARE: Yes, sir.

7 THE COURT: Okay.

8 CROSS-EXAMINATION

9 BY MS. BOULWARE:

10 Q. Good afternoon, Mr. Cravener.

11 A. Good afternoon.

12 Q. Got a few questions for you just to follow-up on what
13 you've said today.

14 So, you testified you had -- you were -- well, let me
15 get this straight cause I've heard a couple different
16 versions of this.

17 Did you have Ian's phone the night of May 9th?

18 A. Yes.

19 Q. Okay. And do you recall telling SLED that you were
20 using Ian's phone to kind of go back and forth with your
21 wife cause she was mad at you?

22 A. Yes.

23 Q. Okay. And do you recall telling SLED that you don't
24 even remember all four of y'all being in a room together?

25 A. Yes.

John Cravener - Direct examination
By Ms. Boulware

1 Q. Okay. And when you were talking to SLED -- and you,
2 you admitted here, Mr. Cravener, you're not real good at
3 kind of remembering stuff and I understand you -- head
4 injury and all that.

5 But do you recall, when you were talking to SLED that
6 day, and they finally said look, we are going to make things
7 worse for you if you don't tell us the truth?

8 You remember them saying that to you?

9 A. I said I'd be arrested.

10 Q. Okay. Okay. And so your response to that was what Ian
11 said -- I mean, excuse me, what Evan said is true?

12 A. No.

13 THE COURT: Which interview are you referring to?

14 MS. BOULWARE: I'm sorry. March 22nd of this year.

15 THE COURT: Thank you.

16 A. No.

17 Q. Okay. Well, I'll refresh your memory on that.

18 All right. So --.

19 (WHEREUPON, a portion of an interview of Mr. Cravener
20 was played for the jury at this time.)

21 Q. Do you recall that?

22 A. Yes.

23 Q. Okay. So you did say that?

24 A. Yes.

25 Q. Okay. And so you were living with Alex and Alex was

John Cravener - Direct examination
By Ms. Boulware

1 paying the rent, right?

2 A. Yes.

3 Q. Paying all the bills?

4 A. Yes.

5 Q. Okay. Giving you some money or your wife some money?

6 A. Yes.

7 Q. Okay. And, in fact, you -- okay. And, and -- all
8 right. Here's what I want to know.

9 was it you donating plasma or your wife?

10 A. Both of us.

11 Q. Okay. Cause you said it's COVID, can't get a regular
12 job, gonna donate plasma --

13 A. Yes.

14 Q. -- even though Alex is paying all the bills and giving
15 y'all money?

16 A. He was paying the bills mostly.

17 Q. Okay. So, when SLED was asking you about May
18 9th again -- we're gon' go back to May 9th cause it goes
19 kind of back and forth in your inter -- I know you've had a
20 couple different interviews. But I'm talking about -- most
21 of the time I'm going to be talking or all of the time I'm
22 talking about this March.

23 okay?

24 A. Okay.

25 Q. Do you recall them asking you how Evan got to the

John Cravener - Direct examination
By Ms. Boulware

1 apartment and you replied he drove himself --

2 A. I don't recall. Yes.

3 Q. -- that he -- okay. Well, they actually challenged you
4 on that are you sure that that's what happened and you
5 insisted on it.

6 So, SLED's basically feeding you details that you feed
7 back to them.

8 Is that fair to say?

9 A. No.

10 Q. Okay. So, you testified earlier that Alex told you,
11 when we were having, having the meeting about where he said
12 hey, fellows, guess what, I got a plan to kill my
13 grandparents, you want to help me out with that, and you
14 testified that Alex looked -- you even said hey, you won't
15 need to be involved. You have a wife.

16 Is that correct?

17 A. Yes.

18 Q. Okay. Did Ian have a wife?

19 A. No.

20 Q. At that time?

21 A. I'm unsure if he had it at that time.

22 Q. Did he have a child?

23 A. Yes, he had a child.

24 Q. Okay. He -- sounds like a family.

25 You agree?

John Cravener - Direct examination
By Ms. Boulware

1 A. They were separated.

2 Q. Okay. From his child?

3 A. Huh?

4 Q. Never mind. We'll move on.

5 So then you -- I, I don't know if you've got confused
6 or if this was your actual testimony, but you, you testified
7 earlier that the plan to kill the grandparents was suppose
8 to take place on May 24th?

9 A. Yes.

10 Q. Okay. So, that was the day of the---

11 A. No, not May 24th. Sorry.

12 Q. Okay.

13 A. No.

14 Q. All right. What day was it?

15 A. The 9th.

16 Q. Okay. Gon' do it on the 9th and you said that they
17 came back -- well, let me back up for a second.

18 First you told SLED -- well, I'm not sure what you said
19 first honestly. You've said one time that they or you
20 testified today that they left -- Alex and Ian left between
21 5:00, 6:00, or 7:00 and said they would be back in the
22 morning?

23 A. Yes.

24 Q. Okay. And then you told SLED that they were pretty
25 much -- they left early and were pretty much gone all day

John Cravener - Direct examination
By Ms. Boulware

- 1 and you said that this past March.
- 2 A. I don't recall.
- 3 Q. Okay. And your testimony today is that Alex offered
- 4 the whole group \$3,000?
- 5 A. Three thousand dollars each person.
- 6 Q. Each person?
- 7 A. Yes.
- 8 Q. Okay. Great.
- 9 And you felt uncomfortable during that meeting because
- 10 there's guns everywhere?
- 11 A. Yes.
- 12 Q. Okay. Didn't feel like you could leave?
- 13 A. No.
- 14 Q. But Alex and Ian leave you say?
- 15 A. Yes.
- 16 Q. Okay. Are you a trained Marine?
- 17 A. Yes.
- 18 Q. Do you know how to use a firearm?
- 19 A. Yes.
- 20 Q. Okay. But you were afraid of the guns Alex had sitting
- 21 there?
- 22 A. Not really afraid of guns. Afraid of people.
- 23 Q. But Alex and Ian weren't there, were they, or were
- 24 they?
- 25 A. They weren't there that night, no.

John Cravener - Direct examination
By Ms. Boulware

1 Q. Okay. Okay. So, we go to May 24th where you go up
2 and visit with Alex's family and you testified that you met
3 them all and that his grandfather gave you some Doritos. He
4 was pretty nice.

5 A. Yes.

6 Q. Okay. You're telling me you didn't know who these
7 folks were after you went in and met them and saw pictures,
8 family pictures, on the shelf -- on the fireplace that had
9 Alex in them?

10 A. When I met him, he announced is -- that was his
11 grandfather. But I didn't know that was his grandfather he
12 was trying to kill.

13 Q. But I thought that was the beginning of the meeting,
14 let's kill the grandfather, oh, and I -- and, and my
15 grandfather killed my parents, right?

16 A. People can have two sets of grandparents.

17 Q. Okay. Okay. So, we're going into now we've got
18 another set of grandparents?

19 A. I didn't know them. I didn't know anything about them.

20 Q. Okay. So, you said that Alex wanted you to cosign on a
21 loan for him?

22 A. Yes.

23 Q. All right. But Alex was paying for everything and gave
24 Ariez some money, right?

25 A. He was paying the utilities, which then -- and they got

John Cravener - Direct examination
By Ms. Boulware

1 shut off. So, he asked me to help pay for that. I had to
2 go to get his phone bill paid.

3 Q. How did he expect you to cosign and help pay for a
4 loan?

5 Let's say. May 1st he gave you \$200.00. May 4th he
6 gave you \$30.00. May 4th, another \$39.00. May 12th,
7 \$60.00. May 26th, a hundred dollars. May 28th, \$10.00.
8 June 1st, \$6.00. June 1st, \$25.00. June 17th, \$10.00.
9 June 22nd, a hundred.

10 He's having to give you money all the time.

11 A. Most of that was for himself for cigarettes at the gas
12 station or energy drinks.

13 Q. But you don't have any money and he asked you to cosign
14 on a loan?

15 A. Yes.

16 Q. Okay. Okay. So, the night of the 20th, Alex, who
17 needs your help with some money, paid for an Airbnb for you
18 and your wife?

19 A. Yes, he gave us money for a hotel room.

20 Q. Okay. Do you recall telling SLED that that actually
21 happened three or four times before for business meetings?

22 A. It happens no other time.

23 Q. You said three or four times?

24 A. In which meeting?

25 Q. Whatever meetings he kept having. You said you would

John Cravener - Direct examination
By Ms. Boulware

1 go to the park or go get some food or something when Alex
2 told you please, if y'all can just take off from the house
3 for a little bit, I got to have a meeting.

4 A. Yes.

5 Q. Okay. Three or four times?

6 A. Yes.

7 Q. Okay. So, tell me about this app a little more.

8 So you, you reside with Alex?

9 A. Yes.

10 Q. That's your home?

11 A. Yes.

12 Q. You and your wife's home.

13 what'd you do about getting in and out if Alex wasn't
14 around?

15 You can't go in and out your own home?

16 A. Doesn't matter if he was home or not. I just had to
17 text him and he had a text to buzz us into the apartment.

18 Q. well, sometimes folks are busy, don't answer texts.
19 what'd y'all do?

20 Hang around outside?

21 A. Yes.

22 Q. Okay. what about Ian?

23 A. Ian, if he was either inside, he would let us in, and
24 if he's not home, we'd have to wait.

25 Q. How did he get in?

John Cravener - Direct examination
By Ms. Boulware

1 A. The same app. I'm unsure -- I don't know---

2 Q. So he had an app?

3 A. ---what he did to get in the house.

4 Q. Ian had an app?

5 A. I, I don't know. I didn't see Ian's phone. I wasn't
6 on it.

7 Q. Okay. And then -- so your wife, after that, your
8 wife's working at Texas Roadhouse?

9 A. Yes.

10 Q. All right. And he -- you say Alex told you not to get
11 a job?

12 A. Yes, multiple times.

13 Q. Well, how did that stop you from going to get a job?

14 A. Because it was a slinky effect of my business is
15 starting up tomorrow, you're going to get courses done to we
16 don't have courses, to COVID screwed up all the courses,
17 they're all canceled, till hey, we're picking up courses
18 again.

19 Q. Okay. You're running out of money. You're selling
20 plasma. Your wife's pregnant and then miscarries.

21 Think it would of been a good idea to get a regular
22 job?

23 A. Yes.

24 Q. Okay. Tell me about this conversation you're saying
25 that you had with Alex about when you just flat out said

John Cravener - Direct examination
By Ms. Boulware

1 hey, hey, buddy, did you kill your grandparents yet or did
2 you kill them and he goes yes.

3 when was that?

4 A. It -- a couple days after the 20th.

5 Q. Are you sure about that?

6 A. Yes.

7 Q. Okay. Where was Alex?

8 A. On his balcony in his apartment.

9 Q. In Columbia?

10 A. Whenever I had the conversation with him, yes.

11 Q. Okay. And then you -- well, you described this
12 situation about three times in your interview with SLED and
13 it changed a little bit each time. The first time you said
14 well, I asked him. He said yes and then he checked me for a
15 wire. Then you said well, yeah, I asked him and then he or
16 I asked him, he checked me for a wire, and then said yes.
17 And the third time is I asked him. He checked me for a
18 wire. He said yes and said don't ever speak of this again.
19 That's three different versions.

20 SOLICITOR LIVELY: Your Honor, I'm just gonna object
21 to -- did she ask him a question or is she testifying at
22 this point?

23 THE COURT: You may want to add to that last statement
24 do you agree.

25 Q. Do you agree?

John Cravener - Direct examination
By Ms. Boulware

- 1 A. Yes. So, I didn't---
- 2 Q. All right.
- 3 A. ---know if there was a question or not.
- 4 Q. So, then the first couple times you talked with SLED
- 5 and said you lied to them --
- 6 A. Yes.
- 7 Q. -- you said you were trying to save your wife?
- 8 A. Yes.
- 9 Q. Well, once SLED finally looked at you in the March
- 10 meeting and said look, we're about to make things worse for
- 11 you, you need to tell us the truth, your, your whole thing
- 12 is I don't want to go to jail or I don't want to get
- 13 arrested, my wife might find out.
- 14 Do you remember that?
- 15 A. At the third meeting, yes.
- 16 Q. Okay. And you said the reason why you didn't want to
- 17 find her out was because she's crazy and might kill you?
- 18 A. It was a joke.
- 19 Q. Well -- okay. It's an interesting time to make a joke
- 20 don't you think?
- 21 A. Yes.
- 22 Q. Okay. And you didn't have a ride home back to
- 23 Virginia, and, if you got locked up that day, she wasn't
- 24 gonna give you a ride home, correct?
- 25 A. If I'd of got locked up that day, SLED told me I would

John Cravener - Direct examination
By Ms. Boulware

1 of been over, booked, and back.

2 Q. Okay. You still talked them into something else, that
3 full immunity?

4 A. The only thing I asked for full immunity is whenever I
5 stopped the conversation and I asked for a lawyer and then
6 the solicitor (phonetic) offered me if I didn't wait for a
7 lawyer and told them everything I knew, and on the
8 guidelines I wasn't the one that pulled the trigger or at
9 the home when it happened, then I'd be granted full immunity
10 and if I did not lie.

11 Q. Okay. But that was only after you were threatened with
12 a charge and were afraid you might -- well, your wife might
13 find out.

14 Other than that, you were just gon' keep on with this,
15 correct?

16 A. At that point, yes, cause --.

17 Q. You weren't gon' ever tell anybody what you knew about
18 this plan to kill the grandparents --

19 A. Yes.

20 Q. -- were you?

21 were you ever gonna tell anybody?

22 A. No.

23 Q. And I know you just said you get immunity if you're
24 lying. But it sounds like -- and you can agree with me or
25 not.

John Cravener - Direct examination
By Ms. Boulware

1 I'll ask you if it's fair to say that the truth keeps
2 changing?

3 A. No.

4 MS. BOULWARE: Beg the Court's indulgence.

5 THE COURT: Sure.

6 (Pause.)

7 Q. So, just to wrap up here, let's go back when, when we
8 had this, this meeting. So Alex didn't really want you
9 involved in his business a whole lot. You were just kind of
10 there being told not to get a job.

11 But he's gonna include you on a super secret meeting to
12 kill his grandparents?

13 A. Yes.

14 Q. But, when it came time, he didn't really need you, huh?

15 A. Yes.

16 Q. All this -- you know, all these alibis and things
17 are -- well, all of a sudden, ain't got to worry about that
18 anymore.

19 Don't you find that odd?

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

21 Q. Did you watch the show that's about this case,
22 Mr. Cravener?

23 A. Yes.

24 Q. Okay. How many times?

25 A. Once.

John Cravener - Direct examination
By Ms. Boulware

1 Q. When was that?

2 A. Don't remember the date.

3 Q. About how long ago?

4 Do you remember?

5 A. A year, two years ago.

6 Q. Okay. So all this planning and then however it
7 supposedly went down, you weren't even included in that even
8 though you were included in the super secret meeting. You
9 just asked him one day hey, Alex, you get -- you kill your
10 grandparents and he just volunteered yes, I did.

11 Is that correct?

12 SOLICITOR LIVELY: Your Honor, I'm gonna object.

13 May we approach for just a moment?

14 THE COURT: Sure.

15 SOLICITOR LIVELY: It's just for a second. Seriously,
16 just a second please.

17 (WHEREUPON, a bench conference was held out of the
18 hearing of the jury at this time.)

19 MS. BOULWARE: I don't have any further questions,
20 judge.

21 THE COURT: Okay. Is there any redirect?

22 SOLICITOR LIVELY: Nothing further, Your Honor.

23 May this witness be excused from his subpoena?

24 THE COURT: Okay. Any, any agreement to this witness
25 being excused from his subpoena?

1 MS. BOULWARE: No objection.

2 THE COURT: Okay. All right. You're free to leave,
3 sir.

4 THE WITNESS: Thank you, sir.

5 THE COURT: All right. Ladies and gentlemen, we're
6 gon' take a afternoon break. Ask you to go back to the jury
7 room and I'll talk with the lawyers and see what else we
8 have for the remainder of the day.

9 So, just go back to the jury room and we'll get you
10 back out shortly.

11 (WHEREUPON, the following takes place outside the
12 presence of the jury.)

13 THE COURT: Okay. What is the State's plans for the
14 remainder of the afternoon?

15 SOLICITOR LIVELY: Your Honor, the next witness is
16 going to be Mr. Aaron Scott. He's actually the---

17 THE COURT: All right. That -- that's the uncle,
18 right?

19 SOLICITOR LIVELY: That is the uncle, correct, and that
20 was -- I, I didn't know we were -- this is the first time
21 this has happened. We've actually gotten through all the
22 witnesses I planned for in a day and I, I quite---

23 THE COURT: Everybody, everybody's doing an outstanding
24 job.

25 SOLICITOR LIVELY: Well, thank you.

1 THE COURT: All right.

2 SOLICITOR LIVELY: So, I can review again. But I don't
3 want to start with Rikki. She -- Burch.

4 THE COURT: Right.

5 SOLICITOR LIVELY: She's gon' be a long witness. I was
6 planning on doing her in the morning.

7 THE COURT: Well, let's do --.

8 SOLICITOR LIVELY: So --.

9 THE COURT: Let's do the uncle---

10 SOLICITOR LIVELY: Okay.

11 THE COURT: ---in a few minutes and then we'll adjourn
12 for the day.

13 SOLICITOR LIVELY: Yes, sir.

14 THE COURT: Okay. Everybody be at ease for a few
15 minutes.

16 SOLICITOR LIVELY: Thank you, Your Honor.

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

18 (WHEREUPON, the following takes place within the
19 presence of the jury panel.)

20 THE COURT: Let the record reflect the jury is back in.

21 Ladies and gentlemen, the state tells me they have one
22 more witness for today. So, we should not be a -- a whole
23 lot longer for today before we, we break.

24 state ready?

25 SOLICITOR LIVELY: Yes, Your Honor.

Aaron Scott - Direct examination
By Solicitor Lively

1 The State would call Aaron Scott to the stand.

2 THE COURT: Come around, Mr. Scott, please, sir.

3 THE CLERK: Please state your full name.

4 THE WITNESS: Aaron Wesley Scott.

5 AARON SCOTT, being first duly
6 sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR LIVELY:

9 Q. Mr. Scott, please tell the jury who you are in
10 relationship to the defendant, Mr. Alexander Scott.

11 A. I am his biological uncle.

12 Q. And who was your -- who was your mother?

13 A. My mother was Judy Rogers.

14 Q. Judy Rogers.

15 And did you have any sis -- brothers or sisters with
16 Judy Rogers?

17 A. Yes.

18 Q. All right. And who was -- who was your sister?

19 A. Jessica Scott.

20 Q. And, Jessica Scott, now we have not heard her name yet.

21 But, Jessica Scott, was that the defendant's biological
22 mother?

23 A. Yes.

24 Q. How did Jessica -- is she with us?

25 A. No, she isn't.

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. How did she die?

2 A. Back in November of '24 -- 2014, she was found dead in
3 a, in a drug house in Charlotte of a, of a heroin, of a
4 heroin overdose possibly laced with, with Fentanyl.
5 According to the detectives, she had laid there almost 12
6 hours before the people she was with realized she was dead
7 and not, not just sleeping.

8 Q. Okay. And not just sleeping.

9 All right.

10 A. I'd like to state also, I have a bit of a speech
11 impediment. I stutter. So if I -- I trip on words or --.

12 Q. Okay. And I was gonna ask you about that.

13 Is that speech impediment something you've had your
14 whole life?

15 A. Yes.

16 Q. Okay. And could it get worse if you're nervous or in a
17 --

18 A. Yes.

19 Q. -- stressful situation?

20 Okay. Are you nervous?

21 A. A little bit.

22 Q. A little bit.

23 Okay. All right. So---

24 THE COURT: Don't worry about it. If you need to take
25 a break, we'll pause, whatever.

Aaron Scott - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: Okay.

2 THE COURT: It will be fine.

3 okay?

4 Q. Okay. And if you need any water, let me know.

5 A. Okay.

6 Q. All right. Now, Mr. Scott, just so that we can
7 understand your family dynamics, you've mentioned Judy
8 Rogers was your biological mother, correct?

9 A. Yes.

10 Q. Who was she married to whenever you were in the family
11 with your mother?

12 A. Gene Rogers.

13 Q. Gene Rogers.

14 All right. So, did Mr. Rogers, Mr. Gene Rogers, that's
15 the individual -- the victim that we're talking about---

16 A. Yes.

17 Q. ---here this past week and a half?

18 All right. Now, was Mr. Rogers -- did you know your
19 biological father well?

20 A. Yes.

21 Q. So, whenever your mom married Gene Rogers, how was that
22 relationship between you and him?

23 A. When they got together, I was a very, very young child
24 and my sister was a, was a baby.

25 Q. All right.

Aaron Scott - Direct examination
By Solicitor Lively

- 1 A. We grew up as a family unit.
- 2 Q. All right. And---
- 3 A. They were my family.
- 4 Q. They were your family.
- 5 Who, Mr.---
- 6 A. Gene---
- 7 Q. All right.
- 8 A. ---Judy and Jessica.
- 9 Q. Okay. And based on what you just now said, was he --
- 10 did you call him your dad?
- 11 A. Yes, I did.
- 12 Q. Okay. Did you consider him your father?
- 13 A. He was my father and he, he was my dad in every way but
- 14 blood.
- 15 Q. Okay. In every way but blood?
- 16 A. I'm, I'm the man I am today, today because of him.
- 17 Q. Okay. All right. Now, Mr. Scott, you said that your
- 18 sister, which is the defendant's mom, died in 2014.
- 19 Is that right?
- 20 A. Yes.
- 21 Q. Okay. And what, what, if anything, ended up happening
- 22 to your mother?
- 23 A. My mother died May of that year as well after a long
- 24 bottle with C -- COPD. She lived the last year of her life
- 25 with me and my wife and finally her -- finally her body just

Aaron Scott - Direct examination
By Solicitor Lively

1 couldn't take it anymore and, and she passed away.

2 Q. Okay. So, this was also in 2014?

3 A. Yes.

4 Q. All right. So, in 2014, you lose your sister, the
5 defendant's --?

6 A. I lost my mother in May and then I lost my sister in
7 November of that same year.

8 Q. Okay. And, at that point, where was Alex, the
9 defendant?

10 A. At the time he was -- I believe he was still in foster
11 care. But Gene had been going and, and, and getting him and
12 seeing him and he was able to attend both funerals.

13 Q. And in regards to, to Gene, who you referred to as your
14 dad, at -- how did he treat the defendant, Mr. Scott?

15 A. Oh, he loved him. Alex was named after Gene if that
16 tells you anything. My sister named her first child after
17 Gene instead of our biological father.

18 Q. And what about the, the defendant's, Alex's biological
19 father, do -- is he still alive or --?

20 A. To the best of my knowledge, he is. He -- he's a
21 despicable example of a human being though.

22 Q. All right. So, he's, he's not in y'all's -- you're
23 not -- he's not in your family unit?

24 A. No.

25 Q. All right. Now, whenever -- you've been obviously here

Aaron Scott - Direct examination
By Solicitor Lively

1 everyday.

2 So, whenever you hear that the defendant stated that
3 Gene, your father, had murdered his parents, had you heard
4 that before?

5 A. No.

6 Q. Okay. How did that make you feel?

7 A. It upset me greatly.

8 Q. In regards to the, the, the dynamic between the
9 defendant and your father or your father, Gene Rogers, had
10 you ever seen Gene do anything that was unkind or have any
11 kind of ill will towards Alex?

12 A. Absolutely not.

13 Q. Okay. What were some of the things that he did for
14 Alex that you were aware of?

15 A. I mean he would practically do, do anything, anything
16 he asked for. He, he, he loved him. He took care of him.
17 He went and found him in the foster system. He made sure
18 that, that he visited him on a regular basis and fought for
19 the right to be able to have weekends with him.

20 Q. And let me also ask you about Gene in regards to -- was
21 he was, was he, was he employed and a hard worker?

22 A. Oh yes.

23 Q. All right. And what other things would---

24 A. I get my work ethic from him.

25 Q. Okay. And what -- where was he working?

Aaron Scott - Direct examination
By Solicitor Lively

1 A. Airgas.

2 Q. And had -- did he ever discuss with you about what his
3 plans were for the future?

4 A. Yes.

5 Q. And what---

6 A. On several occasions.

7 Q. On several occasions.

8 Tell us what, what his plans were in the most recent
9 times that you talked to him before he was murdered.

10 A. He had plans -- well, when he was -- when we had
11 talked, when we had talked about the future, he had come to
12 me a Christmas, him and Alex, Alex were visiting. I believe
13 Billie Ruth, Billie Ruth was with us.

14 Q. Okay.

15 A. And we had gone out on, out on my porch of my home in
16 Mount Pleasant and all of us had sat -- well, me, Gene, and,
17 and Alex had sat, had sat down and that's when Gene told me
18 that he had planned on giving Alex some money, that he had
19 discussed it, that it was part of Al -- Alex's inheritance,
20 that, that the money would go to Alex if anything ever
21 happened to Gene, and then I would inherit the land, which I
22 didn't have any problem with cause I never wanted Gene's,
23 Gene's, Gene's money.

24 I did express some reservations about it that I felt
25 like he should get a job in that field, work it a while,

Aaron Scott - Direct examination
By Solicitor Lively

1 make contacts, never -- work before jumping head first in
2 with the huge amount of money. But, ultimately, it was
3 Gene's, Gene's choice to give it to him.

4 Q. Okay. So, at that point, was Alex still in the
5 Marines?

6 A. No.

7 Q. He was not.

8 All right. So, was -- so this conversation you said
9 happened, was it around December of 2019?

10 A. It was around the very end of December, yes.

11 Q. And were you aware of whenever Alex actually got out of
12 the Marines?

13 A. Yes.

14 Q. Okay. And when was that?

15 A. I, I don't remember the --

16 Q. Okay.

17 A. -- the exact date.

18 Q. All right. At the time whenever Gene said he was going
19 to give this money to Alex, how old was Alex?

20 A. I don't remember exactly his age --

21 Q. Okay.

22 A. -- his age at the time.

23 Q. Had he -- had Gene already given him something of
24 value, a large gift of value, before he got out of the
25 Marines?

Aaron Scott - Direct examination
By Solicitor Lively

1 A. Not that I'm aware of.

2 Q. Where did the vehicle come from that he was driving?

3 A. I'm sorry. Yes. Yeah. Yes, he did purchase him,
4 purchase him the blue Mustang.

5 Q. All right. So, that was also something that Gene did
6 for him?

7 A. Yes.

8 Q. Is that correct?

9 All right. Now, where, where were you living at the
10 time whenever like late 2019 into 2020?

11 A. In, in Mount Pleasant, North Carolina.

12 Q. And, and are you married?

13 A. Yes, I am.

14 Q. And who's your wife?

15 A. My wife is Amber Scott.

16 Q. Do you have any children of your own?

17 A. Yes, I do. I have two.

18 Q. You have two.

19 And what are their ages?

20 A. My oldest son currently is 21 and, and my youngest is
21 16.

22 Q. Okay. Now, so, Mr. Scott, were your kids close with
23 the defendant, Alex?

24 A. Yes, they were.

25 Q. And up until the time whenever you -- the murders

Aaron Scott - Direct examination
By Solicitor Lively

1 happened, was he -- was that side of the family, as in your
2 family as well as Gene Rogers and you mentioned his mother,
3 Billie Ruth Rogers, were all of y'all also close?

4 A. Yes, we were.

5 Q. Would you spend holidays together?

6 A. Yes, we would.

7 Q. At anytime during, you know, those times whenever you
8 were together as a family, did it ever matter as to whether
9 y'all were biologically connected or not?

10 A. Never.

11 Q. Did you ever hear Gene or see Gene treat Alex as
12 anything other than his blood relative?

13 A. Absolutely not.

14 Q. All right. So, Mr. Scott, whenever you -- whenever we
15 get into early 2020, were you aware of how much money Gene
16 was gonna give to the defendant---

17 A. No, I---

18 Q. ---when that happened?

19 A. ---know he said it would be roughly around \$90,000.

20 Q. Okay. All right. So, you -- he did tell you that --
21 that rough amount?

22 A. Yes.

23 Q. All right. Were you sure as to when that actually got
24 transferred or given to --?

25 A. No.

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. All right. No.

2 Okay. At anytime whenever that money went to the
3 defendant, did you hear about the business or the progress
4 of what he was doing with that money?

5 A. Periodically I would hear things and, at the time, I
6 wasn't on social media at all, but my wife was, and she
7 would show -- she'd show me things being posted on Facebook.
8 I was aware that he had possibly leased a building and, and
9 was doing courses or something and -- but I never really got
10 into it a whole lot.

11 Q. All right. Did you ever talk to Alex directly about
12 what he was doing with this business?

13 A. I didn't talk to Alex a whole lot during that period
14 between January and June. There were a handful of times I
15 saw him like at family get togethers.

16 I, I saw him on, on Memorial Day of that -- on Memorial
17 weekend because I happened to be -- see we, we would come
18 down and do, and do Father's Day every other year. Me
19 and -- me and my entire family, you know, my wife and sons
20 would come down and spend the entire weekend with Gene.

21 Well, 2020 happened to be an off year for us. So, I
22 had actually come down on my own on Memorial weekend to camp
23 out with Gene in the campsite that me, him, and the boys had
24 built.

25 Q. Okay.

Aaron Scott - Direct examination
By Solicitor Lively

1 A. And during -- I, I believe it was that Sunday, Alex
2 showed up with three of his em -- employees that -- I
3 believe he said and employees and roommates and they had
4 gone down into the woods into a section kind of, kind of a
5 little bit below the campsite in a gully and had dug it out
6 and kind of built a trench looking thing and, and all that.
7 And then they came up to, up to the house and got dressed in
8 full tac -- you know, like helmets and tactical gear and all
9 that.

10 And I just distinctively, you know, I distinctively,
11 re -- remember me and Gene kind of, kind of making fun of
12 them a little bit, you know, cause it's like it's, you know,
13 like you're training on torrential warfare. Torrential
14 warfare hadn't been done since World War II or I mean --
15 but -- and then they disappeared into the woods for, for a
16 while. I think it was about an hour or two, maybe three,
17 and then they came back up and got, got undressed and left.

18 Q. Okay. And you said -- so you met some of his buddies.

19 He also called them his roommates for -- and employees?

20 A. Yes.

21 Q. All right. And you've been in here for all the
22 testimony?

23 A. Uh-huh. (Affirmative).

24 Q. Correct?

25 A. Yes.

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. So, were you in here to hear Mr. Cravener's testimony
2 about their May 24th weekend of 2020?

3 A. Yes.

4 Q. All right. Is that the weekend that you're referring
5 to?

6 A. Yes, it is.

7 Q. Okay. As a matter of fact, didn't you provide me with
8 a, a text message from, from Gene regarding you going that
9 weekend?

10 A. Yes.

11 Q. All right. I'm gonna show you---

12 A. I had---

13 Q. ---that -- huh?

14 Yes.

15 A. I had texted him to let him know I was on the road --

16 Q. Okay.

17 A. -- heading that way.

18 Q. Perfect.

19 All right. Here we go. I'm gonna show you State's
20 196. Yeah.

21 Okay. And, and ask you if this is the message that --
22 exchange between you and Gene?

23 A. Yes, it is.

24 Q. Okay. And would you tell me the date on that?

25 A. I'm getting on the road. It was May 23rd, 2020.

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. May 23rd, 2020.

2 okay. All right. So, you said that that was Labor --
3 not Labor. Listen to me.

4 Memorial Day weekend?

5 A. Yes.

6 Q. All right. Well, let me just pull that up and just let
7 me turn on the -- no, I got it.

8 All right. So, let me ask you this then and I'll just
9 let this pull up real quick.

10 All right. So here we go. I got the ribs. Getting on
11 the road now. You also say read Alex's Facebook post.

12 Do you happen to remember what that reference was on
13 May 25th?

14 A. That was after I got home and my wife had showed me
15 something---

16 Q. Okay.

17 A. ---on Facebook. But it's been so long I can't remember
18 exactly what it was.

19 Q. That's fine.

20 So, you don't know whether it was that video or, or---

21 A. It---

22 Q. ---stuff from that day?

23 A. It could have been. But I honestly don't.

24 Q. It's okay. All right. That's fine. Well, let me ask
25 you though.

Aaron Scott - Direct examination
By Solicitor Lively

1 In regards to you going and spending time with, with
2 Gene on that particular weekend, what was the, what was the
3 mood like whenever you went there and everybody else and
4 Alex---

5 A. It was great.

6 Q. It was great?

7 A. Yeah.

8 Q. Okay. How about Alex and his, his buddies?

9 How, how were they?

10 A. I mean they seemed serious. But I mean, you, you know,
11 you know, again, me and Gene were kind of poking fun at
12 them. But --.

13 Q. All right. That's fine.

14 Did you notice any type of animosity or strange
15 behavior or conversations---

16 A. No, I didn't.

17 Q. ---with Alex with your father, Gene?

18 A. Not at that time.

19 Q. Not at that time.

20 All right. So, so, no red flags at that point
21 regarding---

22 A. No.

23 Q. ---their relationship?

24 All right. Now, after you actually had that
25 opportunity to, to spend that weekend with, with Gene,

Aaron Scott - Direct examination
By Solicitor Lively

1 did -- at that point, when was the next, next time that you
2 actually had a conversation with him?

3 A. It was my son's graduation party in early June.

4 Q. Okay.

5 A. Because of COVID, his -- we lived in Cabarrus County in
6 North Carolina at the time in Mount, in Mount Pleasant and
7 he was in the Cabarrus County School System. So, because of
8 COVID, they decided to do the graduation by having the, the
9 graduates and their parents in cars driving around the
10 Charlotte Motor Speedway across, across the finish line and
11 getting their diplomas at the finish line.

12 well, only so many people are allowed. But they
13 broadcast it over YouTube. So a lot of our family was at
14 our home watching on YouTube and Alex had spent the night
15 that night and was there toward -- you know, during, during
16 the ceremony and then we were gonna have a party afterwards.

17 And after we got back home, and, you know, and the
18 party got, the party got started, I got a call, a call from
19 Gene that said, you know, and he told me him and, him and
20 Billie Ruth were about 20 minutes out. And after I got off
21 the phone with them, I stated at that -- stated at -- that
22 to everyone, and, very shortly after that, Alex seemed to
23 get a bit agitated and said he had to leave all of a sudden.
24 He had things to do and I'm like, you know, and I distinctly
25 remember even saying like, you're not gonna wait until, you

Aaron Scott - Direct examination
By Solicitor Lively

1 know, until, until they get here and he just said I have
2 things to do and he got in his car and left.

3 When Gene and Billie Ruth arrived, you know, after
4 greeting everybody, he asked me where Alex was and I, and I
5 was like I don't know. I don't know. I said you were
6 almost here and he, and he said he had to leave. And that's
7 when Gene stated to me he must still be mad at me.

8 And I asked him well, what reason would he have to be
9 mad at you and he said -- and Gene told me that he had asked
10 him for more money for his business and Gene said he had to
11 tell him no cause he didn't have -- you know, if he gave him
12 anymore, he wouldn't have enough to retire on.

13 Q. And so were his words that, that Alex was actually mad
14 at him?

15 A. Yes.

16 Q. Now, whenever you learned this, was that the last time
17 that you actually saw Gene alive?

18 A. That party was, yes.

19 Q. Was that the last time---

20 A. That's the last time I saw both of them alive.

21 Q. Both of them alive.

22 All right. Now, whenever you -- whenever you had that
23 conversation, did you ever call Alex and talk to him about,
24 you know, hey, what's going on between you and Gene?

25 A. No, I didn't.

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. Okay. Did you hear anything from the defendant about
2 what was going on with his business or, or money?

3 A. I didn't hear anything else from, from Alex until he
4 called me on Father's Day.

5 Q. On Father's Day.

6 All right. Well, let me back up just a little bit
7 before we get to that.

8 So, during the -- what is your schedule like on a --
9 during the week?

10 A. During the week, I usually, just the nature of, nature
11 of my job being, being construction, and through -- and
12 because I'm a third party, I test and inspect and all that,
13 I'm kind of at the mercy of the contractor. So all I ever
14 know is my start time. I really never know, know my end
15 time Monday through -- Monday, Monday through Friday. And,
16 and, on the weekends, I try to spend time with my wife and
17 children.

18 Q. Okay. So, during the week, would you have an
19 opportunity to communicate with, with Gene?

20 A. Oh, yes.

21 Q. Okay. And how would y'all normally communicate?

22 A. Sometimes by phone, sometimes by text. Neither one of
23 us were real phone people.

24 Q. I understand.

25 Okay. And so the week before Father's Day --

Aaron Scott - Direct examination
By Solicitor Lively

1 A. Uh-huh. (Affirmative).

2 Q. -- weekend, did you have any plans to actually see him?

3 A. On Father's Day?

4 Q. On Father's Day.

5 A. No.

6 Q. Okay. And you had just testified, when you went for
7 Memorial Day weekend, that this was an off year for that---

8 A. Yes.

9 Q. ---for the -- okay. So -- and what would Gene normally
10 be doing on a Sunday?

11 A. I can tell you exactly what he would do on a Sunday.

12 Q. Tell us what he would do on a Sunday.

13 A. He, he would wake up about six o'clock. He would get
14 his coffee. He'd smoke his cigarette. He'd get, he'd get
15 woke up.

16 He would get his Bible out. He would get his stuff
17 out. He'd go over his lesson. If we were there, he would
18 expect us to be getting our showers and dressed and, and
19 all -- and, and all that prior to him and the -- you know,
20 and then he'd wait, he'd wait until the last minute. He'd
21 get it done and then he'd be rushing us out of the door like
22 got to go, got to go, got to go. But yeah.

23 Q. Was this every Sunday?

24 A. Yes, it was.

25 Q. And how dedicated was he to being at the church on

Aaron Scott - Direct examination
By Solicitor Lively

1 Sundays?

2 A. He was extremely very dedicated.

3 Q. All right. Was he---

4 A. He loved his church.

5 Q. Was he a creature of habit?

6 A. Yes, he was.

7 Q. He was.

8 All right. Now, at night, if he were sitting around
9 in, you know, in the -- his home at night, tell us kind of
10 what a normal night would be for him.

11 A. He would -- he'd -- if we were there, he would sit at
12 his desk and we'd talk, you know, or, or, or, or listen to
13 music or watch, or watch movies. He was kind of early --
14 kind of an, an early bird at night. He'd, he'd go to bed
15 about 9:00 -- about 9:30, ten o'clock. And we'd usually
16 stay up a little, stay up a little longer.

17 Q. This desk that he would sit at, where was it located in
18 the home?

19 A. It was right next to the front, to the front door in
20 front of the window that peered out into the -- to the front
21 yard and it was there specifically because he, he -- one of
22 his favorite things in the world to do was sit there and
23 look out at, look out at, look out at his hummingbirds. He
24 loved his hummingbirds.

25 Q. Now, Mr. Scott, was there ever a time whenever he

Aaron Scott - Direct examination
By Solicitor Lively

1 would, there's been some talk about a headlamp, where he
2 would actually have on a headlamp?

3 A. There would only be two reasons --

4 Q. Okay.

5 A. -- he would of wore it cause he kept it at his desk and
6 it -- and that was if he was going outside in the dark or he
7 was coming back in.

8 The only other reason I could think of he would be
9 wearing is cause, around that time, he had a mama cat that
10 had kittens and there was a hole in it -- a hole in the
11 floor of his closet, closet in his bedroom that actually
12 went down into the, the, the insulation and mating under the
13 house that had another rip kind of all -- off to it.

14 well, the mama had -- well, the mama cat had gone in
15 there and had her kittens and he would go in there and check
16 on them on a, on a regular basis.

17 Q. Okay. All right. So, you've actually seen him with
18 the headlamp on?

19 A. Yes.

20 Q. All right. Now, whenever he would, would be sitting
21 out there -- where's the television in this particular room?

22 A. It -- if the desk is here, and the door's here, the
23 television was right next to the fireplace.

24 Q. Okay. Next to the fireplace.

25 So was everything pretty much in that one living room

Aaron Scott - Direct examination
By Solicitor Lively

1 area?

2 A. Yes.

3 Q. It was actually the living room literally?

4 A. Yes.

5 Q. And what about Billie Ruth?

6 Do you know what her habit was when she was there?

7 A. Oh yeah.

8 Q. What was that?

9 A. A lot of times, you know, after, after she was done
10 talking with us, she, she would go, you know, go, go into
11 her bedroom at night to, you know, to start organizing it --
12 organizing her medicines at night and putting them in her
13 stuff and, you know. And if my wife was there, she would go
14 in there and -- go in there and speak with her. As a matter
15 of fact, she was pretty upset my wife didn't come with me
16 on, on Memorial Day. But --.

17 Q. Okay. And you mentioned that Gene was someone who
18 would go to bed early.

19 What about Billie Ruth?

20 A. Yes.

21 Q. Okay.

22 A. She'd go to bed fairly early too.

23 Q. There's been --- and I don't want to embarrass anybody.

24 But there's been some talk about a prosthetic --

25 A. Uh-huh. (Affirmative).

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. -- that Billie Ruth had.

2 Did you know that she had a prosthetic?

3 A. Yes, I did.

4 Q. Okay. And do you know whether or not it was something
5 that she wore all the time or not or what?

6 A. She, she only wore it if she was going somewhere.

7 Q. Okay. All right. Okay. And had you ever seen her,
8 you know, get up in the morning and have her prosthetic on?

9 A. No.

10 Q. Okay. All right.

11 A. No, ma'am.

12 Q. All right. Now, let me ask you this and you said that
13 the week before Father's Day that you, you did not get to
14 see Mr. Rogers.

15 Is that right?

16 A. Yes.

17 Q. So, at some point during that weekend, whenever you
18 later learned that he was murdered, did you have any kind of
19 conversation with Mr. Rogers, your, your dad?

20 A. Yes, I did. I -- the Saturday prior to Father's Day,
21 my wife had found a, a car in an ad in Charlotte she wanted
22 to go look at. And me and her left, left, left that morning
23 to go look at it. I was really kind of humoring her. I
24 didn't really intend on buying a car, car that day or even
25 entertaining it.

Aaron Scott - Direct examination
By Solicitor Lively

1 But once we got there, we -- the one she want -- that,
2 that, that we actually went there to look at was not worth
3 it at all. But they had just brought another one in from,
4 from auction and they, and they gave us the opportunity to
5 test drive it and that one intrigued me.

6 Q. Okay. All right. And because of that, did you
7 actually reach out to your dad, Mr. Rogers?

8 A. Yes, I did.

9 Q. Okay. This is that next thread. Yeah.

10 Okay. I'm gonna show you what's been marked as State's
11 Exhibit No. 197 and just ask you if this is that text thread
12 that you had with Gene on June the 20th?

13 A. Yes, it is.

14 Q. Okay. And is that the day before Father's Day that
15 we're talking about here today?

16 A. Yes, it is.

17 SOLICITOR LIVELY: All right. Your Honor, the State
18 would move, I think it's 197, into evidence at this time.

19 MS. BOULWARE: No objection.

20 THE COURT: Without objection, 197 for the State.

21 (WHEREUPON, State's Exhibit No. 197 was received into
22 evidence at this time.)

23 Q. Before you hand it back to me, will you please tell the
24 jury what the date is and the time that that text thread
25 began?

Aaron Scott - Direct examination
By Solicitor Lively

1 A. It was June 20th, 2020, and it started at 4:52.

2 Q. 4:52.

3 All right.

4 A. PM.

5 Q. All right. And kind of just what was the -- you don't
6 have to read each part of it.

7 But what was the gist of the text messaging?

8 A. I was sending him pictures of the car, the car I had
9 taken, and, and was asking him what he, what he thought of
10 it. He asked how, how much. I told him. How many miles.
11 I told him. Very clean. He said sounds, sounds good and
12 then I sent him a picture that, that my wife had found of a
13 Hellcat style hood for it and asked him about that. And he
14 asked me what are you, a teenager again, and, and, and I
15 agree -- you know, I sent a, a smiling face that said no,
16 ma -- mama is.

17 Q. Mama.

18 Okay.

19 A. But, you know, that's just the type of banter that me,
20 me and him had.

21 Q. Okay. And so, Mr. Scott, was that the last time that
22 you actually communicated with him?

23 A. Yes, it is.

24 Q. And I believe I showed you 196. I just wanted to make
25 sure also.

Aaron Scott - Direct examination
By Solicitor Lively

1 This other message before -- during the Memorial
2 weekend, this is also from you as well, right?

3 A. Yes.

4 SOLICITOR LIVELY: All right. I didn't move that one
5 into evidence.

6 THE COURT: I think it's already in.

7 SOLICITOR LIVELY: I did.

8 Okay. Then.

9 THE COURT: It's in, 196 for the State.

10 SOLICITOR LIVELY: Okay.

11 (WHEREUPON, State's Exhibit No. 196 was again received
12 into evidence at this time.)

13 Q. And just so that the jury can see it.

14 Okay. All right. So this, this actually is showing
15 the date and the time.

16 Is that correct?

17 A. Yes.

18 Q. All right. And is -- that's what you were referring to
19 in this -- in State's Exhibit 197, right?

20 A. Yes.

21 Q. All right. And then -- now, that 8:40, that was just
22 for your phone when you were sending me screen --

23 screenshots, right --

24 A. Yes.

25 Q. -- at that time there?

Aaron Scott - Direct examination
By Solicitor Lively

1 Okay. So the time is actually around five o'clock on
2 the 20th?

3 A. Yes.

4 Q. Okay. So you're sending him all of these pictures and
5 he's asking all the right questions, right?

6 A. Yes.

7 Q. Okay.

8 A. As a matter of fact, during my interview with the
9 Chester County, Chester County investigators, they asked me
10 the question how sure are you that you were actually,
11 actually communicating with him and I stated the same thing.
12 That's how he would of responded.

13 Q. Okay. All right. So, when you say that's how he would
14 of responded, you're talking about kind of joking?

15 A. Yes.

16 Q. All right. So, again, you said that is the, the last
17 communication that you had with him.

18 Were you aware, at that point in time, what, if
19 anything, was going on with the Defendant Alex that weekend?

20 A. I wasn't aware of any -- anything special at that time,
21 no.

22 Q. All right. So, on Father's Day, did you have any type
23 of plans?

24 A. Yes. It was -- when my wife asked me how I wanted to
25 spend Father's Day, one, one of our past times as a family

Aaron Scott - Direct examination
By Solicitor Lively

1 is going to, is going antiquing at antique malls and I
2 wanted to do that. And our -- my mother-in-law ask -- my
3 mother-in-law actually accompanied us for that. And after
4 we, after we done that, we had plans to actually go visit
5 Amber's father.

6 Q. All right. So, at some point, did you receive a
7 phonecall on June the 21st, 2020?

8 A. I did.

9 Q. All right. Tell the jury about that.

10 A. We were just leaving an antique mall called Grammy's
11 Attic and were just getting in the car when my phone rang
12 and it was a number I didn't recognize. It was a South
13 Carolina -- it was a South Carolina number.

14 I answered it and I can't remember if a detective was
15 on there first and told me that my nephew, Alex, wanted to
16 speak with me or if Alex was actually on -- immediately on
17 the phone cause what he told me just utterly shocked me.

18 Q. Okay. What, what was told to you?

19 A. When I actually spoke to Alex, he told me that Gene and
20 Billie Ruth had been shot and I asked him to repeat that.
21 He repeated it and I'm like are you sure, Alex.

22 Q. Um.

23 A. I'm sorry. It's hard to talk about this.

24 Q. I understand. I understand.

25 And, at that point when you heard that, did you have

Aaron Scott - Direct examination
By Solicitor Lively

1 any more information about what had happened?

2 A. No, I didn't.

3 Q. Okay. So, what did you do next?

4 A. After kind of getting over the initial shock a little
5 bit and, and, and hearing how hysterical Alex sounded on the
6 phone, I tried to calm him oddly enough. And after getting
7 off the phone with him, I immediately start -- started
8 calling people. I tried to -- I tried to get in touch with
9 Paul, Robin, anyone I could think of --

10 Q. And---

11 A. -- who needed to know.

12 Q. All right. And so you actually reached out to Robin
13 Furr.

14 Is that---

15 A. Yes.

16 Q. Is that who you're referring to?

17 A. Yes.

18 Q. Okay. So -- and that -- they had been divorced by
19 then, correct?

20 A. Yes.

21 Q. All right. Did you have any concerns about whether or
22 not she may of had something to do with this?

23 A. No, I didn't.

24 Q. And how was your relationship with Robin Furr and in
25 re -- since she and Gene had actually been separated and

Aaron Scott - Direct examination
By Solicitor Lively

1 divorced?

2 A. We had a good relationship.

3 Q. And---

4 A. We were a very tightknit family.

5 Just to give you an example, during my wedding, my
6 wife's family couldn't comprehend the fact that my mother
7 was standing there conversing with her ex-husband, her
8 current boyfriend, and the father of her children, and
9 everybody, everybody was, was friends and getting along.

10 Q. Okay.

11 A. But that's how we rolled as a family.

12 Q. All right. So, at -- so you're, you're calling
13 everyone and, at, at some point, were you actually contacted
14 or, or did you actually see Alex later on either that day or
15 that evening?

16 A. That night.

17 Q. That night.

18 So, before you saw him that night, were you -- was your
19 whole day kind of a world wide calling people---

20 A. Yes.

21 Q. ---and telling them?

22 All right. So, at what point did you actually see the
23 defendant that night?

24 A. I believe he arrived at the house maybe around ten,
25 eleven o'clock. It was very late.

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. It was very late.

2 And whenever he got there, how did he look?

3 A. He looked stressed. He, he looked disheveled, you
4 know, anxious, upset.

5 Q. Did he say anything to you about what he had seen that
6 day?

7 A. He said it looked to him like they had been executed.

8 Q. Did he give you any more information?

9 A. If he did, it -- I was dealing with my own --.

10 Q. I understand.

11 But he did tell you it looked as if they had been
12 executed?

13 A. Yes.

14 Q. Did he tell you anything else about what he saw inside
15 the house?

16 A. No.

17 Q. All right. Now, when he was there, did he have
18 anything with him that you recall other than showing up in
19 his car?

20 A. Nothing he brought into the house, no.

21 Q. At any point did he tell you that law enforcement had
22 actually interviewed him that day?

23 A. Oh, yes.

24 Q. And what did he tell you about that?

25 A. He was complaining and, and, and, and upset about it.

Aaron Scott - Direct examination
By Solicitor Lively

1 He'd -- he said they would -- they had wanted his phone.
2 But he, he had needed it to find his way to my home, which
3 was very believable considering that he couldn't find his
4 own apartment without his GPS. But I -- that -- he was
5 asked to come -- to take the phone back to them the
6 following day, which I actually went -- I actually drove him
7 to that.

8 Q. Okay. So, the next day, which would of been June
9 22nd of 2020 --

10 A. Yes.

11 Q. -- you were the one that was driving him to Chester to
12 turn over his phone?

13 A. Yes.

14 Q. All right. So, you heard some, some testimony about
15 people talking to Alex the following day and he was a
16 passenger in a vehicle.

17 would that have been your vehicle?

18 A. Yes.

19 Q. All right. And about what time did y'all head to
20 Chester?

21 A. It was roughly around ten o'clock in the morning I
22 believe.

23 Q. Okay.

24 A. Nine, ten o'clock.

25 Q. And what was, what was he doing while he was a

Aaron Scott - Direct examination
By Solicitor Lively

1 passenger in the car?

2 A. We were just talking and, and occasionally his phone
3 would ring and he'd have a, he'd have a conversation. I
4 really wasn't paying a whole lot of attention to it.

5 Q. All right. Did he talk to you any about Gene or Billie
6 on the way to Chester County?

7 A. Yes. Some.

8 Q. All right. Did he ever bring up anything else about
9 what he saw?

10 A. No.

11 Q. Did he bring up anything about whether or not -- did
12 you ask him, since Gene had told you before he died that,
13 that Alex may of been mad because he turned him down for
14 money, did you have that conversation?

15 A. I didn't really think about it at the time. I was
16 still in shock, shocked and grieving.

17 Q. I understand.

18 All right. So, when you arrived in Chester County, I'm
19 assuming you arrived?

20 A. Yes.

21 Q. What did, what did the Defendant Alex do at that point?

22 A. We, we went into the waiting room and there was a
23 window there and told, told them why we were there and then
24 we sat down. And a little bit later two officers, two
25 officers or detectives I believe, came out that I later

Aaron Scott - Direct examination
By Solicitor Lively

1 found out I believe their names were Dean and Crockett.

2 They came out to get the phone from Alex.

3 Alex expressed some hes -- some hesitation. I believe
4 he said something about a lawyer advising him not to. They
5 stated they had a warrant for it. I didn't actually see it.
6 But the -- but they had papers in their hand. And, upon
7 that, I believe I looked at Alex and said you need to just
8 give them the phone and he handed the phone, handed the
9 phone off to them. And I believe it was Dean, the older,
10 older gentleman, asked about some scratches on his arm.

11 Q. Okay. All right. And anything -- what was Alex's
12 response?

13 A. To --?

14 Q. Response to any questions that Dean was asking him on
15 that day.

16 A. As far as the -- when Dean asked him about the
17 scratches, he said he received them from running through,
18 through the trees.

19 Q. Okay. All right. And are there a lot of trees and
20 briars and that type of thing in the woods around---

21 A. Yes.

22 Q. ---your father's house?

23 A. Yes.

24 Q. All right. And at that point in time had he
25 actually -- did you know whether or not he was the one that

Aaron Scott - Direct examination
By Solicitor Lively

1 was looking for someone after he found their bodies that day
2 on June 20th -- I mean 21st?

3 I'm sorry.

4 A. I knew he had found them and I knew he had gone
5 searching for, searching for someone --

6 Q. Okay.

7 A. -- to, you know, to call 9-1-1. But that was about the
8 extent of it.

9 Q. Okay. All right. And then after you left that day
10 from Chester County, did you have -- where did y'all go
11 after that?

12 A. I took him to his apartment in Columbia to get some
13 clothes cause he was actually wearing my clothes at the time
14 --

15 Q. All right.

16 A. -- and that was the first time I had ever -- I'd ever
17 been there.

18 Q. Okay. All right. And did you actually go inside the
19 apartment with him?

20 A. Yes, I did.

21 Q. Did you meet anybody while you were there?

22 A. Yes, I did. I believe Ian was there and John.

23 Q. Okay. And John. All right.

24 A. I didn't feel comfortable there --

25 Q. Okay.

Aaron Scott - Direct examination
By Solicitor Lively

- 1 A. -- honestly.
- 2 Q. All right. And how long were you there?
- 3 A. It was very short. Like 10, 15 minutes.
- 4 Q. All right. And where did Alex go with you after that
- 5 point or did he leave with you?
- 6 A. Yes, he left with me and we came back to Richburg and
- 7 stopped in at, at the property.
- 8 Q. Okay.
- 9 A. I needed to -- I needed to go there to -- for it to be
- 10 real to me.
- 11 Q. Had the---
- 12 A. why---
- 13 Q. ---bodies already been released at that point?
- 14 A. Yes.
- 15 Q. The -- I mean the house, the---
- 16 A. Yes.
- 17 Q. ---scene had been released at that---
- 18 A. Yes.
- 19 Q. All right.
- 20 A. I didn't actually go in. I broke down in the driveway
- 21 and then we -- then we got to talking about the mama cat and
- 22 the kittens. And we actually went under the trailer and,
- 23 and got them and took them back to my home in Mount
- 24 Pleasant, which I'm happy to say that we found homes for
- 25 every one of them.

Aaron Scott - Direct examination
By Solicitor Lively

1 Q. Now, Aaron, were you a beneficiary on the life
2 insurance policy with -- from -- for Gene Rogers?

3 A. Yes, I was.

4 Q. Okay. And were you aware of anytime of whenever he
5 would of switched out that beneficiary before he died?

6 A. No, I'm not.

7 Q. Okay. Do you know who was on it before you and the
8 defendant, Alex Scott, was on it?

9 A. I believe it was Robin Furr.

10 Q. It was Robin Furr that you thought?

11 A. Back in 2016 Gene called me when he was going through
12 his divorce. I, I believe it was during the latter part of
13 it when it was about to wind down and asked me, asked me if
14 I was okay with him making me the ben -- the beneficiary on
15 his life insurance and I didn't have any problem with it.

16 Q. Okay.

17 A. And in the course of that conversation, he asked me,
18 you know, if any -- if anything was to happen to him, to
19 give Alex half of it. But to wait until he had grieved and,
20 and had gotten over it because he was worried he would --
21 he'd do something crazy with it. And, you know, again, I
22 didn't have a problem. But I was never made aware that he
23 was actually added as an official.

24 Q. And were you aware of the amount of that life insurance
25 policy?

Aaron Scott - Direct examination
By Solicitor Lively

1 A. No, ma'am, I wasn't.

2 Q. And how---

3 A. I---

4 Q. All right.

5 A. I never asked.

6 Q. You never asked.

7 Okay. All right. Fair enough.

8 And was Gene -- what was he planning in regards to when
9 he was gonna retire?

10 A. Well, the plan was -- he had talked about actually
11 trying to purchase Billie Ruth's home in west Virginia from
12 the one who -- from the man who, who rented it to him.
13 Apparently he had had conversations with him about it.

14 And, and the general plan was, when my youngest
15 graduated, for me and my wife to move down there, you know,
16 here on the property and he would kind of go back and forth,
17 back and forth between. And we would begin to renovate the
18 home because, as you've stated yourself, Gene lived kind of
19 humbly and, you know, I was on my way to getting him to
20 start doing things there. But -- and he had plans to
21 travel, travel and evangelize.

22 Q. Now, Aaron, is there anything about Gene and, and
23 what -- and his death and Billie Ruth's death that I haven't
24 asked you about here today that you think's important for
25 this jury to know?

Aaron Scott - Direct examination
By Solicitor Lively

1 A. I will say this. A few weeks after me and my wife and
2 my -- me and my wife, wife and my two sons went to the home
3 to clear out food and, you know, anything that was kind of
4 rotting and, you know, that, that needed to be, to be
5 cleared out, and it was actually my wife who noticed, in
6 Billie Ruth's bedroom, how all her stuff was arranged on the
7 bed like she would do at night. And it, and it had the look
8 of she was in the middle of it and got, and got sidetracked
9 and never completed it.

10 Q. Okay. Before she would of been going to bed --

11 A. Yes.

12 Q. -- that night?

13 One moment.

14 (Pause.)

15 Q. Thank you. Answer any questions the defense may have.

16 THE COURT: Defense have any cross?

17 MS. BOULWARE: Just a couple of questions, Your Honor.

18 THE COURT: Okay.

19 MS. BOULWARE: Not too many.

20 CROSS-EXAMINATION

21 BY MS. BOULWARE:

22 Q. Good afternoon, Mr. Scott. I just have a couple of
23 questions for you just to clarify some things.

24 A. That's fine.

25 Q. Make sure I heard them right.

Aaron Scott - Cross-examination
By Ms. Boulware

1 So, when you were saying about the -- your son's
2 graduation with -- at the -- was it Charlotte Motor
3 Speedway?

4 A. Yes.

5 Q. That's pretty cool.

6 would, would the dates the 12th and the 13th sound
7 about right to you?

8 A. Yes.

9 Q. Okay. And, just briefly, you -- you've known Alex
10 since his birth, correct?

11 A. I was -- yes.

12 Q. Okay.

13 A. I was there at the hospital.

14 Q. Yeah.

15 Okay. Had -- has he always been kind of high strung
16 and pacing and just --

17 A. Yes.

18 Q. -- gets nervous easily---

19 A. Yes.

20 Q. ---or anxious?

21 Okay. And if we can go back to the -- and I know this
22 was a very, very long time ago. But the interview with --
23 that you had with---

24 A. Uh-huh. (Affirmative).

25 Q. ---Investigator Dean and I think maybe---

Aaron Scott - Cross-examination
By Ms. Boulware

1 A. And---

2 Q. ---Sergeant St. Clair.

3 A. ---St. Clair.

4 Q. That's right.

5 A. Yes.

6 Q. And do you recall Investigator Dean telling you that
7 there was no LLC set up, set up?

8 A. Yes, I do.

9 Q. And do you recall him giving you amounts of the
10 insurance policies --

11 A. Yes, I do.

12 Q. -- which were later incorrect?

13 A. Yes.

14 Q. Okay. And there later was an LLC. It was discovered
15 there was actually an LLC?

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

17 Q. Okay.

18 THE COURT: What was his response?

19 THE WITNESS: Oh, I'm sorry.

20 MS. BOULWARE: Sorry.

21 THE WITNESS: Yes.

22 MS. BOULWARE: Okay. Beg the Court's indulgence one
23 moment?

24 THE COURT: Yes.

25 (Pause.)

1 MS. BOULWARE: That's all the questions I have, Your
2 Honor.

3 THE COURT: Anything in follow-up, solicitor?

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

5 THE COURT: You can step down, sir.

6 THE WITNESS: Thank you.

7 THE COURT: All right. Ladies and gentlemen, that,
8 that does it for today. Want you back at 9:45 in the
9 morning.

10 I know that there's been some, some inquiry about when,
11 when this case is going to end. Right now I can not tell
12 you that. I would have to -- just based upon some general
13 conversations with the lawyers, it's gonna take probably the
14 better part of the week before it ends.

15 I realize that this is not easy to sit as a member of
16 the jury in a type of case of this nature. I know it can
17 be -- it's somewhat mentally taxing, physically taxing on
18 you.

19 All I can ask, first of all, I appreciate it so very
20 much your work, hard work in this case, your patience with
21 us, and I just ask that you just, best you can, to hang in
22 there with us and we will, at some point in time, reach a
23 conclusion.

24 Okay. All right. So, with that said, have a good rest
25 of your day. Get some rest. Remember all my instructions

1 and we'll see you at 9:45 in the morning.

2 Thank you very much.

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

5 THE COURT: If there's nothing further, we will be
6 adjourned till 9:45 in the morning.

7 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

8 THE COURT: Thank you.

9

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

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1 Tuesday, May 21st, 2024

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

5 THE COURT: All right. Let the record reflect the jury
6 is back in.

7 Good morning, ladies and gentlemen. Hope you're doing
8 well.

9 Y'all've been very consistent with your seating
10 arrangement. It's kind of like at church. You got your own
11 seat at church and nobody better sit in that chair.

12 Okay. All right. State ready to call your next
13 witness -- well, first witness for the day.

14 SOLICITOR SOPRANO-CESMAT: Yes. Thank you, judge.

15 The State would call Megan Fletcher to the stand.

16 THE COURT: Okay.

17 THE CLERK: Please state your full name.

18 MEGAN FLETCHER, being first duly
19 sworn, testified as follows:

20 THE WITNESS: Megan Fletcher.

21 DIRECT EXAMINATION

22 BY SOLICITOR SOPRANO-CESMAT:

23 Q. Good morning.

24 Please state your name for the record.

25 A. Megan Fletcher. F-L-E-T-C-H-E-R.

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 Q. And where are you currently employed?

2 A. I'm employed by the South Carolina Law Enforcement
3 Division in the forensics services laboratory in the trace
4 evidence department.

5 Q. Okay. And how long have you been at SLED?

6 A. Sixteen and a half years.

7 Q. What areas of analysis have you worked in while at
8 SLED?

9 A. So, trace evidence includes fire debris, explosives,
10 fibers, paint, general physical and chemical unknown
11 identifications, pressure sensitive tape, physical fit. I
12 might of missed a couple. But also gunshot primer residue.

13 Q. Okay. And have you ever worked in any other area of
14 analysis while working at SLED in those 16 and a half years?

15 A. No, my entire time has been in trace.

16 Q. Cool.

17 What's your educational background to be able to work
18 in trace evidence for SLED?

19 A. I have my bachelor's degree from Chatham College in
20 biochemistry and English. I also have my masters of science
21 in forensic science emphasizing in computer forensics and
22 forensic chemistry.

23 Q. Okay. And what special training do you have
24 specifically regarding the field of gunshot residue trace
25 evidence?

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 A. Upon my employment with SLED, I underwent about a year
2 long training process that consisted of written, practical,
3 and oral examinations regarding gunshot primer residue and
4 the instrumentation used to analyze it. I'd also culminated
5 in a mock case where I had to report the correct findings
6 and then provide mock testimony regarding those findings.

7 Q. Okay. And are you required to maintain any
8 certification or continued education in the field?

9 A. I am required to maintain my competency in gunshot
10 primer residue analysis and I do that by taking periodic
11 proficiency, proficiency tests where I have to -- those are
12 external test provided by an external vendor. And I have to
13 report the same results as they expect.

14 Q. Okay. And how often is that done?

15 A. At least once every four years.

16 Q. Okay. And are you trained in the best practices in the
17 field of trace evidence?

18 A. Yes, I am.

19 Q. Have you ever been qualified as an expert in court?

20 A. Yes, I have.

21 Q. And what field of expertise have you been qualified?

22 A. Trace evidence and gunshot primer residue specifically.

23 Q. Okay. Do you know about how many times?

24 A. For gunshot primer residue, it is 65 times.

25 SOLICITOR SOPRANO-CESMAT: All right. At this time the

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 State offers Megan Fletcher as an expert in the field of
2 gunshot residue trace evidence.

3 MR. FRICK: No objection, Your Honor.

4 THE COURT: All right. Without objection, so ordered.

5 Q. Okay. Explain to the ladies and gentlemen of the jury
6 what is gunshot residue or as we may refer to it as GSR.

7 A. So, gunshot residue is everything that comes out of a
8 gun when it's fired. That includes smoke, soot, fragments
9 of the bullets, burned and unburned gun powder, as well as
10 something called gunshot primer residue. And that's what
11 we're actually analyzing at SLED.

12 The gunshot primer residue comes from the prime
13 component of a cartridge case and it's composed of
14 microscope, molten particles containing the elements lead,
15 barium, and antimony. And you can get it on your hands by
16 being in the vicinity to the discharge of a firearm,
17 shooting a firearm, or touching an object that has gunshot
18 primer residue on it.

19 Q. Thank you for that explanation.

20 How long does it remain on human skin?

21 A. So, a living person who is active---

22 THE COURT: Solicitor, I'm just gonna stop a second.

23 Ma'am, in the back, put your phone -- take your phone
24 to your car.

25 UNIDENTIFIED SPEAKER: This is the one that you had

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 approved. She's deaf and it has---

2 THE COURT: Oh, I'm sorry. I apologize. I didn't, I
3 didn't realize that. I did approve that yesterday. But,
4 but I don't want you having the phone up.

5 Can you tell her that?

6 UNIDENTIFIED SPEAKER: Oh, yeah. It was -- she was
7 going across on reception. But, yeah, I'll just kind of
8 hold it down---

9 THE COURT: Okay. All right.

10 UNIDENTIFIED SPEAKER: ---and see what---

11 THE COURT: Thank you.

12 SOLICITOR SOPRANO-CESMAT: Are we good to proceed,
13 judge?

14 THE COURT: Yeah, you may continue.

15 SOLICITOR SOPRANO-CESMAT: Thank you.

16 So you were explaining to the ladies and gentlemen of
17 the jury how long it remains on human skin.

18 A. So, a, a typical person who's active who just
19 participates in everyday life is gonna remain on your skin
20 for about four to six hours. And the reason for that is
21 that, when you shoot a gun and you put that gun down, you
22 immediately start to remove particles from your hands by
23 simply transferring them to other objects.

24 So, you can wipe your hands on your pants, put your
25 hands in your pockets, drive a vehicle. You can also wash

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 the -- your hands and remove all of that gunshot primer
2 residue.

3 Q. Okay. So, you're looking at roughly a four to six hour
4 timeframe.

5 Is that correct?

6 A. That's correct.

7 Q. And how long does it remain on clothing?

8 A. So, because clothing is an inanimate object, it's not
9 actively being moved around. It -- so you have to actively
10 remove it. You would have to wipe it off, shake it off, put
11 it in a washing machine, those kind of things.

12 Q. Okay. And what about hard surfaces such as glass or a
13 countertop?

14 A. That would be the same as clothing. So we -- somebody
15 would have to actively come behind it and remove it or the
16 environmental conditions. So, the exterior of a car, if
17 it's raining outside, that may help remove it.

18 Q. Okay. And I think you already testified about this.
19 But I just want to make sure that we all understand.

20 Is it transferable from one surface to another, this
21 gunshot residue?

22 A. It's very transferable.

23 Q. And how do these particles that you spoke about, the
24 gunshot residue, get collected for evidence purposes?

25 A. So, from a person's hands, a GSR kit is used and a GSR

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 kit is basically an envelope or a box that contains
2 information, forms for the officer to fill out with the
3 person whom they're collecting from's name, the time and
4 date of the incident, and the time and the date of
5 collection, and whether that individual sustained a gunshot
6 wound. There's a couple other pieces of information. But
7 those are the important ones.

8 In that kit, there's also particle lifts, which are
9 stamps with a sticky surface on it. And one stamp is used
10 to collect from the right-hand of an individual, the palm
11 and the back of that person, and the left-hand of that
12 person, the palm and the back. So I have one sample from
13 the right-hand and one sample from the left-hand.

14 Q. Okay. So, then that GSR kit gets brought to SLED for
15 you to analyze.

16 Is that correct?

17 A. That's correct.

18 Q. Okay. And when you're testing for the gunshot residue
19 on a live person, a human skin, the time constraints, you
20 testified a little bit about that.

21 But when you're actually looking at what to test, are
22 the time constraints different when you're testing clothing
23 versus hands and, if so, why?

24 A. So, for a living individual, there is a six hour
25 timeframe by policy that we will not analyze after. So, we

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 Look at the incident date and time and then we look at the
2 incident or the collection date and time. And we will only
3 analyze a kit if it's been collected within that six hours
4 of reported times.

5 With clothing, there's not that same timeframe because
6 it has to be actively removed. So, it does not matter when
7 that was collected per the incident.

8 Q. Okay. And you said that's six hours from the reported
9 time, right?

10 A. Correct.

11 Q. Okay. So, hypothetically, if you receive an item of
12 clothing from an investigation for a shooting, and you
13 learned that the suspect's shirt he was wearing was seized
14 and a GSR kit was done on his hands within six hours or less
15 of that shooting, which one of those items would be the most
16 valuable to you for testing purposes?

17 A. So, the -- for the hands, it would link it directly to
18 that particular incident within six hours. Because clothing
19 can't be directly linked to a timeframe, and it remains on
20 there until it's actively re -- actively removed, sometimes
21 the hands are better evidence.

22 Q. Okay. Thank you.

23 Did you have an opportunity to conduct an analysis in
24 February of 2021 for the case of State v. Gene Alexander
25 Scott?

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 A. Yes.

2 SOLICITOR SOPRANO-CESMAT: And Court's indulgence for a
3 moment.

4 THE COURT: Sure.

5 (WHEREUPON, the GSR trace evidence report was marked as
6 State's Exhibit No. 198 for identification purposes only at
7 this time.)

8 Q. All right. I'm gonna show you what's been marked as
9 State's Exhibit 198 and if you can tell the ladies and
10 gentlemen of the jury if you recognize what I just handed
11 you.

12 A. May I refer to my own report?

13 Q. Yes.

14 A. State's Exhibit 198 appears to be a copy of the two
15 reports that I issued for this case.

16 Q. Okay. And was this case assigned a SLED Lab Number?

17 A. Yes, it was. It was assigned SLED Lab L20-0 -- 07201.

18 Q. Okay. And I'm gonna show you what's been marked as
19 State's Exhibit 160.

20 You can look at that item and tell the jury what that
21 item is. I believe there's three items within that.

22 A. This is a heat sealed pouch or a evidence container
23 that has been sealed using heat for SLED Lab L20-07201,
24 Container Number F, and I know that based on the yellow bar
25 code at the top of this bag. And it contains three gunshot

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 residue kits.

2 Q. Okay. And where did the gunshot residue kits come
3 from?

4 A. One GSR kit was collected from Gene Alexander Scott.
5 One GSR kit was collected from Gene Rogers and one GSR kit
6 was collected from Billie Rogers.

7 Q. Okay. And how did this evidence get to you?

8 A. I -- so the evidence is submitted to SLED through the
9 evidence control department. The evidence control
10 department assigns it a unique SLED laboratory number based
11 upon the year that it was submitted. So, in this case, it
12 was submitted in 2020. So it has an L20 dash number. It
13 also has a unique five digit code after that and those are
14 sequential as they come into the laboratory.

15 Once those evidence -- once that evidence has been
16 logged into our system, then it is disseminated to different
17 departments. So, it would of been disseminated to the trace
18 evidence department for analysis.

19 Q. Okay. And when you receive items for testing in the
20 lab, what do you look for to ensure that there's been no
21 tampering of that evidence and the integrity is still in
22 tact?

23 A. So, we're looking at the outer container, if available.
24 In this case, it was a heat sealed pouch, the plastic
25 evidence bag. We're looking to make sure that all of the

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 sides are sealed and that there are initials and dates from
2 the person sealing that on the evidence.

3 Once we open that container, we're also looking at the
4 GSR kits themselves to make sure that they are also sealed
5 and initialed. And that's how we determine whether they are
6 properly sealed for our department.

7 Q. Okay. And when you receive items for testing, or these
8 items specifically, excuse me, were they already given a
9 SLED number?

10 A. Yes, they were pro -- they were given a SLED item
11 number in evidence control department upon submission.

12 Q. Okay. And you said that these specific items in this
13 case were sealed and initialed when they got to you?

14 A. If I may refer to my notes?

15 Q. Yes. Please.

16 A. Yes, Container F, the plastic exterior bag, was sealed
17 and initialed as well as all three GSR kits inside.

18 Q. Thank you.

19 If the items were to come to you and they weren't
20 sealed, what would you do at that point?

21 A. We would have to determine whether it appeared that any
22 tampering took place and make appropriate actions based upon
23 that. But, in this case, there was no evidence of tampering
24 due to the fact that they were, in tact, proper seals. So,
25 we proceeded with analysis.

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 Q. Okay. Excellent.

2 And I think you alluded to this, but specifically who
3 has access to this evidence before it's tested?

4 A. Before it's tested, it's within the evidence control
5 department. They are the only employees that have access to
6 that evidence. I can't even go into evidence control and
7 retrieve any evidence without them.

8 So, they are the only ones that have access to it.
9 Once it's in the trace evidence laboratory specifically, the
10 analysts and technicians within the trace evidence
11 laboratory have access to it as well as our chain of
12 command.

13 Q. Okay. So, you did confirm with these three items, I
14 believe they were Item 31, 32, and 33, is that correct---

15 A. Yes.

16 Q. ---that we're---

17 A. That's correct.

18 Q. Okay. And once you confirmed that those items were
19 properly sealed, there's no tampering anything like that or
20 no evidence of that, and they were submitted for testing,
21 what did you do next?

22 A. They were inventoried and part of the inventory process
23 is checking the seals. It's also checking that GSR
24 information form that's contained within the kit to
25 determine who the kit was collected from. It's also used to

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 determine the timeframe in which those were collected and
2 whether or not that individual sustained a gunshot wound.

3 Q. Okay. So, once you've determined that the timeframe
4 was within your standards that you do test, then what did
5 you do next?

6 A. They were then moved to analysis by scanning electron
7 microscope with an energy dispersive x-ray detector.

8 So that is a very powerful microscope that uses
9 electrons instead of light because we're looking for such
10 small articles. The size of particles that we're looking
11 for you could fit anywhere between 10 and 100 on the
12 diameter of a human hair. So they're very tiny. We could
13 not see them with your typical light microscope.

14 So, we used the scanning electron microscope to
15 visualize those particles and then the detector that he have
16 allows us to determine whether that particle contains all
17 three elements of lead, barium, and antimony.

18 Q. Thank you.

19 So, once the -- I think you called it an SEM.

20 Is that correct?

21 A. Yes.

22 Q. Okay. So, once the SEM confirms that these particles
23 are present, then what do you do?

24 A. So part of the analysis is an automated analysis
25 done -- performed by the SEM EDS and that quickly identifies

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 a general shape of a particle, a general size of a particle,
2 and a quick snapshot of what that particle contains.

3 If the SEM determines that it contains lead, barium,
4 and antimony by a quick snapshot, the next day the analyst
5 will go in, go back to that particle, get a really good
6 image of that particle, and reacquire the data from it to
7 ensure that it did contain lead, barium, and antimony.

8 Q. Okay. So that's -- is that you going back and
9 confirming what the machine has found?

10 A. Yes.

11 Q. Okay. And in this specific case, I've already handed
12 you State's Exhibit 160, which are SLED Item Numbers 31, 32,
13 and 33.

14 What were the results of those three items in this
15 case?

16 We'll start with Item Number 31.

17 A. Item 31 was one GSR kit from Gene Alexander Scott. No
18 particles characteristic of gunshot primer residue were
19 detected. The absence of primer residue on the hands is
20 consistent with but not limited to the following scenarios:

21 The individual not having discharged a firearm, four to
22 six hours passing between firing and sampling, normal
23 physical activity between firing and sampling, the
24 individual washing the hands, wiping the hands, or sweating
25 profusely, the individual wearing gloves during the

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 discharge of a firearm, excessive blood or debris on the
2 hands, environment -- environmental factors including wind
3 and rain, the ammunition discharged did not produce
4 particles characteristic of the conventional primer gunshot
5 residue, the firearm not producing primer residue on the
6 hands when discharged.

7 Q. Okay. And the next item, which was Item Number 32
8 within State's Exhibit 160, what were the results of that
9 item?

10 A. Item 32 is one GSR kit from Gene Rogers. Particles
11 characteristic of gunshot primer residue were found. In
12 general particles characteristic of gunshot primer residue
13 are microscope molten particles containing the elements
14 lead, barium, an antimony. Gunshot primer residue can come
15 from being in the vicinity to the discharge of a firearm to
16 include sustaining a gunshot wound, discharging a firearm,
17 or coming into contact with a surface that has gunshot
18 primer residue on it.

19 It should be noted that the presence or absence of
20 gunshot primer residue on the victim of a gunshot wound can
21 not determine whether the shooting was the result of a
22 homicide/assault, accident, suicide, or self-defense.

23 Q. Thank you.

24 And the last item in this report is Item Number 33
25 within State's Exhibit 160.

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 What were the results of that item?

2 A. Item 33 was one GSR kit from Billie Rogers. Particles
3 characteristics of gunshot primer residue were found. And
4 because this person also sustained a gunshot wound, all of
5 the following -- all of the statements following that result
6 were the same as Item 32.

7 Q. Okay. Thank you.

8 And did you have more items of evidence that were later
9 submitted for trace evidence analysis in March of this year,
10 2024?

11 A. I -- yeah, I'm not sure about the date in which they
12 were submitted. But, yes, I was submitted additional items
13 of evidence.

14 Q. Okay. I'm gonna hand you what's been previously marked
15 as State's Exhibit 164 and 168. If you can look at those
16 and see if you recognize what those items are.

17 A. I do rec -- I do recognize State's Exhibit 164 as being
18 the exterior container for L20-07201, Item Number 48. I
19 recognize it with my initials and the date in which it was
20 opened and then there's evidence tape on the back with my
21 seal.

22 And then I also recognize the heat sealed pouch,
23 State's Exhibit 168, for SLED Lab L20-07201 for Item Number
24 48.1 as being evidence collected from Item Number 48.

25 Q. Okay. Now, Item Number 48, was that tested?

Megan Fletcher - Direct examination
By Solicitor Soprano-Cesmat

1 A. Yes, it was.

2 Q. Okay. And what were the results of that?

3 A. So, Item 48 was tested for gunshot primer residue, and
4 in the sample analyzed, particles characteristics of gunshot
5 primer residue were found. In general, particles
6 characteristic of gunshot primer residue are microscopic,
7 molten particles that contain the elements lead, barium, and
8 antimony.

9 Gunshot primer residue can come from being in the
10 vicinity to the discharge of a firearm or coming into
11 contact with a surface that has gunshot primer residue on
12 it. However, no information can be provided as to the
13 timeframe in which these particles were deposited.

14 Q. Okay. And just for clarity sake, your -- the Item
15 Number 48.1 is a swab or some sort of extraction from Item
16 Number 48?

17 A. Correct. It's an extraction using a solvent that I had
18 to use to perform my analysis.

19 Q. Okay. And that was how you were able to test Item 48
20 for gunshot residue?

21 A. Correct.

22 Q. Okay. Excellent. Thank you. I've no further
23 questions for you. Please answer any questions the defense
24 may have.

25 THE COURT: Mr. Frick.

Megan Fletcher - Cross-examination
By Mr. Frick

1 MR. FRICK: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. FRICK:

4 Q. Morning, Ms. Fletcher.

5 A. Good morning.

6 Q. So, when you received a -- what's called a, a GSR kit
7 from a person, that's always taken from the hands?

8 A. Typically when it's from a person, it's from their
9 hands, yes.

10 Q. Okay. If it's not, it would be labeled somewhere?

11 A. Correct.

12 Q. Okay. All right. So, in this case, the kits that you
13 got from Item 31, 32, and 33, those are from the hands of
14 the individuals, correct?

15 A. That's correct. The particle lifts themselves are
16 labeled right-hand and left-hand.

17 Q. Okay. And Item 31, to be clear, that's a GSR kit.
18 So that'd be from the hands of Gene Alexander Scott?

19 A. That's correct.

20 Q. Okay. And your results were no gunshot residue was
21 found?

22 A. That's correct.

23 Q. Okay. In fact, you, you said nothing with the
24 characteristics.

25 So, if, if, if there was a tiny little part -- you

Megan Fletcher - Cross-examination
By Mr. Frick

1 didn't find all the lead, barium, and antimony, if you just
2 saw part of it, would you report that?

3 A. No, we only report particles that contain all three
4 elements, lead, barium, and antimony, because that is what's
5 characteristic of gunshot primer residue.

6 Q. Okay. Has that changed over the years?

7 A. It has.

8 Q. Okay. All right. And if you determined that the, the,
9 the, the kit that you received was outside, for hands, for
10 hand, was outside that six hour timeframe, would y'all test
11 it?

12 A. No, we would not.

13 Q. Okay. So, conceivably this gunshot residue test was
14 taken within six hours of the incident?

15 A. So, for this particular gunshot residue kit, the only
16 time that was available was the dispatched time. So we used
17 that as the incident time---

18 Q. Okay.

19 A. ---for collection.

20 Q. All right. If you'd received any other information
21 that the incident occurred earlier in the evening, would
22 that have changed your analysis on this?

23 would you have tested it?

24 A. If it had been beyond six hours --

25 Q. Yes, ma'am.

Megan Fletcher - Cross-examination
By Mr. Frick

1 A. -- no, we would not have tested it.

2 Q. Okay. All right. And let's go to -- you did a --
3 another report in March of this year.

4 Is that correct?

5 A. That's correct.

6 Q. Okay. And that's Item 48, black metal suppresser
7 labeled Airsoft.

8 Do -- I know you do gunshot residue. I'm not trying to
9 qualify you as a firearms expert. But since you do gunshot
10 residue, I'm guessing you might know a little bit about
11 guns.

12 A. I know the very least amount that I need to do for my
13 job.

14 Q. Fair enough. Fair enough.

15 Are you familiar with what Airsoft is though?

16 A. Yes, it's typically not a primer residue type of
17 suppressor.

18 Q. Right.

19 And, in fact, do you know what would happen if you put
20 one of those on a gun?

21 A. I have no idea.

22 Q. Okay. That's fine.

23 But it's not an -- I'm gonna call it not a real gun.

24 Is that fair to say?

25 A. It's, it's not your typical firearm that uses a typical

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By Mr. Frick

1 cartridge case with a primer mixture in it.

2 Q. Got you.

3 And, in this case, does it not say that it's a
4 6-millimeter?

5 A. That is what was labeled on the outside of it, yes.

6 Q. Okay. All right. And I'm not trying to qualify you in
7 math cause I'm horrible at that myself. Otherwise I'd gone
8 to medical school. But it's fair to say 6-millimeter would
9 be smaller than 9-millimeter.

10 Is that correct?

11 A. That's correct.

12 Q. Okay. Now also you said that GSR on items, if they
13 haven't been acted upon, if anybody didn't clean them or do
14 something to them.

15 GSR is very transferable?

16 A. That's correct. Yes, it is.

17 Q. So, if say this suppressor were found in the trunk of a
18 car with other -- say a rifle or another gun and that gun
19 had been fired previously, would it surprise you to find GSR
20 on other items?

21 A. Not on the exterior. However, this -- the -- I tested
22 the interior of this item. That's why I had to use the
23 solvent---

24 Q. Right.

25 A. ---instead of the typical particle lift with the sticky

Megan Fletcher - Cross-examination
By Mr. Frick

1 adhesive.

2 Q. I got you.

3 A. I had to wash it out with a solvent.

4 Q. Okay. All right. But, again, it is -- if, if, if I
5 fired a pistol right now, you wouldn't be surprised to see
6 gunshot residue on my clothes, my shoes, any of those items,
7 correct?

8 A. No, that's one of the ways that you get gunshot primer
9 is on you---

10 Q. Okay.

11 A. ---is discharging it.

12 Q. And then we'd presume that I'd probably have it on my
13 hands, correct?

14 A. Typically you do, yes.

15 Q. Okay. And then when I got in my car and cranked my car
16 up, it's possible it'd be on my steering wheel, correct?

17 A. Yes, sir.

18 Q. And it would remain in all these places, clothes,
19 steering wheel, or whatever I touched, typically, until
20 something cleaned it off, correct?

21 A. That's correct, yes.

22 Q. Okay. All right. Did you receive any swabs from any
23 other places other than these items?

24 A. No, the only items that I received were the three GSR
25 kits and Airsoft suppressor.

Megan Fletcher - Cross-examination
By Mr. Frick

1 Q. Okay. And you received no clothing?

2 A. No clothing.

3 Q. Okay. Just making sure. I think I've covered
4 everything. Thank you, Ms. Fletcher.

5 THE COURT: Any redirect, solicitor?

6 SOLICITOR SOPRANO-CESMAT: Just briefly, Your Honor.

7 THE COURT: Oh, sure.

8 REDIRECT EXAMINATION

9 BY SOLICITOR SOPRANO-CESMAT:

10 Q. Hypothetically, if the victim in this case was shot
11 between 6:00 and 10:00PM on June 20th, and the GSR kit was
12 not done until after one o'clock on June 21st, would you
13 expect to find gunshot residue on that shooter's hand?

14 A. Not from that original incident, no. In-house studies
15 and exterior studies that have been published show that most
16 of the gunshot primer residue, if not all of it, is removed
17 between that four and six hours after an incident.

18 Q. Thank you.

19 Nothing further.

20 MR. FRICK: Nothing further. Thank you.

21 THE COURT: You can step down, ma'am. You're free to
22 leave the courthouse.

23 Is the State ready to call another witness?

24 SOLICITOR LIVELY: Yes, Your Honor. Thank you.

25 The State would call SLED Agent Kimberly Clamp to the

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By Solicitor Lively

1 stand.

2 THE COURT: Come around please, ma'am.

3 THE CLERK: Please state your name.

4 THE WITNESS: Kimberly Clamp.

5 KIMBERLY CLAMP, being first duly
6 sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR LIVELY:

9 Q. Agent Clamp, please spell your last name for the
10 record.

11 A. C-L-A, M as in Michael, P as in Paul.

12 Q. And where do you work?

13 A. I work for SLED, the State Law Enforcement Division.

14 Q. And what position do you have at SLED?

15 A. I work with -- under the investigations divisions in
16 the behavioral science unit.

17 Q. And are there times when you're called in from a -- an
18 agency requesting your assistance in an investigation such
19 as the double murders in this case?

20 A. Yes, ma'am, we specialize in violent crime cases along
21 with threat assessments. So, anytime there's an agency that
22 needs assistance, they'll come to us for a consultation.

23 Q. Okay. And what type of services I guess
24 (indiscernible) -- what type of things do you offer with
25 your experience whenever you go into a case such as this?

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By Solicitor Lively

1 A. In this particular case, we offered investigative
2 strategies.

3 Q. All right. Well, let me ask you about that. So this
4 was in the summer of 2020 again when you would of been
5 contacted.

6 Is that right?

7 A. Yes, ma'am.

8 Q. About how long had it been from the time that the
9 murders actually happened before you physically and, you
10 know, got into the case or at least where they were in the
11 case at that point?

12 A. So, on June 24th is when investigators from Chester
13 County came to my office and we had our first consultation.

14 Q. Okay. So within --

15 A. Three days.

16 Q. -- three or four days?

17 Okay. Got it.

18 Now, whenever you had that consultation, was that the
19 time whenever you had the opportunity to kind of hear where
20 they were and what they had already done?

21 A. Yes.

22 Q. And do you recall who you met with at that time?

23 A. Yes, it was Investigator Dean and Investigator St.
24 Clair.

25 Q. St. Clair.

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By Solicitor Lively

1 okay. And so you had Investigator Dean and
2 Investigator St. Clair.

3 What information did you learn that they had already
4 been able to either gather or put together by the time they
5 called you?

6 A. At that point, crime scene had been out to the crime
7 scene location and had processed it as well. They had
8 conducted an interview with the defendant shortly after the
9 bodies were found and they also collected his cellphone. I
10 believe it was the day after. But, at that point, it was
11 still in the process of being processed.

12 Q. And as for people or anyone else that they had talked
13 to, had they done any follow-up, maybe phone interviews, to
14 try to get in contact with people at that point?

15 A. Yeah, they had contacted a few family members as well
16 as some of the individuals that the defendant stated were
17 his alibis.

18 Q. All right. And once you got that information, did you
19 physically go through the entire case file as well as crime
20 scene photos and information that they had already gathered?

21 A. Yes.

22 So, at the conclusion of a -- the consultation, I
23 requested that they forward me all of the information that
24 they have in their case. Basically their entire case file
25 that they had up to that point. And I reached out to our

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1 crime scene unit and requested copies of all of the pictures
2 that they have and requested the report once it was
3 completed.

4 I also accessed our database for any forensic evidence
5 to see what was being entered into evidence and what would
6 potentially be processed.

7 Q. And what type of, you know, conclusions or suggestions
8 did you have at that point about what should happen next in
9 the investigation?

10 A. First and foremost, there was many interviews that
11 really needed to be conducted. Proper interviews of just
12 sitting down face-to-face with people asking questions so
13 this way we could identify victimology with both Billie and
14 Gene, who are they, what do they do, what is their
15 life-style like, and then to follow through as well with the
16 alibis of the individuals that were persons of interests
17 early on.

18 Q. And who were those people that you felt needed to be
19 face-to-face interviewed regarding what you just now
20 mentioned, the alibi information that was provided by the
21 defendant?

22 A. So, early on as persons of interest, because of the
23 beneficiary aspect, I believe that Aaron Scott needed to be
24 interviewed as well as Alex Scott. And because of the fact
25 that there was an ex-wife involved and not knowing the

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1 aspects of that, I suggested that they conduct an inter --
2 more in-depth interview with Robin Furr.

3 It was with Alex Scott's interview that he provided
4 alibis for the night before including Ian and -- Ian Little
5 and Evan Webb. And I suggested that they needed to reach
6 out to them to conduct further interviews to confirm.

7 Q. Were you given the name of John Cravener early on in
8 this particular case?

9 A. I was informed that he was a roommate but that he had
10 stayed at a hotel on the night of the 20th. So he was not
11 initially being looked at as a person of interest.

12 Q. And were you able to confirm that he did stay in that
13 hotel and who with?

14 A. Yes, ma'am.

15 Q. Okay. And so did that basically, like I said, push him
16 to the side at that point for you in regards to the alibi?

17 A. At that point it did.

18 Q. All right. Now, when you were looking through the
19 crime scene photos, did you come across anything that you
20 saw that kind of, like in the kitchen, that you followed up
21 with with law enforcement regarding, you know, have y'all
22 looked into?

23 A. Yes.

24 So one of the first things that we try to do, aside
25 from the victimology and understanding the facts behind

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1 their life-styles, is also try to put together a timeline.
2 And, in the kitchen, was the Papa John's pizza boxes. So I
3 zoomed in on the picture to identify when that pizza was
4 ordered and saw that it was ordered on the 20th of June
5 that year.

6 So, that fit into my timeline of okay, we know that
7 they were still alive at this point. Let's start working
8 forward from there.

9 Q. All right. And whenever you were able to zoom in and
10 see that information, what, if anything, did you have law
11 enforcement officers that you were talking to do to
12 follow-up?

13 A. Certainly.

14 So, I suggested that they go to Papa John's, see if
15 they could obtain a receipt, see if there was any
16 surveillance video of who came and picked up the pizza,
17 and/or if the employees would be able to identify who came
18 to pick up the pizza.

19 Q. Was there any video surveillance or any of those things
20 other than potentially a receipt that was actually able to
21 be recovered?

22 A. No. Unfortunately they did not have surveillance and
23 they could not recall who picked up the pizza. They did
24 advise that the victim, Gene Rogers, did regularly order
25 about that amount of pizza approximately once a month. So

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1 it wasn't out of character. But they weren't able to
2 identify who it was that came and picked it up.

3 Q. Were you able to actually confirm though that a receipt
4 had been issued regarding the pizza being picked up that
5 evening?

6 A. Yes.

7 Q. Okay. I'm just gonna show you what was collected at
8 your request and just ask you if you recognize this and the
9 date and the stamp and the name of the individual who
10 actually ordered the pizza.

11 A. Yes, I do.

12 Q. Okay. And is that what you requested and followed up
13 that law enforcement actually went and got from Papa John's
14 to document that time and stamp?

15 A. Yes, ma'am.

16 SOLICITOR LIVELY: Okay. The State would move State's
17 No. 206 into evidence.

18 Any objection?

19 MS. BOULWARE: No. No objection.

20 SOLICITOR LIVELY: Okay.

21 THE COURT: All right. Two hundred and six into
22 evidence for the State.

23 SOLICITOR LIVELY: Thank you, Your Honor.

24 (WHEREUPON, State's Exhibit No. 206 was received into
25 evidence at this time.)

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1 Q. If you would please, just clearly for the jury, tell
2 them again the date and the specific time that the order
3 came in and then if it documents the time that it was picked
4 up, and if you need to pull it out of the plastic, that's
5 fine.

6 A. Certainly. So, the order date was June 20th, 2020.
7 It was ordered at 5:34PM and it was picked up at 5:57PM.

8 Q. 5:57PM.

9 Okay. Do you know how far away his house is from Papa
10 John's?

11 A. Exactly -- and I'm sorry. I flipped this over and saw
12 the backside of this receipt.

13 The order was placed at 6:21PM. It was ready at 5:34PM
14 and he picked it up---

15 Q. Okay.

16 A. ---at 5:57PM. I'm not exactly sure. But I don't
17 believe that it was any more than 10 to 15 minutes.

18 Q. Okay. Where's this Papa John's located?

19 Is it in Richburg?

20 A. Yes, ma'am.

21 Q. All right. Okay. And Doe Street is in Richburg,
22 correct?

23 A. Yes, ma'am.

24 Q. All right. So, this is in the Richburg area?

25 A. Yes, ma'am.

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By Solicitor Lively

1 Q. All right. Now, also after confirming that time, you
2 said that that was -- that helped you with some of the, the
3 victim issues wanting to know -- documenting when you knew
4 they were still alive, correct?

5 A. Yes, ma'am.

6 Q. All right. Was there other information as -- well,
7 I'll get into that in just a minute.

8 Let me ask you this. Going back through the crime
9 scene photos, and I've got some that are already in
10 evidence, I'm gonna show these to you, and it's just
11 multiple pictures of the interior. So we've got State's 48,
12 52, 53, 58, and 55, 66, and 67.

13 All right. So just, if you would, just kind of flip
14 through these and why these kind of stood out to you, and if
15 you'll tell me which one you're looking at to look at
16 this -- the exhibit number on the back.

17 So, which number are you looking at that's --?

18 A. Okay. So, the first one -- the first one I'm looking
19 at is Exhibit 48. It is a picture of the kitchen.

20 Q. Okay.

21 A. In the kitchen, you can see where the two pizza boxes
22 are sitting as well you can see where the trashcan is
23 knocked over towards the direction of the back sliding glass
24 door.

25 Q. Okay. And -- well, let me just ask you this in

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1 general.

2 When you looked at the crime scene photos -- well,
3 first of all, you never went into the house or did you?

4 A. No, ma'am.

5 Q. You did not.

6 Okay. So, everything you're looking at right now
7 you're relying on based on the photos that SLED crime scene
8 and investigators took---

9 A. Yes, ma'am.

10 Q. ---right?

11 All right. And do you remember how many photos there
12 were from SLED crime scene?

13 A. A lot.

14 Q. A lot.

15 Okay. That's fine.

16 All right. So, in looking at these photos and looking
17 at the different rooms and everything, what kind of stood
18 out to you in regards to this single wide trailer and what
19 you saw?

20 A. It---

21 SOLICITOR LIVELY: If I may publish, Your Honor?

22 I'm just gonna pass this as we do this.

23 THE COURT: Sure.

24 These are already into evidence?

25 SOLICITOR LIVELY: These are already in, yes, sir.

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1 THE COURT: Okay. Very good.

2 Q. All right. So, just in the context of those photos,
3 what did you notice for this single wide trailer in regards
4 to, to what was inside the home?

5 A. It was a very much lived in home. There were items
6 scattered throughout the home. It wasn't well organized.
7 Things were collected in boxes. But boxes and containers
8 would be everywhere. There was piles of clothes in
9 locations. So, it, it was a little bit messy in some sense.

10 Q. Okay. Show us a -- another one of the photos that
11 documents what you're saying here now.

12 A. This here is a picture from his bedroom where the
13 clothes are piled up. You can see his Bibles sitting there
14 on the chair.

15 Q. What number's that?

16 A. This is Exhibit 58.

17 Q. Fifty-eight.

18 okay.

19 A. Exhibit 55, again, from his bedroom. Just the bed's
20 unmade.

21 Q. All right. And what about stuff on the floor?
22 was there -- were the floors cleaned off?

23 A. You were able to walk through the home. But there were
24 items on the floor and like kind of around the edges of the
25 walls and stuff like that.

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By Solicitor Lively

1 Q. And what about the bathroom?

2 I think you have a picture of---

3 A. Yes. So, Exhibit No. 123 is a picture of the bathroom.
4 Again, just kind of clutter on the, on the counters and
5 stuff like that.

6 Q. And when you were talking about victimology as in who
7 the people were and what -- just explain what victimology is
8 in regards to what you're looking at.

9 A. Certainly.

10 So, whenever I get involved in a case, the very first
11 thing I want to know is everything I possibly can about my
12 victims, who they are, where they come from, what they do
13 for money. Just anything and everything as far as that --
14 far back as I can go.

15 Basically what I identify is there any potential
16 skeletons in somebody's closet, what is their public life,
17 what is their personal life, who would potentially have
18 anything against them. So this way we can then go from
19 there as, you know, into the investigation that might be
20 important to talk to.

21 Q. Okay. And based on the information that you received
22 on the front-end and when you got into the case, were -- was
23 Billie Ruth Rogers someone you would consider like a high
24 risk victim?

25 A. Absolutely not. Neither one of them were high risk

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1 victims. They were very low risk victims. And then, when
2 we look at cases like that with low risk victims---

3 MS. BOULWARE: Your Honor?

4 Your Honor, may we approach for a moment?

5 THE COURT: Sure.

6 (WHEREUPON, a bench conference was held out of the
7 hearing of the jury at this time.)

8 Q. Was there any evidence in Gene Rogers history that he
9 was a drug user?

10 A. Nothing that I found for drug use. I do know that he
11 did have some alcohol substance use back in the day.

12 Q. Okay. How about Billie Ruth Rogers?

13 Was there any evidence that she was a drug user?

14 A. No, ma'am.

15 Q. Okay. Would they frequent, from what you could tell,
16 drug houses and drug facilities?

17 A. No, ma'am.

18 Q. All right. And were they partiers?

19 Did they go to hang out in bars and clubs?

20 A. No, ma'am.

21 Q. All right. So, the information that you, that you
22 gathered at that point was that they -- were they putting
23 themselves in high risk situations?

24 A. No, ma'am, they stayed home. Billie, she came down
25 from West Virginia. She would come down during the winter

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1 months to spend time with Gene and just to be out of the
2 cold from West Virginia. She was retired and just
3 basically, especially since at that time it was COVID, was
4 just kind of hunkering down in Gene's residence.

5 Gene went to work, he went to church, and he stayed
6 home. So, he did not interact in anything that would
7 elevate his risk level to a high level.

8 Q. Okay. Thank you for that information.

9 All right. So, these other few photos that I've handed
10 up to you, if you'll just hand them to me, I'll get---

11 A. Certainly.

12 Q. I don't need you to talk about those right now.

13 All right. And this one here, I just want to be sure,
14 State's No. 52, was this the pizza boxes that you zoomed in
15 on in order for you to get the information regarding the
16 receipt?

17 A. Yes, ma'am.

18 Q. Okay. All right. So, that -- that's the one that kind
19 of caught your eye and you wanted to make sure that you had
20 the investigators follow-up on it?

21 A. Yes, ma'am.

22 Q. Okay. All right. Thank you.

23 Now, at the time of the -- whenever the bodies were
24 found by the defendant, Mr. Scott, was he actually a suspect
25 at the time whenever they came to talk to you?

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1 A. No, ma'am.

2 Q. All right. And, as a matter of fact, did you learn how
3 they actually got access to extract his phone that he had on
4 him on the day of the -- discovering the bodies?

5 A. Yes, it was my understanding he came back the next day
6 and provided it to them.

7 Q. All right. And were you given the information from
8 that particular phone extraction and have an opportunity to
9 start reviewing that as well?

10 A. Unfortunately, not immediately.

11 Q. Not immediately.

12 Okay. So, before all the information from the phone
13 was provided or was actually obtained, what other things
14 were you doing then, and just back to what we had talked
15 about a minute ago, in regards to interviewing and
16 follow-up?

17 who'd you talk to?

18 A. Certainly.

19 So one of the things that I provided to Chester County
20 Sheriff's Office was what's called a questionnaire. It's a
21 packet of various questions that we pass out to family,
22 friends, coworkers, neighbors, anybody that has interaction
23 with the victims to identify more details about their
24 life-style.

25 So, we asked them questions like who do you think may

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1 have done this, what are the reasons that you think that
2 this situation occurred, and it helps us to just gather more
3 information about the victims that we may not have been able
4 to locate prior to. So then we use those questions, the --
5 or review those questionnaires to use those to go back and
6 ask further questions later in interviews.

7 Q. Okay. So, that questionnaire's really just a tool for
8 you to kind of know if there's somebody I need to follow-up
9 with?

10 A. Absolutely.

11 Q. All right. So who did y'all end up following up with
12 the interviews that you actually ended up being involved in?

13 A. May I refer to my notes?

14 Q. Yeah, of course, and I'm not talking recent. I'm
15 talking---

16 A. Yes.

17 Q. ---in the beginning of the investigation.

18 A. So, early on, I -- in, in and some of the very initial
19 interviews, I was not -- I did not participate in. The
20 first one that I did assist in was actually with Ian Little
21 up in Ohio.

22 Q. Okay. Well, tell us how you ended up and why you ended
23 up going to Ohio.

24 A. So, I had reviewed the interview that the defendant had
25 done at the Sheriff's Department with them as well as any

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1 interviews that they had conducted on their own, and
2 throughout those interviews, I had found multiple
3 inconsistencies that rose to a high level of concern for me.

4 So, Alex had claimed that he was at his apartment with
5 Evan Webb and Ian Little on the night of June 20th. He
6 claimed that Evan was there from 6:00PM to 10:00AM and that
7 Evan's friend had picked him up that evening and he headed
8 back to North Carolina.

9 But in Evan's statement, he reported that Ian is who
10 picked him up from Jacksonville at 5:00PM, which there's a
11 four hour drive time. So, if it's a four hour drive time,
12 he wouldn't have---

13 MS. BOULWARE: Objection, Your Honor.

14 A. ---have been until nine o---

15 MS. BOULWARE: Objection. She's, she's pitting the
16 witnesses at this point.

17 THE COURT: Okay. I sustain.

18 Q. All right. You can tell me---

19 THE COURT: Rephrase please.

20 SOLICITOR LIVELY: Yes.

21 What inconsistencies stood out to you -- instead of
22 reading everything out, just tell me exactly what the
23 inconsistency was. Like who said someone was picking
24 someone up. Like what you reviewed that was actually in the
25 interview.

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1 A. Sure.

2 So Evan said that Ian picked him up. Ian said Alex
3 picked Evan up. Caroline was at the house when both Alex
4 and Ian were there and said---

5 MS. BOULWARE: Your Honor?

6 A. ---Evan's almost here. So --.

7 SOLICITOR LIVELY: Hold on. Hold on.

8 THE COURT: Hold on.

9 SOLICITOR LIVELY: Is that an objection?

10 MS. BOULWARE: It's the same thing.

11 THE COURT: Yeah.

12 MS. BOULWARE: It's still pitting.

13 SOLICITOR LIVELY: They've already testified, Your
14 Honor. She's talking about their original interviews, which
15 we actually discussed with them in front of the jury where
16 they testified themselves as to what they said and that it
17 was untrue. We heard that from Evan yesterday that he lied
18 about the alibi as well as Mr.---

19 MR. FRICK: Your Honor, can we do this outside the
20 presence of the jury?

21 THE COURT: Yeah, we can.

22 MS. BOULWARE: I'm sorry.

23 THE COURT: Yeah.

24 Ladies and gentlemen, if you'll go back to the jury
25 room and we can deal with this legal issue and get you back

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1 out shortly.

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

4 THE COURT: Okay. Agent Clamp, let me hear your, your
5 answer again that -- the first answer and then an objection,
6 I sustained it, and then your -- with the second answer.

7 Let me hear that again before I hear from the lawyers.

8 THE WITNESS: Certainly. So, the discrepancies in the
9 statements that we learned -- I'm sorry, Your Honor.

10 THE COURT: It's okay.

11 THE WITNESS: Turn myself around.

12 The discrepancies that we learned is Alex had told us
13 that Evan was down in Columbia from 6:00 to 10:00PM on the
14 20th. Evan claimed that Ian is who picked him up from
15 Jacksonville, North Carolina at 5:00PM. That would not be
16 possible for him to make it back down from Jacksonville,
17 which is a four hour drive, down to Columbia --

18 THE COURT: Okay.

19 THE WITNESS: -- to be there between 6:00 and 10:00.

20 THE COURT: Okay.

21 THE WITNESS: Ian, in his statement, claimed that Alex
22 is who went and picked up Evan and then Alex claimed that
23 Evan's friend picked him up to bring him back to
24 Jacksonville, North Carolina. We also have Caroline who was
25 there and she was at the house while both Ian and Alex were

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1 present at the apartment and said Evan's 20 minutes out.

2 So, that would be indicative of both of them being
3 there and neither one of them driving him.

4 THE COURT: All right. So the objection is, Ms.
5 Boulware, that you believe that Agent Clamp is pitting
6 witness -- one witness against another witness?

7 MS. BOULWARE: Yes, sir, it's her interpretation of
8 Alex's interview to where she's describing how everyone else
9 interpreted it and that's for the jury. That's not for
10 her---

11 THE COURT: Well, while, while you're correct---

12 MS. BOULWARE: ---to do.

13 THE COURT: ---that is for the jury, I think, as part
14 of her investigation, she has to, I'm gonna use the phrase,
15 poke holes in what various people are saying in the course
16 of her investigation and, and she can render an opinion
17 that, that certain things contradict each other.

18 Certainly it's, it's left up to the jury ultimately
19 which witnesses to believe, which witnesses they believe
20 that contradicted somebody else, that sort of thing. But I
21 think, as a part of her investigation, she can, she can
22 comment on where she believes the discrepancies are. And I
23 don't know if that's necessarily pitting one witness against
24 another.

25 My interpretation of pitting one against the other is

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1 saying well, Mr. witness, didn't you hear John Doe just
2 testify that they said this and you're, you're now saying
3 that. That's how I view pitting witnesses against each
4 other.

5 SOLICITOR LIVELY: And that's what I was gonna argue,
6 Your Honor, is that -- this is the other thing too.

7 Those witnesses have already testified. So, the
8 credibility of those witnesses and what they've already
9 said, which they were questioned about lying, then that's
10 something that the jury can definitely decide.

11 So I -- that's what I was gonna say. It's not pitting
12 witnesses and it is -- and shows where she went next in the
13 investigation based on their -- the inconsistencies that
14 they had already provided including the defendant.

15 MS. BOULWARE: Judge, first of all, his entire video,
16 video was played. So, he has testified in a sense. So, she
17 is pitting what he said in that video against what other
18 witnesses have testified to. Plus we said she's not an
19 expert in anything. So, I don't know why her opinion's
20 necessary on that.

21 THE COURT: Okay. well, I don't know if it -- and, as
22 I said, and I'm gonna go ahead -- let me go ahead, before I
23 forget, put on the record that the defense made an objection
24 at side bar when Agent Clamp was testifying as to whether or
25 not Gene and Billie were considered to be high risk victims.

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1 Defense argued that she -- it would require her being
2 declared an expert to render such opinions. I ruled against
3 that finding that I did not believe she had to be an expert
4 to make that determination whether or not they were high
5 risk victims or not based upon her experience in, in this
6 field of criminal investigation.

7 So I denied the defense motion.

8 MS. BOULWARE: Yes.

9 THE COURT: I just wanted to get that on the record.

10 MS. BOULWARE: Your Honor, if I may too offer up a case
11 on that?

12 State v. Tapp. That case says it's inappropriate for
13 her to be qualified as an, an expert and to testify to what
14 she's testifying to about high risk.

15 THE COURT: Well, I---

16 SOLICITOR LIVELY: No.

17 THE COURT: And they're not qualifying her as an expert
18 finding that she did not need to be an expert to render that
19 opinion as to whether or not the victims were high risk or
20 not.

21 Do you have a case that, that says otherwise?

22 MS. BOULWARE: Well, what it says, judge, is the
23 testimony's inappropriate and it would be inappropriate to
24 qualify her as an expert.

25 SOLICITOR LIVELY: What she's talking about, Your

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1 Honor, is that Tapp case where there was sexuality issues
2 and whether or not they were -- that this was some type of a
3 gay rage murder. It was very specific as to facts and it
4 was whenever they were actually qualifying the person in
5 behavioral science and I haven't even asked -- I've stayed
6 away from that intentionally in regards to that cause I
7 don't want to qualify her.

8 Anybody can talk about what is this victim.

9 Are they a prostitute, so that makes them high risk, or
10 are they someone who goes to church every Sunday, works
11 every day of the week, and doesn't do drugs?

12 That, to me, is not something that -- I, I mean you
13 can -- the jurors could figure that out on themselves.
14 That's why I'm not qualifying her as an expert. That's what
15 an expert's suppose to do is be outside of what they can
16 figure out for themselves. She's just testifying about
17 they're not high risk.

18 MS. BOULWARE: Your Honor, if she's a fact witness,
19 then she needs to stick to facts.

20 SOLICITOR LIVELY: And that's what she's doing. I'm
21 all -- I'm confused at -- where, where we've already agreed
22 we're not gonna do the expert testimony. I'm confused as to
23 what the problem is.

24 THE COURT: well, we, we -- we've got two different
25 issues. The defense objection to her testifying whether or

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1 not Gene and Billie were high risk victims and I, I wanted
2 to get that on the record---

3 SOLICITOR LIVELY: Yes, sir.

4 THE COURT: ---cause you made that objection---

5 MS. BOULWARE: Yes, sir.

6 THE COURT: ---at side bar. But then we have -- so we
7 have that issue and then we have the issue of, of whether or
8 not what she is testifying to is pitting one witness against
9 another.

10 MS. BOULWARE: All right.

11 THE COURT: So, the first issue, high risk victims,
12 give me that case cite. I'll take a quick peek at it.

13 Have you got it handy, Mr. Frick?

14 MS. BOULWARE: It is.

15 MR. FRICK: Yes, sir, State v. Tapp. Two -- oh, sorry.
16 728 S.E.2d 468. That, that is the Supreme Court one that
17 they saw in 2012.

18 THE COURT: All right. we gon' pull that up and then
19 we have the second issue of whether or not she's pitting one
20 witness against another. And, again, the way I view pitting
21 witnesses against each other is when you have got a witness
22 on the witness stand and you're bringing up what somebody
23 else testified while this witness is testifying. She's just
24 commenting on the basis of her investigation where she
25 believes they're discrepancies.

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1 So --.

2 MS. BOULWARE: And, judge, I'll just renew my objection
3 on that---

4 THE COURT: Sure.

5 MS. BOULWARE: ---because my---

6 THE COURT: Go ahead.

7 MS. BOULWARE: ---opinion is that she is doing that.
8 But---

9 THE COURT: Right. I, I understand and, and you're,
10 you're protected on the record.

11 So -- but let me -- let's go back to the first issue
12 and I want to take a look at the Tapp case and just see
13 what---

14 MS. BOULWARE: And, judge, if I may add?

15 SOLICITOR LIVELY: And I'll -- go ahead.

16 MS. BOULWARE: For what she's doing though is rendering
17 an opinion on whether a witness is lying and this is the
18 issue I have.

19 SOLICITOR LIVELY: No, I completely disagree. She is
20 not.

21 What she's saying is this is what we were told. So, as
22 a result of what we were told, we then followed up to
23 confirm or deny what they said so we could have -- I mean
24 sit down with them and have an inter -- that is something
25 that anyone's gonna do in an investigation. I mean you --

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1 she's not saying they're lying. She's saying because of
2 what was already told, we have to follow it up.

3 THE COURT: All right. And, and I think probably what
4 I'll do is just, just remind the jury that, just because
5 this witness is rendering certain opinions about what has
6 been previously said by other people, the ultimate
7 determination as to credibility lies solely with the jury.
8 I'll just remind them that, as fact finders, that's one of
9 the things they have to, have to do.

10 So, I'm gonna allow this line of questioning, and,
11 solicitor, you'll probably need to kind of go back just a
12 little bit---

13 SOLICITOR LIVELY: Yes, sir.

14 THE COURT: ---when they're in court. But let's look
15 at the Tapp case --

16 MS. BOULWARE: Yes, sir.

17 SOLICITOR LIVELY: And I don't know---

18 THE COURT: -- and we'll take a short little, a short
19 little break while the, the jury's out.

20 SOLICITOR LIVELY: Yes, sir, and just so I can quite --
21 there were two big cases that came out in regards to
22 behavior science unit. One of them was State v. Tapp. It
23 was a criminal sexual conduct. I do remember that. And
24 then there was a -- one that came out later and I can't
25 remember off the top of my head. But it dealt with sexual

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1 issues and, and crime scene victimology and that kind of
2 thing.

3 THE COURT: Sure.

4 SOLICITOR LIVELY: Both of them, they were proffered,
5 they were made experts, and then the Court deemed that that
6 was inappropriate. I can not remember the one that was out
7 of Lexington County. But State v. Tapp was out of
8 Charleston. That's how I realized I misspoke.

9 But they were both kind of the same thing. I think it
10 was Paul Dela Rosa that ended up being the expert in the
11 Lexington County case.

12 MR. FRICK: Prodan.

13 SOLICITOR LIVELY: And that's not---

14 MS. BOULWARE: Prodan.

15 SOLICITOR LIVELY: ---what I'm doing.

16 MR. FRICK: Prodan.

17 SOLICITOR LIVELY: Prodan.

18 Was it Prodan -- Prodan is this one.

19 MR. FRICK: Correct.

20 SOLICITOR LIVELY: Was Prodan in the one in Lexington
21 County?

22 MS. BOULWARE: Tapp was Prodan.

23 MR. FRICK: He was Tapp.

24 MS. BOULWARE: Yeah.

25 SOLICITOR LIVELY: No, that's what I'm just saying.

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1 MS. BOULWARE: Yeah.

2 SOLICITOR LIVELY: I'm saying I got them confused.

3 MS. BOULWARE: Gotcha.

4 SOLICITOR LIVELY: Yeah, the one that was in Lexington
5 County was a later case and it was, it was also one of the
6 behavioral science unit guys. I'm trying to -- I'm sure I
7 just can't remember---

8 THE COURT: All right. Well, let, let me---

9 SOLICITOR LIVELY: ---what that was.

10 THE COURT: Let's be at ease. Take a short little
11 break and I'll take a look at the Tapp case and then, and
12 then I need to make a quick phonecall.

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

14 THE COURT: -- just need to put anything else on the
15 record concerning the two issues that we have concerning
16 Agent Clamp's testimony.

17 One, the characterization of Gene and Billie not being
18 high risk victims and the issue of whether or not she is
19 pitting witnesses against each other. And, of course, those
20 are both your objections --

21 MS. BOULWARE: Yes, sir.

22 THE COURT: -- Ms. Boulware.

23 So, is there anything else you need to put on the
24 record?

25 MS. BOULWARE: Judge, just that I mean I, I think she's

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1 rendering an opinion on which witness she believes is
2 telling the truth and she's just repeating basically what's
3 already been testified to with the spin on it of what she
4 thinks is the truth of -- as far as what she's heard from
5 them. And, judge, that, that is entirely in the province of
6 the jury.

7 THE COURT: Okay. Solicitor.

8 SOLICITOR LIVELY: As I stated before, she's talking
9 about inconsistencies that required them to follow-up with
10 the investigation. She didn't say they lied. The jury can
11 figure that out for themselves.

12 But based on those inconsistencies, that's why she
13 needed to reach out and talk to each one of those
14 individuals who have already testified except for obviously
15 the -- Ian, who's dead.

16 MS. BOULWARE: Well, judge, I think by using the word
17 inconsistencies she's implying what she thinks about it. I
18 mean she could say I followed up with this person. Just
19 facts. I don't understand why we can't just keep it to
20 facts, what she did and what she directly observed, and not
21 what she thinks about everything.

22 SOLICITOR LIVELY: So, are you saying that what was
23 actually gathered at the very beginning whenever Alex talked
24 and Evan talked and we've had him testify that Evan was
25 physically in South Carolina and that there -- she can't say

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By Solicitor Lively

1 that's inconsistent when it's actually something that
2 they've already testified to?

3 MS. BOULWARE: She doesn't get---

4 SOLICITOR LIVELY: What happens when it comes in?

5 MS. BOULWARE: ---to say it. The jury can figure it
6 out for themselves.

7 SOLICITOR LIVELY: But in order for her to explain to
8 them what she did next, I mean I guess she could just shut
9 the book and say it's inconsistent, arrest everybody.
10 That's ridiculous. I mean that's not what inconsistencies
11 are. Inconsistencies are okay.

12 Now, I'm an investigator. My job is to follow-up and
13 talk to these people face-to-face in order to decide where I
14 go next in the investigation. I mean --.

15 THE COURT: Well, I, I think I'm gonna allow her to
16 point out where she believes are inconsistencies. But I'm
17 gonna give a curative instruction reminder to the jury that,
18 concerning credibility of witnesses, credibility of
19 evidence, the only -- the decision maker on that is the jury
20 as fact finder.

21 Certainly she's not gon' use the term lying even though
22 defense argues that using the word inconsistencies could
23 imply the same thing.

24 MS. BOULWARE: Judge, the solicitor used that in her
25 argument in front of the jury while the jury was sitting in

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1 here.

2 THE COURT: Yeah.

3 MS. BOULWARE: So --.

4 THE COURT: Well, we can't avoid -- well, what
5 previously has been said that, you know, there's (sic) never
6 can be a perfect trial and sometimes they're things that
7 maybe come out before the jury that we don't want.

8 But all right. So, here's, here's my ruling. On the,
9 the characterization of high risk victims or that Billie and
10 Gene were not high risk victims because they didn't party,
11 they weren't drug users, et cetera, I mean that -- that's
12 not anywhere close to the Tapp case where Agent Prodan, who
13 happened to be in court yesterday on another matter, his,
14 his multiple assumptions concerning the crime being sexually
15 motivated. I, I just think we're in an entirely different
16 situation.

17 And then the Breaker case where the person rendered an
18 opinion concerning various factors that led him to believe
19 that the crime scene was staged as well as the criminal
20 profiling, again, I think that goes way beyond what we have
21 here. I don't believe that she needs to be qualified as an
22 expert again just to render those basic opinions about the
23 fact that they didn't have various issues in their lives
24 that would cause them to be high risk. I, I think we're
25 just dealing with two different situations.

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1 So, I'm -- have allowed that in and will continue that
2 to be in and she can point out concerning what she believes
3 to be inconsistencies. And, again, I don't see where that's
4 pitting one witness against another.

5 And -- but I am gonna give a curative instruction -- a,
6 a -- probably not even a curative instruction. Just a
7 reminder to the jury as far as what their role is in this
8 case.

9 okay. All right.

10 SOLICITOR LIVELY: Thank you, Your Honor.

11 THE COURT: Yeah.

12 MS. BOULWARE: Thank you.

13 THE COURT: Thank you.

14 All right. Let's bring the -- bring the jury out
15 please.

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE COURT: All right. Let the record reflect the
19 jury's back in.

20 Solicitor.

21 SOLICITOR LIVELY: Yes, sir. Thank you.

22 THE COURT: You may proceed.

23 SOLICITOR LIVELY: Yes, sir. Thank you so much.

24 Just one moment.

25 CONTINUED DIRECT EXAMINATION

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By Solicitor Lively

1 BY SOLICITOR LIVELY:

2 Q. Agent Clamp, where we left off, whenever you reviewed
3 the case file and the information regarding the people who
4 had talked, had been talked to, what specifically did you
5 look at regarding the timeline?

6 You said something about a timeline and establishing
7 one.

8 What did you do in regards to the timeline and where
9 everybody was during that timeline?

10 A. Certainly.

11 So trying to identify where each individual was, we
12 followed up with the alibi for Robin Furr and Aaron Scott
13 and then we -- well, the investigators had interviewed
14 several people including Alex, Ian, and Evan, and Carolyn
15 Deaton. I reviewed their interviews that they had with them
16 and the first fact that Alex gave was that Evan was down in
17 Columbia between 6:00 to 10:00PM.

18 Evan stated as a fact that he came to South Carolina
19 and was picked up by Ian who transported him at 5:00PM as
20 well Ian stated that Alex is who picked up Evan from
21 Jacksonville, South Carolina or Jacksonville, North
22 Carolina. Ian stated that he woke up the next morning and
23 noticed Evan was gone.

24 MS. BOULWARE: Your Honor, objection. Hearsay.

25 Q. Okay. Don't tell me exactly what Ian said.

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By Solicitor Lively

1 THE COURT: Yeah.

2 THE WITNESS: Sure.

3 THE COURT: Just strike that from---

4 THE WITNESS: Sure.

5 SOLICITOR LIVELY: Yes, sir.

6 THE COURT: ---from the, the record then. Don't repeat
7 what Ian said.

8 SOLICITOR LIVELY: Okay. All right.

9 THE WITNESS: Okay.

10 Caroline---

11 Q. And, and that -- and the -- and so, so just the people
12 that have actually been here available for testimony, if you
13 could just -- you can refer to what they said.

14 A. Sure.

15 Q. Okay.

16 A. Caroline Deaton, she stated that both Alex and Ian were
17 at the apartment when she had to leave between 2:00 and
18 3:00PM. And that is when Alex had stated that Evan was on
19 his way and was gonna be there in 20 minutes. Therefore,
20 neither Alex nor Ian would have been transporting Evan to
21 South Carolina.

22 Q. And how far is Jacksonville, North Carolina from
23 Columbia?

24 A. It's a four hour drive.

25 Q. Okay.

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By Solicitor Lively

1 A. And she stated, as you heard in her testimony as well,
2 that she received a text message at 10:30 stating that Evan
3 was gone and that she could come over.

4 Q. All right. So, after you get this -- all these
5 different statements in, at that point had any of those
6 individuals been formally interviewed other than the -- just
7 the initial interview with Alex on the day the bodies were
8 found?

9 A. Caroline was the only one that was formally interviewed
10 by Chester County.

11 Q. Okay. Did you want to also follow-up with her formal
12 interview after gathering all this information?

13 A. Yes, ma'am.

14 Q. All right. And what about -- you've mentioned Evan
15 webb that -- we'll talk about him in a minute.

16 what about Ian Little?

17 Did you attempt to make contact with him?

18 A. Yes, ma'am.

19 Q. All right. And tell us about that.

20 A. Certainly.

21 so, we learned that he had relocated back to Ohio and
22 we made arrangements to travel up there, located him at his
23 father's house in Garfield, made arrangements with the
24 Garfield Police Department for them to escort us since we
25 were outside of our jurisdiction.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 Q. Okay. And let me just stop you there for a minute just
2 to, to kind of -- to avoid any kind of issues.

3 A. Uh-huh. (Affirmative).

4 Q. Were you able to set up and do a formal interview with
5 Ian Little when you were in Ohio?

6 A. No, ma'am, he refused.

7 Q. Okay. Was he -- were you ever able to actually talk to
8 him---

9 MS. BOULWARE: Your Honor?

10 THE COURT: Yeah.

11 MS. BOULWARE: May we approach please?

12 Q. ---after that?

13 THE COURT: Right.

14 Let, let -- let's, let's stay away from that.

15 SOLICITOR LIVELY: Okay. That's fine.

16 So you, you never had a formal interview with Ian
17 Little?

18 A. No, ma'am.

19 Q. Okay. So whenever you -- so did you leave Ohio---

20 A. Yes, ma'am.

21 Q. ---at that point?

22 All right. And when you left Ohio, who did you then
23 try to follow-up with to talk to?

24 A. I believe the first person that we followed up with, it
25 was Caroline Deaton.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 Q. All right. And were you able to actually do a full
2 interview with her with yourself present?

3 A. Yes, ma'am.

4 Q. All right. Now, we've already had her testify.

5 So, who was the next person that you actually
6 interviewed?

7 A. That's when we had Ariez, Ariez and John Cravener come
8 in. We started with Ariez.

9 Q. Ariez.

10 And just for the jury's benefit, Ariez is who?

11 A. John Cravener's wife.

12 Q. All right. And was this the individual that was here
13 in court yesterday who testified before the jury?

14 A. Yes.

15 Q. All right. So, John Cravener, he gave you a formal
16 interview that day.

17 Is that right?

18 A. Yes, ma'am.

19 Q. And about what was the timeframe as to when that
20 interview was done?

21 A. His interview was conducted on October 15th of 2020.

22 Q. Of 2020.

23 All right. And, at that time, were you able to gather
24 any information that was helpful from Mr. Cravener?

25 A. At that time, no.

kimberly clamp - Direct examination
By Solicitor Lively

1 Q. All right. What, if anything, did he confirm regarding
2 his relationship with the defendant, Alex Scott?

3 A. He had traveled to South Carolina to work with him for
4 his business.

5 Q. Okay. So, he did confirm with you that he was gonna be
6 an employee?

7 A. Yes.

8 Q. All right. Now, after that interview with Mr. Cravener
9 and Ariez Cravener as well as Caroline Deaton, where were
10 you in regards to the investigation of this case?

11 A. This was several months out at this point. I stressed
12 that we needed to get the phone information from the
13 extraction---

14 Q. From the extraction.

15 A. ---to review.

16 Q. Okay. I'm just gonna go back because I stopped earlier
17 just to make sure that we just clear up anything from the
18 crime scene that I was asking. If -- I'm just gonna
19 approach again. I'm gonna show you what is actually already
20 in evidence as Defense Exhibit 1.

21 okay?

22 A. Uh-huh. (Affirmative).

23 Q. And do you recall, in going through the crime scene
24 photos, seeing multiple photos from both inside and outside
25 the home?

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By Solicitor Lively

1 A. Yes.

2 Q. All right. Now, was there a follow-up picture that was
3 in the crime scene photos that was that same table and box
4 that you're looking at there?

5 A. Yes, ma'am.

6 Q. Okay. And describe Defense Exhibit 1.

7 That's actually what?

8 A. So, this table was outside of the residence. I
9 believe, if you were facing the residence, it was to the
10 right-hand side and on the table was what is actually a
11 Glock box. So, when you purchase a, a firearm from Glock,
12 it comes in this type of box.

13 Q. I'm gonna show you State's No. 205 and is that -- are
14 we seeing the same table and same -- don't show it to the
15 jury yet.

16 A. Oh.

17 Q. The same table and information that we're looking at in
18 Defendant's 1?

19 A. Yes, ma'am.

20 Q. All right. What's different in that particular
21 picture?

22 A. The box is opened.

23 Q. The box is opened.

24 All right. Your Honor, the State moves State's No.
25 209?

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By Solicitor Lively

1 A. Two hundred five.

2 SOLICITOR LIVELY: ---into evidence at this time.

3 MS. BOULWARE: No objection.

4 SOLICITOR LIVELY: Okay.

5 THE COURT: Without objection, 205 --

6 SOLICITOR LIVELY: All right.

7 THE COURT: -- into evidence.

8 (WHEREUPON, State's Exhibit No. 205 was received into
9 evidence at this time.)

10 SOLICITOR LIVELY: And in regard -- may I publish, Your
11 Honor?

12 THE COURT: Sure.

13 SOLICITOR LIVELY: Thank you.

14 And in regards to the weapons that were actually
15 collected and tested in this case, you said before that you
16 actually checked reports that -- for forensic evidence in
17 this case, correct?

18 A. Yes, ma'am.

19 Q. Was there, from your review of the crime scene, and as
20 well as the information from all of the SLED reports, was
21 there a gun in that particular box?

22 A. No, there was not.

23 Q. There was not.

24 Was there any evidence in that box of, of -- like a --
25 even a bullet?

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By Solicitor Lively

1 A. I don't believe so, no.

2 Q. Okay. All right. So, the rest of these photos that
3 you have from the crime scene, or I should say specifically
4 from the house, are just additional photos that you looked
5 at in reviewing your living conditions since they were the
6 victims, correct?

7 A. Yes, ma'am.

8 Q. All right. So, I'm gonna show you 201 through 204.

9 Now, these -- do these also -- do you remember seeing
10 those photos regarding the house?

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

12 SOLICITOR LIVELY: Okay. State would move 202 and was
13 there 204?

14 UNIDENTIFIED SPEAKER: Two hundred one through 204.

15 SOLICITOR LIVELY: Two hundred one through 204?

16 THE COURT: You want to take a look at them?

17 THE WITNESS: Two hundred one through 204.

18 MS. BOULWARE: I think I know what these are.

19 SOLICITOR LIVELY: Yeah.

20 MS. BOULWARE: But I'll look at them.

21 SOLICITOR LIVELY: These are the ones I showed you
22 earlier. I apologize. I should of brought them to you.

23 (Pause.)

24 SOLICITOR LIVELY: Okay. Thank you.

25 MS. BOULWARE: No objection, judge.

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1 SOLICITOR LIVELY: Okay.

2 THE COURT: All right. Without objection, 201 through
3 204 into evidence.

4 SOLICITOR LIVELY: Correct, Your Honor. Thank you.

5 (WHEREUPON, State's Exhibit Nos. 201 through 204 were
6 received into evidence at this time.)

7 Q. Now, in regards to those photos, you've said that it
8 was -- well, and, and they speak for themselves.

9 A. Yes.

10 Q. There were, there were items of clothing and things
11 everywhere, correct?

12 A. It was cluttered.

13 Q. Well, did you, in your investigation, did you ever have
14 the chance to talk to some of the family members or review
15 their interviews?

16 A. I had reviewed Robin Furr's interview --

17 Q. All right.

18 A. -- and I had reviewed Aaron Scott's interview. Late in
19 the investigation in, in that pretrial, I interviewed Aaron
20 Scott.

21 Q. Okay. All right. So, you have actually reviewed --
22 you do know these family members and who had contact with
23 the defendant, correct?

24 A. Yes.

25 Q. All right. And based upon the information that you got

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By Solicitor Lively

1 and probably from the information you're here, there were
2 very -- were they a very close family?

3 A. Yes.

4 Q. All right. And, at that time whenever you looked at
5 the information that was given by Robin Furr and Aaron
6 Scott, at that time, did, did you have concerns about the
7 fact that you learned Mr. Scott actually was, Scott as in
8 Aaron, the uncle, was a beneficiary on the insurance policy?

9 A. Initially, yes, that was of concern.

10 Q. Okay. All right. And through your investigation, did
11 your opinion on that change?

12 A. Yes.

13 Q. Okay.

14 A. We, we confirmed his alibi.

15 Q. Okay. All right. That was my question.

16 All right. No problem.

17 All right. And so how about Robin Furr, the same, the
18 same question.

19 A. Yes, ma'am.

20 So, in -- initially, simply because they're ex-husband
21 and wife and, and didn't know what that dynamic was as to
22 why, you know, obviously that was a concern. Made them a
23 person of interest at -- early on. There were no actual
24 suspects. They were all just persons of interest, and once
25 we confirmed her alibi, and the circumstances behind the

Kimberly Clamp - Direct examination
By Solicitor Lively

1 relationship, she was no longer a person of interest.

2 Q. As you're going through the investigation, had you
3 already received information about the defendant being in
4 the Marines and then actually no longer being in the
5 Marines?

6 A. Yes, ma'am.

7 Q. Okay. And along with that information, did you pull,
8 you know, what was, what was he doing during the time he got
9 out up until the time of the murder?

10 A. You're asking what he was doing?

11 I'm sorry.

12 Q. Well, just if you knew if he had a job.

13 Did you look into what his, his -- and if you didn't,
14 that's fine. I just don't remember if you had that
15 information.

16 Did you know what he was doing from the time he got out
17 of the Marines until the time of the murders?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. I was aware that he was trying to start up the Legion
21 International business.

22 Q. All right. And did you know about any of the money
23 that he had to actually set that business up?

24 A. Yes, ma'am.

25 Q. All right. So, all this testimony we've had about Gene

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By Solicitor Lively

1 Rogers giving money to the defendant, you were, you were
2 aware of that through the investigation?

3 A. Yes, ma'am.

4 Q. All right. So, at some point whenever you're
5 documenting all this, did you also want to follow-up and ask
6 some of these other witnesses questions about what their
7 knowledge was regarding the money?

8 A. Yes.

9 Q. So, tell the jury now -- you said you're waiting on
10 the, the cellphone information from the defendant's
11 cellphone.

12 Did you have an opportunity before then to have weapons
13 that you knew had been submitted to SLED for ballistics
14 testing?

15 A. So, I had learned that there was a firearm in Ohio that
16 was in the possession of Ian Little and it was purchased by
17 the defendant, Alex Scott.

18 Q. And whenever you learned that, was that---

19 A. Uh-huh. (Affirmative).

20 Q. ---weapon retrieved and was it one of the ones sent to
21 SLED for firearms testing?

22 A. Yes.

23 Q. And we've already heard the results.

24 None of the weapons that were tested came back as being
25 the murder weapon, correct?

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By Solicitor Lively

1 A. Correct.

2 Q. All right. Okay. So, after that weapon was tested,
3 had there been another weapon that was taken on the day that
4 the bodies were found?

5 A. Yes.

6 Q. All right. And in regards to that weapon, that one
7 belonged to whom?

8 A. That belonged to the defendant. It was found inside
9 his vehicle at the crime scene.

10 Q. And that one also came back was not the murder weapon?

11 A. Correct.

12 Q. All right. And was there another weapon that y'all
13 learned about or you learned about through Chester County
14 that had actually been gotten from a police officer that
15 actually lived out of state?

16 A. Yes, ma'am. The MPX 9-millimeter that Shane Chipley
17 testified to, he had purchased it from the defendant that --
18 the morning of June 21st.

19 Q. All right. So, so, we have no murder weapons that have
20 ever been located in this particular case?

21 A. Correct.

22 Q. All right. So now back to the phone information and
23 what you were waiting on.

24 what were you doing in the mean time regarding the
25 investigation of this case?

Kimberly Clamp - Direct examination
By Solicitor Lively

1 A. I had just provided several suggestions to the Chester
2 County. Again, I was just an assisting agency or assisting
3 member of this. So, I would provide investigative
4 suggestions to them. At some point I just stopped hearing
5 back from them.

6 Q. Okay. All right. So, at that point in time when you
7 stopped hearing back from them, when did you actually get
8 reconnected with them about what was going on in the case?

9 A. I had provided a training course and learned that they
10 had interviewed Evan who informed them that he had initially
11 lied.

12 MS. BOULWARE: Your Honor, hearsay. Objection.

13 THE COURT: Okay. All right. Evan has already
14 testified.

15 SOLICITOR LIVELY: Right, yes, sir.

16 MS. BOULWARE: I, I apologize. I thought she said Ian.
17 I apologize.

18 THE COURT: All right.

19 MS. BOULWARE: My, my apologies.

20 SOLICITOR LIVELY: Okay.

21 THE COURT: Okay.

22 Q. You can go -- okay. So, so how did you get reconnected
23 and back involved in the case?

24 A. So, I didn't get heavily involved at this point. But I
25 had learned, while meeting with Chester County Sheriff's

Kimberly Clamp - Direct examination
By Solicitor Lively

1 office, that they had interviewed Evan and Evan came forward
2 advising that he had lied and that he was never in South
3 Carolina on June 20th.

4 Q. Okay. Once you learned that information at that point,
5 within -- I don't know how long it was. It doesn't really
6 matter.

7 But did you actively get back involved in the case to
8 talk to more witnesses and to pursue the investigation
9 further?

10 A. So, I became more active in the case again in January
11 of this year.

12 Q. Of this year.

13 Okay. And, at that point in time, were you aware that,
14 that there were other witnesses that may need to be talked
15 to?

16 A. Yes.

17 Q. Okay. So, without telling me what they said or
18 anything like that, have most of those witnesses actually
19 been here throughout the duration of the trial?

20 A. Yes.

21 Q. Okay. So, how about Mickey and Mitch Thomas?

22 were those two individuals who had not been interviewed
23 before?

24 A. Correct.

25 Q. All right. And they actually testified last week.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 Is that right?

2 A. Yes, ma'am.

3 Q. Okay. Did you do a follow-up interview with Amber
4 Luckey?

5 A. Yes, ma'am.

6 Q. How about follow-up interview with Evan Webb?

7 A. Yes, ma'am.

8 Q. And were all of these recorded and provided to my
9 office as well as to the defense?

10 A. Yes, ma'am.

11 Q. And during the interview -- well, going back to the
12 actual -- the people that had not been talked to, what about
13 some of the other people that lived in the immediate area of
14 the victim's homes -- victim's home?

15 A. So, it was my understanding that there was not an
16 official neighborhood canvas. There were some questions to
17 people but not an actual canvas.

18 So, I had requested to be able to, one, go back to the
19 crime scene, not inside the residence, but on the outside.
20 So this way I could see the layout of the neighborhood.
21 And, while there, myself and Agent Rick Cullop conducted a
22 neighborhood canvas going door to door asking if they lived
23 there at the time and if they had any information.

24 Q. Okay. Was that whenever you learned the name of the
25 Lancaster County sheriff's deputy that testified here in

kimberly Clamp - Direct examination
By Solicitor Lively

1 court last week?

2 A. Yes. So nobody was home at the time. I left my
3 business card and received a phonecall back.

4 Q. Okay. And then how about the -- how about -- we've
5 talked about Mitch and Mickey Thomas.

6 were they also located by you in that same area in --
7 where the victim's house is?

8 A. Yes, Mickey wasn't located that day. We went back and
9 interviewed him later. But we did locate Mitch at his
10 residence.

11 Q. And so whenever you talked to them, you documented it.
12 was there a time whenever you actually wanted to reach
13 back out to Mr. Cravener?

14 A. Yes, ma'am.

15 Q. All right. Tell the jury how you were able to
16 determine that he was the one -- and let me go back.

17 when Evan was interviewed by you again as well as you
18 were told about the -- that he had admitted he lied, he came
19 forward and said he lied, when you learned that, were you
20 sure as to who he was talking about was the individual
21 sitting with him on the first failed attempt by the
22 defendant to kill his grandfather?

23 A. I was not a hundred percent sure at that point.

24 Q. You were not a hundred percent sure.

25 Okay. Was there something that had come out in the

Kimberly Clamp - Direct examination
By Solicitor Lively

1 cellphone data that kind of clued you in as to possibly who
2 it could be?

3 A. Yes, the communication in reference to the dispute
4 between the individual that was sitting there with him and
5 his wife. And we were familiar with the fact that John and
6 Ariez frequently fought within the home.

7 Q. Okay. And, and so, whenever you saw that text message,
8 and it was actually up here with the thing like your guy's
9 driving me crazy talking about his woman and blah, blah
10 blah, was that the text message that Evan actually discussed
11 that he pretended to be Alex responding to that?

12 A. Yes, ma'am.

13 Q. All right. So, when you learned that, and you figured
14 out that it was possibly John Cravener, did you actually ask
15 Evan Webb, in an interview, to see if he could identify who
16 John Cravener was?

17 A. Yes.

18 Q. All right. And what did he do?

19 A. He had identified a picture.

20 Q. He had identified a picture and was this the first time
21 he had been shown a picture?

22 A. No, ma'am.

23 Q. Okay. Was it the first time he had been shown a
24 picture by you?

25 A. Yes.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 Q. All right. And so, once that happened where -- the
2 picture, you knew from Evan Webb that John Cravener was the
3 one that was there, was an interview set up with
4 Mr. Cravener for him to come to South Carolina?

5 A. Yes.

6 Q. And, in doing so, did you tell him what was going to
7 happen when he got here in regards to how deeply you were
8 gonna go into the conversation about his possible
9 involvement in this case?

10 A. We just told him that we needed to interview him.

11 Q. Okay. So when he came down, who was he with?

12 A. His wife, Ariez.

13 Q. And was anybody else with them?

14 A. They had brought their daughter.

15 Q. Their daughter.

16 Okay. So, he comes down and where -- was the interview
17 conducted here --

18 A. Yes, ma'am.

19 Q. -- in Chester?

20 All right. So, during the interview when you first
21 started, what did you have him tell you in the beginning?

22 What did you ask him to tell you in the beginning?

23 Just generally.

24 I mean---

25 A. Yeah.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 Q. ---did you just ask him tell us what you had said
2 before or were you -- or you start actually picking it apart
3 at that point at least?

4 A. I just informed him that we had information and I knew
5 that there was more information that he, you know, hadn't
6 come forth with.

7 Q. Okay. All right. And was this based on all of your
8 conversations with Mr. Webb?

9 A. Yes.

10 Q. So, at that point whenever you're talking to him, do
11 you give him the information that Mr. Webb had told you
12 happened?

13 A. Not all of it. The, the important details stayed out.

14 Q. All right. Tell the jury what you remember telling
15 Mr. Cravener that led to that whole conversation about I'm
16 gonna get -- I need to get a lawyer possibly.

17 A. So, he was denying being part of this meeting that we
18 had learned occurred on May 9th. And so I just in --
19 informed John that we are aware that there was a meeting.
20 We have somebody who has identified you as being part of
21 this meeting and we just need you to go ahead and tell the
22 truth.

23 Q. Okay. And when you told him that statement, is that
24 whenever he said that he kind of got do I need a lawyer,
25 should -- is that when that comment came up?

Kimberly Clamp - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. All right. Now, were you in here yesterday whenever
3 the defense had asked Mr. Cravener whether or not he was
4 told what Webb said to you during his interview?

5 A. Yes, I was.

6 Q. Okay. All right. Now, was that the case?

7 Did you provide them -- Mr. Cravener with specifics
8 about what happened during that, that day whenever the
9 failed attempt happened?

10 A. No, I didn't provide specifics. Just the general
11 knowledge of the fact that there was a meeting and we knew
12 he was involved.

13 Q. So, you didn't tell him anything about pig farm?

14 A. No.

15 Q. Did you tell him anything about how -- about the money?

16 A. No, ma'am.

17 Q. How about the fact that he was -- how Alex was going to
18 try to, you know, do countermeasures I guess you could call
19 it or something like, you know, wear a weighted vest and
20 things like that?

21 A. No, ma'am.

22 Q. So, at any point did you provide him a copy of Evan
23 Webb's prior testimony or transcripts?

24 A. No, ma'am.

25 Q. And you recorded all that information and provided it

Kimberly Clamp - Direct examination
By Solicitor Lively

1 to me as well as the defense, correct?

2 A. Yes.

3 Q. And do you deny that you called me personally to ask
4 whether or not we were going to have him arrested or if he
5 was going to be given some type of a deal?

6 A. I did call you.

7 Q. And, as a result of that conversation, what was
8 decided?

9 A. We put the solicitor on speakerphone and, and she
10 decided to provide him immunity as long as he cooperated
11 telling the truth about what he knew.

12 MS. BOULWARE: Objection, judge.

13 May we approach?

14 THE COURT: Sure.

15 (WHEREUPON, a bench conference was held out of the
16 hearing of the jury at this time.)

17 THE COURT: All right. Very good.

18 SOLICITOR LIVELY: Thank you, Your Honor.

19 MS. BOULWARE: Thank you, Your Honor.

20 THE COURT: Okay. The last answer from Agent Clamp
21 will be stricken from the record.

22 And, ladies and gentlemen, and I'm gon' get into more
23 detail about your role in the case. I touched on it a
24 little bit at the very beginning the first of last week.
25 And you are the, the sole finders, triers of the fact.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 You -- you're the sole ones to make a determination of what
2 the facts are in this case.

3 And as a part of that job, ladies and gentlemen, you --
4 your task is to determine the credibility of every witness
5 that has testified in this case, credibility of every piece
6 of evidence that has been presented to you in this case, and
7 notwithstanding on whether any witness has testified within
8 this case.

9 The ultimate job is, not for the witnesses, but for you
10 to determine what the facts are in this case and the
11 credibility of the witnesses and evidence in this case.

12 And, again, at the conclusion of the case when I give
13 you what we call the instruction on the law, the law that
14 you are to use to apply to the facts as you find them, I'll
15 go into more detail about that. Just go ahead and kind of
16 make you aware of -- so that is your job. That has been
17 your job from day one in this case.

18 Okay. Thank you.

19 Solicitor.

20 SOLICITOR LIVELY: Yes. Thank you so much, Your Honor.

21 So, after you, you talked to him, was he given immunity
22 by me?

23 A. Yes.

24 Q. All right. Now, after that, did he provide you with a
25 statement that you provided to myself as well as to the

Kimberly Clamp - Direct examination
By Solicitor Lively

1 defense that was fully recorded?

2 A. Yes, ma'am.

3 Q. All right. And obviously he testified yesterday and
4 you can't comment on, on that.

5 But after that particular interview with Mr. Cravener,
6 did you, at that point, also start looking back at the phone
7 date and the phone extractions -- well, you'd already looked
8 at them.

9 Is that right?

10 A. Yes, we received the phone data was about February.
11 So, I assisted with looking through that information.

12 Q. All right. And was Agent Cullop kind of the, the point
13 person for all that?

14 A. Yes, ma'am.

15 Q. Now, after your interviews, Mrs., I'm sorry, Agent
16 Clamp, was there, other than continuing to be a part of the
17 case and assisting, were those the things that you did
18 individually in regards to following up with interviews?

19 Like individually along with Agent Cullop to follow-up
20 on these interviews you said needed to be either
21 reinterviewed---

22 A. Yes.

23 Q. ---or---

24 A. Him and I, I---

25 Q. Okay.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 A. ---followed up on all the interviews that needed to be
2 done.

3 Q. Okay. And, and I know you're still here and you're
4 still here for the case.

5 Other than that, is there anything that you're actively
6 doing right now in regards to the case and the
7 investigation?

8 A. At this point, actively, no. I had worked on a
9 timeline as well within the investigation.

10 Q. Okay. And, and that's -- is that something that you
11 would normally do in any investigation?

12 A. Yes.

13 Q. All right. And give me just a second.

14 (Pause.)

15 SOLICITOR LIVELY: Thank you so much. Answer any
16 questions the defense may have.

17 THE COURT: Ms. Boulware.

18 CROSS-EXAMINATION

19 BY MS. BOULWARE:

20 Q. So, Agent Clamp, you weren't the lead investigator on
21 this case.

22 Is that correct?

23 A. No, ma'am, I was not.

24 Q. Okay. Did you ever meet with Rikki Burch about any of
25 this?

Kimberly Clamp - Cross-examination
By Ms. Boulware

1 A. I had met with her along with several other
2 investigators---

3 Q. Okay.

4 A. ---from Chester.

5 Q. And you said you provided investigative strategies in
6 the beginning?

7 A. Yes, ma'am.

8 Q. Okay. And you also said that you weren't able to
9 review the phone dump at first.

10 Is that correct?

11 A. Correct.

12 Q. All right. Who did?

13 Do you know?

14 A. I don't know that it was.

15 Q. Okay. And these questionnaires you talked about, those
16 aren't evidence, are they?

17 A. No, ma'am.

18 Q. Okay.

19 A. That's just an investigative tool.

20 Q. Okay. So, you weren't actually going to the scene,
21 picking up pieces of evidence or documenting, photographing
22 all that stuff?

23 You were just providing tools with like questionnaires,
24 things like that?

25 A. Crime scene does all the picking up of the evidence. I

Kimberly Clamp - Cross-examination
By Ms. Boulware

1 just assisted with investigative strategy to help move the
2 case along.

3 Q. Okay. So, the Glock box that -- the picture that just
4 got put into evidence of the open Glock box there --

5 A. Yes, ma'am.

6 Q. -- you didn't pick that up?

7 You didn't look at it?

8 You didn't go to the scene?

9 You didn't swab it for anything?

10 You didn't do any of the testing that might of been
11 done, anything like that?

12 A. No, ma'am, I was contacted three days later.

13 Q. Okay. And you didn't gather any of the weapons?

14 You didn't test any of the weapons?

15 A. No, ma'am.

16 Q. Do you know why you stopped hearing from Chester County
17 after a while when they had employed your services at first
18 and then just didn't?

19 A. Not really.

20 Q. Okay.

21 A. It's not uncommon in my unit.

22 Q. Did you ask John Cravener had he watched the TV show
23 you know---

24 A. Yes.

25 Q. Okay. What was his answer then?

Kimberly Clamp - Cross-examination
By Ms. Boulware

1 A. I believe he said that he did watch it --

2 Q. Okay.

3 A. -- but had -- he had seen it once and it had been a
4 while.

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

6 THE COURT: Sure.

7 (Pause.)

8 MS. BOULWARE: No further questions, judge.

9 THE COURT: Solicitor, any redirect of Agent Clamp?

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

11 THE COURT: You can step down, ma'am. Thank you.

12 THE WITNESS: Okay.

13 THE COURT: All right. We're approaching 12:30.

14 Do we have another witness that we can put up before we
15 break for lunch or break for lunch now?

16 I just don't know who you have planned next.

17 SOLICITOR LIVELY: Yes, sir. It -- thank you. I think
18 that the next witness would also be probably the length of
19 Agent Clamp.

20 THE COURT: Okay.

21 SOLICITOR LIVELY: So, if we want to go ahead and do a
22 break.

23 THE COURT: Sure.

24 SOLICITOR LIVELY: Maybe not stay out as long for lunch
25 this time. I don't think we have any other matters---

1 THE COURT: Okay.

2 SOLICITOR LIVELY: ---scheduled.

3 THE COURT: All right. All right. Ladies and
4 gentlemen, it's almost 12:30. Let's say 1:45. That will be
5 an hour and 15 minutes for lunch. Hopefully that will be
6 long enough for you to get a bite to eat.

7 So, we'll, we'll do that. We'll break for lunch and
8 remember all my instructions and we'll get you -- we'll
9 start back at 1:45.

10 okay. Have a good lunch.

11 (WHEREUPON, the following takes place outside the
12 presence of the jury.)

13 THE COURT: Okay. Let me get on the record our last
14 side bar conference when Agent Clamp testified.

15 In essence, she told Cravener that if he told the truth
16 he'd be granted immunity. Defense objected, came to side
17 bar, and there was this element of telling the truth was of
18 concern -- continuing concern of the defense --

19 MS. BOULWARE: Yes, sir.

20 THE COURT: -- and I felt like that the objection was
21 proper and that necessitated my striking from the record
22 that last answer from Agent Clamp. It also prompted my
23 instruction to the jury as far as their, their role is the
24 sole determination of credibility of witnesses.

25 And, and so that's what was discussed at the side bar.

1 SOLICITOR SOPRANO-CESMAT: And, Your Honor, I realized
2 after I had finished questioning Megan Fletcher, who was the
3 trace evidence expert, that State's Exhibit 198, which is
4 the trace evidence report, it was identified. But I did not
5 offer it into evidence. So I was hoping that I could cure
6 that at this time.

7 THE COURT: Sure.

8 MR. FRICK: No objection, Your Honor. That's fine.

9 THE COURT: All right.

10 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

11 (WHEREUPON, State's Exhibit No. 198 was received into
12 evidence at this time.)

13 THE COURT: Yeah, I mean---

14 MS. BOULWARE: And, judge, I just want to get on the
15 record regarding the objection we were talking about a
16 second ago.

17 THE COURT: Sure.

18 MS. BOULWARE: Just renew my objection on -- we didn't,
19 we didn't request a curative instruction. So, I just want
20 to renew my objection to that.

21 THE COURT: Right.

22 MS. BOULWARE: We believe it's vouching. She's
23 basically up there vouching for the witness and we, we just
24 are gonna renew our objection---

25 THE COURT: Sure.

1 MS. BOULWARE: ---to that.

2 THE COURT: All right. So noted. Thank you.

3 MS. BOULWARE: Thank you.

4 THE COURT: All right. Well, nothing further.

5 The plan for this afternoon is -- I know we talked
6 about that in chambers and so the plan again?

7 SOLICITOR LIVELY: Oh, I'm sorry. I, I need to reach
8 out to kind of see what's going on---

9 THE COURT: Okay.

10 SOLICITOR LIVELY: ---with one of my witnesses. But
11 it -- we should have -- we'll have Agent Cullop.

12 THE COURT: Right.

13 SOLICITOR LIVELY: I'm gonna see whether or not we can
14 fit in Mr. David James.

15 THE COURT: Sure.

16 SOLICITOR LIVELY: I know the pathologist is coming
17 this afternoon. So, at the latest, you know, I would go
18 into tomorrow morning. But I, I don't know. I just -- I
19 have to wait---

20 THE COURT: Sure.

21 SOLICITOR LIVELY: ---until I find out what's going on.

22 THE COURT: Yeah. We'll work -- and we still have the
23 one issue with respect to Officer Burch that we need to --.

24 MS. BOULWARE: Yes, sir.

25 SOLICITOR LIVELY: Yes, that's what I'm talking about.

1 THE COURT: -- to deal with.

2 MS. BOULWARE: And, and, judge, I -- and I hate to make
3 this trial last any longer than it needs to. But I would
4 like to proffer Agent Cullop cause I don't, I don't know
5 what else he's gonna add to what Agent Clamp said, which I
6 think is cumulative and was vouching anyway. So --.

7 THE COURT: Okay. All right. well, I don't know what
8 he's gonna say either.

9 why don't we do this?

10 why don't we go ahead and break for lunch and then
11 maybe about 1:30 let's get back together --

12 SOLICITOR LIVELY: Yes, sir.

13 THE COURT: -- and, and put him up and see what we got.

14 MS. BOULWARE: Yes, sir.

15 SOLICITOR LIVELY: Yes, sir.

16 THE COURT: Okay.

17 SOLICITOR LIVELY: Thank you.

18 THE COURT: And, and don't -- you know, I, I know this,
19 this, this case is talking a long time. But it is -- don't
20 worry that you're gonna -- that I'm thinking hey, why are
21 you doing this. You're just prolonging the case. You do
22 whatever you feel like is necessary.

23 SOLICITOR LIVELY: Yes, sir.

24 THE COURT: That applies both ways and we'll go as long
25 as we have to go.

1 okay?

2 MS. BOULWARE: Sounds good.

3 THE COURT: All right. I, I -- don't worry about me.
4 okay?

5 SOLICITOR LIVELY: Thank you, judge.

6 THE COURT: All right. Thank you.

7 MS. BOULWARE: Thank you, Your Honor.

8 THE COURT: We'll get back together at 1:30.

9 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

10 (WHEREUPON, Court was in recess for the lunch break.)

11 THE COURT: We left before lunch break that we need to
12 take some testimony in camera to see if there's any sort
13 of -- whether or, or not it's cumulative. I think that's
14 what the defense raised.

15 SOLICITOR LIVELY: Yes, sir.

16 THE COURT: Okay. All right.

17 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

18 The State would call Richard Cullop, Agent Cullop to
19 the stand.

20 THE COURT: Okay.

21 SOLICITOR LIVELY: And do you mind being the clerk,
22 Your Honor, and swearing him in?

23 THE COURT: Oh, okay. I can, I can be the clerk.

24 All right. If you just stand right there it'll be
25 good. Raise your right-hand.

Richard Cullop - Direct examination
By Solicitor Lively

1 RICHARD CULLOP, being first duly
2 sworn, testified as follows:

3 THE COURT: Okay. Thank you. You can have a seat.
4 How'd I do?
5 Pretty good?

6 SOLICITOR SOPRANO-CESMAT: You did great, judge.

7 DIRECT EXAMINATION

8 BY SOLICITOR LIVELY:

9 Q. Agent Cullop, we're gonna try to get right into what it
10 is that you're gonna testify to.

11 Now, were you brought into this case by Sheriff Max
12 Dorsey at some point this year?

13 A. Yes, it was -- I received a call on February 13th,
14 2024, from my supervisor telling me that I was going to be
15 meeting with the sheriff at some point to discuss this case.
16 I was actually coming to Chester the following day to work
17 on a separate case and met with the sheriff on
18 February 14th.

19 Q. Okay. And what was the purpose of you becoming --
20 coming down here and looking at this case?

21 A. So, I was originally tasked with doing an unbiased
22 review of the case. He wanted it looked at for training
23 concerns just to kind of follow-up and, and see what else
24 should of been done from the get go.

25 Q. Okay. All right. So, we've already heard Agent Clamp

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By Solicitor Lively

1 testify.

2 She was actually involved like within three or four
3 days of the murders, correct?

4 A. Yes.

5 Q. But you came in like literally on the back end. You
6 just got in in February of this year.

7 A. Yes.

8 Q. All right. So when you got involved by---

9 THE COURT: Are you filming?

10 UNIDENTIFIED SPEAKER: Me?

11 THE COURT: Yeah.

12 UNIDENTIFIED SPEAKER: Oh, sorry.

13 THE COURT: Yeah, jury's, jury's out. Anytime the
14 jury's out.

15 UNIDENTIFIED SPEAKER: Oh, sorry.

16 THE COURT: ---don't film.

17 Okay?

18 UNIDENTIFIED SPEAKER: Okay.

19 Q. All right. Okay. You've heard Agent Clamp in her
20 testimony.

21 So, when you came in, had the phone extraction been
22 done and sent to the expert witness who testified on Friday?

23 A. Yes.

24 Q. Eric Devlin.

25 All right. So, so you're looking at this case to --

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1 did you look at it from Page 1 to the end?

2 A. Yes.

3 Q. How long'd it take you to get through the case?

4 A. I'm still going through it.

5 Q. Okay. But, at that time before you met with me to
6 discuss it, how long, how long did it take you?

7 A. It was a week before I met with you.

8 Q. All right. Now, whenever you went through the file,
9 were you also involved in some of the follow-up interviews
10 with Kimberly Clamp and, and some people that needed to be
11 talked to?

12 A. Yes.

13 Q. All right. She talked about the neighbor canvas.
14 Were you involved in that?

15 A. Yes.

16 Q. All right. Now, were there specific things that you
17 did where she was also, I guess, a witness to it or, or was
18 with you however she didn't testify to that here today?

19 A. Yes.

20 Q. Okay. What was the information that you specifically
21 dove into regarding your -- what your test -- testimony is
22 gonna be here today?

23 A. So, when I first met with you on I believe that was
24 February 22nd, I said has anyone looked at the phone dump.
25 And when nobody said that they had looked at the phone dump

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1 other than the report generated by Mr. Devlin, I said that
2 that needed to be done and that I would do it.

3 Q. Okay. And the phone dump, when you're talking about
4 that, that is this complete---

5 A. The forensic extraction.

6 Q. ---yeah, forensic extraction.

7 So, is anything that you looked at separate from the
8 evidence that's already in this particular case file?

9 A. I also looked at the call detail records.

10 Q. And the call detail records.

11 Okay. But is all of that evidence the same evidence
12 that was given to the defense and was available through
13 looking at the call detail records and the extraction from
14 the, from the defendant's phone?

15 A. Yes.

16 Q. All right. Now, in going through all of that
17 information, did you also have the context, which is
18 something different than what Eric Devlin could testify to
19 last Friday, the context of dates, times, and the people who
20 were involved in this case?

21 A. Yes.

22 Q. And knowing -- having that actual personal knowledge
23 from your investigation and going through the complete file,
24 were you able to actually pull the context of location data,
25 call detail records, and all of that type of information to,

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1 to line up with, with the evidence and the testimony that
2 we've been hearing this week as well as prior to actually
3 starting the trial?

4 A. Yes.

5 Q. Okay. And so, is that what this information is that
6 you're gonna be testifying here today?

7 A. Yes.

8 Q. And did you actually pull like certain call detail
9 records, which are already part of what's in evidence, and
10 actually put it in the context of the information that we
11 have from testimony and interviews that were done throughout
12 the course of this investigation?

13 A. Yes.

14 Q. All right. And specifically as to phone -- call detail
15 records and location information, did you put that in there,
16 which is something that Mr. Devlin did not even go into
17 detail about in regards to his extraction?

18 A. Yes.

19 Q. All right. And so that -- all of that has been pulled
20 out in the context of this case?

21 A. Yes.

22 Q. All right. Was there anything else -- oh, well, what
23 about the information of -- there was some questions as to
24 whether a burglary or maybe there's some drug issues going
25 on in the area.

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1 was there something that I asked you to look into
2 regarding whether or not this was a high crime area or if
3 there were problems in that particular area?

4 A. well, that was actually before you asked me to look
5 into that stuff. I was conducting the unbiased review again
6 looking for any kind of issues with the case and training
7 issues and how the Sheriff's Department could address things
8 in the future.

9 Q. okay.

10 A. so, I looked into, you know, again, trying to conduct
11 an unbiased review of the case. I, you know, pulled
12 incident reports. I looked at violent crime trends in
13 Chester County in 2020. I also looked at the general layout
14 of the area and seeing, you know, if it was populated,
15 urban, suburban, rural, all that information.

16 Q. okay. Just to look at the dynamics of that particular
17 area, whether it was a high crime area at the time when this
18 incident occurred?

19 A. Correct.

20 Q. okay. So, that information is also part of what you're
21 gonna testify to?

22 A. Yes.

23 Q. And is that something that you can Google search or
24 look up based on statistics with -- I don't remember who you
25 told me that you looked it up through.

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- 1 A. Yeah. So, I contacted SLED's South Carolina --
- 2 Q. Okay.
- 3 A. -- information at -- the Skyburst Unit. I forget the
- 4 exact acronym off the top of my head.
- 5 Q. Okay.
- 6 A. But they publish information for the FBI's Uniform
- 7 Crime Report. So, yes, it is public available data.
- 8 Q. Okay. Public available data.
- 9 All right. So you're gonna talk about that as well?
- 10 A. Yes.
- 11 Q. Okay. And then the other -- the last thing I was gonna
- 12 ask you was, was there a time whenever you were told by me,
- 13 I'm not gonna ask it that way in front of the jury, that I
- 14 received notice from a David James, who's an inmate at the
- 15 Chester County Detention Center, that he wanted to talk to
- 16 us about the Alex Scott case?
- 17 A. Yes.
- 18 Q. And were you the one that, along with Mrs. -- Agent
- 19 Clamp, that actually met with Mr. James and conducted that
- 20 interview?
- 21 A. I was.
- 22 Q. All right. And that interview was audio and video
- 23 recorded, correct?
- 24 A. Yes.
- 25 Q. And he told you that he did want to testify at trial?

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1 A. Correct.

2 Q. Okay. So I'll, I'll also present that information.

3 So, thank you. Answer any questions the defense may
4 have.

5 THE COURT: Ms. Boulware, any questions of Agent Cullop
6 with respect to this issue of cumulative testimony?

7 MS. BOULWARE: Well, judge, first my concern, which is
8 kind outside of that, is I don't think we've received that
9 version of the report. We've got one. But it's different
10 or at least---

11 SOLICITOR LIVELY: If I may---

12 MS. BOULWARE: ---that front page is.

13 SOLICITOR LIVELY: What -- may I ex -- expound on that,
14 Your Honor?

15 THE COURT: Sure.

16 SOLICITOR LIVELY: So, you both -- so that she can -- I
17 want to make sure if she does have a problem.

18 This is all information that we got from the phone
19 extraction, call detail records, which are already in
20 evidence in this case.

21 What he did was he picked things out and he put it
22 in -- this is just for demonstrative purposes. It's not a
23 report. We're putting -- he's just gonna use that for his
24 testimony to show what he found and he's gonna put it in the
25 context of what we know through testimony as well as him --

1 interviews that have been done in this particular case.

2 So what he's done is what Eric Devlin couldn't do, and
3 that is, Eric Devlin, he did not investigate this case.

4 So, what we have now is he investigated this case. He
5 knows what this search means whenever Eric Devlin said I was
6 just told to punch in a particular, I don't know, like
7 that---

8 THE WITNESS: Keyword.

9 SOLICITOR LIVELY: Yeah, keyword and I just pulled
10 everything that came up on that keyword.

11 Well, we know that not everything that was pulled up on
12 keyword is relevant to this case.

13 So he, by going through the dates from the time
14 whenever we know the defendant was having issues, from the
15 time we know the first attempt was made, from the text
16 messages that he had with all of the other witnesses who
17 were involved in this particular case, he knows now the
18 context of those text messages and the information that
19 Mr. Devlin could not testify to.

20 So, what he's doing is he's tying the information back
21 to the relevance of this case and the evidence is already in
22 the case. So -- but it's something that Devlin could not
23 testify to.

24 THE COURT: Okay.

25 SOLICITOR LIVELY: So that's the point.

1 THE COURT: All right. This -- even though it's for
2 demonstrative purposes, you've not seen this whatever it is?

3 MS. BOULWARE: I don't know. I, I know that --
4 that's -- beginning slide does not match the one I have.

5 SOLICITOR LIVELY: Right. It's different but it's,
6 it's the same information. I'm -- I apologize.

7 It's -- it -- yeah, that is a -- 60 slides compared to
8 200 because what he's done is -- Devlin put everything in
9 his extraction, which is what---

10 THE COURT: Right.

11 SOLICITOR LIVELY: ---he does. He pulled out the stuff
12 that was relevant to this case, and if she wants to flip
13 through it, that's fine. But it's exactly---

14 THE COURT: Yeah.

15 SOLICITOR LIVELY: It's already in evidence.

16 THE COURT: Sure. I understand that. But I think in
17 fairness --

18 SOLICITOR LIVELY: Sure.

19 THE COURT: -- to the defense, if that is going to be
20 relied upon by Agent Cullop, then I think certainly they
21 need to see---

22 SOLICITOR LIVELY: Yes, sir.

23 THE COURT: ---see that --

24 MS. BOULWARE: Yeah.

25 THE COURT: -- even though it consists of everything---

1 SOLICITOR LIVELY: Sure.

2 THE COURT: ---that's in evidence. Certainly they
3 need, need to look at it.

4 So, apart from that, you have any questions of Agent
5 Cullop regarding the issue of cumulative testimony?

6 MS. BOULWARE: Well, I do have a, a -- well, I do have
7 a question as to whether -- and this is not of him. But I'm
8 still trying to figure out where we are here.

9 Is he gonna be qualified as an expert?

10 SOLICITOR LIVELY: No.

11 THE WITNESS: I'm not an expert.

12 MS. BOULWARE: Okay. So --.

13 Well, judge, here's my concern on that.

14 If they already have Devlin's report in evidence, the
15 jury can look at that. If it doesn't take an expert to
16 explain it to the jury and he's not explaining it as an
17 expert, I don't know why they just can't figure this out. I
18 mean it's -- the records are there to look at for
19 themselves.

20 She can make these points in closing. I mean -- but I
21 don't know why we have to testify -- again, it's kind of
22 like the bank records. I don't know why we have to testify
23 to something that's already in evidence.

24 THE COURT: But if I understand correctly, and correct
25 me if I'm wrong, that even though this is already into

1 evidence, this was not "highlighted" by Mr. Devlin in his
2 testimony.

3 MS. BOULWARE: I don't know why it couldn't have been.

4 THE COURT: well---

5 SOLICITOR LIVELY: well -- but you asked him
6 specifically and he said I'm sorry. I didn't investigate
7 this case. I remember very well. And he said I can -- and
8 you said so you don't know the context of any of these
9 searches, the timing, what any of that would of mattered,
10 and he said no because all I was given were some tag search
11 lines like, you know, whether it's death penalty or alibis
12 or something like that.

13 He didn't know the context. He doesn't know that there
14 may of been a fake alibi.

15 You see what I mean?

16 So, he is able to go back and say okay, I know from
17 looking at these text messages the timing of this because I
18 was a part of the investigation. And so that's what he's
19 gonna be testifying to that Devlin couldn't and they
20 specifically said well, you did all this stuff. You don't
21 know what any of that means. You weren't a part of this
22 investigation.

23 So, that's the reason why he's gonna testify as to what
24 it means.

25 MS. BOULWARE: And, judge, it's -- I really -- I mean I

1 don't know of any specific questions I have for Agent Cullop
2 because my concern is I just got a phone report from my guy.
3 I don't know what he's getting ready to testify to. So I
4 might need to have that all changed around depending on what
5 is proffered here.

6 THE COURT: Okay. All right. Are you saying---

7 SOLICITOR LIVELY: I'm confused as to what she's saying
8 too only because if she wanted me to help her phone expert
9 know what to say because he's got exactly the same
10 extraction I have. And what we've done is, based on that
11 extraction and based on the call detail records, we have
12 gone through it with a fine toothcomb to come up with what
13 is in the evidence that clearly ties everything together.

14 That's all he's doing. We don't have anything new
15 here. He's just put it in a nice package so he can testify
16 about what he did in the investigation to bring context to
17 this information. That's it.

18 It's not like I'm giving them something new. She
19 hadn't seen this and she can look at it. But it's exactly
20 the same information that's in the re -- that's in the
21 evidence.

22 THE COURT: All right.

23 MS. BOULWARE: So -- okay.

24 MR. FRICK: There's no way he can testify to this stuff
25 without being an expert, judge.

1 MS. BOULWARE: I know. I know.

2 MR. FRICK: I mean I -- there's no way.

3 MS. BOULWARE: He's interpreting it for the jury.

4 MR. FRICK: There's no way.

5 MS. BOULWARE: Sorry.

6 SOLICITOR LIVELY: I don't know who's arguing.

7 MR. FRICK: Yeah, I'm sorry. But I mean I'm just
8 aggravated with this---

9 THE COURT: All right.

10 MR. FRICK: ---because this is ridiculous.

11 THE COURT: Okay.

12 SOLICITOR LIVELY: Do you want him to testify---

13 MS. BOULWARE: And honestly---

14 MR. FRICK: The---

15 SOLICITOR LIVELY: ---Your Honor?

16 Let's proffer him and you can see what it is that he's
17 gon' testify to.

18 MR. FRICK: Yeah. Yeah.

19 THE COURT: Well, I, I think we probably need to do
20 that. Let's see exactly -- I mean the State's taking the
21 position that he doesn't need to be an expert to testify
22 and, and as far as all these phone extractions that's into
23 evidence. The defense is arguing that he, he needs to be an
24 expert.

25 So, without me knowing what he's gonna testify to, I

1 think we need to take it. I don't necessarily think we need
2 to take a full in camera testimony as to what he may testify
3 to. But give us an idea and let, let me try to make a
4 determination whether or not he needs to be qualified as an
5 expert.

6 SOLICITOR LIVELY: Yes, sir.

7 THE COURT: But two things.

8 One, you're still entitled, even before we start with
9 the in camera testimony, you're entitled to take a look at
10 this report or whatever it is in advance and I'm gonna give
11 you time to do that.

12 And, secondly, apart from this, are you still taking
13 the position that it is cumulative---

14 MS. BOULWARE: Yes.

15 THE COURT: ---with respect to clamp?

16 MS. BOULWARE: And some -- it's irrelevant, judge.

17 THE COURT: Right.

18 Is, is what?

19 MS. BOULWARE: We just received a copy of it and
20 Mr. Frick's kind of flipping through it. Some of it's just
21 irrelevant.

22 SOLICITOR LIVELY: Okay. If it's irrelevant, if she
23 tells us, then you can rule on it. And if it's something we
24 need---

25 THE COURT: Yeah.

1 SOLICITOR LIVELY: ---to remove --.

2 THE COURT: Yeah.

3 But, but as far as it being cumulative, I don't recall
4 if -- Agent Clamp testifying as to anything related to the
5 phone.

6 MS. BOULWARE: Okay.

7 THE COURT: And I don't recall her testifying as to
8 anything with respect to whether or not the area in Richburg
9 is a high crime area or not. I didn't remember anything --
10 her testifying to this jail person that evidently's gonna
11 come and testify at some point in time.

12 while there may be some slight overlap, I think these
13 are other areas that she did not --

14 SOLICITOR LIVELY: That---

15 THE COURT: ---get into.

16 MS. BOULWARE: The jail person I'm fine with. If that
17 would -- and I know he interviewed him. I'm fine with that.
18 That's great. We can introduce him that way.

19 Yeah, we're gon' have to hear testimony on the phone
20 records because I mean the context of this is something my
21 expert's entitled to know as well.

22 THE COURT: All right.

23 MS. BOULWARE: I mean he might have a different context
24 he can put it in.

25 SOLICITOR LIVELY: Absolutely. And I hope, when he

1 looks through the records, which I'm assuming, Your Honor,
2 he did, he's gonna have his own position.

3 The only reason why we're going into the context was
4 because of the questions that were posed by the defense in
5 front of the jury that laid out the issue of you have no
6 context about what any of this means. You were just given
7 some search names and search things to look at.

8 THE COURT: Right.

9 SOLICITOR LIVELY: You have no idea what any of this
10 means meaning that he's just pulling anything and everything
11 just pulling it out of a hat. So, that is where he comes in
12 because he can put it in that context. Her guy can put it
13 in his context. That's fine.

14 MS. BOULWARE: Well, Your Honor, I don't understand why
15 this couldn't be pulled out through individual witnesses.

16 SOLICITOR LIVELY: And it was, some of it. Whenever it
17 was like the individual witness on -- let me just finish.

18 Mr. Webb, whenever we asked him about the texts where
19 he was pretending to be Alex, obviously that's very
20 important.

21 Okay. So that was talked about with Mr. Webb. But it
22 was also not put into the context of the other information
23 that we had, which are some of the other text messages that
24 were going on between Alex and Mr. Webb prior to where he
25 was talking to him about coming down and meeting for a job.

1 Yes, it was put up there. But he said I can't remember what
2 that was about.

3 And so there was a lot. And so he's just putting it
4 all together.

5 THE COURT: Well, I guess what I'm gon' need to see, if
6 you have a hard copy of Agent Cullop's -- I'm calling it a
7 report. I don't know if it's a report or not. But calling
8 it a report.

9 SOLICITOR LIVELY: I can---

10 THE COURT: Can I take a look at that?

11 SOLICITOR LIVELY: We'll print it out, Your Honor.

12 THE COURT: Evidently this "report" is causing a lot of
13 heartburn from -- on the defense side of the room.

14 MS. BOULWARE: Judge, I believe there's actually one
15 record in there we didn't receive as well. So --.

16 SOLICITOR LIVELY: Which one?

17 You need to tell me -- can we wait until---

18 MR. FRICK: Gene---

19 SOLICITOR LIVELY: ---we do this---

20 MR. FRICK: Gene's phone records.

21 SOLICITOR LIVELY: ---so I can see what we're doing?

22 It's the --.

23 SOLICITOR LIVELY: Okay. I'm printing it out now and
24 we'll get it from --

25 THE COURT: Okay. Thank you.

1 SOLICITOR LIVELY: -- our office, yeah.

2 (Pause.)

3 SOLICITOR LIVELY: I'm just gonna check on it. It
4 takes longer cause it's colored.

5 THE COURT: Oh, yeah.

6 SOLICITOR LIVELY: That's the reason why it takes --.

7 (Pause.)

8 THE COURT: -- involved.

9 Looked at somebody said about 60 pages of this report
10 Agent Cullop is going to -- has prepared. The State wants
11 to testify on it for demonstrative purposes only.

12 It looks like some of the stuff is, is already been --
13 just, for example, it's already been into evidence and
14 commented on the picture of the, of the defendant out in the
15 field with gear on doing a promo video. That's just one
16 example. It looks like other stuff has already been into
17 evidence.

18 So, I realize that multiple witnesses can testify
19 concerning the same evidence. I, I understand that.

20 But I'm trying to figure out, you know, does Agent
21 Cullop need to testify on some of this stuff, number one,
22 and, two, it looked like some of the stuff he's going to try
23 to interpret, then that may require expertise if it is like,
24 like location of various people or phones or whatever.
25 There's a lot about Google searches that's already been put

1 into evidence.

2 So, what I'm trying to figure out number -- two things.
3 One, when you need to get his take on what is already into
4 evidence, it's -- he's got a different prospective, number
5 one, and, number two, if it requires interpretation as far
6 as some of this phone evidence, it would seem, at first
7 blush, that it would require some expertise on, on his part.

8 So, I mean I, I don't know -- I mean there's a lot
9 here. I don't know how we can cherrypick what to go through
10 and, and or not.

11 MS. BOULWARE: Mr. Frick.

12 MS. BOULWARE: Judge, as you pointed out, most of it's
13 cumulative and, and it's in the same format even that, that
14 Mr. Devlin testified to. Other parts of it where we're
15 interpreting longitude, latitude, locations, all that, that
16 is something also Devlin could of done and we're at -- we're
17 looking up Cellebrite and I think you do have to be
18 qualified as some kind of expert to testify as to how to
19 interpret Cellebrite. I kind of know how to do it.

20 THE COURT: Yeah.

21 MS. BOULWARE: That's because I've had a lot of cases
22 with it. But I mean --

23 THE COURT: Yeah, I mean seriously---

24 MS. BOULWARE: I don't think I would be allowed to
25 testify to it.

1 THE COURT: Right.

2 But I mean certainly Cellebrite is a, a particular tool
3 that I think maybe even Devlin said is the gold standard and
4 I'm certainly familiar with it. I couldn't interpret it.
5 But I've had a lot of cases over the years where it has been
6 a tool that law enforcement has used to, to whatever with --
7 that affects the cellphones.

8 So, if it's going to require Agent Cullop, even though
9 I'm sure he's very experienced and, and very good law
10 enforcement person, if it's gon' require some interpretation
11 of some of this cellphone evidence, then, you know, I'm not
12 sure if he is qualified as an expert. So, you know --.

13 SOLICITOR LIVELY: If I may respond, Your Honor?

14 THE COURT: Yeah. Sure. Yeah, I'm gon' let you
15 respond.

16 SOLICITOR LIVELY: Yes, sir. Oh, I'm sorry. I'll
17 wait.

18 THE COURT: Go ahead. Go ahead. Yeah.

19 SOLICITOR LIVELY: He's not interpreting the data
20 that's already in there. He is applying it in the context
21 of the evidence through testimony and the text message
22 timeline of what happened from approximately -- from the
23 time whenever he got involved in the case until all the
24 way -- not he. I'm sorry. From the time of the case around
25 April of 2020 until the murders.

1 So, what he's doing is -- and that's the reason why
2 this whole thing is he interpreting what we're seeing here?

3 No.

4 This is already been pulled. This is already
5 documented as a part of the file.

6 What he's doing is he's then saying this tells us
7 exactly what it says. That's his location based on the
8 latitude and longitude. I found out that, on this date, is
9 the same day that he was texting somebody or that he was
10 getting Uber Eats from Jacksonville, North Carolina. That's
11 why this lines up. That's the same time he took Evan Webb
12 back for the fake alibi.

13 That's what he's doing is that context that Evan
14 Devlin, whatever his name is, Eric Devlin could not do.
15 He's not interpreting the evidence. He is actually applying
16 it to the timeline and the information to put it in context
17 for the jury.

18 That's it.

19 THE COURT: Okay. Well, I mean the only way that we
20 can adequately, or I can cause I -- I've got to make the
21 ultimate ruling on this, and the only way we can do it is,
22 is proffer his entire testimony and there may be -- I mean I
23 don't know. There may be some parts of it that are
24 perfectly fine. There may be other parts that I believe are
25 not fine or I may find that none of them is good or all of

1 it's good.

2 SOLICITOR LIVELY: Okay.

3 THE COURT: I don't know. So, we're gonna have to I
4 think take his entire testimony in camera for me to make
5 that determination and that's gonna probably take a while.

6 SOLICITOR LIVELY: Do you want to do Inmate David James
7 testimony first so that we're not leaving the jury sitting
8 in there for so long---

9 THE COURT: Yeah.

10 SOLICITOR LIVELY: ---and then---

11 THE COURT: Well, and---

12 SOLICITOR LIVELY: ---take a break?

13 THE COURT: Right. And then what we may need to do is,
14 you know, take, take the inmate.

15 Do you have anybody else?

16 SOLICITOR LIVELY: Doctor Rose that should be here
17 about 3:15 --

18 THE COURT: Okay.

19 SOLICITOR LIVELY: -- 3:20.

20 THE COURT: What we may want to do is take the inmate
21 and he should not be long I wouldn't think.

22 Go ahead and do Doctor Rose, send the jury on for the,
23 the afternoon, and then take Agent Cullop's entire testimony
24 in camera and let's just kind of see. I mean it -- you
25 know, I -- it's, it's really gonna be hard for me to make a,

1 a -- what I would hope to be a decent ruling by just looking
2 at this, this report.

3 so let, let -- let's, let's approach it in that
4 fashion. I think that's a, a pretty good game plan.

5 SOLICITOR LIVELY: Yes, sir.

6 MS. BOULWARE: That will, that will work, judge.

7 THE COURT: Okay. All right. So, Cullop, you're not
8 off the hook yet. But you can have a seat.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: All right. So, the, the inmate and then
11 hopefully Doctor Rose will be here shortly and she, she
12 should not be that long.

13 You just want her to---

14 SOLICITOR LIVELY: No, sir.

15 THE COURT: ---kind of cover I mean a couple things
16 with her?

17 Okay.

18 SOLICITOR LIVELY: Yes, sir.

19 well, before we bring the jury back out, then let me
20 just show you what I wanted to do. Because of the
21 prosthetic issue, I told you that came up which ended up
22 being, you know, I think significant in this case. The
23 problem is, is that the coroner, not the coroner, the
24 autopsy photos were so graphic --

25 THE COURT: Yes, ma'am.

1 SOLICITOR LIVELY: -- I knew that that was gonna be
2 problematic.

3 So what I did was I got one of the photos from the
4 crime scene and I've cropped it. So that way we're not
5 seeing the insert.

6 THE COURT: I think the concern was, was the, the head
7 shot, right?

8 SOLICITOR LIVELY: Yes.

9 And so what I've done is I've now -- I about -- I went
10 ahead and marked it. It's actually -- the cropped one is
11 192 and then the one that's not cropped, so you, Your Honor,
12 I didn't mark it, I was just gonna show you, for example,
13 what I did to it and then see whether or not they objected
14 to the cropped one.

15 MR. FRICK: Judge, I think it's cumulative. I would
16 object to all of it. But I mean that is a -- that is a
17 picture that's already in evidence. So --.

18 SOLICITOR LIVELY: This one's not.

19 MR. FRICK: I thought you had that one.

20 SOLICITOR LIVELY: No.

21 MR. FRICK: There's one of her sitting in the chair.

22 SOLICITOR LIVELY: Yeah, the one you see coming -- I
23 mean coming through the door.

24 MR. FRICK: Okay.

25 SOLICITOR LIVELY: Yeah.

1 MR. FRICK: I thought you had somebody---

2 SOLICITOR LIVELY: No.

3 MR. FRICK: ---testify about that one?

4 SOLICITOR LIVELY: No, they testified about it but
5 we---

6 MR. FRICK: Oh.

7 SOLICITOR LIVELY: I didn't have the picture---

8 MR. FRICK: Okay.

9 SOLICITOR LIVELY: ---in front and I called Doctor---

10 MR. FRICK: Doesn't change my objection. It's still
11 cumulative, Your Honor.

12 THE COURT: Do what now?

13 I didn't catch that, Mr. Frick.

14 MS. BOULWARE: I'm not sure either.

15 MR. FRICK: I am objecting to the testimony and the
16 pictures regarding this because it's been testified to cause
17 it's cumulative and does not need to be rehashed.

18 THE COURT: Okay. All right. So you -- the, the
19 purpose for recalling the pathologist is, is what?

20 SOLICITOR LIVELY: Is to document the fact that she
21 did, whenever the body was brought to her, that the
22 prosthesis and the way that the body came to her was still
23 on the, the body --

24 THE COURT: Okay.

25 SOLICITOR LIVELY: -- so that she could actually say

1 she saw it. So, this is not like something fake or
2 whatever. I want to document specifically---

3 THE COURT: Okay.

4 SOLICITOR LIVELY: ---then when she got the body at
5 autopsy, that it still had the prothesis and everything
6 there. But I can't show you the picture of the before and
7 after because, like I said, it's extremely graphic.

8 THE COURT: I, I don't think it necessarily would be
9 cumulative. I know that the brother, Gene's brother, and I
10 can't remember your name but---

11 SOLICITOR LIVELY: Paul.

12 THE COURT: Paul. I think he's the only, if I recall
13 correctly, the only witness who has testified concerning---

14 SOLICITOR LIVELY: Yeah.

15 THE COURT: ---this prothesis.

16 SOLICITOR LIVELY: Aaron.

17 MR. FRICK: Aaron.

18 THE COURT: Oh, Aaron did too. But I remember Paul's
19 testimony because he talked about it being a potential
20 weapon.

21 So, as it relates to the autopsy, then I don't think it
22 would be cumulative and I think it would be proper -- a --
23 proper to, to allow Doctor Rose to testify to it. And if,
24 and if -- and then if the State has corrected the---

25 SOLICITOR LIVELY: If I may approach?

1 THE COURT: ---prejudicial effect of having, having the
2 head shot, then I think we should be able to -- got it.

3 Okay. Okay. Okay. Even though, from a different
4 angle, this really is in evidence. But this is not the one
5 that the State's going to put into evidence.

6 MR. FRICK: Right.

7 THE COURT: So, I will allow that and I'll allow Doctor
8 Rose to, to testify because it's a different, different area
9 with respect to the prothesis.

10 MR. FRICK: Yes, ma'am.

11 THE COURT: Okay?

12 MR. FRICK: Just understand I'll make my
13 contemporaneous objection.

14 THE COURT: Sure. Got you.

15 All right. All right. So let's bring the -- let's
16 bring the jury in if we're ready for the jury.

17 State?

18 SOLICITOR LIVELY: Yes, Your Honor. State's ready.

19 THE COURT: Defense---

20 MS. BOULWARE: Yes, sir.

21 THE COURT: ---ready for the jury?

22 MS. BOULWARE: Yes, sir.

23 THE COURT: All right. Let's bring the jury in please.

24 (WHEREUPON, the following takes place within the
25 presence of the jury.)

David James - Direct examination
By Solicitor Lively

1 THE COURT: All right. Let the record reflect the jury
2 is back in.

3 The State ready to call its next witness?

4 SOLICITOR LIVELY: Yes, Your Honor. Thank you.

5 The State would call David James to the stand.

6 THE COURT: Okay. Yeah.

7 Okay. Madam Clerk, would you swear Mr. James in
8 please?

9 THE CLERK: Please raise your right-hand. Place your
10 left-hand on the Bible and state your full name.

11 THE WITNESS: David Allen James.

12 THE CLERK: Scoot forward.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: You can pull your chair up.

15 THE WITNESS: Okay.

16 THE COURT: Okay. You may proceed, solicitor.

17 SOLICITOR LIVELY: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY SOLICITOR LIVELY:

20 Q. Mr. James, let's tell the jury why you're in an orange
21 jumpsuit.

22 Okay?

23 A. I'm in custody. I'm sorry. I'm in custody at the
24 jail.

25 Q. At the jail?

David James - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. And had -- do you have a conviction for domestic
3 violence second degree from 2022 on your record?

4 A. Yes, ma'am.

5 Q. All right. And actually was I the prosecutor that
6 handled that case?

7 A. Yes, ma'am, you were.

8 Q. All right. And in regards to that, are you on a
9 probationary sentence for that?

10 A. Yes, ma'am, I am.

11 Q. And is there an allegation that you may of violated
12 that probation and you're sit -- you have some other charges
13 pending at this time and that's why you're at the jail?

14 A. Yes, ma'am.

15 Q. Okay. So, now, Mr. James, at some point were you
16 actually in a -- in the pod at the detention center where
17 the defendant was also being housed?

18 A. Yes, ma'am, I was last year until he attacked me.

19 Q. Okay. well, let's, let's talk about that.

20 Did you take the time to write a letter to me about
21 wanting to talk to me regarding the defendant, Mr. Scott?

22 A. Yes, ma'am, I did.

23 Q. All right. And, in that letter, did you allege that
24 you had some information that involved his charges for the
25 crimes of murder?

David James - Direct examination
By Solicitor Lively

1 A. Yes, ma'am, I did.

2 Q. Now, before you and Mr. Scott had a falling out, were
3 the two of you somewhat close and did you talk often?

4 A. Yes, ma'am, we did.

5 Q. Now, going back to that letter that you wrote,
6 Mr. James, did you ask for any kind of special treatment or
7 for a deal on your pending cases or anything like that?

8 A. No, ma'am, I didn't.

9 Q. Have you been promised anything or even told that you
10 would get some type of leniency from my office regarding
11 your current pending charges?

12 A. No, ma'am, I haven't.

13 Q. All right. Now, when you wrote that letter, what was
14 the reason that you said you felt like you needed to come
15 forward?

16 A. Because my grandfather had recently passed away and,
17 like I said, I was in jail last year. I was only out for a
18 few months and I didn't do what I was suppose to be doing
19 when I got out. I figured, on top of my grandfather, the
20 best -- you know, I need to start off on the right foot. Do
21 the right thing.

22 Q. All right. And so, so you wrote that letter to my
23 office?

24 A. Yes, ma'am.

25 Q. All right. So, tell the jury then, in regards to

David James - Direct examination
By Solicitor Lively

1 Mr. Scott, how that, how that relationship started and some
2 of the stuff he told you.

3 A. We both, we both would stay up late at night and we
4 would talk and I --.

5 Q. Did you know what he was in for?

6 A. Yes, ma'am.

7 Q. Okay.

8 A. Yeah.

9 Q. All right. And, and at that time whenever you got --
10 you said you would stay up late at night.

11 So, what kind of things would y'all talk about?

12 A. Well, we watched a lot of crime shows. We talked a lot
13 about -- for some reason it -- he, he would bounce a lot of
14 like law questions off of me --

15 Q. Okay.

16 A. -- based off of TV shows and things that we watched.

17 Q. All right. And if -- at any point in time did that
18 conversation turn into specific things involving his case?

19 A. Yes, ma'am, at first, at first it was like a little
20 small things here and there and then it kind of like evolved
21 into more information.

22 Q. Okay. Do you remember the specific information that he
23 told you about his grandfather in this case?

24 A. A, a good little bit. I mean he told me that him and
25 his friend went -- they had drove down to Richburg to try to

David James - Direct examination
By Solicitor Lively

1 get more money from his grandfather cause his grandfather
2 had gave him almost a hundred thousand dollars to start a
3 security company --

4 Q. Okay.

5 A. -- and it was right when COVID hit. So there -- the
6 money didn't -- they went through the money or something
7 like that. He had a bunch of people depending on him --

8 Q. Okay.

9 A. -- staying in an apartment with them. He said that
10 they drove down there to try to get more money. And when
11 his grandfather wouldn't give him more money, he ended up
12 shooting him and that, you know, he had watched a bunch of
13 crime shows and that that was one of the things they had
14 against him was being good with how To Get Away with Murder,
15 a TV show.

16 So, he knew that a lot of people get in trouble using
17 their debit cards, credit cards, going to gas stations, and
18 having their cellphones with them. So, he didn't stop at
19 any gas stations and we didn't take his cellphone with him.

20 Q. Have you ever talked to anyone by the name of Evan
21 webb?

22 A. No, ma'am, I haven't.

23 Q. Have you ever talked with anybody by the name of John
24 Cravener?

25 A. No, ma'am, I haven't.

David James - Direct examination
By Solicitor Lively

1 Q. Until you actually gave your statement to the agents
2 seated here today, had you talked to anyone else about the
3 facts or, or what it was that Alex told you?

4 A. No, ma'am, I hadn't.

5 Q. Okay. So, he tells you about not using debit cards,
6 not getting caught in a camera, and you also said not having
7 your cellphone with you?

8 A. Yes, ma'am.

9 Q. All right. Now, whenever they -- whenever he got to
10 where the grandfather was, did he tell you what they did
11 when they got there?

12 A. No.

13 Q. I know you said---

14 A. No, ma'am.

15 Q. They didn't---

16 Okay. So, did he tell you anything about how -- what
17 happened over the next couple of days?

18 A. No, ma'am, he didn't.

19 Q. And whenever you, whenever you were talking to the
20 agents, do you know why he -- you said that he had asked for
21 money.

22 But do you know why it was that he, he wanted to kill
23 his grandfather?

24 A. Oh, yeah. He, he told me there was one thing that he
25 had messed up that when they questioned him was that he lied

David James - Direct examination
By Solicitor Lively

1 and said he wasn't a beneficiary of the insurance policy,
2 that his grandfather had a \$700,000 -- well, right at
3 \$700,000 insurance policy that he was the beneficiary of.

4 Q. All right. But he told you that?

5 A. Yes, ma'am.

6 Q. Whenever you went to -- whenever you were talking to
7 him and he told you that he went to the grandfather's house,
8 did he mention anyone else that was there?

9 A. Yes, ma'am, he said a friend was with him.

10 Q. Okay. Did he mention anybody else was in the house
11 with the grandfather?

12 A. It -- sometimes he told me it was his grandpa's
13 girlfriend. Another time he told me it was his grandpa's
14 friend. Then he told me it was grandpa's mom.

15 Q. Okay.

16 A. But it's a woman.

17 Q. Okay. All right. And do you know what happened to
18 that woman?

19 A. He shot her too. I know the grandfather -- he said he
20 shot the grandfather in the hand, elbow, back of the head
21 and -- but I can't remember exactly where he said the woman
22 was shot.

23 Q. Okay. Did he say anything to you about any shots --
24 other shots that he'd made while he was in their house?

25 A. Yes, ma'am, he shot into the floor and he shot into the

David James - Direct examination
By Solicitor Lively

1 roof or right at the roof.

2 Q. Okay.

3 A. Because he---

4 Q. Did he tell you why?

5 A. Because where he, where he was in the Army -- well, the
6 Marines and then the Army. He was worried because he had
7 firearms training and he didn't want to drill it like it was
8 somebody knew what they were doing.

9 Q. Okay. Just one moment. I'm going through some of your
10 other stuff.

11 A. That's fine.

12 (Pause.)

13 Q. What, if anything, did he say about it being a --
14 whether it was a circumstantial case or the evidence in the
15 case?

16 Do you remember?

17 A. Pretty much what I, what I said that, that they didn't
18 have any cellphone data. The only thing they had was the
19 search. Like they had his phone records. They got two
20 phones, which he was a little bit worried about, how to get
21 away with murder, and that they, they had found other DNA at
22 the house they couldn't trace back and none of his firearms
23 traced back to him. I mean none of the firearms registered
24 in his name was used.

25 Q. Okay. What, if anything, did he tell you about what he

David James - Direct examination
By Solicitor Lively

1 would do with the firearm he used?

2 A. He told me the firearm that he had used they ended
3 tossing it on the way back.

4 Q. Did he ever tell you -- did he tell you all this stuff
5 at one time or did he kind of like---

6 A. No, ma'am.

7 Q. ---every once in a while?

8 A. No, ma'am, we were together like four or five months
9 and it was over the course of that time.

10 Q. Give me just a second.

11 Okay?

12 A. Yes, ma'am.

13 (Pause.)

14 Q. All right. James -- oh, let me ask you this real
15 quick.

16 A. Yes, ma'am.

17 Q. Have you ever watched any kind of TV shows or Googled
18 any information regarding this case involving the defendant,
19 Mr. Scott?

20 A. No. No, ma'am, I never even heard about it and --
21 until he said something to me about it.

22 Q. Okay. And -- oh, one other thing.

23 When you were talking about the female that was
24 present, did he describe to you about any type of movement
25 or motions that she made before the shooting?

David James - Direct examination
By Solicitor Lively

1 A. No, ma'am. I don't -- I want to say he shot her in the
2 hand or arm too kind of like she was blocking. But I can't
3 remember --

4 Q. Okay.

5 A. -- one hundred percent sure.

6 Q. That's fine.

7 Okay. So maybe the hand or arm?

8 A. Yes, ma'am.

9 Q. You're not sure?

10 A. Yeah.

11 Q. Okay. Great. Thank you. Answer any questions the
12 defense may have.

13 A. Yes, ma'am.

14 THE COURT: Ms. Boulware.

15 MS. BOULWARE: Thank you, judge.

16 CROSS-EXAMINATION

17 BY MS. BOULWARE:

18 Q. Mr. James?

19 A. Yes, ma'am.

20 Q. So you, you described in your interview that Alex Scott
21 was pretty smart?

22 A. Yes, ma'am.

23 Q. Okay.

24 A. Yes, ma'am.

25 Q. Pretty smart guy and you said you were a smart guy?

David James - Cross-examination
By Ms. Boulware

1 A. Yes, ma'am.

2 Q. Okay. And do you recall if Alex's case file was in his
3 room?

4 A. No, ma'am.

5 Q. Okay. And as far as a TV show goes, you told SLED
6 three or four times you never watched that show, right?

7 A. Yes, ma'am.

8 Q. Just like you did just now?

9 A. Yes, ma'am.

10 Q. Okay. Never heard of it.

11 Never Googled anything?

12 A. He said something about the TV show.

13 Q. Okay. Y'all had tablets at the jail?

14 A. Yes, ma'am.

15 Q. Okay. Y'all send messages on those?

16 A. Yes, ma'am.

17 Q. All right. Do you know a fellow by the name of Graham
18 Waldron?

19 A. Yes, ma'am.

20 Q. Okay. Was he in jail with you at the same time?

21 A. Oh, yes, ma'am.

22 Q. Oh.

23 A. Yeah.

24 Q. Okay.

25 A. He's still there.

David James - Cross-examination
By Ms. Boulware

- 1 Q. Did -- y'all are friends?
- 2 A. Yes, ma'am.
- 3 Q. Okay. Did you communicate with him maybe when you were
- 4 bonded out at some point?
- 5 A. No, ma'am.
- 6 Q. Oh, you didn't?
- 7 A. No, ma'am.
- 8 Q. Okay.
- 9 A. My wife has. But I haven't communicated with him.
- 10 Q. Okay. Pass this up to you, Mr. James, and you can try
- 11 to see if you remember anything about that.
- 12 well, first of all, I'll ask you, what, what is -- what
- 13 does that appear to be?
- 14 A. Screen, screenshot of the -- well, not a screenshot. A
- 15 picture of the tablet it looks like.
- 16 Q. okay. Tablet used at the jail?
- 17 A. Yes, ma'am.
- 18 Q. Okay. Now, go ahead and review it.
- 19 A. Yeah, I read it.
- 20 Q. okay.
- 21 A. I read pretty fast.
- 22 Q. Is that you?
- 23 A. No, ma'am, that's not me.
- 24 Q. Not you?
- 25 A. That's my wife.

David James - Cross-examination
By Ms. Boulware

1 Q. Okay. Well, let's read the bottom.

2 A. Yeah, I see it.

3 Q. Uh-huh. (Affirmative).

4 And you're talking about or whoever --

5 A. Yeah.

6 Q. -- is talking about your DUI?

7 A. Yeah, it looks like---

8 Q. Didn't you have a DUI?

9 A. Yes, ma'am.

10 Q. Okay. So, you're trying to tell this jury that that
11 top one's not you, but the continuing conversation at the
12 bottom about the DUI is?

13 A. No, it's not me at all.

14 Q. Oh, okay. So you weren't charged with a DUI on
15 January 1st?

16 A. No, that's not what I said. I said that my wife sent
17 these messages. I didn't.

18 Q. Okay. Pretending to be you?

19 A. I wouldn't --.

20 Q. She's writing I.

21 A. Yeah, I don't know why. But that's not me.

22 Q. Okay.

23 A. And I know -- hold on. Let me make sure. Let's look.

24 Oh, yeah, you can't -- this, this TV show isn't even in
25 the -- on the -- you can't watch that TV -- I mean --.

David James - Cross-examination
By Ms. Boulware

1 (WHEREUPON, a tablet message was marked as Defendant's
2 Exhibit No. 8 for identification purposes only at this
3 time.)

4 MS. BOULWARE: Judge, defense would move Defense
5 Exhibit, Exhibit 8 into evidence.

6 SOLICITOR LIVELY: Your Honor, I'm just gonna object
7 because he can't authenticate it. I mean all he's saying is
8 that it could be his wife. But it's not him.

9 So I, under those circumstances, I think that, you
10 know, if -- this is the first time I'm seeing it as well.
11 So, I, I would object.

12 THE COURT: All right. If, if he says he didn't -- I,
13 I assume that's a, a text message?

14 MS. BOULWARE: It's a tablet message.

15 THE COURT: Tablet message?

16 MS. BOULWARE: Uh-huh. (Affirmative).

17 THE COURT: And he says that is -- he didn't write the
18 message. Maybe his wife did. We, we have some
19 authentication issues.

20 THE WITNESS: Yeah, that account was made in---

21 THE COURT: No, wait a minute, sir.

22 THE WITNESS: Oh sorry.

23 THE COURT: Hold that thought.

24 Do we have some authentication issues?

25 MS. BOULWARE: I understand, judge. We'll, we'll take

David James - Cross-examination
By Ms. Boulware

1 care of that though.

2 Okay.

3 THE COURT: We can mark it as a Court's Exhibit.

4 MS. BOULWARE: We have it -- well, it's marked defense
5 exhibit. But if we need to change that.

6 THE COURT: All right. Just for ID purposes then?

7 MS. BOULWARE: Yes, sir.

8 THE COURT: Okay.

9 MS. BOULWARE: Yes, sir.

10 THE COURT: All right. We'll have that marked for ID
11 purposes.

12 Q. So, your wife says in this --

13 A. Yes, ma'am.

14 Q. -- that she watched the episode of the show. I'll give
15 it to you.

16 A. I remember what it says.

17 Q. And she Googled his name to find an episode. She found
18 some TikToks about him.

19 A. Yeah, I don't, I don't know. I didn't even know she
20 was still talking to him --

21 Q. Oh, okay.

22 A. -- the Graham Waldron guy.

23 Q. Gotcha.

24 A. This is -- was when I was out. But this account was
25 created when I was in jail last year.

David James - Cross-examination
By Ms. Boulware

- 1 Q. I thought you didn't know anything about this.
- 2 A. Ma'am?
- 3 Q. I thought you didn't know anything about this.
- 4 A. That's what I'm saying. This account -- I recognize
- 5 this account --
- 6 Q. Oh.
- 7 A. -- cause there was a no contact order. This account
- 8 was created --.
- 9 Q. wait. wait.
- 10 No contact order with whom?
- 11 A. Between me and my wife.
- 12 Q. Okay.
- 13 A. That's why it says Michael James. That's my brother's
- 14 name.
- 15 Q. Okay. So, your wife, you have a no contact order with
- 16 your wife but she's using --.
- 17 A. When this was going on, yes, ma'am.
- 18 Q. Okay. And she's pretending to be you?
- 19 A. I don't think, I don't think she meant to say -- she
- 20 never says my name that she's me. It could of been auto
- 21 correct.
- 22 Q. So, hell, I got one letter the other day. They threw
- 23 my DUI out. So I got my license again. LOL. Got it
- 24 January 1st, '22, and asked for a jury trial---
- 25 SOLICITOR LIVELY: And I just object to her reading

David James - Cross-examination
By Ms. Boulware

1 this. It's not been authenticated. He said it's not him.

2 THE WITNESS: She has a DUI too.

3 SOLICITOR LIVELY: Hold on.

4 THE COURT: Hold on.

5 SOLICITOR LIVELY: Hold on.

6 THE COURT: Wait, wait a minute. Let me rule.

7 SOLICITOR LIVELY: Hold on. Hold on. Hold on.

8 okay. I would object.

9 MS. BOULWARE: That's fine.

10 SOLICITOR LIVELY: It's not been authenticated. He
11 already said that Michael James is his brother. He said
12 that if it was anybody, it, it could be his wife. But he
13 has just -- he does not have personal knowledge about that.
14 He said that several times.

15 THE COURT: Since it's been marked for identification,
16 because of lack of authentication, then I don't really think
17 you need to get into the content of that particular iPad
18 message.

19 MS. BOULWARE: I understand, judge.

20 Court's indulgence.

21 THE COURT: Sure.

22 (Pause.)

23 Q. Mr. James?

24 A. Yes, ma'am.

25 Q. So, since your wife communicates with your friends at

David James - Cross-examination
By Ms. Boulware

1 the jail, how many guys at the jail does she talk to?

2 SOLICITOR LIVELY: Objection. Relevance.

3 A. Just that Graham.

4 SOLICITOR LIVELY: I think---

5 THE COURT: Wait a minute. Wait a minute. I got an
6 objection.

7 THE WITNESS: Sorry.

8 THE COURT: So let me talk.

9 Okay. I'll allow it. Overruled.

10 Respond to the question.

11 THE WITNESS: Just Graham Waldron.

12 MS. BOULWARE: Okay. Thank you.

13 THE COURT: Any redirect, solicitor?

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

15 THE COURT: Okay. You can step down, sir. Thank you.

16 All right. Solicitor, do you want to check to see if
17 your next witness has arrived?

18 SOLICITOR LIVELY: Yes, sir, Your Honor.

19 (Pause.)

20 THE COURT: Ladies and gentlemen, the, the next witness
21 the State is recalling, Doctor Rose, who's the pathologist.
22 She testified one day last week. And then after that is
23 done, then I'm going to, to excuse you for the remainder of
24 the day.

25 we have some legal issues that we're gon' need to deal

1 with and I don't want to keep you just back in the jury
2 room. So, that's kind of the plan for today.

3 Not here yet?

4 Okay.

5 SOLICITOR LIVELY: And she did tell me, Your Honor,
6 she'd be here around 3:15. So I did know---

7 THE COURT: Okay.

8 SOLICITOR LIVELY: ---and, and, like I said, with the
9 legal issue we need to address, I'm trying to balance that
10 out.

11 THE COURT: Okay. All right. So, go back to the jury
12 room, and once you -- hopefully it won't be too long she'll
13 get here. The State will put her up and then you'll get to
14 go for the remainder of the afternoons. So, that's a pretty
15 good trade off I think.

16 Okay. So, go back to the jury room please.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. We'll be in short recess until
20 the doctor gets here.

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

22 THE COURT: -- for the jury?

23 SOLICITOR LIVELY: Yes. Thank you.

24 THE COURT: Defense.

25 MR. FRICK: Yes, sir.

1 THE COURT: okay. Let's bring the jury out please.
2 sir.

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

5 THE COURT: Let the record reflect the jury is back in.
6 Solicitor, next witness.

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

8 The case -- the State would recall Doctor Kelly Rose.
9 She's right here in the side room.

10 MR. FRICK: And, Your Honor, I just restate my
11 objection as---

12 THE COURT: Sure.

13 MR. FRICK: ---as previously ruled on.

14 THE COURT: So noted.

15 Need to have you sworn in again, Doctor Rose.

16 THE WITNESS: Perfect.

17 THE CLERK: Please state your full name.

18 THE WITNESS: Kelly Rose.

19 DOCTOR KELLY ROSE, being first duly
20 sworn, testified as follows:

21 THE COURT: Solicitor.

22 SOLICITOR LIVELY: Yes, sir, Your Honor.

23 Just for the record, she's already been qualified as
24 an, as an expert in forensic pathology just to remind the
25 jury.

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1 THE COURT: All right. So noted.

2 SOLICITOR LIVELY: Thank you so much.

3 DIRECT EXAMINATION

4 BY SOLICITOR LIVELY:

5 Q. All right. Doctor Rose, since you were here last week,
6 we had several witnesses testify and something came up that
7 I wanted to have you clarify for the jury.

8 okay?

9 A. Okay.

10 Q. Okay. So, Doctor Rose, whenever you received the body
11 of Billie Ruth Rogers --

12 A. Yes.

13 Q. -- was she clothed at the time that -- when you opened
14 the body bag?

15 A. Yes, she was.

16 Q. All right.

17 A. She was fully clothed.

18 Q. And whenever, whenever you get someone -- unfortunately
19 when you get someone like that, do you document how they are
20 actually clothed and just basically the way they looked
21 whenever you opened the bag?

22 A. Yes, we do that several ways. With pictures and we
23 write down the items.

24 Q. Okay. And, and in this particular case, in order to
25 avoid some of the issues with the injuries that were

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1 difficult to, to look at, have I shown you other photos for
2 you to refer to to see whether or not it looked the way you
3 remembered whenever Mrs. Rogers was actually brought to the
4 autopsy?

5 A. I've seen some scene photos.

6 Q. Okay. All right. Well then I'm just gonna show those
7 to you. I've shown them to the defense already and just ask
8 you to refer to those. Give me just a second.

9 (Pause.)

10 Q. Okay. I'm gonna show you -- this one is already in
11 evidence, 36-A, which I think is the scene photo you were
12 talking about, and then I'm gonna show you 192 and just ask
13 you, in the context of what we're talking about as to how
14 she looked when she came to you, does that look like an
15 accurate representation of the upper part of her body?

16 A. Yes. Exactly.

17 SOLICITOR LIVELY: Okay. Your Honor, at this time, the
18 State would move the other picture, No. 192, into evidence.

19 THE COURT: Subject to what is already on the record --

20 MR. FRICK: Yes, sir.

21 THE COURT: -- 192 into evidence for the State.

22 (WHEREUPON, State's Exhibit No. 192 was received into
23 evidence at this time.)

24 Q. Okay. And in regards to 192, please ex -- explain to
25 the jury, you know, what you documented in regards to Mrs.

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1 Billie Ruth's external examination and any scarring that you
2 saw.

3 A. Okay. Once she was un -- we had undressed her and I
4 looked at the body without clothes, she had a large
5 mastectomy scar across her chest. She had had a double
6 mastectomy. She had both of her breasts removed.

7 Q. Okay. And whenever you documented that in your
8 autopsy, and I believe that, at the time, we did not get
9 into the context of why that may be something that we were
10 not aware of, correct?

11 A. Correct.

12 Q. All right. Now, do you recall whether or not she had
13 another, underneath this blue T-shirt or this blue shirt,
14 did she have something on whenever her clothing was removed?

15 A. She had another article of clothing on under her---

16 Q. Okay.

17 A. ---t -- it was like a blue T-shirt. Teal blue T-shirt.

18 Q. Okay. And underneath that T-shirt, what else was
19 there?

20 A. She had a bra that had a prosthesis in it.

21 Q. Okay. All right. So, the prosthesis were actually
22 inside the bra itself?

23 A. Yes.

24 Q. All right. So, in the list of items that actually come
25 off of an individual, is that standard that, that the items

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1 taken off of, of one of your individuals they're actually
2 listed and documented?

3 A. Yes.

4 Q. All right. And so what does it say in regards to the
5 bra?

6 A. That she had a tan bra, a teal short sleeve T-shirt,
7 and tan bra.

8 Q. Okay. And so, if -- when you pulled this prosthesis
9 off, does it look like a bra?

10 A. Yes.

11 Q. All right.

12 A. It would be a heavy bra.

13 Q. Oh.

14 A. But yes.

15 Q. Okay. That's what I was gonna say. I kept going --
16 would it feel like -- I mean -- and -- I'm mean -- okay.
17 I'm not gonna go there.

18 Anyway. So -- all right. So, I'm sorry. I apologize.

19 Anyway, so in this particular photo that you've
20 identifiable, this is the same top that, unfortunately, Mrs.
21 Billie Ruth was wearing and, and underneath you could see
22 what you're referring to in regards to the bra that had a
23 prosthesis inside?

24 A. Yes.

25 Q. Okay. All right. Now, in -- once again, you just

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1 testified though it would be heavy?

2 A. Correct. Heavier than a normal bra.

3 Q. Okay. All right. Now, in your examination, one of the
4 other things that you -- that we had talked about was
5 actually the, the injuries to Mrs. -- to Mrs. Billie Ruth,
6 right?

7 A. Yes.

8 Q. And I'm just gonna show you State's 199 and 200.

9 Would you -- you've mentioned this. However, we did
10 not actually document both of the injuries with photos.

11 A. Yes.

12 Q. So, I'm just gonna make sure we do that. This is
13 State's 199 and 200.

14 Will you again, just for the purposes of the record as
15 we're doing this for the jury, what are we seeing in those
16 two photos regarding Mrs. Billie Ruth?

17 A. In these two photos are the graze wounds that I talked
18 to you about earlier that she would of sustained when a
19 bullet passed by her as if she had her hands up to try to,
20 you know, defend herself and the bullet grazed her hand on
21 its way to her head basically.

22 SOLICITOR LIVELY: Okay. Your Honor, the State would
23 move those two photographs into evidence at this time. That
24 will be State's 199 and 200.

25 THE COURT: Subject to what's already on the record,

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1 199 and 200 is moved into evidence.

2 SOLICITOR LIVELY: Thank you.

3 (WHEREUPON, State's Exhibit Nos. 199 and 200 were
4 received into evidence at this time.)

5 SOLICITOR LIVELY: Thank you.

6 And then just so -- for purposes of the -- corroborate
7 State's Exhibit No. 2, is that your diagram where you show
8 these graze wounds?

9 A. Yes, that is.

10 Q. Okay. And, once again, the graze wounds were to both
11 hands?

12 A. Yes, they were.

13 Q. All right. And this is what these photos show?

14 A. Yes.

15 Q. And other than those graze wounds -- grazing wounds to
16 her hands, and the wounds that were fatal to her head, did
17 she have any other external injuries, contusions, bruising,
18 or markings on her body that showed any other kind of
19 trauma?

20 A. No, she did not. She had no other injuries.

21 Q. All right. Okay.

22 Okay. Thank you so much for clearing that up for us,
23 Doctor Rose. Answer any questions the defense may have.

24 MR. FRICK: No questions for Doctor Rose.

25 THE COURT: Okay. Doctor Rose, you can step down.

1 Thank you very much for coming back.

2 THE WITNESS: Okay.

3 (WHEREUPON, the lights went out in the courtroom.)

4 SOLICITOR LIVELY: Time to go.

5 THE COURT: Did she just cut the lights off?

6 SOLICITOR LIVELY: Okay. All right.

7 THE COURT: Okay. Ladies and gentlemen, as I told you
8 a little while ago, I'm gonna go ahead and excuse you for
9 the remainder of the day.

10 SOLICITOR LIVELY: I'm so sorry, judge. I just
11 thought, since we're a little bit early, I was gonna go
12 ahead and publish the latent prints reports.

13 MR. FRICK: That's -- yes.

14 SOLICITOR LIVELY: Is that okay?

15 MR. FRICK: Yes, that's fine.

16 SOLICITOR LIVELY: Just because---

17 MR. FRICK: That's fine.

18 SOLICITOR LIVELY: Just for the record.

19 We did not call in a couple of the SLED agents for --
20 to try to eliminate some of the witnesses---

21 THE COURT: Okay.

22 SOLICITOR LIVELY: ---that we have and defense agreed
23 to stipulate to the latent prints report that came back from
24 SLED.

25 Basically it was the different weapons in this case.

1 Items 1 and Items 30, let's see, 37, as well as the last
2 weapon that was tested. So, from the three guns.

3 One of them had what they believed at the time was a
4 latent print impression and they had also the fingerprints
5 of Gene Rogers, Billie Rogers, and the defendant for
6 comparison.

7 After they attempted to see if any of those would
8 actually, after processing, could be identified, once that
9 was done, they said it was inconclusive. So basically there
10 were no findings as it comes down to the actual latent
11 prints and the attempts to try to get any fingerprints off
12 of these weapons.

13 THE COURT: Okay. All right.

14 SOLICITOR LIVELY: That is the full report, Your Honor.
15 I just didn't want them to find it and realize that it's in
16 there.

17 THE COURT: Okay.

18 SOLICITOR LIVELY: It's 191, State's Exhibit.

19 THE COURT: One ninety-one and that's by stipulation?

20 SOLICITOR LIVELY: By stipulation.

21 THE COURT: The lawyers have agreed that that will come
22 into evidence without having the SLED person here to testify
23 concerning that report. You can consider the report and any
24 other -- in any manner you wish just as you consider any
25 other evidence in this case and that's 191 --

1 SOLICITOR LIVELY: That's correct, Your Honor.

2 THE COURT: -- into evidence.

3 SOLICITOR LIVELY: Thank you.

4 (WHEREUPON, State's Exhibit No. 191 was received into
5 evidence at this time.)

6 THE COURT: Okay. Now, ladies and gentlemen, I'm gonna
7 excuse you for the remainder of the day. You're to be back
8 at 9:45 in the morning like this morning and have a good
9 rest of your afternoon. Get some rest. Remember all my
10 instructions. We'll see you tomorrow.

11 Okay. Thank you.

12 (WHEREUPON, the following takes place outside the
13 presence of the jury.)

14 THE COURT: All right. The next or the last thing for
15 this afternoon is in camera testimony -- test -- testimony
16 of Agent Cullop.

17 Anybody need a short break before we go into that?

18 SOLICITOR LIVELY: I know that my witness knows he's
19 gon' be on there for a minute. He said if he could just run
20 to the restroom---

21 THE COURT: Okay.

22 SOLICITOR LIVELY: ---real quick.

23 THE COURT: All right. We'll take a two minute break.

24 SOLICITOR LIVELY: Yes, sir, and we're ready to go
25 after that.

1 THE COURT: Okay.

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

3 THE COURT: All right. I just need for you, like I did
4 the other day.

5 (WHEREUPON, the defendant was placed under oath at this
6 time.)

7 THE COURT: Okay. So, my understanding is that you
8 didn't have a very restful night last night and you'd like
9 to get some rest and you've discussed this with your lawyers
10 and y'all've agreed that it's really not necessary for you
11 to sit through Agent Cullop's in camera testimony and you're
12 wanting to---

13 THE DEFENDANT: Correct.

14 THE COURT: ---go ahead and leave.

15 Is that correct?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Okay. All right. Your, your request is
18 granted. You're free to go back to the jail.

19 MS. BOULWARE: Thank you, Your Honor.

20 THE COURT: Okay. The purpose for this in camera
21 hearing is to take the testimony, for the most part, in its
22 entirety of, of Agent Cullop for me to make some rulings
23 concerning what, if any, will be allowed.

24 Since we are in camera, and to get through this, I'll,
25 I'll allow some leading. But, of course, I mean not to be,

1 be, be somewhat careful of that. But since we're out --
2 outside the presence of the jury, I will allow some leading
3 so we can get through this maybe a little quicker than we
4 will get through it before the jury.

5 (Pause.)

6 SOLICITOR LIVELY: I apologize, Your Honor. Just a---

7 THE COURT: Take your time.

8 SOLICITOR LIVELY: I needed my specialty IT guy. All
9 he did was stand there. It's amazing.

10 Thank you.

11 RICHARD CULLOP, having been previously
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR LIVELY:

15 Q. All right. Now, Agent Cullop --

16 A. Yes.

17 Q. -- whenever you worked with the expert, Eric Devlin, in
18 this case, did you meet with him again on Friday to look at
19 the information in his report that is already in evidence?

20 A. Yes.

21 Q. Okay. And that evidence is now in a binder as State's
22 Exhibit No. 195, right?

23 A. Yes.

24 Q. In regards to this evidence and the information that
25 you were looking at based on your investigation, all right,

Richard Cullop - Direct examination
By Solicitor Lively

1 did you ask him to verify or to do a verification on
2 everything that you were gonna specifically talk about here
3 in front of the jury?

4 A. Yes.

5 Q. Okay. And was that just to be sure that everything
6 that he had you had in exactly the same format cause you
7 pulled it out of his extraction?

8 A. Correct.

9 Q. Okay. All right. Did you alter that information,
10 tamper with it?

11 Are you interpreting it based upon what Cellebrite has
12 actually extracted?

13 A. No.

14 Q. No.

15 So, the extraction itself through Cellebrite is already
16 done. It's in evidence.

17 You're not necessarily using Cellebrite in order to
18 interpret what you're seeing, correct?

19 A. I was just applying the facts to the case.

20 Q. All right. So, you were just getting the actual
21 exhibit, or the slide, or the information, whatever you want
22 to call it, and apply it to the investigation and the facts
23 that you learned in this case?

24 A. That's correct.

25 Q. Okay. So let's look at that.

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By Solicitor Lively

1 Now -- all right. So, when you start off with your
2 testimony, this isn't really the, the problematic issues I
3 think, you've (sic) coming in. You also wanted to look at
4 incident reports and whether or not these individuals maybe
5 have like some domestic violence issues or---

6 A. Problems with---

7 Q. ---assault and battery---

8 A. ---neighbors.

9 Q. ---problems and all that stuff?

10 A. Correct.

11 Q. So, you did a full search involving these victims,
12 correct?

13 A. Yes, at both the location where they lived.

14 Q. At both locations because Mrs. Billie Rogers was from
15 West Virginia, right?

16 A. Correct.

17 Q. Okay. So you're gonna testify that there was nothing
18 in their history and then what is this particular slide?

19 I think you had started testifying about it in regards
20 to violent crimes in the area.

21 A. Yes. So I actually contacted our South Carolina
22 Incident Based Reporting System Unit, which works for SLED
23 as well---

24 Q. Okay.

25 A. ---and I asked them to pull all the statistics for

Richard Cullop - Direct examination
By Solicitor Lively

1 murder and aggravated assaults in 2020.

2 Q. Okay.

3 A. They were actually able to map that information for me,
4 which is what this is. It has their standard disclaimers
5 that they add with any of their mapping, which is the
6 definition of murder, and nonnegligent manslaughter, and
7 aggravated assault and battery, which comes from the Uniform
8 Crime Report.

9 Q. Okay. All right. So, was this based off of
10 information that came up in the trial regarding whether or
11 not this had been a burglary, or potential, you know, gang,
12 or anything like that?

13 A. That's why I looked into it, yes.

14 Q. That's why you looked into it.

15 So, this is the data from that particular timeframe?

16 A. Correct.

17 Q. All right. So, the next thing we have here is an
18 actual map.

19 what is this map -- what's the purpose of this map?

20 A. This map was to show the distance from Chester and
21 Richburg where the house is located. Also to kind of
22 provide prospective -- we've looked at a lot of the maps
23 closer to the area, which kind of get the impression that
24 it's rural. But this actually shows, compared to where the
25 urban areas are, how rural it is.

Richard Cullop - Direct examination
By Solicitor Lively

1 Q. Okay. So, the snapshot, which is actually a huge map
2 that we have, is for that specific neighborhood?

3 A. Correct.

4 Q. All right. So, what we did was you spanned it out in
5 order to show the context of Richburg in general and the
6 whole area?

7 A. Correct.

8 Q. Okay. All right. And is this just kind of a little
9 bit closer up screenshot of the roads going through Doe
10 Street in that area?

11 A. That's correct. And, and my goal in this one was to
12 establish that it would be hard to come across this location
13 by chance. They're---

14 Q. Okay.

15 A. ---so many turns off of a major road, you know, I think
16 it's -- is it 907?

17 I can't read it from here. But the far road to the
18 right---

19 Q. We have 901.

20 A. 901.

21 Q. ---which is the main road. Yes.

22 A. Yeah. So that's a main road.

23 Q. Okay.

24 A. So you have to turn off of that road, turn off that
25 road, turn off that road, turn off that road to get to

Richard Cullop - Direct examination
By Solicitor Lively

1 Gene's house.

2 Q. Okay. And I believe, one of the -- a lot of what was
3 testified to was, especially by Mr. Thomas, was that he's on
4 a, a dead-end and that there, there were dead-ends in that
5 particular area?

6 A. Correct. And this map---

7 Q. Okay.

8 A. ---cuts it off a little bit.

9 Q. Okay.

10 A. But all of those roads heading towards the left are
11 dead-ends.

12 Q. Right.

13 A. It's no cause throughs.

14 Q. Okay. So even though the interstate, which was
15 testified to is loud or may be loud and it's right there,
16 you can just cut straight across from the interstate by car?

17 A. Correct.

18 Q. Okay. All right. There's no, there's no---

19 A. There's no exit.

20 Q. ---throughway?

21 A. Yes.

22 Q. Okay. All right. So that's that information.

23 All right. Now, the search warrants that you did for
24 Gene Rogers phone, were those ones that you specifically did
25 yourself once you became involved in the case?

Richard Cullop - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. Okay.

3 A. I obtained those search warrant to forensically extract
4 the data from Gene's phone. The battery was damaged and we
5 were unable to complete that.

6 Q. Okay.

7 A. So then I obtained a search warrant for Gene's call
8 detail records from Verizon wireless.

9 Q. All right. And did you ever receive those records?

10 A. Not call detail records. But I was able to receive
11 billing records. They did not maintain the call detail
12 record because it had been so long ago.

13 Q. It had been so long ago.

14 A. Yes, ma'am.

15 Q. Okay. And is that something that you kind of
16 expected---

17 A. I was---

18 Q. ---based on how long---

19 A. ---hopeful. But --.

20 Q. I know. You were hopeful.

21 Okay. So was this the only information that you were
22 able to get of significance from Mr. Gene Rogers---

23 A. Correct.

24 Q. ---call detail?

25 A. This is the billing records and this is something---

Richard Cullop - Direct examination
By Solicitor Lively

- 1 Q. Okay.
- 2 A. ---that any consumer can get from their wireless
- 3 company.
- 4 Q. Okay.
- 5 A. The key difference between this and call detail records
- 6 is call detail records has the towers and where it pings off
- 7 the towers and---
- 8 Q. And---
- 9 A. ---and all that.
- 10 Q. ---you're not testifying to that?
- 11 A. Correct.
- 12 Q. Okay. All right. So, this is just call detail
- 13 record---
- 14 A. Billing records.
- 15 Q. ---to show -- yeah, billing records.
- 16 A. Yes.
- 17 Q. There you go. This is billing records.
- 18 So -- and the significance of this particular, of this
- 19 particular slide here is to show --
- 20 A. The---
- 21 Q. -- what?
- 22 A. So, the bottom call at the very bottom there, 6/20 at
- 23 5:33PM, we looked that number up, the (803)789 and I think
- 24 it's 8888.
- 25 Q. Uh-huh. (Affirmative).

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By Solicitor Lively

1 A. That's actually Papa John's.

2 Q. Okay.

3 A. The number above that is the defendant's phone at
4 6:35AM. He -- they have a conversation for approximately 16
5 minutes, and the number above that on 6/19 at 9:57AM, that's
6 actually Eric Parker who testified earlier in this case.

7 Q. Okay. So, it identifies the, the conversations and
8 corroborates some of the, the testimony that we have
9 regarding Mr. Parker, correct?

10 A. Yes.

11 Q. All right. And then also you're able to confirm the
12 call I guess basically for the order for the pizza that
13 night?

14 A. That's correct.

15 Q. Okay. All right. All right. So, you have information
16 regarding the life insurance policy here on Gene Alexander
17 Scott and Aaron Scott -- I mean beneficiaries.

18 But there's never been any testimony about Billie
19 Rogers and what that was, that was other than Mr. Paul
20 Rogers testifying that she had a small amount and that most
21 of it was used for her funeral, correct?

22 A. Correct.

23 Q. So, were you able to confirm what was actually the
24 amount of her actual estate?

25 A. Yes.

Richard Cullop - Direct examination
By Solicitor Lively

1 Q. Okay. And how did you do that?

2 A. For -- through conversations with the family.

3 Q. Okay. All right. So through conversations with the
4 family, Pamela Burka, who I think was in here -- there she
5 is right there.

6 Okay. So Pamela Burka and, and you were able to
7 determine that -- what the amount of her estate was?

8 A. Correct.

9 Q. Okay. All right. Now, specific to Gene Alexander
10 Scott, so this particular picture here, now there is a
11 little bit of a cut out from that picture.

12 Did I ask you to actually modify it?

13 A. Yes.

14 Q. Okay. And why is that?

15 A. There's a child in the photo.

16 Q. There's a child in the photo.

17 Okay. And, and just for the, for the purposes of the
18 record, the child was actually -- and it's not about whether
19 a child's there and I'm not gonna ask that in front of the
20 jury.

21 A. Uh-huh. (Affirmative).

22 Q. But the child was Jerry Familia's child, right?

23 A. Yes. Jerry and---

24 Q. Okay.

25 A. ---Liz's Familia child.

Richard Cullop - Direct examination
By Solicitor Lively

1 Q. Exactly.

2 Okay. So, the, the, the issue or the, the question in
3 regards to this, does it put all of the people who are
4 involved as roommates in this particular case with the
5 defendant, Alex Scott?

6 A. Yes.

7 Q. And, as a matter of fact, what was the date on this
8 particular picture whenever it was posted on social media?

9 A. May 12th, 2020.

10 Q. May 12th, 2020.

11 Okay. So that would of been right after the, the
12 testimony that says that the original attempt or the failed
13 attempt at murdering the grandfather happened?

14 A. Correct.

15 Q. It would be post the conversation where the defendant
16 proposed them being fake alibis for him?

17 A. Correct.

18 Q. That being specifically John Cravener and then, of
19 course, Evan Webb's not in this picture, right?

20 A. Yes. But he was not a roommate.

21 Q. Yeah. But he was not roommate. Exactly.

22 So we do have, have John Cravener in this picture and
23 who it at the bottom of this picture?

24 A. Ian Little.

25 Q. Ian Little, who we do know was also present for that

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By Solicitor Lively

1 meeting, correct?

2 A. Yes.

3 Q. All right. So, this shows all of them together as
4 roommates, all right, and the timing of the picture.

5 Now, this next picture, in regards to the timing of
6 this particular picture, how did this one capture your
7 attention whenever you were going through the, through the
8 records?

9 A. So, whenever I was looking through the, the forensic
10 phone dump, I noticed these pictures of Alex where it'd
11 appeared he had been shot. From the other parts of the
12 investigation, I had never really uncovered any actual
13 missions or deployments or anything that he had done as part
14 of the business.

15 Q. Okay.

16 A. So that caused me to look into this a little bit more,
17 which is where the next slides start to---

18 Q. Okay.

19 A. ---come in.

20 Q. All right. So then you're trying to find out whether
21 or not there's any corroboration that this could of actually
22 been true?

23 A. Correct.

24 Q. Okay. And what is it that we're seeing in this
25 particular picture?

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By Solicitor Lively

1 A. So, I was able to actually find these photos on the
2 phone. The created access modified time period, it shows
3 when the picture was actually taken --

4 Q. Okay.

5 A. -- on May 24th, 2020, at 4:18:16 for one picture and
6 4:22:19PM on -- in the other photo.

7 Q. Okay. Did you alter any of that, the timing, or how
8 that photo looked or anything like that?

9 A. That's how it exists in the phone.

10 Q. That's how it exists in the phone.

11 And, as a matter of fact, is that what Mr. Cravener
12 confirmed in regards to having been there for the video, but
13 had you ever seen those pictures through Mr. Cravener?

14 A. Not through Mr. Cravener.

15 Q. Not---

16 A. I saw -- found it only in the phone.

17 Q. Found it only in the phone.

18 And so that particular picture, those two pictures,
19 were from you finding them in the phone related to whenever
20 the -- we're gonna pretend like we're in a foreign country
21 video was done?

22 A. Correct.

23 Q. Okay. All right. And also the timing of that May
24 24th, 2020, was that also consistent with what Aaron Scott
25 testified to that that was whenever he was there that day

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By Solicitor Lively

1 and they were all dressed in their tactical gear?

2 A. Yes.

3 Q. Okay. So, are these photos then the photos of them in
4 that tactical gear?

5 A. Yes.

6 Q. All right. And that's the first time that information
7 was actually tied in to that particular event, correct?

8 A. Yes. And I think, based off of these photos, we were
9 able to talk to John about it and get this information.

10 Q. Okay. All right. Now, this is something that I do
11 need you to explain to the Court in regards to what you're
12 doing here. It says information provided by Cellebrite for
13 location validity.

14 Now, are you trying to interpret something here---

15 A. No.

16 Q. ---or are you just relaying what you're able to read
17 in, in regards to what was in the file?

18 And that's kind of hard for me to ask.

19 A. No. So---

20 Q. So, I'm just gon' let you explain it.

21 A. When I first started looking at the location data in
22 this case, as Eric Devlin testified, and, you know, has in
23 his report, there's a section on Cellebrite where it just
24 says locations, I clicked on locations and then it brings up
25 a timeline where you can drag to the dates. From that

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1 information, I extracted the Excel spreadsheet that had
2 dates and times, location information.

3 Q. Okay. When you say extracted, you mean like you just
4 clicked on it---

5 A. I---

6 Q. ---and it opens up an Excel sheet that's already --

7 A. Exported, yes.

8 Q. Exported. Thank you. I want to be clear about that.

9 A. Yes.

10 Q. You're not doing a different extraction---

11 A. Correct.

12 Q. ---of the phone?

13 Okay.

14 A. It was just an export of that information into Excel
15 specifically.

16 Q. Okay.

17 A. So, when I began looking at that, I saw a lot of
18 location data that didn't make sense including Poland and
19 other places.

20 So, I actually reached out to our computer crimes
21 division who deals with Cellebrite the most and asked if
22 there was any way that I could use that information to
23 verify the location. They actually provided me with this
24 document that Cellebrite provides their users that gives you
25 the pass and tables that are considered reliable. And,

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1 again, this is a short snippet of, of multipage document.

2 Q. Okay. So, what this is is basically like whenever you
3 get your initial forensic report and it just says this is
4 like the Cellebrite instruction page or just like a list of
5 what these different, different maybe acronyms mean or --

6 A. Correct.

7 Q. -- tables mean?

8 Okay. So, you're using -- this is what we're seeing
9 here for you to go to the next page?

10 A. Correct.

11 Q. Okay. All right. So, are you interpreting anything or
12 are you just reading what each one of these lines means
13 based on what Cellebrite tells the person this is what
14 you're looking at if you're looking at my report?

15 A. That's correct.

16 Q. Okay. All right. So, when you did that, then you
17 pulled up these specific dates, which you've already
18 testified to were based on facts and evidence you were
19 gathering in the case, right?

20 A. That's correct.

21 Q. Okay. So, tell the judge what it is we're seeing here.

22 A. So, as I was explaining before, the export into Excel,
23 it also had a bunch of other location data. So the only
24 thing that I did was filtered it to the IOS locations,
25 which, if you can see the red portion there, that table---

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1 Q. Uh-huh. (Affirmative).

2 A. ---is a -- considered reliable location information and
3 timestamped information from that previous slide that's
4 Cellebrite---

5 Q. Okay.

6 A. ---provided. I used that information because, based
7 off that previous slide, I knew that was gonna be reliable
8 information.

9 Q. Okay.

10 A. So, from that, I took those locations and I plugged
11 them into a map.

12 Q. Okay. All right. And when you plugged those type of
13 locations into a map, I mean do you need any kind of
14 expertise to notify (sic) to plug in a latitude and
15 longitude?

16 A. I verified it with Google.

17 Q. Okay. All right. So Google.

18 But it's, it's latitude and longitude, correct?

19 A. That's correct.

20 Q. Okay. All right. And then that's just for -- then the
21 red information is just what you got off of an information
22 sheet that says, if you see this in my report or in the
23 report that you're looking at, this is what it means?

24 A. That's correct. And I even asked again because I want
25 to clarify. I'm not an expert. I even asked them for an

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1 example to make sure I understood it correctly and the
2 information that they provided to me was that it's
3 consistent with, if you ever get in your car to leave for
4 the day, like maybe you're leaving here and your phone just
5 automatically pops up hey, do you want to go home---

6 Q. Yeah.

7 A. ---and you've never plugged into your phone where home
8 is, it just automatically knows. It's because it's a
9 learned location of interest, which is from this table.

10 Q. Okay. So, just from off the table, that's just how
11 it's actually labeled?

12 A. That's from my understanding.

13 Q. Okay. So, based off of the latitude and longitude, is
14 this what we're seeing in this particular slide for May
15 24th of 2020?

16 A. That's correct.

17 Q. All right. And why was that of significance to you?

18 A. Because this shows that Alex's phone was in Forest
19 Acres and Arcadia Lakes, which is in the greater Columbia
20 area, at 5:20AM and 12:14PM whenever he's claiming to be or
21 the photos that he's posting are claiming to be in Ukraine.

22 Q. Okay. So, so, you're showing that that is not accurate
23 information?

24 A. Correct.

25 Q. All right. Now, what about -- you have some more

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1 photos here are -- using that latitude and longitude on May
2 24th and is this more of the same information that you're
3 showing?

4 A. That's correct. And this one just specifically
5 highlights at 1:45PM he's in the woods behind Gene Rogers
6 house --

7 Q. Okay.

8 A. -- presumably where these photos were taken.

9 Q. Okay. Which, at the time, Mr. Cravener could not
10 clearly tell us that's exactly where, where they were. He
11 just knew it, it was at a grandfather's house.

12 A. Correct.

13 Q. All right. But this shows that it was actually at Gene
14 Rogers house?

15 A. That's correct.

16 Q. Okay. So, under this particular -- this slide here,
17 you -- this is information -- was this information that
18 actually came out of the, again, the report that Eric Devlin
19 did?

20 A. That's correct.

21 Q. All right. And what were some of the things that you
22 were looking for in regards to his searches and also his
23 actual postings?

24 A. Well, in this particular -- these particular slides, we
25 were looking at his user names through various different

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1 apps that he had on his phone. You know, the one on the
2 left, his user name is God and the one on the right for
3 Reddit I am God LMAO.

4 Q. Okay.

5 A. So, again, we were just trying to establish, you know,
6 all of the different apps that he uses --

7 Q. Okay.

8 A. -- and---

9 Q. And it---

10 A. ---what his---

11 Q. What---

12 A. ---user's name were.

13 Q. And what his user names.

14 Just like his Facebook page is Raphael---

15 A. Correct.

16 Q. ---Scott?

17 Okay. All right. And, in this particular search here,
18 this is one that actually Eric Devlin did bring up whenever
19 he testified.

20 Tell us what he said in regards to why that
21 particular -- it would show up like that with the
22 highlights.

23 A. So, from what Mr. Devlin told me, he said that he had
24 originally found some of this information previously and he
25 went back to go and actually take this snip. So he's (sic)

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1 knew that the key word life insurance was involved. So, he
2 did a keyboard search through Cellebrite or Axiom and that
3 is why that particular portion is highlighted and only that
4 portion.

5 Q. Okay.

6 A. So, this is one that Mr. Devlin found.

7 Q. This is one of the ones he found and in the context --
8 now, you told him some of the searches and some of the
9 actual terms to use.

10 Is that right?

11 A. Yes.

12 Q. Okay. However, in regards to the relevance of what you
13 know from the investigation, is that what you're gonna be
14 testifying to here in front of the jury?

15 A. That's correct.

16 Q. All right. Now, in -- and I'm gonna go ahead and I'm
17 gonna show this one and then I'm gonna get you to testify to
18 the context of it all.

19 Okay. So you've got how long does it take for life
20 insurance to pay. Does life insurance cover murder. And
21 then this one actually has the timestamps on this one. It's
22 June 22nd. What do you need for a search warrant, which,
23 of course, we -- you're gonna testify to the context of
24 that. This one, search and seizure, June 22nd and then
25 when can the police take your phone, June 22nd.

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1 And, June 22nd, what do you know from the evidence in
2 this case and the testimony in this case regarding that
3 date?

4 A. That was the day that he was coming to bring his phone
5 to the Chester County Sheriff's Office.

6 Q. Okay. All right. And you actually have this time of
7 when he traveled, correct?

8 A. That's correct.

9 Q. And what time was he suppose to meet them to turn it
10 over?

11 A. 1:30PM.

12 Q. All right. So these all have the dates on that,
13 correct?

14 A. Correct.

15 Q. Okay.

16 A. So --.

17 Q. And this one does not have the date -- the search
18 dates. So, what I need you to do is explain what you're
19 going to tell the jury in regards to his phone, the
20 defendant's phone, and why this one would not have a date on
21 it.

22 A. Well, yeah. Just to clarify too. You know, Mr. Devlin
23 did not originally find all of the things that we had
24 tagged.

25 Q. Okay.

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1 A. So starting with this slide is ones that I specifically
2 found and I sent to him to verify.

3 Q. Okay.

4 A. So I actually found this information and sent it to him
5 so that he could authenticate it, which he did, and included
6 it in his report.

7 Q. Okay. And let me just ask you.

8 Are you using some type of fancy Cellebrite knowledge
9 in order to find these things?

10 A. No, I have had zero training other than --

11 Q. Okay.

12 A. -- hands on, talking to people, you know, who do it for
13 a living.

14 Q. And this was already evidence that was provided to you?

15 It just had to be time consuming, searched through, and
16 found by someone who knew what to look for?

17 A. I would just -- I wouldn't even say who knew what to
18 look for.

19 Q. Okay.

20 A. I would just say somebody who spent the time to do it.

21 Q. Spent the time to do it, which is what you did?

22 A. Correct.

23 Q. Okay. So -- and also in regards to the facts of this
24 case, did you know what was relevant to what the State was
25 gon' be presenting at trial?

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1 A. I did.

2 Q. Okay. So, in getting involved and going through all of
3 these searches, that's how you were able to locate that?

4 A. That's correct. And then to go back to your other
5 question --

6 Q. Yes.

7 A. -- you know, from talking to Mr. Devlin, all of this
8 information came from the carved web file I think is the way
9 he described it, which I don't really know that, that, that
10 well. Again, not an expert.

11 But the way that it was explained to me was that it was
12 deleted in some form and he could not tell if it was a
13 manual deletion or a retention deletion.

14 Q. Okay. And he actually testified to that on Friday,
15 didn't he?

16 A. Correct.

17 Q. Yes.

18 All right. So, he actually said he -- by looking at
19 this, he doesn't know if it's a retention deletion or if it
20 was -- which would be something that was done through the
21 phone itself. Like the phone, whether it retains it or not,
22 or a manual deletion.

23 A. Correct.

24 Q. Okay. All right. So, once again, these are things you
25 looked for that were relevant to the evidence in this

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1 particular case?

2 A. Yes.

3 Q. And this particular search was gonna be -- was from his
4 phone extraction of Alex's phone from when he turned it over
5 January 22nd?

6 A. Correct. And it was authenticated by Eric Devlin.

7 Q. Okay. And Eric Devlin and he explained why there's not
8 a date on it.

9 Do you know, from looking at this information, when the
10 defendant actually got this particular phone?

11 A. Yeah. If we go down a couple of slides --

12 Q. Okay.

13 A. -- we can touch on that.

14 Q. All right. So we've got what is needed for evidence of
15 murder. What is needed to charge somebody with murder.
16 Exculpatory. When is someone no longer a suspect. And then
17 we have some artifact information here, Safari history,
18 interrogation.

19 Now this does actually -- interrogation techniques.

20 This does actually have a timestamp on it, correct?

21 A. Correct.

22 Q. Okay. So, this one -- and it says recovery method
23 carving.

24 Is that what you were talking about that Eric Devlin
25 said?

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- 1 A. I believe so.
- 2 Q. You don't know.
- 3 A. Yeah.
- 4 Q. Okay. That's why I'm asking you.
- 5 So you---
- 6 A. Yeah.
- 7 Q. You're just -- this is directly out of the evidence
- 8 that you pulled from Mr. Devlin, correct?
- 9 A. Yes, it's, it's straight from the phone dump.
- 10 Q. Straight from the phone.
- 11 Okay. Now, in regards to this, you've got the date on
- 12 this one and the time, correct?
- 13 A. Correct.
- 14 Q. All right. Now, what is this particular search that
- 15 we're seeing here and what's the relevance of the dates on
- 16 this one?
- 17 A. I think you might need to click the button again.
- 18 Q. Oh, did I?
- 19 Okay. I'm sorry. Oh.
- 20 A. Yeah.
- 21 Q. Okay. There we go. I apologize. Thank you.
- 22 A. So, I was actually able to confirm that the maintain
- 23 status effective date is when this phone went live on
- 24 Verizon.
- 25 Q. Uh-huh. (Affirmative).

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1 A. So, he had Verizon previous. We know that from his
2 billing statements, his bank records.

3 Q. Okay.

4 A. So, I believe that he got this phone in January. We
5 have search history back through January that is not
6 deleted. I would say that we don't have any retention
7 deletion from what I can tell.

8 Q. Okay. All right. Okay. And that information you were
9 able to get just from his records showing his bank records
10 showing when he actually had a Verizon account, correct?

11 A. Correct.

12 Q. All right. And then you're able to see -- what type of
13 phone was it that he, he got at that time?

14 A. An iPhone 11 Pro Max.

15 Q. Okay. And that was the phone that would -- actually
16 got extracted by Mr. Devlin, correct?

17 A. That's correct.

18 Q. Okay. So you just went back and looked in the bank
19 report as well as the records showing activity from the
20 phone and you were able to determine that that's whenever
21 his new phone was activated?

22 A. Yeah. And also I should clarify that that top snip
23 came from the call detail records.

24 Q. Okay. All right.

25 A. Uh-huh. (Affirmative).

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1 Q. Which the defense has that as well.

2 A. Yes.

3 Q. Okay. And are you interpreting this in any way other
4 than just to say this is the date whenever the phone became
5 effective, I can see that from looking at this particular
6 document?

7 A. That's, that's correct.

8 Q. That's it.

9 Okay. All right. Did you have to have Cellebrite in
10 order to figure that out?

11 A. To look at the search history, yes.

12 Q. The search history, yes.

13 But like you've testified with everything else, that's
14 the information that's there?

15 You're not tampering with it --

16 A. Correct.

17 Q. -- altering it or anything?

18 It's just right there for you to see.

19 Okay. Now, in this particular slide here, why is it
20 that you're pulling up a normal random search?

21 What is it that you're trying to show here?

22 A. So, one of the things that I wanted to do is, is, when
23 I started, I did come into this trying to be unbiased --

24 Q. Okay.

25 A. -- or I came in unbiased. And, you know, one of the

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1 things that I was concerned about was we have all these
2 searches popping up and we have no context because, as far
3 as we know, they're deleted. So, I am -- actually found
4 these searches right here that were not included in the --
5 Eric Devlin's testimony and his presentation, which I
6 thought, taken out of context, could of been used as
7 evidence.

8 Q. Right.

9 A. But given in context, you can see that there's kind of
10 a normal flow of a search history that you would see where
11 it, it doesn't look that strange when you put it in context.

12 Q. Okay. All right. So, you're just trying to show just
13 an, an example of some -- of his search history that, unless
14 you knew what to look for, could of just been normal?

15 A. Correct. And there was other ones as well.

16 Q. Okay.

17 A. You know, that -- again, this is just one example.

18 Q. Okay. But this is all off of his phone?

19 A. Correct.

20 Q. And, once again, this would be the timeframe around the
21 time whenever he went and did the, the fake you can't --
22 Ukraine video?

23 A. Yep.

24 Q. All right. And here's another one. You've got
25 searches in context.

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1 A. Correct.

2 Q. Okay.

3 A. So some of the searches that we did have dates and
4 times for. I thought it was important to show the other
5 Google searches around them. Maybe there was an explanation
6 for why he was looking up certain things. So, I thought
7 putting that information in context would be beneficial.

8 Q. Okay. All right. So, it's not that you just
9 specifically looked for one thing whenever you were going
10 through it. I mean you did want to find the ones that were
11 in the context of the evidence in this case.

12 Correct?

13 A. That's correct.

14 Q. But bottom line is, there were tons of searches through
15 Google?

16 A. Correct. And I---

17 Q. Yeah.

18 A. I think the defense had even mentioned this, you know,
19 55,000 and that was just Google searches and Safari history.
20 There was over 160,000 of web carved, carved information as
21 well.

22 Q. Okay. All right. That was actually searches from the
23 time of January whenever he got this phone until the time
24 the extraction was done in June?

25 A. Correct.

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1 Q. Okay. All right. So, if we sat here and went through
2 all of them, we'd be here for days?

3 A. Well, I can tell you that it took me --

4 Q. Okay.

5 A. -- days and days and days.

6 Q. Okay. All right. And in this one, same kind of thing.
7 There was some mention by Eric Devlin on Friday in regards
8 to can a detective recommend the death penalty and the date
9 on that particular one.

10 why did you take that snippet of the, of his searches
11 in that -- to show the flow of searches at that time?

12 A. Again, I was just trying to show it in context cause
13 you can see there's no search history before can the
14 detective recommend the death penalty. It's -- the search
15 that happens before that is several hours before Google
16 search for Yellowstone and then the Goggle searches that
17 immediately follow that is the I'm Finna Simp.

18 Q. All right. And, once again, June the 17th of 2020?

19 A. Correct. It's more of the same. Just, again, we have
20 the dates and times for plastic bags suffocation statistics
21 and plastic bag suffocation. So, again, just wanted to, to
22 put that in context of the other things that he was Googling
23 at the time.

24 Q. Okay. And at the time whenever Devlin actually
25 testified, he -- one of the searches that he found was the

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1 plastic bag suffocation?

2 A. That's correct.

3 Q. Do you recall that?

4 A. He found that and---

5 Q. He found that.

6 A. All I did was showed his other searches around---

7 Q. Around it --

8 A. ---that.

9 Q. -- to kind of put in the context of okay, one minute
10 he's Googling alligator and the next thing he's Googling is
11 plastic bag suffocation?

12 A. Correct.

13 Q. Okay. And searches, at this point, this one's kind of
14 interesting to me. The date on this particular, this
15 particular search.

16 Tell us what we're seeing here.

17 A. So, I found a series of searches in that June 7th
18 timeframe. There's actually numerous searches for this as
19 well. This is just an example.

20 We know from the bank statements that, on 6/8/2020, he
21 had \$3.00 in his bank account and he's searching a lot of
22 very high value items that are for sale including tanks,
23 military vehicles, submarines, luxury personal submarines
24 for yachts.

25 Q. Okay. All right. Okay. And these, these were all his

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1 searches and some of them, like I said, military vehicles
2 for sale, I mean that could be obviously in the context of
3 what he's doing with this business --

4 A. Correct.

5 Q. -- except that he only has about \$3.00 in his account?

6 A. Correct.

7 Q. All right. Now we're at May 9th, 2020. This
8 particular timeframe, we've already had testimony about it,
9 that is the failed attempt and fake alibi, correct?

10 A. Correct.

11 Q. All right. Now, in this particular one, what is the
12 significance of this particular slide?

13 A. So, I found the Google search for are alibis strong,
14 which is actually something that Mr. Devlin also testified
15 about.

16 Q. Okay.

17 A. I was actually able to locate a date and time, which I
18 thought was interesting cause it's 4/17/2020 at 3:00 in the
19 morning --

20 Q. Okay.

21 A. -- which, if you click to the next slide, is the same
22 day that he reaches out to Evan Webb for the first time
23 since December of 2019 and asks if it's still his number
24 and, you know, he proceeds to talk to him and, you know,
25 agree to meet to discuss the business.

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1 Q. The business.

2 Okay. And in the context of all the other evidence
3 that's come out, what do we learn happens shortly thereafter
4 in regards to alibis and Mr. Evan Webb being involved?

5 A. Well, I -- we know that they have a meeting on May
6 9th where --

7 Q. Okay.

8 A. -- Mr. Webb testified that the plan was initiated to
9 kill his grandparents.

10 Q. Okay. All right. And, once again, these have been
11 testified to however in the context of that are -- that one
12 that you found that talks about alibis --

13 A. Correct.

14 Q. -- that was the beginning of this text thread with Evan
15 Webb?

16 A. And, if you continue, there's a little bit more.

17 So here is text messages with Ian Little from Alex's
18 phone on the same day where he asks -- he says hey, bro, I
19 have something to talk about real quick. Come out. Ian
20 says bed and too late. I left. I'll talk to you when I get
21 back and he says sounds good to him.

22 And then, two days later, Ian responds I'm down for the
23 mission and there was no other context before this message.
24 It was just I'm down for the mission. They had not been
25 talking about anything via text message about any kind of

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1 upcoming missions or anything and he says which one, the one
2 from the other day, and he says yes.

3 Q. Okay. And, at that time, this is April 19th of 2020,
4 correct?

5 A. Yes, after he had originally asked him to speak to him
6 face-to-face on the 17th.

7 Q. Okay. And he had just also asked to speak to Evan Webb
8 whenever he was not gonna be around anybody to discuss what
9 was going on --

10 A. Correct.

11 Q. -- correct?

12 And so, in regards to this, Evan Webb's testimony,
13 whenever he said that they were in the room on May the
14 9th whenever Alex first told him about the plan, who acted
15 like they were not---

16 A. Surprised?

17 Q. ---surprised?

18 A. Ian.

19 Q. Ian.

20 Okay. All right. And Evan actually went as so far to
21 say that he assumed that he already knew?

22 A. Correct.

23 Q. All right. So -- and then this, once again, is this
24 particular message, which was testified to but now in the
25 context of how this message was found, please tell the judge

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1 how that happened.

2 A. Yeah.

3 So, after reviewing the file, we reviewed and I -- when
4 I say we, I'm talking about me and Senior Special Agent
5 Kimberly Clamp. When we reviewed the file, I noticed that,
6 from watching Evan's interview with Chester County Sheriff's
7 Office, he was talking about the previous attempt but he
8 couldn't remember the exact day. He knew that it was, you
9 know, approximately a month or two before.

10 When going through Evan's text messages, we found this
11 specific text message where it says so, I know he's your boy
12 and we're sitting next to each other. But straight up.
13 This shit is annoying listening to your friend deal with his
14 woman.

15 Through our investigation, we knew that John and Ariez
16 argued a lot. So, that led us to look into this specific
17 date --

18 Q. Okay.

19 A. -- even more.

20 Q. Okay. And then when you looked into this specific
21 date -- and also there's already been testimony that this
22 was Evan pretending like he was Alex whenever he responded,
23 correct?

24 A. Correct. So---

25 Q. Okay.

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1 A. ---we did a reinterview with Evan after finding this
2 and he confirmed that he sent this message to himself.

3 Q. Okay. So then the next thing that you find in regards
4 to that date and what was going on based on what Evan told
5 you, what were you able to determine?

6 A. Again, just going through those tabs on Cellebrite,
7 there's one for Apple Health and I looked at the steps data
8 that showed---

9 Q. Uh-huh. (Affirmative).

10 A. ---that on 5/9 at 8:11, 35 seconds, to 8:15PM that he
11 took 81 steps. This is from Alex's phone.

12 Q. Okay.

13 A. And the next record was 31 steps taken at 5:10 in the
14 morning, 5/10/2020, at 1:05AM lasting approximately 10
15 minutes.

16 Q. And what is the relevance of the, the steps taken?

17 A. Because, given the testimony from Evan and John, we
18 know that they left and returned much later, approximately,
19 you know, after midnight. And it's consistent with what
20 they're describing as far as the phone's being left there --
21 left on the table, you know, just to provide that alibi.

22 Q. Okay. And the phones barely moved?

23 A. Correct.

24 Q. Okay. So that's what the steps taken shows?

25 A. Correct.

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1 Q. Okay.

2 A. So, this next record is just to show there is no record
3 between the 8:15PM and 1:05 in the morning. The phone did
4 not physically move.

5 Q. Okay. All right. And, once again, this is what was in
6 Mr. Devlin's report, the Cellebrite, there's a little tab,
7 and I actually think I remember seeing what that is where
8 you can click on the different types of things, the
9 information that's available in the report?

10 A. That's correct.

11 Q. Okay. So, you're not actually creating any kind of
12 data or anything like that?

13 A. No, ma'am.

14 Q. All right. So, you've already testified about the
15 learned location of interest, which you said is something
16 like when you get in your car that your phone remembers or
17 your maps or whatever, different locations you've traveled
18 to before?

19 A. That's correct. From my understanding---

20 Q. Okay.

21 A. ---it's trying to increase the efficiency of your
22 everyday life.

23 Q. All right. And the date on this one will be the May
24 9th, 10th, and 11th, which would be that failed attempt
25 weekend?

Richard Cullop - Direct examination
By Solicitor Lively

1 A. So, yeah.

2 Q. Is that right?

3 A. I believe this particular graph is 5/8 to 5/11, yes.

4 Q. 5/8.

5 Okay. I'm sorry. I didn't see the bottom.

6 All right. So, once gonna, we've got latitude and
7 longitude, correct?

8 A. Correct.

9 Q. And is that what this particular slide is then in
10 regards to that information for latitude and longitude?

11 A. Correct. This shows that Alex's phone was in
12 Jacksonville, North Carolina on May 8th, 2020, at 4:11PM.

13 Q. Okay. So, you're documenting at this point that he was
14 there or his phone at least was there in Jacksonville, North
15 Carolina?

16 A. That's correct.

17 Q. All right. Then, on May 9th, what is this showing?

18 A. That his phone is in Fores Acres approximately at his
19 apartment and it's 12:30PM on May 9th.

20 Q. On May 9th.

21 So that would be Saturday, May 9th, he's back in Forest
22 Acres?

23 A. Correct.

24 Q. All right. And on that night of May the 9th, 2020, was
25 there testimony in regards to an order that they made with

Richard Cullop - Direct examination
By Solicitor Lively

1 Alex's account?

2 A. Correct.

3 Q. All right.

4 A. I believe they said wings.

5 Q. Wings.

6 A. We were able to find that Uber Eats receipt in his
7 email.

8 Q. Okay. In Alex's email?

9 A. Correct.

10 Q. All right. Once again, did you create this, alter it,
11 tamper it in anyway?

12 A. I just found it.

13 Q. You just found it.

14 Okay. Then now we're at May 10th. So we're at the
15 next day here. Once again, latitude and longitude of Alex's
16 phone.

17 Correct?

18 A. Correct. At 1:24PM on May 10th he's at Forest Acres
19 and it's like I told you before. From my experience working
20 in the City of Columbia, there's a gas station right there
21 at that intersection.

22 Q. Okay. All right. So, he's, he's in Forest Acres
23 possibly at a gas station.

24 And what do we have here?

25 A. This just shows the elapse -- the estimated time of the

Richard Cullop - Direct examination
By Solicitor Lively

1 travel between his apartment and Jacksonville, North
2 Carolina.

3 Q. All right.

4 A. I thought it was relevant because of the next IOS
5 location that was found.

6 Q. And that, here again---

7 A. It's---

8 Q. ---latitude, longitude?

9 A. Almost exactly four hours later he's in Jacksonville,
10 North Carolina.

11 Q. And you have the timestamp on that?

12 A. At 5:32PM.

13 Q. And were you able to also find additional usage of Uber
14 Eats by Alex for that particular day of May the 10th?

15 A. Correct.

16 Q. All right.

17 A. Ordered Checkers.

18 Q. Checkers.

19 And, again, that's where---

20 A. In Jacksonville, North Carolina?

21 Q. ---Jacksonville, North Carolina?

22 Okay. All right. Now we're up at the date of the
23 Father's Day Weekend, June 20th through 21st, 2020.

24 All right. Now, this particular map, I do recall
25 Mr. Devlin actually popped this one up and he apologized

Richard Cullop - Direct examination
By Solicitor Lively

1 actually I think for the color of Evan Webb's call detail
2 records on that one.

3 A. That's correct.

4 Q. Okay. So, he found where Evan Webb was during that
5 timeframe.

6 So, why did you put this one back in what you're gonna
7 talk about with the jury?

8 A. Because while he included all of the call detail
9 records, I wanted to show specifically the next few slides
10 which---

11 Q. Okay.

12 A. ---shows the last communications and where Evan was.

13 Q. All right. So, on this particular slide here, is this
14 what it is that you wanted to show that you're just now
15 referencing on the previous slide?

16 A. Correct. So we see a call from Alex to Evan at 9:12 in
17 the morning and then a call back from Evan at 11:35 in the
18 morning.

19 Q. Okay. And then, in this particular map that we're
20 seeing here, what does this tell us in the context of, of
21 what you just now testified to?

22 A. This is the, the tower that Evan, Evan's phonecall was
23 pinging off on --

24 Q. Okay.

25 A. -- from that particular call in Jacksonville, North

Richard Cullop - Direct examination
By Solicitor Lively

1 Carolina.

2 Q. Okay. So, once again, even though he's testified, he
3 being Evan Webb, that he never left Jacksonville, North
4 Carolina, does this slide actually show, based on his phone
5 and the extraction that Mr. Devlin did, that his phone never
6 left Jacksonville, North Carolina?

7 A. Well, this came from the call detail records. So --.

8 Q. From the call detail records.

9 Okay. From the---

10 A. Correct.

11 Q. ---call detail records.

12 Sorry.

13 A. Yes.

14 Q. I know. I always get those two confused. I apologize.

15 A. Not a problem.

16 Q. All right. But you were able to pull it off the -- did
17 you do anything to alter it, tamper it, or anything like
18 that?

19 A. No.

20 Q. This is just it is what it is?

21 A. Correct.

22 Q. Okay. And how about this last call detail record
23 location for Evan Webb on June 20th of 2020?

24 A. So this is an SMS text message that he received, which
25 was the last record on that date at 6:21PM. Also pings off

Richard Cullop - Direct examination
By Solicitor Lively

1 of that same tower in Jacksonville, North Carolina.

2 Q. Okay. And I believe that Evan had testified that he
3 turned his phone off, which was something he discussed with
4 Alex Scott around that time.

5 Is that correct?

6 A. Correct. If you go to the next slide you'll see.

7 Q. I'm sorry. I --.

8 A. You're fine.

9 Q. Okay. All right. So, in this slide, I, I believe that
10 actually asks Evan about while he was on the stand as to
11 what time he had turned his phone off---

12 A. And---

13 Q. ---correct?

14 A. And this was just to highlight. That was the reason
15 that that one was chosen to, you know, map was because that
16 was his last record for the day.

17 Q. That was his last record for the day.

18 Okay. And, once again, you're confirming it with the
19 call detail record location?

20 A. Correct.

21 Q. All right. And then again, more -- the same -- more of
22 the same thing.

23 A. This is the following day.

24 Q. This is the following day, however.

25 Okay. So now we're dealing with June 21st, 2020.

Richard Cullop - Direct examination
By Solicitor Lively

1 what is it that we're seeing here?

2 A. We're seeing multiple missed calls from Alex to Evan at
3 5:50 in the morning, two specifically, and then he actually
4 gets through at 6:53AM.

5 Q. All right. And then you went into the call detail
6 records and what were you able to confirm with the call
7 detail records once you looked through that information?

8 A. That Evan was in Jacksonville or his phone was in
9 Jacksonville, North Carolina whenever he answered this call.

10 Q. Okay. All right. Once again, you knew this based on
11 the investigation, your interviews with Evan Webb, and the
12 evidence in this case?

13 A. Correct.

14 Q. Okay. It wasn't because you created the evidence or
15 the call detail records or changed anything that Eric Devlin
16 had done?

17 A. That's correct.

18 Q. Okay. Now, what is this particular slide?

19 A. So, this is the same phonecall.

20 Q. Okay.

21 A. But this is from Alex's prospective. So, he was
22 currently traveling up 26 towards Spartanburg when he made
23 the call.

24 Q. Okay. And we know this as well from his own statement
25 that he gave to law enforcement that he went to Spartanburg

Richard Cullop - Direct examination
By Solicitor Lively

1 to meet chipley to sell some equipment---

2 A. That's correct.

3 Q. ---correct?

4 Okay. All right. This particular slide now Mr. Devlin
5 did testify to.

6 Why is it that you put this back into your presentation
7 to the jury?

8 A. So I wanted to specifically highlight the iPhone
9 plugged into the charger at 6:23PM and then no further
10 activity until 10:00.

11 Q. Okay.

12 A. And the reason why I wanted to highlight that is
13 because, if you go to the next slide, it shows the distance
14 traveling from his apartment to Doe Street, an hour. It
15 fits well within that timeframe.

16 Q. Okay. As in if he -- on the night of the murders, that
17 the last time that he was showing or at -- he plugs in the
18 phone?

19 A. Correct.

20 Q. It's charging.

21 So, he would of had time to drive to Doe Street --

22 A. And back.

23 Q. -- and back?

24 A. And commit---

25 Q. And commit the murders?

Richard Cullop - Direct examination
By Solicitor Lively

1 A. ---the murders.

2 Q. Okay. So, that was the purpose of that.

3 All right. So, why did you pull this particular one
4 out from Eric Devlin's presentation?

5 A. So the, the very first activity that I could find on
6 6/20/2020 after the phone got plug -- plugged in was YouTube
7 actually. I found these and I, I thought that it was worth
8 noting that the first things that are on there is defense
9 witness. Don't put words in my mouth. And the next is
10 don't talk to the police.

11 Q. Okay. And that is June 20th, 2020, ten o'clock PM,
12 and a little bit later when he would of been back from going
13 to Doe Street and committing the murders?

14 A. Correct.

15 Q. Okay. And that's the end of your testimony.

16 THE COURT: Okay. Defense have any questions of this
17 witness in camera again looking at whether or not any of it
18 is cumulative, whether any of it, any of it needs some
19 expert interpretation?

20 MS. BOULWARE: Yes, sir.

21 THE COURT: I think that's kind of the focus that we're
22 --

23 SOLICITOR LIVELY: Right.

24 THE COURT: -- we're making. So, if you want to
25 examine --.

Richard Cullop - Cross-examination
By Ms. Boulware

1 MS. BOULWARE: And, and I really only have a couple of
2 questions for him --

3 THE COURT: Sure.

4 MS. BOULWARE: -- which I think he's kind of already
5 answered. But I'll just put it on the record that I asked.

6 CROSS-EXAMINATION

7 BY MS. BOULWARE:

8 Q. And one is, Agent Cullop, you're not a Cellebrite
9 certified operator?

10 A. No.

11 Q. Okay. And you're not a Cellebrite certified physical
12 analyst?

13 A. No.

14 Q. All right.

15 A. That's why I had to reach out to people who were---

16 Q. Okay.

17 A. ---to verify information.

18 Q. Thank you.

19 THE COURT: All right. Well, he, he---

20 SOLICITOR LIVELY: Just one follow-up, Your Honor?

21 THE COURT: Sure.

22 SOLICITOR LIVELY: I'm sorry.

23 THE COURT: Yeah. Please.

24 REDIRECT EXAMINATION

25 BY SOLICITOR LIVELY:

Richard Cullop - Redirect examination
By Solicitor Lively

1 Q. And in order to verify the information, did you
2 actually alter or change any of the information that you
3 were actually looking at?

4 A. No.

5 Q. Okay. So, all that information's already in evidence
6 and it was already from the original extracted phone and
7 call detail records?

8 A. That's correct.

9 Q. Okay.

10 THE COURT: Well, I, I think the, the, the best way for
11 me to handle this, I mean it's -- you know, if, if I find
12 that something is cumulative, is it harmless that it's
13 cumulative. But I think that the, the, the bigger issue is
14 whether or not any of this or any part thereof requires some
15 interpretation.

16 And I think the only way that I can make that
17 determination is, if I look at one of these documents, and
18 if I can understand what the document says, then I don't
19 need expert interpretation. But if I look at a document and
20 say -- and have no clue of what it's telling me, then I
21 think it would require expert interpretation.

22 So, I have to kind of put my, put my shoes in the shoes
23 of the jury and this jury could be a whole lot smarter than
24 I am. More than likely that's the case. But if I find that
25 I just don't understand without expert interpretation, and

1 he is not an expert, then I probably will not allow it.

2 So, that's how I'm gon' be looking at this. Just kind
3 of as a general observation, all of the Google searches, I
4 mean I know some were touched on with, with Devlin. But not
5 all these Google searches were.

6 Okay. And I think the Google searches certainly would
7 be -- I mean they're straightforward. You can tell what
8 he -- what he's searched. So, my general observation on
9 that is yeah, that, that should be able to, to be -- to come
10 in.

11 So what I'm gonna do is I'm just gonna review each page
12 of, of his report and make a determination on whether or not
13 it, it should come in or not.

14 MS. BOULWARE: And, judge, I do have not every single
15 slide by slide argument. But I, I do -- I do have an
16 argument for most of these slides. If -- I don't know if
17 you want to hear that now.

18 THE COURT: Oh, sure. I -- yeah, I need to hear it
19 now.

20 MS. BOULWARE: Okay.

21 THE COURT: And then certainly State's response. Maybe
22 if you can group -- are you able to kind of group them
23 together?

24 MS. BOULWARE: Yeah, I can, I can list each one under
25 which objection I think I have to them.

1 THE COURT: Okay.

2 SOLICITOR LIVELY: All right. Can we actually -- are
3 you looking at it through the PowerPoint?

4 MS. BOULWARE: Yeah.

5 SOLICITOR LIVELY: Okay. All right.

6 MS. BOULWARE: Yes.

7 SOLICITOR LIVELY: Just tell me which slide you're on.

8 MS. BOULWARE: Okay. Well, it's gonna jump around a
9 little bit if I group them together.

10 SOLICITOR LIVELY: Okay. Tell me which one you're
11 starting with.

12 MS. BOULWARE: All right. On slide 3, I believe he is
13 saying what the law is to the jury and I also think that's
14 irrelevant to this case.

15 SOLICITOR LIVELY: We can remove the law.

16 MS. BOULWARE: And slides 4 and 5---

17 THE COURT: Okay.

18 SOLICITOR LIVELY: Hold on. Hold on.

19 THE COURT: When you say slide, we can also say page?

20 MS. BOULWARE: Yeah, I'm sorry.

21 THE COURT: If, if the coversheet is Page 1 --

22 MS. BOULWARE: Yes, sir.

23 THE COURT: -- then---

24 MS. BOULWARE: I think it's all numbered the same.

25 Yeah.

1 THE COURT: Okay. So that's -- all right. So, Number
2 3 -- okay.

3 MS. BOULWARE: And -- all right. Number 4 and 5, those
4 are just maps of the area where they reside and there is a 3
5 by 4 or whatever it is put in evidence. I mean it -- in
6 evidence so that -- where they reside that shows the same
7 thing. I think they can refer to that if they need to.

8 THE COURT: Okay.

9 MS. BOULWARE: Six and seven, we didn't have that. I
10 don't have a rec -- cause apparently that was just gotten
11 and we did not have Gene's billing records that I'm aware
12 of.

13 THE COURT: Okay. The search warrants related to, to
14 Gene, those two pages, you've not, you've not seen those.

15 Is that what you're saying?

16 MS. BOULWARE: Well, I think it's just one of them,
17 judge. Hang on.

18 SOLICITOR LIVELY: It's just -- yeah.

19 Well, I don't know. The search warrant for Gene Rogers
20 phone---

21 MS. BOULWARE: Oh, I was---

22 SOLICITOR LIVELY: ---the phone was actually not able
23 to be extracted or even turned on. The battery was dead.
24 We've got a new battery for it. I told the defense that we
25 could not get anything off the phone.

1 So, the only thing that was actually able to be gotten
2 was actually just his act -- his, you know, I guess like his
3 billing statement. That was it.

4 MS. BOULWARE: And, Your Honor, I'll be honest with
5 you, it's been a long week and a half. I can not remember
6 if that particular search warrant was testified to but --.

7 THE WITNESS: Well, that's what I'm --.

8 SOLICITOR LIVELY: Well, he did it.

9 MS. BOULWARE: Okay.

10 THE WITNESS: I did it.

11 MS. BOULWARE: Okay.

12 THE WITNESS: Yeah.

13 MS. BOULWARE: Okay. Okay. So, we can get up there
14 and say he got a search warrant and say what the result was.
15 That's -- but, but didn't the SLED report have that in it
16 too?

17 THE WITNESS: For the --?

18 MS. BOULWARE: Was there not a SLED report about Gene's
19 phone?

20 THE WITNESS: Where?

21 MS. BOULWARE: But just---

22 THE WITNESS: That they tried to do it and it was
23 unsuccessful.

24 MS. BOULWARE: Okay. So that's already --

25 THE WITNESS: Yeah. But --.

1 MS. BOULWARE: -- been testified to.

2 SOLICITOR LIVELY: But what's not testified to is that
3 the billing record---

4 MS. BOULWARE: well, that's what we didn't have, judge.
5 we did not have this prior---

6 THE COURT: All right.

7 MS. BOULWARE: ---to today.

8 THE COURT: Okay. So -- and that would be detail for
9 Gene Rogers voice -- yeah.

10 SOLICITOR LIVELY: well, it -- it's -- it just confirms
11 the calls from him that have been testified to. But it
12 specifically puts also the Papa John's call in the context
13 of the timing---

14 MS. BOULWARE: well---

15 SOLICITOR LIVELY: ---whenever he then talks to the
16 defendant and, and, and also Eric Parker Rogers from the day
17 before.

18 THE COURT: Okay.

19 SOLICITOR LIVELY: So --.

20 THE COURT: But I think the argument Ms. Boulware's
21 made is that they've not seen this document before and it
22 was obtained through -- I mean I know that the search
23 warrant -- I mean didn't produce anything other than billing
24 information and they're saying that they've never seen this.

25 MS. BOULWARE: And, Your Honor, the other problem I

1 have is I'm reading this and it says they no longer have
2 call detail records but were able to provide billing
3 records.

4 If I -- if I'm not mistaken, he testified he just got
5 those on Friday.

6 SOLICITOR LIVELY: what?

7 THE WITNESS: what?

8 MS. BOULWARE: Is that --?

9 SOLICITOR LIVELY: No. Just go ahead. I don't know
10 what you're talking about.

11 MS. BOULWARE: Okay.

12 THE WITNESS: Oh. No, I, I---

13 MS. BOULWARE: Oh when did you get them?

14 Let's say that.

15 THE WITNESS: This?

16 MS. BOULWARE: The billing -- the actual---

17 THE WITNESS: The billing records?

18 MS. BOULWARE: ---slide of the -- yeah, the billing
19 records.

20 THE WITNESS: Oh, oh, oh.

21 You're asking when I confirmed it with Eric Devlin?

22 MS. BOULWARE: when did you obtain that actual list?

23 THE WITNESS: Refer to my notes if that's all right.

24 MS. BOULWARE: Sure.

25 THE WITNESS: well, let me see here. I'm trying to

1 find -- do you have the physical copy of the search warrant?

2 SOLICITOR LIVELY: I'm sorry?

3 THE WITNESS: Do you have the, the physical copy?

4 SOLICITOR LIVELY: The physical copy.

5 THE WITNESS: It's on the return page. It should have
6 a date as far as when it was returned. I'm trying to find
7 when I met with Judge Hood to do the return here.

8 SOLICITOR LIVELY: Here you go. I hand you your search
9 warrant.

10 THE WITNESS: Okay. So, I completed the return on
11 May 7th. The only thing I can tell you for sure is before
12 May 7th.

13 MS. BOULWARE: Okay.

14 THE COURT: What was your answer?

15 I'm sorry. I didn't hear.

16 THE WITNESS: I said -- I'm sorry. The only thing that
17 I can tell you for sure is it was before May 7th. I don't
18 have it specifically documented in my notes when I got it.
19 I do know that I provided it to Deputy Solicitor Lively.

20 MS. BOULWARE: Okay. Was it on the return for your
21 search warrant?

22 THE WITNESS: That's what I was -- I got the search
23 warrant done on May 7th.

24 MS. BOULWARE: Oh, the search warrant.

25 THE WITNESS: I did the return.

1 MS. BOULWARE: Okay.

2 THE WITNESS: The search warrant return was completed
3 on May 7th with Judge Hood and I know that I got it before
4 then because they were in the Judge's conference and he was
5 in Sumter and I was told not to bother him.

6 MS. BOULWARE: Okay. And the search warrant in this
7 slide though refers to a March 19th?

8 THE WITNESS: That is this one right here, correct.

9 MS. BOULWARE: Okay. Well---

10 THE COURT: So defense objects because you haven't had
11 it before or you haven't seen that before today?

12 MS. BOULWARE: Haven't seen it before today and I think
13 that's, that's slide and then I think, Number 7, if I'm --
14 not seven. Six is -- at least the one for the
15 March 12th search warrant, that information's already been
16 testified to by SLED.

17 SOLICITOR LIVELY: Okay. We can take that out. The
18 phone was damaged.

19 MS. BOULWARE: Right.

20 SOLICITOR LIVELY: Yeah, because you agreed that we
21 didn't -- when we couldn't figure out what else we could do,
22 we attempted -- we actually did buy a battery to try to see
23 if that would work and it still wouldn't work. So, if we
24 want to take that out, that's fine. He was just showing the
25 search warrants he did since he's testifying. But---

1 THE COURT: Okay.

2 SOLICITOR LIVELY: ---if, you know, you don't want it
3 in there---

4 THE COURT: All right. So---

5 SOLICITOR LIVELY: ---I'm not gonna fight that.

6 THE COURT: All right. So, you're agreeing for page --
7 and I think -- and, and I think, once I hear argument from
8 both sides, what I'm gonna do is I'm gonna number these
9 pages and---

10 SOLICITOR LIVELY: Yes, sir.

11 THE COURT: ---the cover page will be Number 1. I'm
12 gonna go through, and then when I make my ruling, I'm gonna
13 say page what -- whatever, single page or multiple pages, in
14 or out and.

15 MS. BOULWARE: Yes, sir.

16 THE COURT: And so that's how we'll do it. But Page 6
17 State agrees to take out.

18 SOLICITOR LIVELY: well, the, the first half of it
19 unless we're taking out -- I mean so not the---

20 THE COURT: Okay.

21 SOLICITOR LIVELY: ---what are call---

22 THE COURT: The State---

23 SOLICITOR LIVELY: ---detail records.

24 THE COURT: Okay. State agrees to take out the first
25 half of Page 7.

1 SOLICITOR LIVELY: Yes.

2 THE COURT: Page 6.

3 SOLICITOR LIVELY: Yes.

4 THE COURT: Okay.

5 SOLICITOR LIVELY: The first bullet.

6 THE COURT: Okay. All right. Okay. All right. Now,
7 I assume, Ms. Boulware, if you don't address a particular
8 page or slide, then you're okay with it?

9 MS. BOULWARE: Well, no. I'm not okay with any of
10 it---

11 THE COURT: Oh, you -- you're objecting to all of them?

12 MS. BOULWARE: ---because I feel like the whole thing
13 needs an expert. But I was gonna give you slide by slide
14 reason---

15 THE COURT: Okay.

16 MS. BOULWARE: ---if you need it.

17 THE COURT: All right. All right. Keep going.

18 MS. BOULWARE: Yeah. We're okay with slide 1. That's
19 good.

20 SOLICITOR LIVELY: That's hilarious.

21 THE COURT: Oh, the cover page?

22 MS. BOULWARE: The cover page is all right.

23 So slide 8, this is about the life insurance which --
24 Gene's life insurance and then Billie's life insurance,
25 which, first of all, unless -- you know, Pamela Burka is on

1 the witness list. But I don't know that she's testifying
2 and that's hearsay. And the Gene Rogers insurance was
3 already testified to twice as a matter of fact.

4 THE COURT: All right. Okay.

5 MS. BOULWARE: Nine's okay.

6 THE COURT: That's---

7 MS. BOULWARE: That's just the title page.

8 And then, for 10, this is the picture of them all --
9 and I --.

10 THE COURT: Have you seen this before?

11 MS. BOULWARE: Yeah, that's in his Facebook stuff. I
12 have seen it. What I don't know is whose apartment it is.
13 I think it's his. But it doesn't indicate that it is and
14 it -- also don't know the relevance to the case for this.

15 THE COURT: Okay. Okay. All right.

16 MS. BOULWARE: And, Slide 11, so this is already been
17 testified to and then Agent Cullop said to show that it
18 wasn't true that he was in the Ukraine. I, I think that's a
19 closing argument for the solicitor---

20 SOLICITOR LIVELY: No, that's the---

21 MS. BOULWARE: ---because now he's saying what's true
22 and what's not.

23 THE COURT: Okay. Well, let -- let's, let's just go
24 through -- I mean if you can keep up with, with her
25 objections for each slide---

1 SOLICITOR LIVELY: I got it.

2 THE COURT: ---and then---

3 SOLICITOR LIVELY: Okay. I'll let you---

4 THE COURT: ---let you address it. I mean---

5 SOLICITOR LIVELY: Okay.

6 THE COURT: ---I don't know if that's a better way---

7 SOLICITOR LIVELY: Okay.

8 THE COURT: ---or just each---

9 SOLICITOR LIVELY: So what's the -- what's your
10 objection?

11 I'm sorry.

12 THE COURT: Said -- she -- it's already been testified
13 to. Plus it's a closing argument and not something that
14 Agent Cullop should bring out.

15 SOLICITOR LIVELY: So whether it's true or not?
16 Was that what you said?

17 MS. BOULWARE: Yeah, he's indicated that's how he
18 figured out that it wasn't true that he was in the Ukraine.

19 THE COURT: Okay.

20 MS. BOULWARE: And, slide 12, that's been testified to.

21 THE COURT: Okay.

22 MS. BOULWARE: Slide 13's, that's why I asked about the
23 cellebrite -- cellebrite certification. That, I believe,
24 requires expertise. Plus, this particular slide has no
25 dates on it.

1 I think, in order to testify to that, if, if he -- and
2 I'm, I'm trying to remember exactly what he said about it.
3 I tried to make notes. You -- did you go to the crime --
4 let's see.

5 The computer crimes unit to figure this out?

6 THE WITNESS: I asked if there was a way to verify
7 location data --

8 MS. BOULWARE: Okay.

9 THE WITNESS: -- because there was a lot of location
10 data that that did not seem---

11 MS. BOULWARE: So you can't verify---

12 THE WITNESS: ---accurate.

13 MS. BOULWARE: ---it?

14 You can just report what they told you which is on---

15 THE WITNESS: They pre---

16 MS. BOULWARE: ---from reading, from reading
17 Cellebrite?

18 THE WITNESS: well, they provided me this document that
19 Cellebrite provides all of their users.

20 MS. BOULWARE: Which would be the certified -- the
21 folks who are certified to do that.

22 THE COURT: Okay. Keep going.

23 MS. BOULWARE: All right. Slide 14, he testified that
24 this is reliable information. However, not certified to
25 determine that. He asked about it. Just -- asked someone

1 about it.

2 THE COURT: Okay.

3 MS. BOULWARE: Slide 15, again, that was the same
4 issue. It was determined for him. Plus, just as an
5 additional issue we had, I finally got the report the
6 solicitor wanted and now I'm gon' have to do this whole
7 thing all over again if, if this comes in cause my expert's
8 gonna need to review this.

9 THE COURT: Okay.

10 SOLICITOR LIVELY: I'm sorry her expert wasn't as
11 thorough as the people that we've had looking through cause
12 all of this information is in there and the latitude,
13 longitude is very readily available in the call detail
14 records.

15 MS. BOULWARE: Judge?

16 SOLICITOR LIVELY: But I'll sit down until it's my
17 turn.

18 MS. BOULWARE: Judge, I---

19 SOLICITOR LIVELY: I just had to say that.

20 MS. BOULWARE: ---have had this expert on retainer
21 since February. I waited till the middle of April to get
22 this phone dump. And, as he testified to, it takes a long
23 time to go through it.

24 THE COURT: Yeah. I understand.

25 okay. Let's just one second stop. I just need to

1 number these pages cause I'm afraid we gon' get off kilter.

2 (Pause.)

3 THE COURT: All right. I've got 65 pages.

4 MS. BOULWARE: That's correct, judge.

5 THE COURT: That sound about right?

6 MS. BOULWARE: Yep.

7 THE COURT: Okay. So I think we were on 15.

8 MS. BOULWARE: Yes, judge, and actually 15 and 16 would
9 go together.

10 THE COURT: Okay. Fifteen and 16 and, and defense
11 argument?

12 MS. BOULWARE: That those were determined -- he had to
13 have somebody else determine that for him. I'm thinking in
14 16 -- I want to, I want to get my expert to look at that
15 cause I'm not sure. There might not be a discrepancy in
16 that. I'm not gon' say I can read it and say --.

17 THE COURT: Okay.

18 MS. BOULWARE: But -- and let's see. Seventeen.

19 THE COURT: Okay. Seventeen.

20 MS. BOULWARE: Seventeen, I believe, if -- and it was a
21 250 something page report. But I'm pretty sure that was in
22 Devlin's report. Yeah, the Discord search. That's right.

23 THE COURT: Okay.

24 MS. BOULWARE: And then 18, that's also been testified
25 to. That was in Devlin's report and actually you can say 18

1 through 27 already in evidence and then Devlin testified he
2 was told what to look for. So he did and then he presented
3 that and it's already been testified to. That's where---

4 THE COURT: Now---

5 MS. BOULWARE: Yeah, that's why it's highlighted.

6 THE COURT: Okay.

7 MS. BOULWARE: Through 27.

8 THE COURT: Well, I remember some of these. I don't
9 remember all of these searches.

10 SOLICITOR LIVELY: Exactly.

11 THE COURT: While it may be in Devlin's report that
12 Devlin actually testified, not---

13 SOLICITOR LIVELY: Exactly.

14 THE COURT: I know some of these -- these searches.
15 Maybe the life insurance but some of these others I just
16 don't recall.

17 MS. BOULWARE: Well, judge, the report's in evidence.

18 THE COURT: Right.

19 MS. BOULWARE: So, if she -- she should of gotten him
20 to testify about it if she wanted to talk about them.

21 SOLICITOR LIVELY: He couldn't do that. He actually
22 said it on the stand that he didn't know the context of it,
23 that he just pulled information---

24 THE COURT: Sure.

25 SOLICITOR LIVELY: ---from given search terms.

1 MS. BOULWARE: Again, judge, closing.

2 THE COURT: Okay. All right. So -- all right. Let me
3 get to 28.

4 Okay. Twenty---

5 MS. BOULWARE: And 28 also requires expertise, which I
6 think Devlin testified about this too because he talked
7 about the retention of deleted searches.

8 THE COURT: All right. You're saying Devlin already
9 testified?

10 MS. BOULWARE: Yes, sir.

11 THE COURT: Okay.

12 MS. BOULWARE: And 29 through 34 --.

13 THE COURT: All right. Twenty-nine through 34.

14 MS. BOULWARE: -- these were all pulled from Cellebrite
15 and not -- he's not certified to do that and he also says
16 what the first one, when he's talking about got the phone in
17 January, I believe he got the phone in January, which is an
18 opinion.

19 THE COURT: All right. So, this information was
20 obtained through Cellebrite?

21 MS. BOULWARE: Yes, sir, that's what I---

22 SOLICITOR LIVELY: But that---

23 THE WITNESS: Can I clarify?

24 THE COURT: Sure.

25 THE WITNESS: The, the top portion comes from Verizon

1 where it says the maintain status effect date and that
2 actually is in reference to when this phone came on --
3 online with Verizon. So that is not a I believe.

4 THE COURT: Okay. For 34?

5 MS. BOULWARE: And he's interpreting it, judge, by
6 saying that.

7 THE COURT: Well, you know, again, and, and my method
8 may not be a correct method but I think the only method I
9 can use is, if I can look at the document and understand it
10 myself, then it does not require expert or expertise. On
11 the other hand, I don't understand it, then I -- so I've got
12 to put myself in the same shoes as the jury. And, again,
13 that may not be the right method to use but that's the
14 method I'm gon' use.

15 Okay. Thirty-six.

16 MS. BOULWARE: Thirty-six was also in Devlin's report I
17 believe and they're trying to tie an April 17th search to
18 May 9th. That's an interpretation --

19 THE COURT: Okay.

20 MS. BOULWARE: -- which is -- can be reserved for
21 closing and just let me know when you're ready.

22 THE COURT: Okay. All right. Next.

23 MS. BOULWARE: Thirty-seven through 41, the text of
24 Evan's, he's -- he actually -- they were on the screen and
25 he testified to them.

1 THE COURT: All right. Thirty-seven to 41?

2 MS. BOULWARE: Thirty-seven through 41. Also includes
3 texts from Ian to Alex, which my understanding was we were
4 suppressing Ian's statements.

5 THE COURT: Right.

6 Well, I, I did notice that some of these has -- so, if
7 they were already testified to but they do contain some
8 stuff from Ian, then they probably were not testified to.

9 MS. BOULWARE: Yes, sir.

10 THE COURT: Cause you wouldn't -- you would of objected
11 and, more than likely, I would of sustained because of my,
12 my -- to be---

13 MS. BOULWARE: Prior.

14 THE COURT: ---consent with prior rulings.

15 MS. BOULWARE: Yes, sir.

16 THE COURT: But I -- all right. So -- all right.

17 Thirty-seven, 41, either testified to or contains Ian.

18 Okay.

19 SOLICITOR LIVELY: And, Your Honor, just to be clear,
20 he's communicating with Alex at the time which is why---

21 THE COURT: Right.

22 SOLICITOR LIVELY: ---that particular one. So I didn't
23 want to say it was just a -- like I know the text thread
24 with his mother and some other stuff and that were of
25 concern. But I'll, I'll be glad to respond to that.

1 THE COURT: Okay. All right. I'll -- all right. Now,
2 42 through whatever or --.

3 MS. BOULWARE: Forty-two through 44, this is the slides
4 on the steps.

5 THE COURT: Forty-two, 44.

6 MS. BOULWARE: And, first of all, these are already in
7 Devlin's presentation and, second of all, he's interpreting
8 from these that there -- they are lying about where they
9 are.

10 THE COURT: Okay. All right. So that's 42, 44.

11 MS. BOULWARE: Are you ready for the next ones?

12 THE COURT: Yes, ma'am.

13 MS. BOULWARE: Okay. Forty-five---

14 THE COURT: And I like these grouping too.

15 MS. BOULWARE: I, I tried, Your Honor.

16 Forty-five through 47, which the -- 46 and 47 I
17 believe, if I heard correctly, are derived from the
18 information in 45 and it's a -- similar to an earlier one
19 that that is required Cellebrite, Cellebrite expertise. So,
20 I can't look at that and figure out what's going on. I mean
21 I can look at some things on Cellebrite. But I'm also not
22 certified to testify about it.

23 THE COURT: Okay. All right. Forty-eight.

24 MS. BOULWARE: And 48 -- let's see. This was already
25 testified to as well, judge. This was the testimony about

1 the -- we got a hundred dollars worth of chicken wings or
2 Alex bought us a hundred dollars worth of chicken wings that
3 night.

4 THE COURT: Okay. But the receipt did not -- I, I know
5 the testimony a hundred dollars worth of chicken wings. I
6 do vague -- I mean I'm -- not vaguely. I do remember that.
7 But I don't think a receipt or anything was put in.

8 MS. BOULWARE: And, judge, I mean a -- I, I think she
9 could of put it in through --

10 THE COURT: Okay.

11 MS. BOULWARE: -- Devlin or the finance expert.

12 THE COURT: All right. Forty-nine.

13 MS. BOULWARE: Or whatever we called him. Forensic
14 accountant.

15 SOLICITOR LIVELY: It's not actually in his report,
16 Your Honor. It was just part of the extraction. That's why
17 that one's in there.

18 THE COURT: Okay. Got you.

19 SOLICITOR LIVELY: Thank you.

20 MS. BOULWARE: And let's see. And 49 I believe is also
21 derived from evidence in 45. I mean the --.

22 THE COURT: Cellebrite.

23 MS. BOULWARE: -- information in 45, yes, sir, and
24 Cellebrite.

25 THE COURT: Okay. Fifty.

1 MS. BOULWARE: Are we on -- we're on 50.

2 Is that correct?

3 THE COURT: We're on 50.

4 MS. BOULWARE: I think so.

5 This was already testified to by Agent Clamp. She said
6 how long it takes to get from Jacksonville, North Carolina
7 to Columbia or vice versa.

8 THE COURT: Okay. Fifty-one.

9 MS. BOULWARE: Fifty-one, again, is the one derived
10 from Cellebrite. Similar.

11 THE COURT: Okay.

12 MS. BOULWARE: In --.

13 THE COURT: Wait a minute.

14 Okay. So we're on 52.

15 MS. BOULWARE: Fifty-two is an Uber Eats receipt which
16 has not been testified to before. It's oddly not on his
17 bank statement even though it shows it comes from that
18 account.

19 So, I, I, I believe my objection on that would be,
20 again, Cellebrite certification to retrieve it and testify
21 about it unless you're authenticating it through the person
22 who made the purchase.

23 THE COURT: Okay. Fifty-four.

24 MS. BOULWARE: Fifty-four, information derived from
25 Cellebrite --

1 THE COURT: Okay.

2 MS. BOULWARE: -- or Evan Webb's records apparently,
3 call detail records.

4 THE COURT: All right. Tell, tell me that objection
5 again on 54.

6 MS. BOULWARE: Already testified to and that would be
7 the same for 55 as well.

8 THE COURT: Okay. Fifty-five.

9 MS. BOULWARE: And, judge, just, just to make it easy,
10 we'll group 56 and 57 under that objection as well.

11 THE COURT: All right. Already testified to?

12 MS. BOULWARE: Yes, sir.

13 THE COURT: All right. So --.

14 MS. BOULWARE: Well, 58.

15 THE COURT: Fifty-four to 57?

16 MS. BOULWARE: And 58 and 61.

17 THE COURT: All right. Fifty-eight and then --.

18 MS. BOULWARE: Fifty-nine.

19 THE COURT: All the same, same thing---

20 MS. BOULWARE: Sixty.

21 THE COURT: ---already testified to?

22 MS. BOULWARE: Yes, sir.

23 THE COURT: Fifty-nine?

24 MS. BOULWARE: And 62 also. That was, that was
25 Devlin's exact --.

1 THE COURT: Well, wait a minute now.

2 MS. BOULWARE: Sorry.

3 THE COURT: We're, we're---

4 MS. BOULWARE: Sorry.

5 THE COURT: That's all right. You're fine.

6 All right. Sixty.

7 MS. BOULWARE: Sixty is group -- let, let me go back
8 for a minute through 50.

9 THE COURT: All right. We're starting -- the group is
10 starting at 54.

11 MS. BOULWARE: Okay. Fifty-four through 62.

12 THE COURT: Okay. Sixty-two.

13 All right. And then that brings us to 63.

14 MS. BOULWARE: Yes, sir, I think this -- and I can't
15 recall right offhand. But I believe this has already been
16 testified to.

17 THE COURT: Okay. Sixty-three. Okay.

18 MS. BOULWARE: And 64 and 65 were already testified to
19 in Devlin's report.

20 THE COURT: All right. Sixty-four. Sixty-five.

21 Okay. All right.

22 MS. BOULWARE: And I think we're at the end of it.

23 THE COURT: All right. Now, solicitor, I know you want
24 to comment. I don't know if you necessarily need to address
25 each page. I mean I, I know basically your basic position

1 with respect to Agent Cullop and, and this, again, calling
2 it a report.

3 So, unless you just have a big hankering to address
4 each page, if you want to just kind of -- and, and, again, I
5 know what your arguments are. But I'll be glad to hear from
6 you.

7 SOLICITOR LIVELY: Okay. Thank you, Your Honor.

8 I think they're some of these that we could probably
9 resolve with in the beginning. I'm not gonna go through all
10 of them.

11 But here's, here's the gist of what we know. I just
12 had my co-counsel pull up Cellebrite's information sheet for
13 someone who is reading a report. It's Google -- oddly
14 enough, it's Google and it's right there and guess what an
15 information sheet is?

16 It's like a table of contents. If you see something
17 red, this is what it means. If this is yellow, this is what
18 it means in the report.

19 THE COURT: Okay.

20 SOLICITOR LIVELY: Okay. So that means you're not --
21 this is someone who gets a report, they're looking at it,
22 and if I see a tab that says unreliable location in red,
23 then that means it's an unreliable location.

24 So what he did in the ones that she says that you have
25 to have Cellebrite training or expertise to do is he read a

1 table of contents and put the color with the location
2 verifications on these different cases. Let me -- I mean
3 these different ones and he was able to determine right here
4 location validity.

5 That is what this table is we're looking at right here
6 with Google. It's not an interpretation. It is literally a
7 table of contents that tells you how to do that. I'm
8 looking at exactly the same thing.

9 THE COURT: Okay. All right. So---

10 SOLICITOR LIVELY: And we can email it to Carson so you
11 can see what I'm talking about.

12 So what that is is it's just like whenever you get
13 like, you know -- whenever you're, you're looking at a
14 document and it has like an index. And it says if you see
15 this particular thing, then this is what it is that you're
16 looking at. This is what this means in the report. It
17 doesn't take an expert. It takes someone who can read.
18 That's it.

19 THE COURT: All right. So, which, which, which page
20 are you referring to?

21 SOLICITOR LIVELY: Okay. I'm, I'm on---

22 THE COURT: Slide 13.

23 SOLICITOR LIVELY: ---Slide 13. I apologize.

24 So what I did was I jumped to the stuff because this is
25 over and over again she said same one in regards to him

1 being a Cellebrite expert.

2 THE COURT: Right.

3 SOLICITOR LIVELY: But what I'm saying is that -- and
4 we're sending this to everybody right now. I sent it to Kay
5 and William too.

6 MS. BOULWARE: Okay.

7 SOLICITOR LIVELY: The information provided by
8 Cellebrite for location validity, this is actually what it's
9 giving you a description. This is how you read the report.
10 It's not interpreting the report. It's not changing the
11 report.

12 what it's doing is saying oh, this pops up as a -- is
13 this an actual place of interest. Is this a learned place
14 of interest or is it unreliable. Is it a reliable
15 timestamp.

16 These are the type of things. And what he did was he
17 went in there not to say they're lying I mean, which he was,
18 but I'm -- he's not gon' say that. But what he's gonna say
19 is that we were able to look at the location validity based
20 on the table of contents, which anyone can look at, and
21 match up the colors of whether it's a reliable or an
22 unreliable location.

23 Okay. So then he plots it on the map and says that's
24 what I was able to do. I was able to determine that these
25 longitude and latitude on that day for that time, put it

1 into Google, and, bam, we have the spot where it is on the
2 map.

3 THE COURT: Okay.

4 SOLICITOR LIVELY: That's it.

5 MS. BOULWARE: Judge?

6 THE COURT: All right.

7 MS. BOULWARE: Judge, I, I, you know---

8 SOLICITOR LIVELY: Can I finish my argument?

9 MS. BOULWARE: I'm sorry.

10 THE COURT: Yeah, let, let---

11 MS. BOULWARE: I didn't realize you weren't finished.

12 THE COURT: Let her finish. Let her finish.

13 SOLICITOR LIVELY: Okay.

14 THE COURT: So are we -- are -- what you're arguing
15 right now, are we on Pages 13 through 16?

16 SOLICITOR LIVELY: Yes, I'm gon' tell you the ones that
17 are specific to that, Your Honor, so you'll know that's my
18 argument in regards to this. It does not take any type of
19 expertise. It just takes reading a table of contents and
20 applying it to the information that's in the actual
21 Cellebrite report. So, I'll tell you what those are.

22 All right. So, just to be brief, slide 3, we'll take
23 out the information -- the, the law.

24 okay?

25 THE COURT: Okay. Now we, we just switched gears here.

1 SOLICITOR LIVELY: well, I was gon' say do you want me
2 just to start at the beginning for the easy stuff or you
3 want me to stay where I am?

4 I apologize.

5 THE COURT: All right. well -- okay. If, if, if you
6 want to tell me which slides you are willing to pull --

7 SOLICITOR LIVELY: Uh-huh. (Affirmative).

8 THE COURT: -- then let's do that first and then you
9 can go back and make whatever arguments.

10 All right. So -- okay. So just tell me which pages or
11 slides that you're willing to pull.

12 SOLICITOR LIVELY: I'm willing to take out---

13 THE COURT: You don't---

14 SOLICITOR LIVELY: ---the part on slide 3 where she
15 said it actually states the law. So we'll just have up
16 there that they did a search regarding things, you know, for
17 violent crimes in the area during that timeframe of the
18 murders.

19 THE COURT: Okay.

20 SOLICITOR LIVELY: All right. That's slide 3.

21 THE COURT: Okay.

22 SOLICITOR LIVELY: And---

23 THE COURT: And that would be Page 3?

24 SOLICITOR LIVELY: Yes, sir. Page 3. I'm sorry. I
25 forgot you did pages.

1 THE COURT: Okay.

2 SOLICITOR LIVELY: And then four and five, those were
3 showing the location as it relates to access points from the
4 interstate that goes in line with the ability of someone who
5 was not familiar with the area to actually show up at 608
6 Doe Street---

7 THE COURT: So, you're willing to pull---

8 SOLICITOR LIVELY: ---how difficult that would be.

9 THE COURT: ---those?

10 SOLICITOR LIVELY: So we believe that's relevant, and
11 if it came down to it and we had to pick one, we could pick
12 one of these so it would not be cumulative in order to show
13 the jury how the layout is because the actual map itself was
14 specifically zoomed in to show the, the sheriff's deputy,
15 the -- where each one of the actual neighbors lived. But
16 what these maps show is, when you zoom out, is really how
17 rural that area is---

18 THE COURT: Yeah.

19 SOLICITOR LIVELY: ---compared to the fact that it's
20 right next---

21 THE COURT: Okay.

22 SOLICITOR LIVELY: ---to the interstate.

23 THE COURT: All right.

24 SOLICITOR LIVELY: It also show---

25 THE COURT: So four and five, you're willing to pull

1 one of---

2 SOLICITOR LIVELY: I'm willing to pull one of those.

3 THE COURT: One.

4 SOLICITOR LIVELY: Yes, sir.

5 THE COURT: Okay. All right.

6 SOLICITOR LIVELY: So show the lack of access points to
7 that location.

8 THE COURT: Okay. All right.

9 SOLICITOR LIVELY: The search warrants, we've already
10 said we would take out, this is Page 6, March 12th, 2024
11 because that was the damaged phones. So it ends up not
12 being relevant after all.

13 THE COURT: All right. So pull the top part.

14 SOLICITOR LIVELY: The top part, the bullet, yes, sir.

15 THE COURT: March 12th.

16 Okay.

17 SOLICITOR LIVELY: Okay. I still don't know what the
18 problem with this one is. But this, this -- she -- just,
19 just the -- I mean this just shows the call log for Gene
20 Rogers for that day.

21 THE COURT: All right. So which page?

22 SOLICITOR LIVELY: Oh, I apologize. Seven.

23 THE COURT: Seven you're willing to pull?

24 SOLICITOR LIVELY: No, I mean I, I---

25 THE COURT: Oh.

1 SOLICITOR LIVELY: I don't.-- I mean that is
2 actually---

3 THE COURT: Okay.

4 SOLICITOR LIVELY: ---shows---

5 THE COURT: Just.

6 SOLICITOR LIVELY: ---the call logs---

7 THE COURT: Again, again, solicitor, just tell me those
8 pages that you're willing to pull---

9 SOLICITOR LIVELY: Oh.

10 THE COURT: ---in total or a part of it.

11 SOLICITOR LIVELY: Okay. I'm willing to pull Number 8.

12 THE COURT: Okay.

13 SOLICITOR LIVELY: Oh.

14 SOLICITOR SOPRANO-CESMAT: No, I'm sorry.

15 SOLICITOR LIVELY: I know in slide 30, 31, and 32, and
16 33 we're trying to show the context of it. I guess we don't
17 have to put all of those in there.

18 But we've got -- that's Page 30, which is a random
19 search, and then, 31, which also -- a search in context,
20 context, I'm sorry, cause that was one of the issues brought
21 up. And then other searches in context. I would definitely
22 want to keep in at least the ones -- let me see here.

23 THE COURT: Just tell me which pages you're---

24 SOLICITOR LIVELY: I know.

25 THE COURT: ---willing to---

1 SOLICITOR LIVELY: I understand, Your Honor. Hold on.

2 I'm having to look at---

3 THE COURT: That's fine.

4 SOLICITOR LIVELY: ---this as I go.

5 THE COURT: That's fine.

6 SOLICITOR LIVELY: I'm willing to pull the one that
7 says slide 30 --

8 THE COURT: Okay.

9 SOLICITOR LIVELY: -- which is a random search.

10 THE COURT: All right.

11 SOLICITOR LIVELY: And slide 31, which also's just
12 showing searches and context. And then keep in 32 because
13 of the date as well as the significance to the case.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: Thirty-three, keep in again because
16 the date and the significance of the---

17 THE COURT: All right.

18 SOLICITOR LIVELY: ---evidence in the case.

19 Thirty-three I want to keep in.

20 THE COURT: Okay.

21 SOLICITOR LIVELY: I mean I guess we can remove 34.

22 THE COURT: Okay. All right.

23 SOLICITOR LIVELY: All right. Yeah.

24 So this -- so you -- let me just see if there's any
25 more that I want to pull out and then I can argue these

1 other ones.

2 THE COURT: Okay. Sure.

3 SOLICITOR LIVELY: Okay. I'm gonna go pull it.

4 THE COURT: Yeah. Go ahead.

5 SOLICITOR LIVELY: I'm willing to take out 50.

6 THE COURT: Fifty.

7 okay.

8 SOLICITOR LIVELY: Okay. That was the ones I'm willing
9 to take out.

10 THE COURT: Okay. All right. And then any comment on
11 any of the ones that you want to keep in?

12 You've already, you've already addressed 13 to 16.

13 SOLICITOR LIVELY: Yes, sir, Your Honor.

14 And, and so, in going back to -- and I've talked about
15 the searches in context, which you've heard obviously
16 Mr. Devlin was not able to or did not testify to because he
17 did not know the context of some of these searches. And I
18 believe you said in the -- before we started with our
19 arguments that you felt that there were Google searches that
20 had not been testified to in that those searches---

21 THE COURT: Yeah.

22 SOLICITOR LIVELY: ---that Google searches are in. But
23 if I need to address those, then I will.

24 THE COURT: No. No, that's fine.

25 SOLICITOR LIVELY: Okay. So, going back then, Your

1 Honor, the Google searches it looks like are gonna be from
2 slide 18 through 27.

3 All right. Twenty-eight. Oh, you're not looking at
4 it. I'm looking at Cullop and -- yeah, and slide 28 and
5 then the --.

6 THE COURT: All right. Wait a minute. Eighteen to 28
7 you're saying are the Google searches?

8 SOLICITOR LIVELY: Yes, sir.

9 THE COURT: Okay.

10 SOLICITOR LIVELY: And then also searches involving
11 Google searches and Safari history starts with the same type
12 of thing on slide 29, which this is the -- twenty-nine shows
13 effective date status for telephone number 899-0010. And
14 it's -- and then it says effective date Apple iPhone 11 Pro
15 Max screen. That's where he talked about the phone was
16 activated and his number.

17 So that one is relevant and he shows the searches
18 around that time once the phone is in his name or in his
19 number.

20 Okay. And then I think -- all right.

21 So, in regards to 17, 18 -- okay. That's the ones that
22 I was just talking about. She had brought up the objection
23 that this -- the question was whether or not there -- it was
24 retention or if it was deleted in regards to the timestamp
25 on it and what -- that is what Cullop was going to actually

1 testify to is that, whenever you pull up this information,
2 we know it had to been from the time of January whenever he
3 had the phone up until the time his phone was extracted.

4 So, it would be in the timeframe of relevance in
5 regards to the murder and the months prior to the murder.

6 What is not on there in regards to the date is what
7 Collup was gonna explain and that is there's two ways, which
8 Devlin already testified to it on Friday. So we're not
9 saying it because he figured it out. He's repeating it
10 because it's already been testified to and we want to make
11 sure that it continues to show in other Google searches,
12 which Your Honor is saying you didn't nec -- you didn't hear
13 on Friday.

14 That's because he went in and added all the other ones
15 too and that is it's either a retention issue with the
16 phone, okay, which would not be something that the user did
17 or it would be a manual deletion---

18 THE COURT: Okay.

19 SOLICITOR LIVELY: ---of the actual search and that's
20 something that Devlin already testified to.

21 So, we pulled in -- those are all the Google searches
22 and that's all he's gonna say about that, which is
23 whatever -- which is basically the same thing that Eric
24 Devlin said.

25 THE COURT: Okay.

1 SOLICITOR LIVELY: And that's 17 through 27.

2 THE COURT: Seventeen through 27?

3 SOLICITOR LIVELY: Yes.

4 THE COURT: Okay.

5 SOLICITOR LIVELY: Oh, and 18 too as well. I'm sorry.

6 THE COURT: well, seventeen through 27 would include
7 18.

8 SOLICITOR LIVELY: Oh, geez. It would. I meant 28.

9 Page 28.

10 THE COURT: Okay.

11 SOLICITOR LIVELY: I'm sorry.

12 THE COURT: I know it's late in the day.

13 SOLICITOR LIVELY: I know. I'm so sorry.

14 okay. So, 28, the specifics on that one is there is
15 actually the timestamp on that one. This -- I remember this
16 now.

17 It talks about interrogation techniques, hold on, and
18 then we also have April 17th, 2020, which is actually are
19 alibis strong.

20 Okay. So, both of those do have dates and times.

21 So, the reason why those are important is it does go
22 into context of what's going on in regards to this
23 particular case.

24 Now, the reason why to put that in there, April 17th,
25 2020, the context of that is why he is bringing up the

1 previous information that's already been brought out.
2 Because, if you recall, Evan Webb was on the stand and he
3 couldn't remember if whether or not this conversation was
4 just about the business or if they actually had a
5 conversation about, you know, what was gonna happen with
6 grandpa, that type of thing.

7 That was specific to the date April 17th, and,
8 ironically or conveniently enough, he had earlier, in the
9 middle of the night, Googled are alibis strong. And then
10 the next thing we know, we have these conversations about
11 talking in private state. And then, on May 9th, we have the
12 failed attempt where he sat down with everybody and talked
13 about the alibis.

14 So that shows his intent, his plan, and, and actually
15 how he Googled that right before he came up with that failed
16 attempt with alibi. So, that would go all the way
17 through -- let me go back to the slides. I can tell you.
18 So that starts with Slide 36 and that goes through 41.

19 THE COURT: Okay.

20 SOLICITOR LIVELY: Now, there was some -- whenever Eric
21 Devlin got on the stand, he said -- and I remember asking
22 him. I said do you know why the steps on the phone were
23 important. He said nope, I don't. I was just told to, to
24 make sure that I put it in my report. But I don't know the
25 context of it.

1 All right. So, there were a few of those that when I
2 was going through his report, since it was so long, that I
3 just kind of went through.

4 So, what this does is it actually corroborates and
5 documents the fact that the phones never really moved. They
6 were stationary for all of those hours.

7 Now, you can say well, it means they're lying or it
8 means that Evan and John Cravener are telling the truth.
9 So -- and we're not gonna use that terminology. But what
10 that shows is you can click on the little steps button on
11 the Cellebrite thing, which is in the instruction sheet, you
12 know I want to see Apple Steps and it will pull it up. And
13 what that has is the steps for that time period and that is
14 what these slides are.

15 It shows and corroborates the fact that those phones
16 were not moving during that timeframe whenever the fake
17 alibi had been set up by the defendant. That's gonna be in
18 slide 42 and slide 43.

19 THE COURT: Okay. Forty-two, 43.

20 SOLICITOR LIVELY: And then the actual chart of it to
21 show that it came from the iPhone Apple Steps and the time
22 from 8:15PM through 1:14AM into the morning on May 10th. So
23 it shows the complete time span that the phones were not
24 moving.

25 THE COURT: Okay. Pages 42 through what?

1 SOLICITOR LIVELY: Through 44.

2 THE COURT: Okay. All right.

3 SOLICITOR LIVELY: Now, Page 45 is gonna be what I told
4 you earlier, which is the, the actual information as to
5 whether or not something is a location of interest, whether
6 it's the different chart that shows -- and I'm sorry. I'm
7 asking Julia to keep quiet.

8 Is it a -- reliable. Is it unreliable location, and,
9 if so, then we have the longitude and latitude of this,
10 okay, which shows up on the chart. You don't have to be a
11 Celebrite expert to be able to look at that and say oh,
12 okay, that's what that is.

13 Well then I'm just gonna plug this latitude, longitude
14 then into Google, which is what he does in Slide 46. That's
15 it.

16 THE COURT: Okay.

17 SOLICITOR LIVELY: So, in Slide 45, 46, 47, that's what
18 he did.

19 THE COURT: Okay.

20 SOLICITOR LIVELY: Slide 48's the Uber Eats receipt,
21 which that's in his emails which was a part of the
22 extraction and the call details and all -- everything that
23 was sent to the defense. All of that was in there.

24 THE COURT: Okay.

25 SOLICITOR LIVELY: You just have to take the time to

1 pull it out. And the reason why Mr. Devlin didn't
2 specifically put this in his report is because he didn't
3 know about the wings at Uber Eats on that particular day and
4 why it was relevant.

5 Then we've got the same thing, slide 49, which is a
6 continuation of that location data and then I've agreed to
7 take out slide 50. And then we've got more location data
8 and the relevance of this, once again, Your Honor, is just
9 to show that the defendant was taking Evan Webb back to
10 Jacksonville, North Carolina, which is what the testimony of
11 Evan Webb was in regards to when he came down for the fake
12 alibi failed attempt.

13 THE COURT: So which slide---

14 SOLICITOR LIVELY: It shows Alex's phone.

15 THE COURT: ---are you on now?

16 SOLICITOR LIVELY: This slide is 51, which is just a
17 continuation of the ones I've been talking about, which
18 shows that is where Alex Scott's phone was on May 10th at
19 5:32PM.

20 THE COURT: Okay.

21 SOLICITOR LIVELY: And then, once again, we have
22 another Uber Eats receipt, which came out of Alex's email,
23 and then we have the information from the timeline of the
24 murder.

25 Slide 54 shows Evan Webb's call detail records from

1 those dates. I mean we can take them out. It was just to
2 give kind of a preference to the jury of where we're going.
3 But I mean we can take that particular slide out---

4 THE COURT: Fifty-four.

5 Okay.

6 SOLICITOR LIVELY: ---unless it's -- fifty-four---

7 THE COURT: All right.

8 SOLICITOR LIVELY: That's fine.

9 Then what we have is the actual timestamp for Evan Webb
10 as to when those calls occurred and the purpose of that is
11 cause, when we go to the next one, this is something that
12 Eric Devlin did not testify to, and that is this information
13 shows where the call is actually being placed and the
14 associated telephone number, which is Defendant Scott, and
15 where he is at the time whenever the call's being made.

16 THE COURT: Okay.

17 SOLICITOR LIVELY: Okay.

18 THE COURT: So is that fifty---

19 SOLICITOR LIVELY: And---

20 THE COURT: So, is that 56?

21 SOLICITOR LIVELY: Yes, sir, 56.

22 Yeah, it's just to document where everybody was and
23 obviously what we're looking at here is the target phone
24 number which is the one that -- if it says target, then that
25 means that's what we're looking at as to where that

1 cellphone's pinging at. And you can see up at the top --
2 top corner up there that is where Evan Webb was and we can
3 confirm -- or his phone. His phone was in Jacksonville,
4 North Carolina.

5 THE COURT: Okay.

6 SOLICITOR LIVELY: And, once again, this is the same
7 thing too and it shows the timeframe. And that's the, the
8 reason why it's so important is to show proof that we can
9 have his phone, not just from his testimony, but from the
10 phone's data and location. It shows June 20th at 6:21PM
11 his phone is still pinging in Jacksonville, North Carolina
12 and then that's whenever he shuts it off, which -- so we're
13 just -- we use that same slide, which was testified to
14 earlier, but in the context of proving that the phone never
15 moved and then that the phone was turned off. So this is
16 Number 58.

17 And then what Cullop does -- Agent Cullop then goes to
18 when it comes back on. And in order to show kind of the
19 context of that, he says okay, now we're gonna look at in
20 the morning, the next day with Mr. Webb, and what are we
21 seeing with the activity on the phone?

22 And, on that one, we're showing, again, that there's
23 not, not an answered call, not an answered call until 6:53AM
24 whenever it's answered. And, when that happens, that's
25 whenever he pulls up the location data information, which is

1 provided through the evidence, and he does that to show
2 confirmation that the associated telephone number from the
3 defendant is contacting, once again, Evan webb. And that's
4 the first time that the phone is showing any activity again
5 and that is while he's still in Jacksonville, North Carolina
6 again.

7 So, once again, to defeat the alibi that Alex attempted
8 to have for that timeframe.

9 THE COURT: Okay.

10 SOLICITOR LIVELY: And that's what this particular
11 slide also shows is that it, it corresponds with that by
12 it's showing that where Alex is at the time---

13 THE COURT: And, and which page are you---

14 SOLICITOR LIVELY: ---which he's on the way---

15 THE COURT: which page are you referring to?

16 SOLICITOR LIVELY: I'm sorry. Sixty-one. He's on the
17 way to Spartanburg --

18 THE COURT: Okay.

19 SOLICITOR LIVELY: -- which we know is when he met
20 Chipley at the gun show.

21 Okay. And I -- you know, at this point, I'll take out
22 62. It's been testified to.

23 I'll take out 60 -- no, you know, I think 63's
24 important cause we got to show actual mileage. I -- no
25 one's actually -- they said about how long it could take

1 maybe driving but not the actual miles.

2 So, in -- I said 63 I believe needs to stay in --

3 THE COURT: Okay.

4 SOLICITOR LIVELY: -- because that has not been
5 testified to specifically.

6 And then the last two, Your Honor, the reason why
7 that's -- that will be 64 and 65. That would be the first
8 activity on Alex Scott's phone after, based on the State's
9 theory of the case, after he actually gets back from
10 committing the murders. That's June 20th, 2020, at
11 10:17PM, which is extremely relevant.

12 Defense witness, don't put words in my mouth.

13 THE COURT: Okay.

14 SOLICITOR LIVELY: And then 6/20/2020, 10:23, don't
15 talk to police.

16 THE COURT: Okay.

17 SOLICITOR LIVELY: So both 64 and 65 we're asking
18 those---

19 THE COURT: Okay.

20 SOLICITOR LIVELY: ---remain in as relevant as well.

21 THE COURT: Okay.

22 SOLICITOR LIVELY: Thank you.

23 THE COURT: All right. Thank you.

24 MS. BOULWARE: Judge, I have one final argument here.

25 Here's my problem. Agent Cullop did not analyze this.

1 He didn't tag this stuff. He's interpreting it to make a
2 conclusion to the jury and I'm getting to the point where,
3 you know, she keeps saying for context, fine. Under Rule
4 106, let's put -- that's -- let somebody testify to every
5 single thing that's in the report then.

6 I mean it's basically cherrypicking, interpreting. She
7 says context. But this is her closing, judge. I mean this
8 is every single thing she can bring up in his closing.

9 THE COURT: Okay. All right. Okay. All right. I'll,
10 I'll take a look at this and try to give you -- get you
11 something decided either this evening, or not this evening,
12 first thing in the morning.

13 Anything else before we adjourn for the day?

14 SOLICITOR LIVELY: Not from the State, Your Honor.

15 MS. BOULWARE: Judge, just for scheduling purposes and
16 I'm, I'm not sure what -- I mean I, I think, in fairness, I
17 should supply this report to my expert if any of it's coming
18 in. He doesn't -- he has sent me a report today at
19 lunchtime. But as soon as I got it, we -- then we got into
20 this.

21 THE COURT: Okay.

22 MS. BOULWARE: So, just for scheduling purposes---

23 THE COURT: All right.

24 MS. BOULWARE: ---I -- they are wanting to know when
25 they need to come. I think we decided earlier tomorrow

1 afternoon. But I'm not sure where we are on that now.

2 THE COURT: Yeah. Yeah.

3 well, we still -- whatever we do with Agent Cullop and
4 then you still have Officer Burch and --.

5 SOLICITOR LIVELY: And at this point, you know, it's a
6 possibility I could go ahead and call Britt up. I mean if
7 he -- if it's gonna be an issue of whether or not the, you
8 know, there's a feeling of concerning that this has to be
9 some expert to read the tabs in a table of contents---

10 THE COURT: All right.

11 SOLICITOR LIVELY: ---then I could make -- bring him
12 and testify to it.

13 I mean the, the thing I'm a little confused about
14 which -- in regards to -- and I'm not telling her expert
15 what to do or what not to do.

16 I don't understand how, if you have a report that
17 you're going to present to show your testimony in a case,
18 which is fine, I'm not asking her to tell me anything cause
19 they haven't told me anything yet anyway, how, what he's
20 talking about, which is already information that came from
21 the extraction, how that is going to change what his
22 conclusions are because the bottom line is this. They have
23 everything we have.

24 So, I'm a little confused about is it because they
25 don't like the fact that Ms. -- Agent Cullop literally

1 spent, you know, 24/7 over the past six weeks to find these
2 things by individually searching them out. So, so, it's not
3 like an expert testimony situation. It's like they've had
4 this information. So, I don't understand the issues.

5 So -- and the problem I have with that is I still have
6 never seen it. So, I don't even know what she's referring
7 to. So, I can't even make a good argument as to, you know,
8 about anything in regards to her expert's report.

9 So, my thing is this. You know, the State's ready to
10 proceed tomorrow. If the Court does rule, you know, in such
11 a way to where the information regarding the location data,
12 which, like I said, is something that, that anyone who does
13 investigations or even myself can pull up on a tab, then
14 I'll just call Britt Dove.

15 I wasn't planning on doing that because I'm trying
16 to -- and it's not because I'm trying to, you know, cut any
17 corners but any means, Your Honor. It's because I know he's
18 done it and I know that he's got the context of
19 everything---

20 THE COURT: Right.

21 SOLICITOR LIVELY: ---because he's been here in the
22 investigation.

23 So, that's the reason why I'm saying, you know, this
24 information, to me, comes out better through someone who
25 knows the context of the entire case.

1 THE COURT: Right.

2 SOLICITOR LIVELY: That's why I say context. It's not
3 because I'm trying to just -- and it's not something I can
4 do in a closing argument because this information has not --
5 I mean yes, there's some of it in there. But some of these
6 Google searches are not there, there.

7 THE COURT: Right.

8 SOLICITOR LIVELY: And that's the reason why he pulled
9 them because we know what we need to show cause I have the
10 burden of proof. Bottom line. And so he needs to be able
11 to talk about that information.

12 So, you know, at this point, there's not gon' be
13 anything added to this. The only thing's gon' happen is
14 it's gonna -- maybe something's gonna get removed.

15 THE COURT: Right.

16 SOLICITOR LIVELY: So, she can give that to her, you
17 know, to him or her, whoever it is, and, and, and a lot of
18 this stuff, like I said, her thing was it was either
19 cumulative or Devlin had already testified to it.

20 well, that will be something easy for the Court to
21 determine that after I've already agreed to remove some
22 stuff.

23 THE COURT: Right.

24 SOLICITOR LIVELY: So that's my---

25 THE COURT: And Britt Dove is who now?

1 SOLICITOR LIVELY: He's with SLED. I mean---

2 THE COURT: SLED.

3 SOLICITOR LIVELY: ---he's actually their digital
4 forensics guy.

5 THE COURT: Yeah.

6 SOLICITOR LIVELY: But what I was doing was there was
7 no point in bringing him at this point because, like I said,
8 he was -- Cullop was not actually doing anything that
9 required special training in regards to the actual data
10 that's in there. I mean -- literally the only thing that he
11 did himself was to look at the information that's in the
12 call records and then put latitude and longitude---

13 THE COURT: Right.

14 SOLICITOR LIVELY: ---and Google. That was the only
15 thing he did different was he took a next step and said
16 okay. Well, if I put this location that's in the location
17 data in the report, if I Google the latitude and longitude,
18 then we've got the picture that's in these other ones that
19 have shown, you know, this -- where it is. That's all he
20 did.

21 I mean he didn't do anything magical. There wasn't
22 some type of new extraction. So, when you see something
23 like this, that's what he did, latitude, longitude. He just
24 plugged it in.

25 THE COURT: Right.

1 SOLICITOR LIVELY: So -- and that's Google. That's not
2 even Cellebrite.

3 So that's, that's my point. But, yeah, I mean if I
4 have to have Mr. -- I mean Agent Dove here, you know, out of
5 an abundance of caution, I will. But I'd just---

6 THE COURT: well, you know---

7 SOLICITOR LIVELY: That's why I didn't---

8 THE COURT: If I decide to, you know, not allow you to
9 get some of it in, yeah, you may have to do that.

10 SOLICITOR LIVELY: Okay.

11 THE COURT: I, I don't know. Again, I don't want to
12 sound like a broken record. But I'm gon' have to view it.

13 If I understand it, then it doesn't require expert
14 testimony if I, if I understand a particular document. If I
15 don't understand it, then, you know, I may say well, might
16 need to. So anyways.

17 But going on back to scheduling, you know, I, quite
18 frankly, I don't, I don't envision the State being able to
19 rest in the morning. I mean I, I figure that they're gon'
20 at least go all day---

21 MS. BOULWARE: Yes, sir.

22 THE COURT: ---tomorrow I would think.

23 SOLICITOR LIVELY: I don't think so. Honestly I don't.

24 THE COURT: You don't think so?

25 SOLICITOR LIVELY: No, sir. No, sir.

1 THE COURT: Okay. Well, I mean to -- have your, your
2 guys ready. I know you don't want to pay them to sit in the
3 courtroom and not, you know, I understand---

4 MS. BOULWARE: They---

5 THE COURT: ---that.

6 MS. BOULWARE: They said they would do it if they had
7 to, judge---

8 THE COURT: Right.

9 MS. BOULWARE: ---cause I, I really -- I can't give
10 them any timeframe.

11 THE COURT: All right. Apart from Dove, who might be a
12 possibility -- we got whatever I'm gon' allow Collup to
13 testify to.

14 You got Burch and who else?

15 SOLICITOR LIVELY: That's it and that's---

16 THE COURT: That's it.

17 SOLICITOR LIVELY: And that's why -- what I was gonna
18 do is whenever -- I was hoping that we -- I know it's late.
19 But I need to talk to Burch---

20 THE COURT: Yeah.

21 SOLICITOR LIVELY: ---at this point because the other
22 thing was I have -- we've never even gone back and addressed
23 the other issue.

24 THE COURT: Right.

25 SOLICITOR LIVELY: Right.

1 So, that's the reason why, at this point, you know, it
2 may be a situation where I don't need to put her on the
3 stand cause everything's in. I don't know.

4 But do I want to have that situation where, you know, I
5 don't put her in, I don't know. That's what I mean is --
6 and we've never had the proffer on that and, honestly, I
7 just, at this point, I need to talk to the people---

8 THE COURT: Sure.

9 SOLICITOR LIVELY: ---who weren't available. I need to
10 talk to Burch and that's why I haven't been wanting to be
11 definitive on that---

12 THE COURT: Sure. And I'm---

13 SOLICITOR LIVELY: ---as to what I'm doing.

14 THE COURT: And I'm not gon'---

15 SOLICITOR LIVELY: Right.

16 THE COURT: ---hold your feet to the fire. We're just
17 getting a general idea so we can -- so Ms. Boulware can kind
18 of---

19 SOLICITOR LIVELY: Sure.

20 THE COURT: ---decide when she wants her people here.

21 SOLICITOR LIVELY: Yeah.

22 THE COURT: So, from what I'm, I'm hearing, probably
23 have them here tomorrow afternoon.

24 MS. BOULWARE: About 2:00 or so?

25 SOLICITOR LIVELY: I---

1 THE COURT: Yeah.

2 SOLICITOR LIVELY: well, if he's my only witness or
3 there -- or if that ends up happening, then we might end up
4 having the jury sitting around.

5 THE COURT: Yeah.

6 SOLICITOR LIVELY: I would say---

7 THE COURT: well, what I would do is, you know, if --
8 send them on for a longer lunch. And so they don't have to
9 sit back there if that's, if that's what we turn out. But
10 then if, if you decide to put up Burch --

11 SOLICITOR LIVELY: Right.

12 THE COURT: -- then -- so, I -- I -- yeah, I think
13 probably, probably two o'clock.

14 MS. BOULWARE: Okay.

15 THE COURT: Shoot for that and then we'll just see
16 what -- see what happens.

17 SOLICITOR LIVELY: well, if they're gonna testify after
18 I've rested, will I, at some point, get to see the report so
19 I can look at it?

20 THE COURT: Yeah.

21 when can you get --?

22 MS. BOULWARE: I can forward it to her right now. I
23 just -- we got into this and I---

24 THE COURT: Yeah, I understand.

25 SOLICITOR LIVELY: I wanted to look at what she has.

1 THE COURT: Yeah, yeah, yeah.

2 Go ahead and send it and then, you know, that may --

3 well, we don't know what will come from that.

4 Okay.

5 SOLICITOR LIVELY: Thank you, Your Honor.

6 THE COURT: Okay. Anything else?

7 SOLICITOR LIVELY: Not from the State.

8 Thank you.

9 THE COURT: Okay. This is not on the record. Go
10 off-the-record.

11 (WHEREUPON, an off-the-record discussion was held at
12 this time.)

13

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

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1 Wednesday, May 22nd, 2024

2
3 THE COURT: -- to back on the -- because of personal
4 reasons, Sydney Capodicasa, I have excused from any further
5 jury service this morning and we have drawn, at random as we
6 did the first go around, one, one of the alternates. And
7 this time Thomas Barnes now will be one of the 12.

8 And, secondly, do we need to put anything on the
9 record -- well, let me just back up. I emailed the lawyers
10 last night concerning my, my ruling with respect to Agent
11 Cullop's report and what was going to be pulled and what was
12 not going to be pulled and allowed in.

13 There were some question about -- by the State as to
14 Pages 45, 49, 51, 52. In my email -- that will be a Court's
15 Exhibit. I said to pull it.

16 (WHEREUPON, Judge Hocker's email was marked as Court's
17 Exhibit No. 2 for identification purposes only at this
18 time.)

19 SOLICITOR LIVELY: The State responded this morning
20 indicating that that was done exactly as 13 through 16 or
21 actually 14, 16. Thirteen being the contents page, which I
22 allowed in, and I just didn't realize that the same process
23 was used for 45 to 49, 51 to 52. It was not that apparent
24 to me in reviewing those.

25 So, preliminarily I responded back this morning to the

1 lawyers indicating that I would allow that in because of
2 that clarification. However, I would give defense an
3 opportunity to put on the record whatever they need to, and
4 if they can convince me otherwise, then I'll give them that
5 opportunity to do that if they so choose.

6 So, that's what we need to deal with before we bring
7 the jury out.

8 So, Ms. Boulware, do you want to add anything?

9 MS. BOULWARE: And, judge, can I get the numbers of the
10 ones you were -- the, the---

11 THE COURT: Okay.

12 MS. BOULWARE: ---Pages 50 something?

13 THE COURT: All right.

14 MS. BOULWARE: It may---

15 THE COURT: If you look at Pages 13 to 16, 13 being the
16 contents page---

17 SOLICITOR LIVELY: That's already removed.

18 THE COURT: ---and it was just a matter of plugging
19 information to generate Pages 14 to 16. And in looking at
20 it last night, it looked pretty, pretty simple without any
21 sort of interpretation.

22 Then I was reminded by the State that the same process
23 was used for Pages 45 to 49, 51 to 52 and I just didn't
24 realize that. At the time I was reviewing the documents
25 last night, it looked like an entirely different situation.

1 And I indicated last night that those would be pulled and
2 then the State has indicated that the, the identical process
3 was used by Agent Cullop to generate those as was done in 13
4 to 16.

5 So, I said okay. I'll allow those in. But certainly
6 subject to whatever you want to put on the record.

7 MS. BOULWARE: Your Honor, it's the same argument
8 yesterday --

9 THE COURT: Okay.

10 MS. BOULWARE: -- as yesterday. I believe that this
11 requires testimony from an expert in that I believe that he
12 testified, and I was trying to double-check that, that he
13 actually checked with Devlin on this. And I feel like the
14 State could of brought this in through Devlin if they wanted
15 to.

16 THE COURT: Okay.

17 MS. BOULWARE: But they didn't.

18 So now they're supplementing it with a person who's not
19 an expert, who's not certified to interpret, and I'm gon'
20 call it interpret, the contents of the cellphone.

21 So, it -- besides the fact that I believe these are
22 also -- I mean with the exception of the Uber Eats for 3773,
23 it's -- I believe it's cumulative as well.

24 SOLICITOR LIVELY: well, we already took that out.
25 That's one of the ones that you said to take out.

1 MS. BOULWARE: Oh, okay. It's still here.

2 THE COURT: Yeah, that -- that's out.

3 SOLICITOR LIVELY: Okay.

4 THE COURT: That's been pulled.

5 SOLICITOR LIVELY: Yeah, the Uber Eats thing should be
6 out of there.

7 MS. BOULWARE: Okay. All right.

8 THE COURT: All right. Solicitor, you want to respond
9 to Ms. Boulware very briefly?

10 SOLICITOR LIVELY: Yeah, just -- here's the thing.

11 Everything that is in Eric Devlin's report that's
12 printed out or is what he testified to, the phone
13 extraction, which is, which is -- you're gonna hear from
14 their own witness, is, you know, hundreds of thousands of
15 messages and details regarding location data and everything.
16 Just because it's not in their because Eric Devlin was
17 actually brought in to give a certain tab relevant issues,
18 then that's what we have from Eric Devlin. He authenticated
19 the entire extraction.

20 So now what our investigator did, which is what he's
21 been working on since he was brought in to review this
22 entire case, was to be able to go in and basically plug in
23 what his information was, Mr. Devlin's, with the relevant
24 facts of the case and that's the whole point.

25 He's not altering, tampering. He's not interpreting.

1 All he's doing is saying this is the location data.
2 Cellebrite says this is how I'm suppose to look at it.
3 Boom. There is it.

4 So, to me, it's exactly like Your Honor said. It is
5 nothing that has to be figured out. There's a table on
6 Google that tells you what these things mean, color coated
7 and everything, and that's all he did.

8 THE COURT: Okay.

9 SOLICITOR LIVELY: And I'm just having him, him apply
10 it to relevant facts of this case.

11 THE COURT: Okay.

12 SOLICITOR LIVELY: Thank you.

13 THE COURT: Well, I, I guess what it boils down to, Ms.
14 Boulware, if you can convince me that 45 to 49, 51 to 52 is
15 to be -- should be treated differently, then 13 to 16, which
16 I determined 13 to 16 did not require interpretation, just
17 required plugging in some information, if, if you can
18 convince me that 45, 49, 51, and 52 should be treated
19 differently, than I'm gonna allow it, allow it in. And, and
20 certainly all of your arguments that you made yesterday are
21 certainly on the record and, and you're protected there.

22 MS. BOULWARE: Yes, sir.

23 THE COURT: I just don't find that -- assume this to be
24 treated the same, it doesn't require, in my own mind, any
25 interpretation by Agent Collup. He's just plugging in

1 information to generate those documents.

2 MS. BOULWARE: And, and, Your Honor, I'm, I'm -- here's
3 my issue with this and it's -- in an email that I sent to
4 the solicitor, and I believe I sent Carson or it was --
5 Carson was on it too, I can do the same Google search that
6 Solicitor Cesmat-Soprano did. I can do that.

7 I can also go on YouTube and look up how to fix a car.
8 But I am not qualified to testify about that. That is my
9 issue.

10 THE COURT: I understand. So noted.

11 I'm gonna allow, 40, 45, 49, 51, 52, I'm gonna allow
12 that in.

13 MS. BOULWARE: Thank you, Your Honor.

14 THE COURT: And I, I guess probably we need to put on
15 the record, while the jury's out, back in chambers, Ms.
16 Boulware, you indicated that there is a person at the jail,
17 Graham I think is his last name?

18 MS. BOULWARE: Graham Waldron, judge.

19 THE COURT: Right.

20 That you wanted to call him as a witness in your case.
21 The State objected and---

22 MS. BOULWARE: Yes, sir.

23 THE COURT: ---and, and I, I indicated back in chambers
24 the only way I could make a, a proper ruling is that we -- I
25 need to hear from him in camera as far as what he's gonna

1 say and then make a determination.

2 So, just whenever, whenever that can be done, then
3 we'll, we'll take care of that.

4 MS. BOULWARE: We can -- if the State anticipates that
5 Agent Cullop will not take most of the morning, we can have
6 him brought over and do it before lunch.

7 THE COURT: I'm, I'm gon' leave -- I'm gon' leave it up
8 to y'all --

9 MS. BOULWARE: Okay.

10 THE COURT: -- as far as when that's to be done. But
11 just to make the record clear -- and, and assuming that I
12 were to allow his testimony in, the fact that he was not on
13 a -- on the defense witness list, that can be cured very
14 easily. I'll just voir dire the, the trial jury insofar as
15 relationship and knowledge and that sort of thing concerning
16 that witness.

17 MS. BOULWARE: Thank you, Your Honor.

18 THE COURT: All right. Anything further before we
19 bring the -- before we bring the jury out from the State?

20 SOLICITOR LIVELY: Not from the State, Your Honor.

21 THE COURT: Defense.

22 MS. BOULWARE: Nothing from defense.

23 THE COURT: Okay. Thank you very much.

24 Let's bring the jury out.

25 (WHEREUPON, the following takes place within the

1 presence of the jury.)

2 THE COURT: All right. Let the record reflect the
3 jury's back in.

4 Good morning, ladies and gentlemen. I -- Sydney
5 Capodicasa, for personal reasons, I excused her this
6 morning. And as we did the last time with the alternate to
7 do it by random, put last names on little pieces of paper,
8 the clerk drew one out and, Mr. Barnes, you are now one of
9 the 12. Did -- you don't need to change seats. When you
10 come back, after a break, if you want to just go ahead and
11 take that empty chair there.

12 Okay. All right. Okay. State ready?

13 SOLICITOR LIVELY: Yes, Your Honor.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: The State would call Agent Rick
16 Cullop to the stand.

17 THE CLERK: Please raise your right-hand. State your
18 full name.

19 THE WITNESS: Richard Cullop.

20 RICHARD CULLOP, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR LIVELY:

24 Q. Agent Cullop, please tell this jury where you are
25 employed.

Richard Cullop - Direct examination
By Solicitor Lively

1 A. The State Law Enforcement Division, SLED.

2 Q. And how long have you been employed at SLED?

3 A. Three years.

4 Q. And what are your job duties at SLED?

5 A. So, I am a midlands region investigator. So, in, in
6 that regard we do investigations regarding complaints
7 against officers, assisting local agencies, conflict cases.
8 Essentially helping other agencies out for the most part.

9 Q. And when you say that you investigate other police
10 officers at times and what type of investigations would
11 those be?

12 A. So that would be, you know, mostly criminal
13 investigations. We do, do use of force reviews as well,
14 officer involved shootings, any type of case typically where
15 there would be, you know, an accusation against a police
16 officer.

17 Q. Okay. How about something like misconduct in office,
18 that type of thing?

19 A. That's correct.

20 Q. All right. So, when you were -- when were you
21 contacted about this particular case against the Defendant
22 Scott?

23 A. So, I was contacted on February 13th, 2024.

24 Q. All right. And, at that point in time, were you aware
25 of the -- what had already happened with the case or any

Richard Cullop - Direct examination
By Solicitor Lively

1 information regarding the facts of the case?

2 A. No.

3 Q. All right. So who contacted you?

4 A. My supervisor.

5 Q. And then once your supervisor contacted you, what did
6 you do?

7 A. So, he told me that I needed to meet with the sheriff
8 of the Chester County Sheriff's Office. I was actually
9 coming to Chester the next day anyways to work on a separate
10 case. So, while there on the 14th, I met with Sheriff Max
11 Dorsey.

12 Q. And what was the result or what was it that Sheriff
13 Dorsey wanted you specifically to do?

14 A. So, he wanted me to do an unbiased review of the case
15 mainly to focus on any issues that arose from the initial
16 investigation. Also to, you know, basically compile a -- if
17 there was training deficiencies or, or anything that they
18 could address in the future moving forward.

19 Q. Okay. And what agency, before SLED, did you work for?

20 A. The Columbia Police Department.

21 Q. And so how many years of law enforcement experience do
22 you have?

23 A. I started in 2011. So, there's 13 years.

24 Q. Thirteen years.

25 All right. And in regards to dealing with Chester

Richard Cullop - Direct examination
By Solicitor Lively

1 County Sheriff's Office, is that a large agency or small in,
2 in what you normally deal with?

3 A. Smaller.

4 Q. Smaller.

5 Okay. And so when you came in, were you able to talk
6 to everyone who had been involved in this particular case
7 along with the sheriff whenever you had that initial
8 meeting?

9 A. Not initially, no.

10 Q. Okay. And, at that point, did you want to look at
11 everything in the case before actually speaking with any of
12 the investigators?

13 A. That's correct.

14 Q. Okay. So, what did you actually do in order to become
15 familiar with the facts of this particular case?

16 A. So, for the first week, essentially I copied over all
17 the documentation and started to review everything.

18 Q. Okay. And once you did that, did you have a pretty
19 good idea of the facts of the case and what was going on?

20 A. Yes.

21 Q. And, at that point, who did you meet with?

22 A. You.

23 Q. All right. And once you met with me, were there some
24 things, some actions that were gonna be taken after that
25 point regarding your recommendations?

Richard Cullop - Direct examination
By Solicitor Lively

1 A. Yes. So, I, I felt, based off of my review, that there
2 was things that still needed to be done to complete the
3 investigation.

4 Q. All right. And what were some of those things?

5 A. Talk to neighbors that had never been formally
6 interviewed. You know, some of them had spoken to law
7 enforcement. But there was never like a sit down formal
8 interview to get all of the details. Also a big thing for
9 me was nobody had actually looked at the phone extraction in
10 its entirety.

11 Q. And would that be at the, at the exclusion of the
12 actual expert we had on Friday, Mr. Eric Devlin?

13 A. That's correct. I -- as far as the people who were
14 physically in the room when he had that meeting.

15 Q. All right. And, and the people that were physically in
16 the room after that initial meeting, were they able to --
17 well, let me take that back.

18 After you reviewed the file for that full week, did you
19 become familiar with the relevant issues that you felt
20 needed to be done by looking through the phone extraction?

21 A. Yes.

22 Q. All right. And how much time have you spent actually
23 going through that phone extraction?

24 A. A long time.

25 Q. A long time.