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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

J. Derham Cole Jr., Circuit Court Judge

Appellate Case No. 2025-000694

The State of South Carolina,

Respondent,

v.

Roger Derek Peterson,

Appellant.

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT	1
DATED APRIL 2-3, 2025	
PRETRIAL MOTIONS	5
PROFFER TESTIMONY	
JOY MURDOCK	
Direct Examination by Mr. Harper	28
Cross Examination by Mr. Boyd	44
Redirect Examination by Mr. Harper.....	50
JURY SELECTION.....	58
OPENING STATEMENT BY MR. HARPER.....	81
OPENING STATEMENT BY MR. BOYD	84
TESTIMONY	
JOY MURDOCK	
Direct Examination by Mr. Harper	87
Cross Examination by Mr. Boyd	139
Redirect Examination by Mr. Harper.....	153
ALEXANDER RUPRECHT	
Direct Examination by Mr. Harper	155
Cross Examination by Mr. Boyd	165
MOTION FOR DIRECTED VERDICT.....	170
COURT’S RULING	173
ROGER DEREK PETERSON	
Direct Examination by Mr. Boyd.....	176
Cross Examination by Mr. Harper	208
RENEWAL OF MOTION FOR DIRECTED VERDICT	210
COURT’S RULING	210
CLOSING ARGUMENT BY MR. HARPER.....	212

CLOSING ARGUMENT BY MR. BOYD	221
FINAL CLOSING ARGUMENT BY MR. HARPER	228
JURY CHARGE	230
VERDICT	243
SENTENCING	261
STATE’S EXHIBITS #1-4 (TEXT MESSAGES)	264
STATE’S EXHIBITS #5-6 (PHOTOGRAPHS)	268
STATE’S EXHIBITS #7-8 (LETTERS)	270
STATE’S EXHIBITS #9-13 (PHOTOGRAPHS)	272
STATE’S EXHIBITS #14-15 (LETTERS)	277
STATE’S EXHIBIT #17 (EMAIL)	279
SENTENCING SHEET	280
INDICTMENT	281
AMENDED INDICTMENT	283
NOTICE OF APPEAL	285
CERTIFICATE OF COUNSEL	287

**THE FOLLOWING EXHIBIT IS ON FILE WITH THE YORK COUNTY
CLERK OF COURT’S OFFICE:
STATE’S EXHIBIT #16 (VIDEO)**

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF GENERAL SESSIONS
CASE NO. 2024-GS-46-01604

STATE OF SOUTH CAROLINA,)
)
 Plaintiff,)
)
 -vs-)
)
 ROGER DEREK PETERSON,)
)
 Defendant.)
 _____)

TRANSCRIPT OF RECORD
(VOLUME I of II)

April 2, 2025
York, South Carolina

B E F O R E:

Honorable J. Derham Cole, Junior, Judge, and a jury.

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Court Reporter

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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PRE-TRIAL MOTIONS	5			
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PROFFER TESTIMONY	27			
-------------------	----	--	--	--

JOY ROSE MURDOCK				
------------------	--	--	--	--

Mr. Harper	28			
------------	----	--	--	--

Mr. Boyd		44		
----------	--	----	--	--

Mr. Harper			50	
------------	--	--	----	--

JURY VOIR DIRE	58			
----------------	----	--	--	--

JURY SEATED	64			
-------------	----	--	--	--

JURY SWORN	75			
------------	----	--	--	--

OPENING STATEMENTS				
--------------------	--	--	--	--

Mr. Harper	81			
------------	----	--	--	--

Mr. Boyd	84			
----------	----	--	--	--

JOY MURDOCK				
-------------	--	--	--	--

Mr. Harper	87			
------------	----	--	--	--

Mr. Boyd		139		
----------	--	-----	--	--

Mr. Harper			153	
------------	--	--	-----	--

ALEXANDER RUPRECHT				
--------------------	--	--	--	--

Mr. Harper	155			
------------	-----	--	--	--

Mr. Boyd		165		
----------	--	-----	--	--

(VOL. II - 4/3/2025)				
ROGER DEREK PETERSON				

Mr. Boyd	176			
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Mr. Harper		208		
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I N D E X (cont'd.)

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
CLOSING ARGUMENTS				
Mr. Harper	212			
Mr. Boyd	221			
Mr. Harper	228			
JURY CHARGE	230			
VERDICT	243			
SENTENCING	261			
CERTIFICATE	263			

E X H I B I T S

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>ID/AD</u>
S-1	Text Messages	91
S-2	Text Messages 1/4/2021	94
S-3	Text Messages 1/22/2021	100
S-4	Text Messages 2/18/2021	104
S-5	Photo of Front of Envelope	111
S-6	Photo of Letter	111
S-7	Letter	111
S-8	Letter	117
S-9	Photo of Front of Envelope	117
S-10	Photo of Back of Envelope	117
S-11	Photo of Letter	117
S-12	Photo of Front of Envelope	125
S-13	Photo of Back of Envelope	125
S-14	Letter	125
S-15	Letter	125
S-16	CD	128
S-17	Email	131
C-1	Jury Note	72
C-2	Jury Note (Not referenced on the record)	

(REPORTER'S NOTE: All exhibits admitted during this proceeding were duly filed with the York County Clerk of Court's Office.)

1 THE COURT: Okay. Good morning. Is there anything we
2 need to take up before we bring up the jury panel and start
3 with -- start the jury selection process?

4 MR. HARPER: Your Honor, do you like to do pre-trial
5 beforehand or do you like to do it after a jury is picked?

6 THE COURT: We can, we can just -- we can go ahead and
7 do it now before we bring every -- bring everybody up.

8 MR. HARPER: Okay. I think it's pretty minimal.

9 THE COURT: Okay.

10 MR. HARPER: Your Honor, may I approach?

11 THE COURT: You may.

12 MR. HARPER: Jim, do you have a copy of your voir dire
13 for the Judge or can I give him the copy you gave me?

14 MR. BOYD: I'll get it.

15 MR. HARPER: Okay.

16 (Whereupon, counsel approached the Bench, handed up
17 documents to the Court and a Bench conference was held off
18 the record.)

19 THE COURT: Okay. All right. If the State would just
20 put their pre-trial motions on the record, we'll put the
21 rulings accordingly.

22 MR. HARPER: Yes, Your Honor. And as I indicated up at
23 the Bench, some of these may not actually end up being
24 necessary. It's just something that we always do for all of
25 our trials.

1 The first one is that the State has request all
2 witnesses be sequestered with the exception of the victim
3 and the case agent. In this case, the only other witness
4 that we've got is Mr. Alexander Ruprecht. Am I saying that
5 correctly?

6 MR. RUPRECHT: Ruprecht.

7 MR. HARPER: Ruprecht. Okay. And so I think that's
8 the only witness that it would actually apply to. The other
9 one -- and you want to do 1, 2, and 3, like we talked about
10 at the bench, Your Honor?

11 THE COURT: Yeah. That's fine because the defense has
12 indicated they have no objections. We'll just put
13 everything on the record.

14 MR. HARPER: Okay, Your Honor. And the State does
15 request the defense certify they have complied with the
16 reciprocal Rule 5 motion for discovery and disclosure of
17 evidence.

18 The third one is the State does request that the
19 defense refrain from representing the potential penalties
20 for each charge in the presence of the jury and those are
21 the first three, Your Honor.

22 THE COURT: All right. And as to the defense, they --
23 you have no objection to those motions and do you so certify
24 as to number two?

25 MR. BOYD: Yes, sir, Your Honor.

1 THE COURT: Okay. All right. Then those are -- those
2 motions are granted.

3 MR. HARPER: Thank you, Your Honor. The only other
4 thing that I did not mention on here that we may have to
5 address, depending on what Mr. Boyd's motion is, there are a
6 couple parts of the evidence that I intend to include that
7 have some handwritten things on there that I think may need
8 to be redacted. So I would like a ruling on that before I
9 go to introduce it, but I think it just depends on Mr.
10 Boyd's motion to this point.

11 THE COURT: Okay. All right. Then we'll turn to Mr.
12 Boyd.

13 MR. BOYD: Your Honor, this matter goes to Rule 403 of
14 the evidence rules. My client is charged in this indictment
15 with harassment, second degree. The indictment sets out
16 specific dates between this -- these actions allegedly
17 happened, namely December 14th, 2022 and January 27th, 2023,
18 and it alleges harassment by, basically, intrusion into the
19 private life of Joy Peterson, who is my client's now former
20 wife. I don't think she was -- I think they were still
21 married at that time, but in any event, the -- my motion
22 would be that the State be precluded from bringing up other
23 instances of contact that occurred, that allegedly occurred
24 outside the time period alleged in the indictment. That
25 would constitute 403 evidence, which require malice. It's

1 under 403 whether it's admissible or not. And,
2 particularly, that I think the State may also try to
3 introduce evidence of some harassment, for lack of a better
4 word, against the -- their other witness and I think -- and
5 I don't think that would be relevant as to this particular
6 charge against my client on these allegations. So I would
7 move to exclude any evidence of that nature.

8 THE COURT: Okay. Solicitor.

9 MR. HARPER: Thank you, Your Honor. I want to kind of
10 take a three-tiered approach to this. First of all, I want
11 to make sure that it's clear that the indictment that Mr.
12 Peterson's being tried on is the indictment ending in 604.
13 That indictment was amended last month and a copy of that
14 was sent to Mr. Boyd and it includes the dates from December
15 14th, 2022 to February 8th, 2023. Originally, that was split
16 into two indictments. I don't know why the solicitor before
17 me did it that way, because on the second indictment, it
18 only included one incident of conduct and so it shouldn't
19 have even gone to the grand jury. So this includes the
20 entire period that it should have included, which is, again,
21 December 14th to February 8th, 2022 and 2023, respectively.
22 So that's the first thing that I wanted to address. Those
23 are actually the time frames that we're looking at.

24 The second motion by Mr. Boyd is a 403 motion based off
25 of previous incidents of harassment or conduct going back a

1 good period of time.

2 Your Honor, I think that -- to understand my argument,
3 you first have to understand that the defendant and the
4 victim were married for 45 years. I'm not going to go back
5 45 years. I -- I think that we could be here for another 45
6 years if we try to do that. What I want to do is go back to
7 the point where the defendant and the victim split and that
8 was December of, I believe, 2020. It may have been 2021,
9 but I believe it was 2020, and that is the first time that
10 the victim reached out to the defendant saying she did not
11 want contact from him unless it was for business, 'cause
12 she'd moved out and the divorce had been initiated. From
13 then -- and this is in Greensboro, North Carolina, Your
14 Honor. From then, there was a continuous pattern and the
15 State will seek to prove there was a continuous pattern of
16 harassment, both in person, through letters, text messages,
17 voice mails, all sorts of things, that was a continuous
18 stream until the victim moved from Greensboro to Rock Hill,
19 South Carolina in June of 2022, I believe.

20 At that point, what you'll hear is that the defendant
21 wasn't able to contact her at that point. He didn't know
22 where she was, but then as soon as he found out where she
23 was, the letters to her started back up again, at a slower
24 pace, but the letters continued back up again. After two
25 letters, the Rock Hill Police Department got warrants for

1 him on December 14th of 2022. Those warrants were
2 subsequently dismissed at a preliminary hearing. I've
3 indicated to Mr. Boyd that should this trial end in a not-
4 guilty verdict, that we intend to direct indict those --
5 that particular warrant. It should have been done by the
6 two solicitors that preceded me, but it was not, but there
7 were two letters involved in those particular warrants.

8 Then for this one, from December 14th until February
9 8th, there were four pieces of contacts. One was a letter
10 -- oh. Actually, I should say that on December 14th the
11 victim did send a text message to the defendant again,
12 asking for no contact. And later on in December there is a
13 letter postmarked for December of 2022, which while it was
14 not threatening necessarily, after all these months and
15 months of contact and asking the contact not be continued,
16 it still caused the victim some distress and you'll hear
17 that not only from the victim, but also from the -- a
18 gentleman back there, Mr. Ruprecht.

19 Then there'll be a January 5th voice mail that we're
20 going to introduce. That voice mail didn't include any sort
21 of threatening conduct. It was just contact that was
22 unwanted. Then on January 22nd there was an email sent from
23 the defendant to the victim, which again, non-threatening,
24 but it was contact that was unwanted and then on February
25 8th, there was a letter that the defendant sent to the

1 victim's therapist who, according to her, and what she'll
2 testify to, he should not have known who she was. So it was
3 distressing to her that he found her, but then also the
4 letter; again, did not include any sort of threats or
5 anything like that. It was just secondary contact that
6 was unwanted.

7 But, Your Honor, without the context of those eighteen
8 months prior to her moving to Rock Hill, I don't know that
9 the State can prove harassment with just those pieces of
10 contact. Again, they're non-threatening. We've only had
11 once incident that -- that occurred during that time period,
12 where the victim said she did not want contact and so I
13 think that if we get rid of all that contact for eighteen
14 months, it substantially impairs the ability of the State to
15 try the case, but also on 403 grounds, I believe that all of
16 that is relevant and the probative value of that is
17 enormous. As I said, I don't believe that we can
18 necessarily prove our case without it. I certainly don't
19 think the prejudicial effect greatly outweighs it.

20 Your Honor, I'm also happy to talk about whether or not
21 this is res gestae or whether or not it's 404, but since the
22 motion was simply based off of 403, that would be my
23 argument.

24 Sorry. The last thing about Mr. Ruprecht and alleged
25 harassment against him, I have instructed them that this

1 case is about Joy and that we need to talk about what
2 harassing conduct towards her. Mr. Ruprecht does have a
3 restraining order -- did have restraining order against the
4 defendant at one point. There are also charges pending
5 against the defendant for harassing Mr. Ruprecht in
6 Lancaster County, which he has not been found guilty of.
7 I've instructed them not to talk about that. I've
8 instructed them that the entire case that we're trying today
9 is just about what happened to Joy, and so it is not my
10 intention to elicit that testimony. However, if you want to
11 make an official ruling saying we can't go into it, I don't
12 think that will affect how I'm going to try my case.

13 THE COURT: As to this other witness?

14 MR. HARPER: Mr. Ruprecht; yes, sir.

15 THE COURT: Mr. Ruprecht. Well, if the -- if the --
16 yeah. Well, we shouldn't -- I mean, shouldn't be going into
17 that. I mean, that's not -- doesn't bear on the charges
18 as to--

19 MR. HARPER: I agree.

20 THE COURT: ---the charged conduct, so that should be
21 excluded, but as to the defense's motion, how -- I mean,
22 what would you -- what would you be planning to get into? I
23 think there's a -- I mean, I think there's a balance to be
24 struck there based on -- you know, it's not several years
25 ago and then all -- then all of a sudden it starts -- it

1 starts happening, but there's a balance, I mean, how much
2 you're going to get into communications. I mean, whether
3 you're -- it's just establishing the relation- --
4 relationship went sour and she asked not to be contacted.
5 There was contact over the years---

6 MR. HARPER: Uh-huh.

7 THE COURT: ---and then leading to these -- leading to
8 these instances and York County, I mean, I think that's --
9 I'll hear from the defense, but that seems to be fair game,
10 but if you're going to get into specific instances going
11 back however many -- how many years would that be?

12 MR. HARPER: Your Honor, --

13 THE COURT: I mean, not 45, but just the --

14 MR. HARPER: The original text message of leave me
15 alone, don't contact me except for business purposes was in
16 December of 2020. She moved to Rock Hill in June of 2022.
17 So the conduct that occurred outside of York County would
18 have included what is that? Eighteen months of contact.
19 And, Your Honor, I certainly take your point about needing
20 to strike a balance. Like I said, I'm not going to go back
21 45 years. I think that there are -- there have been a lot
22 of allegations of both mental and physical abuse made to me
23 and to Family Courts during this 45 years that I do not
24 intend to get into. The line that I'm drawing and I think
25 the line the Court should draw is once she leaves and says

1 she doesn't want any more contact, that's whenever it starts
2 and, Your Honor, the reason that I believe that that's where
3 we need to draw the line is that if you look at the statute,
4 which is 16-3-1700 -- and I've got a copy for you if you'd
5 like, Your Honor. Is that the harassment in the second
6 degree needs a pattern of intentional, substantial and
7 unreasonable intrusion into the private life of a targeted
8 person that serves no legitimate purpose and causes the
9 person and would cause a reasonable person in his position
10 to suffer mental or emotional distress.

11 Your Honor, the last part of that is, I think, why we
12 need to draw the line where we draw it at. A person -- this
13 has both a subjective and objective level that the State has
14 to prove. We have to prove that not only did Joy Peterson,
15 or Joy Murdock, suffer mental or emotional distress as a
16 result of these communications, but that also a reasonable
17 person would as well. The statute clearly says that a
18 person in -- a reasonable person in the victim's position
19 would feel mental or emotional distress, but we don't know
20 what the victim's position is unless we add context to that
21 and I believe that context goes back to whenever that
22 initial text message was sent and then everything from it,
23 including any other text messages saying I do not want any
24 contact, is all one string of harassment and just because we
25 have a jurisdictional problem, where it goes from one state

1 to the other one, doesn't change the fact that the State has
2 to prove that a reasonable person in the victim's position
3 would feel emotional distress.

4 I believe, Your Honor, that if you look at just the
5 four pieces of contact that are in the indictment time
6 frame, that a reasonable person could not conclude that and
7 that that the -- the context is necessary.

8 I was talking to another lawyer in our office
9 yesterday, Your Honor, and I said, Kevin, if I say to you I
10 can't wait to come over to your house tonight. You might
11 not think that that is a piece of conduct that would cause a
12 reasonable harm, but if I told you that I'd broken into his
13 house four times and then I tell him that I can't wait to
14 come over to his house, all of a sudden those seemingly
15 meaningless words have meaning and so, Your Honor, I think
16 that without context we cannot get a full picture and it
17 substantially impairs the ability of the State to try to the
18 case.

19 THE COURT: All right. Mr. Boyd?

20 MR. BOYD: Your Honor, just to clarify what I'm asking,
21 if he's got documentation that my client was requested not
22 to contact, that's a document that's admissible. I don't
23 have an objection to that. We may dispute it on other
24 grounds. That's not under this. What I'm -- now the
25 State's going to get into evidence, well, he -- that he

1 allegedly harassed her before the dates in the indictment,
2 that's where we're getting into 403 and the State has to
3 prove those instances -- grounds for -- status of
4 admissibility is they have to be established by clear and
5 convincing evidence and the State has to go through that
6 process on each one. So we're getting into on such and such
7 a date he did this or he initiated contact that was
8 unwarranted or those type of things. We're -- we're getting
9 far astray from the allegations of this -- this. I mean,
10 all the State needs to prove, basically, is he had contact
11 after he was told not to in this -- in this time period
12 alleged in the indictment he did it, but the State doesn't
13 need to prove their case to go back and, well, on such and
14 such a date before that time, my client did such and such
15 and if they do want to prove that, it has to be by clear and
16 convincing standard. So we've got an admissibility problem
17 to start with.

18 MR. HARPER: Your Honor, I want to clarify what
19 evidence I intend to put in before, you know, I go into the
20 argument Mr. Boyd just made. I have a couple different
21 documents. One is a text message that was sent in December
22 of 2020 asking for no contact. Another one is a text
23 message from January 4th again, asking for no contact.
24 That's 2021. I have an exhibit here for an application for
25 a restraining order. I have here text messages from the

1 defendant right after the victim filed that restraining
2 order, which we may need to talk about for redaction
3 purposes, 'cause there is a handwritten note on there. I've
4 got a text from February 18th of 2021, saying leave me alone
5 with three exclamation points. Do not text or call me. Do
6 not come to Christian's house or even walk by. And the
7 reason why that part is important, the reason that I read
8 that text message is because she stopped documenting things
9 at a certain point, or at the very least the State does not
10 have documentation of it and over 18 months, I think that
11 she can be forgiven for not documenting every single piece
12 of contact, especially because a lot of that contact is
13 alleged and that the victim will testify about, was in
14 person. A lot of it was him walking by her house. A lot of
15 it was talking to her Ring Doorbell camera. A lot of it was
16 leaving notes underneath her windshield, writing her
17 letters. She had to change where she was walking her dog.
18 She was afraid of seeing him. All of that is relevant to
19 proving whether or not a person in the victim's position
20 would feel mental distress.

21 In terms of Mr. Boyd's argument of me needing to prove
22 those instances of contacts by clear and convincing
23 evidence, I believe he's mistaking the standard. My
24 argument would be that this is simply relevant evidence to
25 prove the charge and in that case, 401 says that relevant

1 evidence is admissible. I don't have to prove it beyond --
2 or to a clear and convincing standard, any of that.

3 I believe that what Mr. Boyd is quoting is 404, which
4 if we want to address this on 404 grounds, I'm happy to. I
5 just want to make sure that I'm addressing the correct
6 argument.

7 THE COURT: Okay. Yeah. I mean, that's what I --
8 that's what I would understand, too. If we're talking 403
9 -- 401 is just the relevance standard. 403 is the balancing
10 test where the probative value is substantially outweighed
11 by undue prejudice or unfair prejudice. So that would be
12 how I would approach this, but going to the substance and
13 going to what you said you intend to offer, it seems that
14 the instances of the communications requesting no contact
15 would -- you know, would be admissible. I mean, where I
16 would -- where I would share, I think Mr. Boyd's concern is
17 that you're going into -- you're going into detail about
18 however many -- however many communications there were that
19 might constitute harassment that aren't -- aren't within the
20 chronological window of the indictment, those would not be,
21 but if Ms. Peterson is testifying on these instances, I
22 told him not to contact me on that instance, I told him not
23 to contact me, I mean, there may be an inference that he was
24 contacted or she could -- I think she could testify that,
25 well, did he cease contacting you after that, then, no, but

1 you can get to that without introducing the -- introducing
2 the communication and going into the details of the
3 communications, and so that would -- that's --

4 MR. HARPER: I want to make sure I understand what your
5 ruling is, Your Honor. The victim intends to testify --

6 THE COURT: I haven't ruled yet, I'm trying to get to
7 it, but --

8 MR. HARPER: No. I just want to make sure that I'm
9 understanding where you're going and I want to make sure you
10 rule based off of what the victim is actually going to
11 testify to.

12 Those instances of her asking him not to contact her
13 are -- I have documentation for. The incidents where he is
14 walking by her house and doing all that kind of stuff and
15 continuing to have contact with her, I don't have that
16 documented and so it would come through with her testimony,
17 but I do intend to offer all of that testimony.

18 THE COURT: The documentation where she has requested
19 no contact?

20 MR. HARPER: Correct, Your Honor.

21 THE COURT: I would -- my ruling on that is that that
22 is -- that is admissible. Communicating -- communications
23 from him that are outside the -- or instances of the outside
24 of the window in the indictment would not be in substance,
25 but if she's saying that he continued to contact me after

1 that, I think that will be her testimony and if there are
2 things you try to get into, we can object -- we can take up
3 contemporaneous objections.

4 MR. HARPER: I still, again, want to make sure that I
5 understand your ruling, Your Honor, because if I ask her did
6 he continue to contact you after this particular incident
7 where you asked him not to contact you, and she says yes, my
8 next question is going to be what was that contact, and I
9 want to make sure that I know whether or not you're
10 excluding that type of testimony, 'cause if I say did he
11 continue to contact and she says yes, and I ask her what is
12 it? And she says well, he continued to leave notes under
13 windshield wiper. He continued to walk by the house,
14 continued to talk in the Ring Doorbell camera. It sounds
15 like you are saying that you want to exclude that testimony
16 and I want to make sure we get a ruling on that pretrial,
17 because I have --

18 THE COURT: Yes. Well, let's -- yeah. Mr. Boyd, let
19 me hear from you on that.

20 MR. BOYD: Well, that does go exactly to -- I mean, if
21 he's going to, for instance, say he was walking by my house,
22 he had put something on my windshield and all this, I think
23 they're saying happened up in Greensboro where they lived.
24 I mean, that is exactly where I think it is Rule 404 that
25 says clear and convincing evidence. That constitutes some

1 other evidence of other acts and it -- and then we get into
2 that analysis. It has to be clear and convincing. And we
3 are -- it's really -- I don't think it's -- it goes to
4 whether he committed contact as alleged in the indictment a
5 year before or something, when they were living -- still
6 living in Greensboro, he allegedly walked by her house or he
7 allegedly left a note on her car, he allegedly did something
8 else.

9 MR. HARPER: And, Your Honor, I'm happy to address 404,
10 if I could just --

11 THE COURT: All right. Yeah. Let's -- I'm looking at
12 that now. Please address it under 404.

13 MR. HARPER: Thank you, Your Honor. I think that,
14 first of all, whenever we argue 404, it's important to note
15 the character evidence is not inadmissible. Character
16 evidence is admissible unless we're using it for propensity
17 purposes. If I use it to say that the defendant harassed
18 the victim then, therefore, he's more likely to have
19 harassed the victim in the dates in the indictment, then
20 that, I think, would be improper, but that's not what we're
21 trying to do. We're not trying to offer it for prior bad
22 acts. We're trying -- we are actually saying that this is
23 one continuous, one continuous harassment, that this is a
24 common scheme or plan that also is a unbroken string of
25 harassment.

1 Your Honor, they -- the way that stalkings oftentimes
2 work and the way that harassments oftentimes work is that
3 they do cross state lines and that if we cut things off
4 where the border starts or where the border ends, it
5 excludes all the context for why -- or for that whole string
6 of harassment. I have to prove a pattern according to the
7 statute and that pattern starts in December of 2020. It
8 doesn't start at the indictment date. The indictment date
9 is simply where another pattern of contact continued to
10 apply.

11 The Rock Hill Police Department had gotten warrants for
12 him on December 14th for conduct before that. What could
13 have happened is that we could have expanded the indictment
14 period to include that contact, but it still wouldn't have
15 changed the fact that the harassment pattern started while
16 they were in a different state and so while I understand Mr.
17 Boyd's point about this being prior bad acts, I dispute that
18 and say that it is the bad act. Your Honor, I am also happy
19 to touch on *res gestae* if we need to.

20 THE COURT: Well, I -- okay. I've got under *State v.*
21 *King*, Evidence of other bad acts are generally inadmissible
22 to prove a defendant's guilt for the crime charged. Such
23 evidence may be admissible to show motive, identity,
24 existence of a common scheme or plan, which is what you're
25 talking about, the absence of mistake or accident or intent

1 to be admissible, the bad act must logically relate to the
2 crime with which the defendant's been charged. If the
3 defendant was not convicted of the prior crime, evidence of
4 the prior bad act must be clear and convincing.

5 MR. HARPER: Yes, Your Honor. And, again, I do not
6 think that this is a prior bad act. I think this is the act
7 that I'm talking about. The act that I'm trying to prove
8 and so I don't think it needs to be proved through clear and
9 convincing evidence. I think that it is simply *res gestae*.
10 It is simply an element of the offense and under 401, it
11 should come in as relevant evidence.

12 THE COURT: Well, why -- why is it not the acts are the
13 ones that occurred within the time frame of the indictment
14 and the other ones would be -- would be prior bad acts to
15 show this as a common plan or scheme?

16 MR. HARPER: Your Honor, I think we need to split this
17 up into an evidence problem and a jurisdiction problem. I
18 didn't get jurisdiction until the harassment happened in
19 South Carolina, but the harassment started in another state.
20 I can't prosecute him as a criminal act for things that he
21 did in North Carolina, but it is still relevant and it is
22 still what I am trying to prove to prove that harassment for
23 the crime that I had jurisdiction for, and so I want to make
24 sure that we don't get hung up on that because I -- I do
25 think there is a difference and it's not a small difference.

1 It might make things more logically complicated, but
2 legally, the only reason that the time frames are not
3 included in another state is because I didn't have
4 jurisdiction for them.

5 THE COURT: Well, I -- I mean, I understand that, but
6 that's just the -- I mean, that's the situation we have. I
7 mean, I appreciate what you're saying, but that's the -- I
8 mean, that's the situation we have because you couldn't have
9 charged these other ones, because they were -- they occurred
10 in another jurisdiction, but you're looking to show --
11 you're looking to show that they are a part of a common plan
12 or scheme and that's the -- and that seems to be the
13 standard that Mr. Boyd's saying is clear -- clear and
14 convincing evidence under 404(b).

15 MR. HARPER: Yes, Your Honor. And, again, I don't
16 agree that that standard applies here. I'm not seeing that
17 point, but what I will say is if all of this had happened,
18 if all of this conduct had happened in Rock Hill, the
19 indictment would have included the entire time. The only
20 reason that it's not included is because I didn't have
21 jurisdiction for it and that is more of a process problem
22 than a legal problem.

23 And, Your Honor, I -- you also read out 404 just a
24 moment ago, that there are other exceptions to 404. Again,
25 I do not believe that this is 404 evidence, but if Your

1 Honor is looking there, I also think that this relates to
2 the defendant's intent to harass the victim as well, not
3 just a common scheme or plan, but if Your Honor does also
4 think that this is 404(b) evidence, the victim's testimony
5 can meet the clear and convincing evidence standard. We are
6 happy to offer a proffer for that if you'd like, Your Honor,
7 but under the law, that is all that is necessary to overcome
8 that standard.

9 THE COURT: All right. Mr. Boyd, if it's -- if we're
10 talking about 404(b), what is your position on the -- on how
11 the clear and convincing evidence standard would, you know,
12 would apply or not apply here?

13 MR. BOYD: Under 40- -- well, under 404(b), if it -- if
14 the State is alleging it otherwise comes in under one of
15 these sections, then it's clear in *State versus Smith*,
16 looking here, In a criminal case evidence of other crimes or
17 bad acts must be clear and convincing if acts -- if acts are
18 not subject to a conviction and none of these acts were
19 subject to a conviction. So in -- it's clearly a clear and
20 convincing standard that must be met. And I think the State
21 needs to -- I think the State was intending to show my
22 client, at one point, was charged with harassment first
23 degree and in the preliminary hearing, that charge was
24 dismissed. So certainly they don't meet a clear and
25 convincing standard on that. It wasn't even probable cause

1 for that warrant.

2 MR. HARPER: Your Honor, I can address that point if
3 you'd like,---

4 THE COURT: Okay. Yeah. Please do.

5 MR. HARPER: ---but I just want to make sure that we
6 don't muddy the waters too much.

7 THE COURT: Yeah. Please do.

8 MR. HARPER: Thank you, Your Honor. With regards to
9 the charges on December 14th, I actually take Mr. Boyd's
10 point and I understand what he's saying. The entire reason
11 that the State would be offering any testimony about that is
12 just to let the -- just to show the defendant had notice
13 that, once again, some other entity did not -- or deemed
14 that he should not be contacting the victim. I understand
15 that it might be difficult to talk about that particular
16 piece of evidence and I am happy to go into it in whatever
17 way Your Honor deems is fit for the situation. I think that
18 us saying that he was charged with it might be a little bit
19 strong, but I think that to -- for the December 14th date to
20 make sense as to why the indictment started on that day,
21 there needs to be some context added. Whether or not it's
22 us saying that because he was charged or whether or not he
23 was just he was put on notice on that day, I'm happy to do
24 whichever way Your Honor deems it to be fit and necessary.
25 I really don't have an argument that we a hundred percent

1 need to go into the fact that he was charged, though.

2 THE COURT: Okay. All right. Well, I do think if
3 you're going to show it as a common plan or scheme, then it
4 will need to be under that standard, which you may be able
5 to show. So we probably just need to have that -- have that
6 testimony proffered and decide on it.

7 MR. HARPER: Yes, Your Honor. I mean, the first thing
8 you said was if I intend to offer it under 404 and, again, I
9 just want to make it clear the State's position is it is not
10 404, that it is an element of the offense. However, I take
11 your point about the proffer and we are happy to do that,
12 Your Honor, if you are ready for that.

13 THE COURT: Okay. Let's do that.

14 MR. HARPER: Thank you, Your Honor. Your Honor, this
15 is Joy Murdock. She's the victim in the case.

16 THE COURT: Good morning, ma'am.

17 MR. HARPER: So we're going to go up here. We're going
18 to swear you in. Right up here. Joy, right up here. Put
19 your hand on the Bible.

20 And, Your Honor, Ms. Murdock has informed me that she's
21 having some trouble hearing so I'm going to move a little
22 bit closer,---

23 THE COURT: Okay.

24 MR. HARPER: ---but just so the Court's aware.

25 THE COURT: Okay. Good morning.

1 (JOY ROSE MURDOCK, being first duly sworn, was examined
2 and testified as follows):

3 PROFFER

4 PRETRIAL DIRECT EXAMINATION

5 JOY ROSE MURDOCK BY MR. HARPER:

6 Q. Ms. Pete- -- I'm sorry, Ms. Murdock. I'm sorry. Could
7 you please identify yourself for the record?

8 A. Joy Rose Murdock.

9 Q. And how do you know the defendant?

10 A. Currently ex-husband.

11 Q. Okay. How long were you married for?

12 A. Almost 40 years.

13 Q. Okay. And when did that marriage end or when was there
14 a separation?

15 A. I left in like October 17th, 18th, 2020.

16 Q. Okay. And whenever that separation period started,
17 where were you living?

18 A. I lived with my son, Christian, in a house close by.

19 Q. And where was that at?

20 A. In Greensboro, North Carolina.

21 Q. Okay. And you say close by, about how far away?

22 A. A couple of blocks.

23 Q. Okay. How long did you live there for?

24 A. Two years. Year and a half, two years.

25 Q. So from -- is it fair to say that from about October to

1 --

2 A. October, yeah, 'til like June of '22.

3 Q. June of '22? Okay. And in June of '22, where did you
4 move to?

5 A. I came to live in South Carolina.

6 Q. Okay. Now during that separation period while you were
7 in Greensboro, going back to 2020, did you have any sort of
8 communications with the defendant during that time period?

9 A. Uh. Very minimal.

10 Q. Let's say from October to December of 2020.

11 A. I chose not to have contact with him, except for trying
12 to get a restraining order and because we were still legally
13 married, we had to do taxes at the end of the year.

14 Q. Okay. Do you remember in December of 2020 whether or
15 not you had contact with him conveying that's all you wanted
16 to talk to him about?

17 A. Yes.

18 Q. Okay.

19 MR. HARPER: Jim, I know this is a proffer, but I just
20 want to show you what I'm showing her.

21 (Whereupon, Mr. Harper handed a document to Mr. Boyd.)

22 Q. Ms. Murdock, I'm handing you now what's been marked for
23 identification purposes as State's Exhibit Number 1. Do you
24 recognize that?

25 A. Yes.

1 Q. What is that?

2 A. That's a text message from me to Roger Peterson.

3 Q. Okay. Do you mind reading out your text message to the
4 defendant?

5 A. I don't want to block text from the home phone so
6 please keep this as a business only number. No personal
7 messages.

8 Q. Thank you, very much.

9 MR. HARPER: Your Honor, would you like to see this?

10 THE COURT: Yes. Thank you.

11 (Whereupon, the referenced document was handed to the
12 Court.)

13 Q. Ms. Murdock, did the defendant stop contacting you at
14 that point?

15 A. No.

16 Q. Okay. What happened instead?

17 A. He just continually contacted me in one way or another,
18 through text, walking -- he would walk by. I have videos
19 of him walking by the house slowly. He dropped messages
20 through the mailbox, 'cause my door had -- my son had a slot
21 to drop it through. Ride by, walk by really slowly, just a
22 lot. I was afraid to go in my yard or out in my son's yard
23 because of him constantly coming by.

24 Q. Okay. And was that December text message the only time
25 you asked him to stop contacting you?

1 A. No. I kept sending late -- also contact him later and
2 also verbally when we would have court sessions, I would say
3 please leave me alone. Don't contact me.

4 Q. And that's for Family Court for the divorce?

5 A. Yes.

6 Q. And do you recall if you asked him to stop contacting
7 you again in January of 2021?

8 A. Yes.

9 Q. I'm handing you now or will hand you in just a moment
10 what will be marked for identification purposes as State's
11 Exhibit Number 2.

12 (Whereupon, the referenced document was handed to the
13 witness.)

14 Q. Ms. Murdock, do you recognize this?

15 A. Yes.

16 Q. What is that?

17 A. It's a lot of text messages from him and I responded,
18 leave me alone, please, for the last time. Home phone for
19 business only.

20 Q. And I'm sorry. Was this a text message from you to him
21 and vice versa?

22 A. That was -- that was the only text that I sent him.

23 Q. Okay.

24 A. The others are from him to me.

25 MR. HARPER: Thank you, Your Honor.

1 THE COURT: Thank you.

2 Q. At that point, did the defendant stop contacting you?

3 A. No.

4 Q. What happened instead?

5 A. Still the same thing; texts, phone calls, still walking
6 by. He left notes. I went to a friend's for the weekend
7 and we had -- we had a great weekend, laughing and I was in
8 a great mood. Came home; there were notes on the back door,
9 notes on the front door. It ended up being not so good of a
10 weekend.

11 Q. Okay.

12 A. Just all kinds of any contact possible.

13 Q. And what, if anything, did you do in response to that?

14 A. Nothing as far as -- I didn't contact him or say
15 anything. There was no contact from me.

16 Q. Did you make any sort of attempts to get the courts to
17 get him to stop talking to you?

18 A. I tried to get a temporary restraining order or a
19 restraining order in Greensboro.

20 Q. I'm approaching you now with what will be marked for
21 identification purposes State's Exhibit Number 3. Do you
22 recognize this?

23 (Whereupon, the referenced document was handed to the
24 witness.)

25 A. Yes.

1 Q. What is that?

2 A. That's where I tried to file or I filed for a temporary
3 restraining order---

4 Q. Okay.

5 A. ---in Greensboro.

6 Q. And was he made aware of that?

7 A. Yes. He was served not long after that was filed.

8 Q. Okay. Did he stop contacting you after that?

9 A. No.

10 Q. What happened instead?

11 A. After that happened, later that afternoon, one of my
12 friends called and asked me if I was okay and she told me
13 that he had sent a text-

14 MR. BOYD: Your Honor, I'm going to object to hearsay
15 on this.

16 A. ---that said that I was having --

17 MR. BOYD: I mean, I know that this is outside the
18 presence of the jury, but still I think anything, what a
19 friend's told them would not be admissible.

20 MR. HARPER: Your Honor, first of all, I agree. We're
21 not in front of the jury, so I don't think the rules of
22 evidence apply at this particular point. With that said, I
23 just want to make sure you get a full view of what the State
24 could offer so that you can make a complete ruling. I'm
25 happy to argue the hearsay objection if you'd like that, but

1 I don't think it applies yet.

2 THE COURT: All right. It's overruled based on the
3 context of this hearing, this proffer hearing.

4 MR. HARPER: Thank you, Your Honor.

5 Q. Please continue, Joy.

6 A. There are actually -- I have a copy of the text that he
7 sent on our home phone to every contact that was on that
8 phone, work people, friends, relatives. People were calling
9 me asking are you okay? What's going on? Very dramatic to
10 me and that was contacts and he had also contacted me right
11 after he was served and from my remembering, there was a
12 text that he said, you know, do you want me to lose my job?
13 And I was advised by the Justice Center, if there was
14 contact to go file with the magistrates and that's what I
15 did.

16 Q. Okay. I'm about to hand you what will be pre-marked
17 for identification purposes State's Exhibit Number 4.

18 (Whereupon, the referenced document was handed to the
19 witness.)

20 Q. Do you recognize this?

21 A. Yes.

22 Q. Okay. And what is that?

23 A. That's where he texted me after he was served with the
24 temporary restraining order, just saying the same thing I
25 said, just -- you want me to lose my job? Don't go down the

1 wrong path.

2 Q. Okay. And do you respond to that text message?

3 A. No.

4 Q. No?

5 MR. HARPER: Your Honor.

6 (Whereupon, Mr. Harper passed the referenced document
7 to the Court.)

8 Q. After that day, after you filed the restraining order,
9 other than what you've already described, was there any more
10 contact from him?

11 A. No.

12 Q. Meaning that after he texted everyone and people
13 started texting you?

14 A. He called that -- I was pet sitting and he called and
15 left a message and I didn't answer.

16 Q. Okay. Between then and let's say February 20 -- I'm
17 sorry -- February 18th of 2021, did he continue to walk by
18 your house?

19 A. Yes.

20 Q. Did he continue to leave letters for you?

21 A. I can't recall that.

22 Q. Okay. Do you recall any other incidents of conduct or
23 contact during that period?

24 A. Just that walking -- I have, like I said, videos of him
25 walking by slowly, looking at the house, turning around,

1 stopping at the house, just sitting there.

2 Q. Okay. And do you recall in February of 2021 sending
3 anymore messages to him asking for no further conduct -- or
4 for no further contact?

5 A. I don't exactly recall. It's been so long ago.

6 Q. If I handed you something, would it help refresh your
7 recollection?

8 A. Sure.

9 (Whereupon, a document was handed to the witness.)

10 Q. Do you remember that now?

11 A. Yes.

12 Q. Okay. I'll take that back real quick. And, Ms.
13 Murdock, what I handed you before is what will be marked for
14 identification purposes as State Exhibit Number 5.

15 (Whereupon, the referenced document was handed to the
16 witness.)

17 Q. And just for the record, do you mind reading out any
18 text messages that you may have sent to him?

19 A. Leave me alone. Do not text or call me. Do not come
20 to Christian's house or even walk by.

21 Q. Thank you.

22 MR. HARPER: Your Honor.

23 (Whereupon, the referenced document was passed to the
24 Court.)

25 Q. Joy, at that point, did Mr. Peterson stop contacting

1 you?

2 A. No.

3 Q. What happened instead?

4 A. The same text, relatives. They had group text chats
5 where he talked about personal life, everything, but I
6 didn't engage in any of that.

7 Q. Okay. And how much longer did you stay at Christian's
8 house after that text message?

9 MR. HARPER: And that text message, for the record, was
10 in February of 2021.

11 A. I moved in June.

12 Q. June of when?

13 A. 2022.

14 Q. Okay. So from February to June of 2022, we're looking
15 at about, what, is that 16 months?

16 A. Uh-huh.

17 Q. During that 16 months, after that text message, were
18 there any other incidents of contact from Mr. Peterson to
19 you?

20 A. Yes.

21 Q. And what were they?

22 A. Same thing. Riding by. One time I was out on the
23 front porch trying to paint some and he rode by and said
24 something. I went inside. Same thing, contact, text,
25 emails, letters. He would just drop them through the mail

1 slot.

2 Q. Was that contact continuous or were there breaks in
3 that contact?

4 A. I would say continuous. It was kind of like you never
5 knew what -- when it was going to happen.

6 Q. When you moved from Greensboro to Rock Hill, did the
7 contacts stop at that point?

8 A. No. It -- well, it did temporarily because he didn't
9 know where I was.

10 Q. Okay. What do you mean temporarily? Are you able to
11 give me a time frame?

12 A. I know Alex Ruprecht was in a court situation with him
13 and his address was -- that to be known public and at that
14 time, he -- someone said that I was living there so he found
15 out where I was.

16 Q. Okay.

17 MR. HARPER: And just for, you know, evidence purposes,
18 Your Honor, I do not intend to go into the fact there was a
19 court case beforehand. I understand that Joy just testified
20 to that. Whenever we're in front of the jury, I want to
21 make it clear that it is not my intention to elicit that
22 testimony.

23 Q. But a time frame wise, would it be fair to say that
24 from June to September he did not know where you were?

25 A. That's correct.

1 Q. Or at least from the contact that you received from
2 him. Would that be fair to say?

3 A. Yes. Although in Greensboro, he would still drop
4 things through the slot to my son, Christian, asking him to
5 contact me or tell me things.

6 Q. Okay. But in terms of direct contact with you, until
7 about September --

8 A. No.

9 Q. Okay. I'm going to approach you with what will be
10 marked for identification purposes as State's Exhibits 6, 7,
11 8, 9, and 10. This is a letter. I'm approaching you now
12 with what will be marked for identification purposes as
13 State's Exhibit 6 through 10. Do you recognize those?

14 (Whereupon, the referenced documents were handed to the
15 witness.)

16 A. Yes.

17 Q. What is that?

18 A. These are letters that start from September 4 from Mr.
19 Peterson.

20 Q. Okay. Now, there's a lot in there and during the
21 actual trial, I'll have you read those out, but just for
22 this proffer's purposes, what are the contents of that
23 letter, just generally?

24 A. It's about we are family, getting back together, going
25 to a counselor, etcetera, etcetera.

1 Q. Okay. And whenever you got those letters after the
2 period of time from June to September of not having contact,
3 what was your response?

4 A. What was my response?

5 Q. Yes. Like how did you feel upon receiving that letter?

6 A. That I still couldn't have any peace and that it just
7 always upset me every time with them.

8 Q. Once you got that initial letter, did his contact with
9 you resume?

10 A. Was his contact what?

11 Q. The same stuff you described from Greensboro, did that
12 resume?

13 A. Just the letters that I recall.

14 Q. Okay. You said letters. Did you receive any other
15 letters?

16 A. Just thinking those.

17 Q. By those, you mean not just the one that -- that I
18 passed you --

19 A. The ones you have in your hand.

20 Q. Okay. Well, let's make sure that that's it and I'll
21 had them up to you in just a moment. In a moment I'm going
22 to approach you with what's going to be marked for
23 identification purposes as State's Exhibits 11, 12, 13, and
24 14.

25 MR. BOYD: What number are those?

1 MR. HARPER: 11, 12, 13, and 14. I want to make sure I
2 have it in the correct order.

3 Q. Ms. Murdock, I'm handing you State's Exhibits 11
4 through 14. Do you recognize those?

5 (Whereupon, the referenced documents were handed to the
6 witness.)

7 A. Yes.

8 Q. Okay. And what are they?

9 A. Letters from Mr. Peterson.

10 Q. Is this all the same letter?

11 A. So are there two there? Yeah. That's the same thing.

12 Q. Okay.

13 A. Yes.

14 Q. And, again, without reading it out, and we will read it
15 out in trial, but just generally for this point of this
16 proffer, what is the context of that letter?

17 A. Basically the same. Most of the letters kind of read
18 the same way. Things were my fault. Let's get back
19 together. Telling me what to do. And kind of let's -- he
20 put help on the letter and help on the envelope, which is --
21 I wasn't quite sure what that was about.

22 Q. Okay. And how did you feel upon receipt of that
23 letter?

24 A. Kind of freaked me out.

25 Q. Okay. Do you recall if he sent you anymore letters?

1 A. What date was that again?

2 Q. Do you recall whether or not he sent you another letter
3 on December 29th---

4 A. Yes.

5 Q. ---of 2022?

6 A. Yes.

7 Q. Actually, before we get into that, I just want to make
8 sure that we offer this up as well, because this is after
9 December 14th. After receiving those letters, do you recall
10 whether or not you reached out to the defendant to again ask
11 for no contact?

12 A. I don't recall.

13 Q. Okay.

14 A. And --

15 MR. HARPER: Again, Your Honor, for the purposes of
16 this hearing and this is not something that I am going to
17 actually offer unless you allow me to, --

18 Q. But do you recall if the Rock Hill Police Department
19 got any sort of warrants for him as a result of those two
20 letters?

21 A. Yes. In York County, I guess, you have to have three
22 documented cases of harassment before you can actually act.

23 Q. Okay. And do --

24 A. So that was I have letters and --

25 Q. And do you recall if that was on December 14th of 2022?

1 A. Yes.

2 Q. Okay. And do you recall as a result of that, did you
3 send a text message to the defendant asking for no further
4 contact?

5 A. I believe so.

6 Q. Okay. Moving on from there, again, there was the
7 letter that we talked about from December 29th. Do you
8 recall if you received a letter from the defendant on that
9 date?

10 A. Yes.

11 Q. Okay. Ms. Murdock, I'm going to now approach you with
12 what will be marked for identification purposes as State's
13 Exhibits Number 15, 16, 17, 18 and 19. Do you recognize
14 this?

15 (Whereupon, the referenced documents were handed to the
16 witness.)

17 A. Yes.

18 Q. What is it?

19 A. It's another letter from Mr. Peterson.

20 Q. Okay. And same questions that I've asked for, just
21 generally, what were the contents of that letter?

22 A. Wanting us to get back together; saying that I have
23 problems, that I was paranoid. I had mental problems. Same
24 thing. Just wanting to get back together, counseling,
25 etcetera.

1 Q. And, again, what was your mental reaction to receiving
2 that letter?

3 A. Not good and accusing me of things that he doesn't know
4 anything about me. He hadn't seen me in quite a while, you
5 know, saying I was paranoid or that I had a mental
6 breakdown. I didn't have a breakdown, never have. Got
7 upset, but not --

8 Q. Okay.

9 MR. HARPER: Now, Your Honor, that brings us up to the
10 time period that we are currently talking about that's
11 indicated in the indictment. I can keep going forward if
12 you'd like full context, but --

13 THE COURT: Okay. No. That's -- that will suffice for
14 this since that brings us up to the current -- current
15 period.

16 MR. HARPER: Yes, Your Honor.

17 THE COURT: All right. Thank you.

18 MR. HARPER: Ms. Murdock, Mr. Boyd may have some
19 questions he'd like to ask you.

20 THE COURT: Mr. Boyd.

21 PRETRIAL CROSS-EXAMINATION

22 JOY ROSE MURDOCK BY MR. BOYD:

23 Q. After these --

24 MR. BOYD: May I see the exhibits, Your Honor?

25 THE COURT: Yes, sir. Roughly in reverse order that

1 way.

2 (Whereupon, Mr. Boyd retrieved the exhibits from the
3 Court.)

4 Q. I'm referring to the Exhibit 1, which you supposedly
5 text, I don't want to block texts from the home phone, so
6 please keep this as a business only number. No personal
7 messages. When you testified after that time that my client
8 had -- would walk by the house. Is that correct?

9 A. Yes.

10 Q. How far did you live from here?

11 A. A couple of blocks.

12 Q. So a couple of blocks away. And you were living with
13 your son at that time?

14 A. Yes.

15 Q. Christian?

16 A. Yes.

17 Q. Who is also his son. Is that correct?

18 A. Yes.

19 Q. Okay. And did you have any videos of him walking by,
20 any photographs of him walking by, any of that?

21 A. Yes.

22 Q. Where are they?

23 A. They're on my personal phone.

24 Q. Okay. And did -- you said he dropped messages in the
25 mailbox?

1 A. Yes.

2 Q. Okay. Do you have copies of those or do you have the
3 originals of those?

4 A. Yes. They're all over there.

5 Q. Okay. Do you -- and then you -- this next text was --
6 you have the next document it looks like in January 4th of
7 '22. Did the -- and you have -- you said he kept walking
8 by, left notes. You have those notes and --

9 A. As far as I recall. They're there or they're at the
10 house.

11 Q. Okay. The restrain- -- complaint for the motion for a
12 domestic violence restraining order, that was served, but
13 that never -- your lawyers dismissed that; isn't that
14 correct?

15 A. That's correct, because I was given the wrong
16 information as to what I needed for evidence from the lawyer
17 at the Justice Center.

18 Q. Okay. But your lawyers -- your lawyers dismissed it.
19 Is that correct?

20 A. Yes.

21 Q. Okay. The -- when you -- in this State's exhibit, I
22 don't see a number, but where it supposedly says I have a
23 mandatory meeting, will be the same time as the court. Is
24 that talking about the hearing on this restraining order?

25 A. There was a hearing that -- where they granted the

1 temporary restraining order and they automatically set a
2 date for when the next trial would be.

3 Q. During -- when did you first file for -- in Family
4 Court for either an equitable distribution or a divorce?
5 When did you do that?

6 A. Oh, goodness. I'm trying to think. It was --

7 Q. Did you first file in December of 2020?

8 A. I believe it was after that, because I didn't want the
9 family to be upset because of me filing at that time.

10 Q. Okay.

11 A. It was at -- like, I'm trying to recall.

12 Q. All right. And --

13 A. February of the next year.

14 Q. All right. And you had lawyers represent you on that?

15 A. Yes.

16 Q. Okay. Do you -- do you have a copy of any restraining
17 order that was issued by the Family Court?

18 A. No. Again, 'cause they were -- I was not given the
19 right instructions that I needed videos to prove his
20 harassment.

21 Q. Okay. So there's no restraining orders from the Family
22 Court in Greensboro?

23 A. Not in Greensboro, no.

24 Q. Okay. And the equitable distribution case, when did it
25 finally -- when did you finally get divorced?

1 A. I was divorced a year from the date that I filed
2 formally. I was legally divorced.

3 Q. All right. And that was on the grounds of separation
4 for a period of one year?

5 A. Yes, and I was separated that whole year before it was
6 completed.

7 Q. Okay. And then you -- on -- when did the actual
8 equitable distribution case get heard?

9 A. It began after -- or during that year of the
10 separation. It's still going on because -- still going on.

11 Q. Okay. So it's still going on?

12 A. Yes.

13 Q. Okay. At this time? Have you -- you said he said
14 something about you being paranoid and all of that. Have
15 you been treated for that?

16 A. I go to a counselor, but that's not the reason why I'm
17 going to a counselor. I'm going to a counselor to deal from
18 40 years of abuse.

19 Q. Have you been diagnosed with any mental illness?

20 A. PTSD. Mostly PTSD. I have night terrors, dreams. I
21 have bad dreams about Mr. Peterson and things that occurred.

22 Q. Have you been diagnosed with anything else?

23 A. Just the anxiety.

24 Q. Besides the recording that you have -- that I've been
25 provided in discovery, do you have any other recordings of

1 any messages he left for you?

2 A. I just have one -- the message where he called back
3 after the temporary restraining order was issued and that
4 one.

5 Q. In September of 2020, did you have a mental breakdown
6 then?

7 A. No.

8 Q. Did you have -- after your mother's death in 2018, did
9 you have a separation avoidance diagnosis?

10 A. I believe when you find your mother dead in bed and
11 you're not expecting, you're going to be upset.

12 Q. Did you seek counseling for that?

13 A. Not right away.

14 Q. Okay. And did you have a reoccurrence in September of
15 2020?

16 A. What? I --

17 Q. Of the separation avoidance?

18 A. When your mother -- you find your mother in bed dead,
19 it's a little hard to go in that room right afterwards,
20 because it's reliving that memory, but that's a healing
21 process.

22 Q. Okay. Did you give false testimony in the equitable
23 distribution case?

24 A. No.

25 MR. HARPER: Your Honor, objection to the relevance for

1 this particular hearing.

2 MR. BOYD: She's answered, but it goes to credibility.

3 THE COURT: All right. Well, overruled for purposes of
4 this hearing. We have to take that up at trial.

5 MR. HARPER: Brief redirect, Your Honor?

6 THE COURT: Yes, sir.

7 PRETRIAL REDIRECT EXAMINATION

8 JOY ROSE MURDOCK BY MR. HARPER:

9 Q. Ms. Murdock, Mr. Boyd made mention of some diagnoses
10 that you have. When were you diagnosed with anxiety and
11 PTSD?

12 A. '23, I believe. 2023.

13 Q. Okay.

14 A. I don't remember the exact date.

15 Q. And were you working with a therapist to get those
16 diagnoses?

17 A. Yes.

18 Q. Okay. And during that process, did your therapist
19 determine why you had those diagnoses?

20 A. Because of 40 years of abuse and -- emotional abuse and
21 physical abuse.

22 Q. So was it a result of your mother's passing?

23 A. No.

24 Q. Was it a result of the defendant's conduct?

25 A. Yes.

1 Q. Thank you very much.

2 MR. HARPER: No further questions.

3 THE COURT: All right. Anything further?

4 MR. BOYD: No.

5 THE COURT: All right. Give me just a few minutes.

6 We'll stand at ease.

7 MR. HARPER: Thank you, Your Honor. Your Honor, can
8 the witness step down?

9 THE COURT: Oh, yes, ma'am. You may step down.

10 (Whereupon, court was at ease from 10:55 A.M. to 11:29
11 A.M.)

12 THE COURT: All right. Thank you all for your
13 patience. I'm prepared to rule on what was the defense's --
14 its motion in limine to exclude the evidence of the conduct
15 or exclude testimony regarding conduct in North Carolina,
16 the Court respectfully denies that motion. Under Rule
17 404(b), it's evidence -- it's admissible to show, in this
18 case, motive or existence of a common scheme or plan. It is
19 relevant under 401 and under 403, the probative value of the
20 evidence and the testimony is not substantially outweighed
21 by the danger of unfair prejudice. So it will be -- it will
22 be admitted, having considered the proffered testimony.

23 MR. HARPER: Thank you, Your Honor. The only thing
24 that I wanted to address further before we bring the jury in
25 is that on a couple of pieces of evidence that the State

1 intends to offer and that was offered during the proffer,
2 there are some handwritten notes on there that I think that
3 Mr. -- it would probably be appropriate to go ahead and try
4 to redact it now as opposed to whenever it's actually
5 offered.

6 THE COURT: Okay.

7 MR. HARPER: There is a handwritten note on this text
8 message from January 22nd of 2021, where the defendant sends
9 a text messages saying, Please do not go down the wrong
10 path, as well as one other text message. It is circled and
11 then off to the right, written in, I believe is Joy's
12 handwriting, it says, Broke restraining order.

13 Your Honor, there was a temporary restraining order
14 that was granted once she filed for it, but once it actually
15 came to the point of granting an actual restraining order in
16 North Carolina, that was either denied or dismissed by her
17 attorneys or, either way, a full restraining order was not
18 issued and so I think it could be misleading, but at the
19 same time, because a TPR was in effect whenever she applied
20 for it, I don't know that it necessarily is, but I wanted to
21 make sure that I get a ruling from Your Honor before I try
22 to enter it into evidence.

23 THE COURT: Yeah. Let's -- Mr. Boyd, has any -- would
24 you like argue in response?

25 MR. BOYD: Well, so I'm not sure what you're exactly

1 asking.

2 THE COURT: I think he's -- he's asking whether the
3 broke restraining order notation needs to be redacted.

4 MR. BOYD: Oh, I agree with that.

5 THE COURT: Yeah. All right. Yeah; I agree. I mean,
6 that would be -- that would -- I think that would be just
7 confusing to the jury and so if it's going to be -- if it's
8 going to be otherwise admitted, that should be redacted.

9 MR. HARPER: Thank you, Your Honor. And the way that
10 I'd like to redact this is just take a redaction pen and
11 cross that part out if that's okay with you.

12 THE COURT: That's fine.

13 MR. HARPER: Okay. The other one that I wanted to make
14 sure that we addressed was a -- let's see. There is a page
15 on the very back of a letter that was sent on October 24th
16 of 2022, that reads in the defendant's handwriting, Just
17 think if the restraining order had been dropped and
18 dismissed, we could have started counseling, saved our
19 family and maybe my cancer would not be this bad this quick.

20 Your Honor, the restraining order that he's referencing
21 there is one that was granted for Mr. Ruprecht. There's not
22 one that was granted from the victim; however, the rest of
23 the statement, saying that we could have started counseling,
24 saved our family, all of that stuff, directly goes to him
25 continuing to try to reach out to get counseling, get back

1 to the victim, do all of those things. I understand that
2 restraining order is not for the victim, but what I'd ask,
3 Your Honor, is that just that part be redacted, rather than
4 the rest of the statement where it says if the restraining
5 order had been dropped or dismissed. I think that for the
6 same reason that you redacted the last part that, being
7 confusing to the jury, it may need to come out, but the rest
8 of that handwritten note, I think, should come in.

9 THE COURT: Okay. So what's the rest -- what is the
10 remainder of it after the --

11 MR. HARPER: Your Honor, I can hand it up to you. I
12 just want to show it to Mr. Boyd real quick.

13 (Whereupon, Mr. Harper handed the referenced document
14 to Mr. Boyd.)

15 MR. HARPER: Your Honor, may I approach?

16 THE COURT: Yes, you may.

17 (Whereupon, Mr. Harper handed the referenced document
18 to the Court.)

19 THE COURT: Okay. Yes. That needs to be similarly
20 redacted, the reference to the restraining order.

21 MR. HARPER: Thank you, Your Honor. But the rest of
22 the statement can remain in tact?

23 THE COURT: Yes. Yes.

24 MR. HARPER: Unredacted, I guess should say?

25 THE COURT: Yes.

1 MR. HARPER: Thank you, Your Honor. Your Honor, if
2 that's the case, that is all the State has at this time.

3 THE COURT: Okay. Anything further from the defense?

4 MR. BOYD: Your Honor, I just have to ask for
5 clarification on your ruling. The warrant for first degree
6 harassment that was issued, will that be allowed in? That
7 was dismissed at a preliminary hearing with no probable
8 cause. I think the State had wanted to introduce evidence
9 that that would be brought into evidence.

10 MR. HARPER: Your Honor, the only reason the State
11 would introduce any sort of evidence on that, regardless of
12 what language we ended up using, would be to show the
13 defendant was on notice again, and now in Rock Hill, that
14 the victim did not want contact. I think that the -- the
15 victim was sort of wishy-washy on whether or not she
16 actually sent a text message on December 14th and so I think
17 that the probative value of that additional warrant
18 notification is actually increased because of that.

19 That said, Your Honor, again, I recognize the
20 prejudicial value of bringing up a warrant that ended up
21 being dismissed and so I'm happy to phrase it the other way,
22 is he was contacted by authorities and let -- and he was let
23 know that he's not to have anymore contact with the victim,
24 anything like that. We don't have to say anything about him
25 actually being charged, 'cause I agree the prejudicial value

1 of that, I think, does greatly outweigh the probative
2 effect.

3 MR. BOYD: And, Your Honor, as far as notice, I mean,
4 I'm looking at the warrant. It looks as though it was taken
5 out on the 15th of December. I don't think it was actually
6 served on him. The hand -- it's not really legible here,
7 but it looks like it wasn't until sometime late January of
8 '23.

9 MR. HARPER: January 27th of '23 is whenever he was
10 actually booked in. I believe he turned himself in on that
11 warrant, but because he turned himself in, I think that
12 lends itself to the conclusion that he was informed
13 beforehand that a warrant had been acquired and so whether
14 or not he'd been given notice before the December letter
15 that we end up introducing, I think, is subject to cross-
16 examination and possibly the defendant's testimony as well,
17 if he chooses to testify. But in terms of notice, the fact
18 he turned himself in, I think, again, does lend itself to
19 the conclusion that he was given notice.

20 THE COURT: Okay. Yeah. The evidence of the warrant
21 itself will be excluded based on, you know, being the unfair
22 prejudicial effect of that substantially outweighing the
23 probative value, but I mean, there -- that does not
24 necessarily exclude notice or conduct. We'll just have to
25 take that up contemporaneously.

1 MR. HARPER: Okay. And, Your Honor, I just want to
2 make sure that I clarify your ruling. That the fact that a
3 warrant was taken out would be excluded?

4 THE COURT: Correct.

5 MR. HARPER: But the evidence as listed in that were --
6 that was actually proffered before Your Honor and before
7 your ruling said that those letters could come in. They
8 were actually -- did occur in Rock Hill. It was two
9 different letters. One was in September; one was in
10 October.

11 THE COURT: Correct.

12 MR. HARPER: Okay.

13 THE COURT: I mean, the warrant, the warrant itself --

14 MR. HARPER: Right. I just wanted to make sure that I
15 am staying within the bounds you ruled in.

16 THE COURT: Okay. Yes.

17 MR. HARPER: All right. Thank you, Your Honor.

18 THE COURT: All right. Thank you. Okay. Are we ready
19 to bring in a jury panel?

20 MR. HARPER: State's ready, Your Honor.

21 THE COURT: All right.

22 MR. HARPER: Your Honor, just for housekeeping
23 purposes, do you want to do openings after lunch or would
24 you like to roll directly into them?

25 THE COURT: I think we'll need to do them after lunch,

1 just to give -- give the jury time to go -- they've been
2 waiting a while.

3 MR. HARPER: Thank you, Your Honor.

4 THE COURT: Thank you.

5 (Whereupon, the jury panel entered the courtroom at
6 11:44 A.M.)

7 THE COURT: Okay. Thank you. Thank you, Madam Clerk.
8 All right. Good morning ladies and gentlemen of the jury
9 panel. I want to thank you for your patience. We were
10 taking up some pretrial matters that involve a hearing that
11 will hopefully make the case, once it is called, go a bit
12 more smoothly and minimize disruptions during the midst of
13 the trial. So I know you've been waiting for a while, but I
14 thank you for your patience. Rest assured, we have been in
15 the court trying to deal with -- just deal with some issues
16 of law.

17 So at this time we are going to begin with jury
18 selection and that process begins with a series of questions
19 I'm going to ask you just to help the Court and the lawyers
20 know if you know anything about the case or if there are any
21 other reasons that might impact your impartiality. So I'm
22 going to ask the questions and as I ask the questions, if
23 you would stand up if you have a response and announce your
24 juror number and then you'll give the response to the
25 question as appropriate and we will try to get through this

1 as expeditiously as possible.

2 Just as a couple of housekeeping matters, after we --
3 after we go through the jury selection, then we will -- we
4 will break for lunch at that time and those of you who are
5 not selected for a jury today, if you will call back to the
6 jury instruction line after 6:00 to determine whether you'll
7 be needed tomorrow or Friday. So with that, we will begin
8 the questioning process, which is called voir dire.

9 And the first question is does any member of the jury
10 panel know or have a personal relationship with Assistant
11 Solicitor Alexander Harper of the Sixteenth Circuit
12 Solicitor's Office or any other employee of the Sixteenth
13 Circuit Solicitor's Office?

14 (No response)

15 THE COURT: All right. Seeing none. Does any member
16 of the jury panel know or have a personal relationship with
17 James W. Boyd of the James W. Boyd Law Firm or any employee
18 of that firm?

19 (No response)

20 THE COURT: All right. Does any member of the jury
21 panel know or have a personal relationship with the
22 defendant, Roger Derek Peterson, the gentleman in the yellow
23 shirt?

24 (No response)

25 THE COURT: All right. Seeing none. Okay. The

1 following are witnesses that are -- potentially be called as
2 witnesses at trial. Those are Joy M. Peterson, also known
3 as Joy Murdock, Alexander Ruprecht, and the defendant, Roger
4 Derek Peterson. Anyone know or have a relationship with any
5 of those folks?

6 (No response)

7 THE COURT: Seeing no one. Next, has any member of
8 your family been a victim of criminal conduct -- let me just
9 stop there. Has any member of your family been a victim of
10 criminal conduct?

11 (No response)

12 THE COURT: All right. Seeing none. Has any member
13 of the jury panel heard about this case in any newspaper,
14 radio or local news or other media outlet?

15 (No response)

16 THE COURT: Seeing none. Has any juror already formed
17 an opinion or made up his or her mind about the outcome of
18 the case based on anything you may have heard about the case
19 thus far?

20 (No response)

21 THE COURT: All right. In this case the defendant, Mr.
22 Peterson, is accused of having committed the offense of
23 harassment second degree. Is there anything about that
24 particular offense that would affect you so that you could
25 not be fair and impartial if you were called upon to serve?

1 (No response)

2 THE COURT: All right. Seeing none. Does anyone on
3 the jury panel have any beliefs, religious or otherwise,
4 that would prevent you from entering judgment against
5 another person?

6 (No response)

7 THE COURT: Seeing none. Has anyone on the jury panel
8 been a witness in a criminal case?

9 (No response)

10 THE COURT: Seeing none. Has anyone on the jury panel
11 served as a juror in state, federal or local courts before?

12 Yes, ma'am. Your juror number?

13 JUROR: One.

14 THE COURT: One?

15 JUROR: Yes.

16 THE COURT: All right. Where did you serve as a juror?

17 JUROR: In North Carolina and in the State of New York.

18 THE COURT: Could you please stand?

19 JUROR: I'm sorry. The State of North Carolina and the
20 State of New York.

21 THE COURT: Okay. Would that experience in any way
22 affect your ability to be impartial in this case?

23 JUROR: No.

24 THE COURT: All right. Thank you, ma'am.

25 Yes, ma'am.

1 JUROR: 128. I served as a juror here at Moss Justice
2 Center in the early 2000's.

3 THE COURT: Okay. Would anything about your service as
4 a juror in that case affect your ability to be impartial in
5 this case?

6 JUROR: No, sir.

7 THE COURT: Okay. Thank you.

8 Has anyone on the jury panel or a member of their
9 family or close personal friend employed by the attorney
10 general's office, a solicitor's office or by any prosecuting
11 attorney's office or a law enforcement agency or the
12 Department of Social Services?

13 (No response)

14 THE COURT: Seeing no one. Are any of you a member of
15 or contributor to any organization which promotes law
16 enforcement or victims' rights? Examples of these
17 organizations include Mothers Against Drunk Driving,
18 Students Against Drunk Driving, Citizens Against Violence,
19 Sistercare, Neighborhood Watch, South Carolina State
20 Trooper's Association, Rape Crisis Centers, or any domestic
21 violence organization or similar organizations?

22 BAILIFF: Your Honor, --

23 THE COURT: Oh. Yes, ma'am?

24 JUROR: Just loosely, --

25 THE COURT: And your juror number?

1 JUROR: Sorry. 2.

2 THE COURT: Two.

3 JUROR: Just loosely support a community fund raiser
4 for a young woman that was killed in a drunk driving.

5 THE COURT: Okay. Would anything about your
6 involvement in that organization or association affect your
7 ability to be fair and impartial in this case?

8 JUROR: No.

9 THE COURT: All right. Thank you.

10 BAILIFF: Your Honor, --

11 THE COURT: Yes, ma'am.

12 JUROR: 132.

13 THE COURT: 132.

14 JUROR: I'm a board member on Catherine's House Charity
15 in Belmont, which is supported by the (unintelligible) --

16 THE COURT: Okay. Would anything about your service in
17 that organization prevent you being fair and impartial in
18 this case?

19 JUROR: No.

20 THE COURT: Okay. Thank you.

21 All right. Anything -- anything further from the
22 attorneys regarding voir dire?

23 MR. HARPER: Nothing from the State, Your Honor.

24 MR. BOYD: No, Your Honor.

25 THE COURT: All right. All right. Thank you. Then we

1 will -- then we will proceed to jury selection, but do the
2 attorneys need some time to look at the list?

3 MR. HARPER: The State doesn't need any time, Your
4 Honor.

5 THE COURT: Mr. Boyd?

6 MR. BOYD: We're fine.

7 THE COURT: You're ready to proceed?

8 MR. BOYD: Yes.

9 THE COURT: All Right. Then we will proceed with jury
10 selection.

11 CLERK: Okay. When I call your name and juror number,
12 please bring all your belongings up front with you.

13 Juror number 126, David Oberg.

14 What say ye for the State?

15 MR. HARPER: Please present this juror.

16 CLERK: And the defense?

17 MR. BOYD: Seat the juror.

18 CLERK: Please have a seat in the jury box.

19 Juror 15, Kelly Bates.

20 What say ye for the State?

21 MR. HARPER: Please present this juror.

22 CLERK: And the defense?

23 MR. BOYD: Seat the juror.

24 CLERK: Please have a seat in the jury box.

25 Juror number 162, Kim Walden.

1 What say ye for the State?

2 MR. HARPER: Please present this juror.

3 CLERK: And the defense?

4 MR. BOYD: Seat the juror.

5 CLERK: Please have a seat in the jury box.

6 Juror number 51, Aubrey Erschen.

7 What say ye for the State?

8 MR. HARPER: Please excuse this juror.

9 CLERK: You have been excused from this case.

10 Juror number 57, Kevin Fox.

11 What say ye for the State?

12 MR. HARPER: Please present this juror.

13 CLERK: And the defense?

14 MR. BOYD: Seat the juror.

15 CLERK: Please have a seat in the jury box.

16 Juror number 99, Akira Lewis.

17 What say ye for the state?

18 MR. HARPER: Please present this juror.

19 CLERK: And the defense?

20 MR. BOYD: Seat the juror.

21 CLERK: Please have a seat in the jury box.

22 Juror 171, James Woods.

23 What say ye for the State?

24 MR. HARPER: Please present this juror.

25 CLERK: And the defense?

1 MR. BOYD: Seat the juror.

2 CLERK: Please have a seat in the jury box.

3 Juror Number 36, Anthony Cardinale, Cardinale.

4 What say ye for the State?

5 MR. HARPER: Please present this juror.

6 CLERK: And the defense?

7 MR. BOYD: Seat the juror.

8 CLERK: Please have a seat in the jury box.

9 Juror 173, Latorria Young.

10 What say ye for the State?

11 MR. HARPER: Please present this juror.

12 CLERK: And the defense?

13 MR. BOYD: Excuse the juror.

14 CLERK: You have been excused from this case.

15 Juror 151, James Stone.

16 What say ye for the State?

17 MR. HARPER: Please present this juror.

18 CLERK: And the defense?

19 MR. BOYD: Seat the juror.

20 CLERK: Please have a seat in the jury box.

21 Juror 168, Jennifer Wichowski.

22 What say ye for the State?

23 MR. HARPER: Please present this juror.

24 CLERK: And the defense?

25 MR. BOYD: Seat the juror.

1 CLERK: Please have a seat in the jury box.
2 Juror number 2, Angela Adams.
3 What say ye for the State?
4 MR. HARPER: Please present this juror.
5 CLERK: And the defense?
6 MR. BOYD: Excuse the juror.
7 CLERK: You have been excused from this case.
8 Juror number 20, Michael Blake.
9 What say ye for the State?
10 MR. HARPER: Please excuse this juror.
11 CLERK: You have been excused from this case.
12 Juror number 35, Carla Canupp.
13 What say ye for the State?
14 MR. HARPER: Please present this juror.
15 CLERK: And the defense?
16 MR. BOYD: Seat the juror.
17 CLERK: Please have a seat in the jury box.
18 Juror number 170, Amy Wills.
19 What say ye for the State?
20 MR. HARPER: Please present the juror.
21 CLERK: And the defense?
22 MR. BOYD: Seat the juror.
23 CLERK: Please have a seat in the jury box.
24 Juror number 9, David Anderson.
25 What say ye for the State?

1 MR. HARPER: Please present the juror.

2 CLERK: And the defense?

3 MR. BOYD: Seat the juror.

4 CLERK: Please have a seat in the jury box.

5 That was twelve, so --

6 THE COURT: This will be the alternate.

7 CLERK: Okay. Juror number 34, Paul Caltagirone.

8 JUROR: Caltagirone.

9 CLERK: What say ye for the State?

10 MR. HARPER: Please excuse this juror.

11 CLERK: You have been excused from this case.

12 Juror number 12, Angelea Baker.

13 What say ye for the State?

14 MR. HARPER: Please present this juror.

15 CLERK: What say ye for the defense?

16 MR. BOYD: Seat the juror.

17 CLERK: Please have a seat in the jury box.

18 THE COURT: Okay. Thank you. All right. Ladies and

19 gentlemen sitting in the jury box, and you have been

20 selected as the -- as the 12 jurors in this case and Ms.

21 Baker, you will be the alternate in this case and I will

22 explain a little bit more about that in the preliminary

23 charge, which we will give.

24 At this time, as it is the lunch hour, we are going to

25 -- we're going to break for lunch and when we come back --

1 we'll come back at 2:00 and at that time, we will -- I will
2 give you some preliminary instructions related to the case.
3 We will hear opening statements from the solicitor's office
4 and the defense and then the solicitor's office -- the
5 prosecutor will begin its case in chief.

6 So before we break for lunch, I just want to instruct
7 you, I know you indicated in the questioning you don't know
8 anything about the case. You haven't learned anything
9 specifically about the case as we've gone through this jury
10 selection process, but as you break for lunch, you're free
11 to leave the building, just please be back by 2:00, but
12 please don't discuss the case amongst yourselves. Don't
13 speculate anything about the case amongst yourselves. Don't
14 try to do any independent research about the case. I don't
15 know if there's any information to be had about it in the
16 media or otherwise, but please, please do not do any
17 independent research. All the -- everything you will learn
18 about the case will be through -- will be within the corners
19 of this courtroom and through the testimony therein. So
20 just -- and if you -- and for ladies and gentlemen of the
21 panel that were not selected for the jury, you are excused
22 for the day. Again, please call back at 6:00 to see if
23 you will be needed for the remainder of the week. Again,
24 thank you all for your service. Thank you all for your
25 patience this morning as we took up these pretrial matters.

1 And with that, the court will be in recess until 2:00.
2 Thank you.

3 CLERK: Can I take the jury --

4 THE COURT: Okay. Yeah. If you're on the jury, you're
5 going to go back. You'll have your -- your temporary home
6 will be the jury deliberation room back there. So just
7 follow the bailiff, please.

8 (Whereupon, the jury pool and the jury selected exited
9 the courtroom at 12:07 P.M.)

10 (Whereupon, the proceeding was recessed at 12:07 p.m.
11 for lunch and reconvened at 2:03 p.m.)

12 THE COURT: All right. Is there anything we need to
13 take up before we bring the jury out?

14 MR. HARPER: Your Honor, the only thing is that we
15 didn't take up whether or not there were issues with jury
16 selection before we broke, so I just wanted to make sure
17 just for the record that we address that. I don't think Mr.
18 Boyd or I have issues with it. I just want to make sure
19 it's in the record and Mr. Ruprecht is being sequestered so
20 we need to get him out of here before we bring the jury in.

21 THE COURT: Okay. All right. Mr. Boyd, any --

22 MR. BOYD: No, Your Honor.

23 THE COURT: -- any issue with jury selection or the
24 sequestration of the witnesses? All right.

25 MR. HARPER: And not from the State. Your Honor, I

1 also did those redactions if you'd like to see those before
2 we get going.

3 THE COURT: I can look at them quickly. Yeah. Is it
4 -- have you already -- Mr. Boyd, have you already reviewed
5 them? Okay.

6 MR. HARPER: I --

7 THE COURT: Y'all agree on them?

8 MR. HARPER: So this is the first one that had the
9 first restraining order and--

10 THE COURT: Okay.

11 MR. HARPER: ---then I sort of saw some ghost images of
12 that.

13 THE COURT: Okay.

14 MR. HARPER: So I went ahead and did that as well.

15 THE COURT: Okay. All right.

16 MR. HARPER: The other one -- right here. I just went
17 ahead and did that whole sentence.

18 THE COURT: Okay. All right. Looks good.

19 MR. HARPER: That's all the State has, Your Honor.

20 THE COURT: Okay. Then let's bring out the jury and
21 please ask Ms. Walden, juror number 162, to sit in the
22 foreperson's seat?

23 BAILIFF: Okay. 162?

24 THE COURT: Yes, sir.

25 BAILIFF: All right. Thank you.

1 (Whereupon, the jury entered the courtroom at 2:07
2 P.M.)

3 THE COURT: All right. May I see counsel for a moment,
4 please?

5 (Whereupon, a Bench conference was held off the record,
6 out of the hearing of the court reporter, and the jury.)

7 THE COURT: All right. We ask juror number 36 to
8 approach the Bench, please.

9 (Whereupon, juror number 36 approached the bench,
10 joining counsel, and discussion was held off the record, out
11 of the hearing of the court reporter, and the jury.)

12 THE COURT: Okay. We did have a question from a juror
13 that -- number 36, that we have discussed with the lawyers
14 and we'll make as a court exhibit, but there being no
15 objections or bearing on the proceeding, we will go ahead
16 and proceed.

17 Okay. Ladies and gentlemen of the jury, welcome back
18 and good afternoon. I hope you enjoyed your lunch. We are
19 ready to proceed with the case for which you have been
20 selected to serve, *The State versus Roger Derek Peterson*.
21 It is amended indictment, docket number 2023-GS-46-01604.

22 And, Ms. Walden, I've asked you to be seated in the
23 foreperson's seat because I'm going to ask you to serve as
24 foreperson of the jury and what that means is you will have
25 three specific duties that none of the other jurors will

1 have. Number 1, you will be asked to serve as the
2 spokesperson for the jury. So if something arises during
3 the trial that needs to be brought to my attention, that is,
4 if you or a fellow juror have some difficulty or a problem
5 or a question or if we need to -- if we need to take a break
6 at some point, I will try to be mindful of the time and we
7 will take regular breaks as we need to, but if something
8 arises with the jury, please just get the bailiff's
9 attention there and he will give me -- he will signal me.
10 If we're in the middle of questioning a witness or something
11 of that nature, we may not be able to break immediately, but
12 we -- we will break as soon as we can if the need arises.

13 Secondly, you will be called -- as foreperson, you will
14 be called to preside over the jury deliberations when that
15 time comes and, of course, that will not be until the end of
16 the trial, after all of the evidence has been received and I
17 have instructed you on the law as applicable on the case,
18 but when the time comes for jury deliberations, you will be
19 called upon to preside over that process to simply ensure
20 that the deliberations are carried out in some orderly
21 fashion.

22 Third, you'll be asked to actually write the verdict or
23 the decision of the jury and you'll do that on a verdict
24 form that I will provide or just on the back of the
25 indictment and that will -- that will indicate the jury's

1 unanimous decision on the -- on the charge in the case. So
2 those are the specific duties that the foreperson has that
3 I've just indicated. That doesn't give you any more
4 importance than the rest of the jurors, 'cause the decision
5 of the jury is a unanimous jury of all 12 of you. You don't
6 have a greater vote or anything of that nature and you all
7 have an equal say in the deliberations. Someone just needs
8 to organize the deliberations in some fashion and --

9 And, now, Ms. Baker, you have been selected as an
10 alternate juror and the function of the alternate juror is
11 to take the place of -- take the place of one of the
12 original 12 jurors in the event one of the original cannot
13 continue to serve for some reason during the trial of the
14 case and if a juror is called away because of an illness or
15 an emergency and cannot continue, you would be called upon
16 to take that person's place. In that case, you would become
17 the 12th juror. When the time has come for jury
18 deliberations, all the original 12 are able to participate,
19 your service would end. You would not participate any
20 further because the decision of the jury is that of 12. No
21 more than 12 are permitted to engage in the deliberation
22 process, but it is important that you pay just as careful
23 attention as we ask of all the jurors in the case, because
24 it does occur from time to time, for one reason or another,
25 that one of the original 12 may be unable to continue and in

1 that event, you would become the 12th. So we do appreciate
2 your participation as an alternate juror just as we
3 appreciate the participation of each of the jurors that have
4 been selected for deciding the verdict in this particular
5 case.

6 Madam Clerk, at this time, if you would swear the
7 panel.

8 CLERK: Ladies and gentlemen of the jury, please stand
9 and raise your right hand.

10 (Whereupon, the jury was duly sworn.)

11 THE COURT: All right. Thank you. Okay. Now, ladies
12 and gentlemen, as I told you, you have been selected to
13 decide the verdict in the case versus -- *The State versus*
14 *Roger Derek Peterson*. Mr. Peterson has been accused by the
15 State of having committed the offense for harassment, second
16 degree and as to the allegations contained in the indictment
17 and as to the charge that has been brought against the
18 defendant, he has entered a plea of not guilty and the plea
19 of not guilty, therefore, always places upon the State,
20 because the State brought the charges against the defendant
21 to establish his guilt to the satisfaction of you 12 jurors
22 beyond a reasonable doubt before any verdict of guilty could
23 be returned as to any of the indictment that has been
24 brought against him.

25 Anytime that a person's accused of a crime, a person

1 accused of a crime is always, under the law, presumed to be
2 innocence and that presumption of innocence remains with any
3 defendant as it does with this defendant from the time that
4 he is placed under arrest throughout the course of the
5 criminal process and even throughout the course of the
6 actual trial in this case and that presumption of innocence
7 will be with Mr. Peterson even as you are asked to go back
8 and begin with your deliberations at the conclusion of this
9 trial and that presumption of innocence will be with him in
10 that jury room, and it will be with him forever unless you
11 12 jurors determine that he is no longer entitled to the
12 presumption of innocence. In other words, after you have
13 carefully considered all the evidence in the case and after
14 considering that the evidence that you have decided to the
15 facts as it relates to the charge, and upon deciding those
16 facts as you apply the law that I will provide it to you,
17 if you 12 jurors unanimously determine that his guilty has
18 been proven beyond a reasonable doubt as it relates to this
19 charge, then under those circumstances, he would no longer
20 be entitled to that presumption of innocence, but it's only
21 if, unless and until, you are satisfied with his guilt
22 beyond a reasonable doubt, that the presumption of innocence
23 would no longer be applicable, and as I have told you, this
24 indictment is the charging paper. It is not proof of
25 anything. It is not evidence of anything and it does not

1 establish anything. It will go back to -- in the jury room
2 with you at the conclusion of the trial, because on the back
3 of the indictment, Madam Foreperson, is where you'll be
4 asked to indicate the jury's unanimous decision as it
5 relates to this charge, but the indictment, at that point,
6 will only be serving as the verdict form and so while it is
7 in the jury room with you, it is not evidence of anything.
8 It will simply be there for the purpose of recording your --
9 the jury's unanimous decision.

10 Now, the way the trial will proceed is that in a moment
11 the lawyers are going to address you in what are called
12 opening statements. There are two occasions in the trial in
13 a case where lawyers are permitted to address the jury
14 personally and directly and that is at the beginning of the
15 trial before any evidence has been introduced, and then
16 again at the conclusion of the trial after all of the
17 evidence has been received. Please keep in mind, however,
18 that the statements of the lawyers themselves are not
19 evidence. You will not base your decision upon any
20 statements made by the lawyers in this case. They're not
21 going to be telling you anything about the case they know of
22 their own personal knowledge or perception like witnesses
23 will be and the lawyers aren't going to take the witness
24 stand. They're not going to testify under oath. They're
25 not going to be subjected to direct and cross-examination as

1 each of the witnesses will be and as to what the lawyers
2 tell you in their statements is not to be considered by you
3 as any evidence upon which you will base your decision, but
4 it is important that you listen to what the lawyers tell you
5 in their statements, because those statements do serve a
6 purpose and the opening statements will serve to provide you
7 with a basic understanding as to what this case is about,
8 both from the perspective of the State and of the defendant
9 so that you will have some context in which to place the
10 evidence that we'll be receiving shortly thereafter.

11 Closing statements, or arguments, will occur after all
12 of the evidence has been received and, again, while those
13 statements are not evidence, it does permit the lawyers an
14 opportunity to discuss with you the evidence that you have
15 seen and heard through the trial of the case and through
16 that discussion, each lawyer will have an opportunity to try
17 to persuade you or to convince you that that evidence does
18 not -- or does not support a particular decision and it's in
19 between the opening and the closing statements accomplished
20 by the lawyers that we will actually receive the evidence
21 upon which you will make your decision.

22 The State, as you know, has the burden of proof, so the
23 State will go forward first in its presentation of evidence.
24 After the State has concluded in its presentation of
25 evidence, a defendant has the same opportunity to testify or

1 to call witnesses or to produce evidence, but understand
2 while the State does have the burden of proving a
3 defendant's guilt beyond a reasonable doubt, a defendant in
4 a criminal trial has no burden of proof. A defendant never
5 has to produce evidence. A defendant never has to prove
6 that he or she is not guilty or that he or she is innocent,
7 because in some cases, that might not even be possible. The
8 burden is always upon the State, because they have brought
9 these charges, to prove a defendant's guilt beyond a
10 reasonable doubt. And so in the trial of a criminal case,
11 the defendant may not testify. A defendant may not call any
12 witnesses. A defendant may not produce any evidence and if
13 he or she does not, that's not something the jury may
14 consider in any way in your deliberations or in your
15 determination as to whether or not the evidence in the case
16 proves him to be guilty beyond a reasonable doubt. You may
17 not draw any conclusion or draw any inference from the fact
18 that a defendant does not testify or does not call witnesses
19 in the trial of the case, but a defendant is afforded an
20 opportunity to present evidence and to testify if a
21 defendant chooses to do so.

22 After all of the evidence has been received and you
23 hear the final summations of the lawyers, I will then
24 instruct you fully on the law as it relates to the criminal
25 law in general and as it relates to the particular charge

1 brought in the case. After that, you'll be asked to go back
2 and begin with your deliberations in the case and through
3 that process, you will examine the evidence, decide the
4 facts, apply the law and arrive at a fair and just decision,
5 whatever that decision may be.

6 Now, it's important you give every witness the same
7 degree of attention as the witness testifies, because one of
8 your prerogatives as a juror is to evaluate and assess and
9 determine the credibility of each witness that testifies
10 and, therefore, you may choose to believe everything a
11 witness testifies to. You may choose to believe none. You
12 may believe one portion of a witness's testimony and reject
13 some other portion of that same witness's testimony. In a
14 given case, you can believe one witness as opposed to
15 several or several as opposed to one, but whatever your good
16 judgment and common sense tells you is the most believable
17 and credible testimony is the testimony that you should
18 accept and you should reject any testimony or other evidence
19 that you find not to be credible or believable and that's
20 why it's important you give every witness the same degree of
21 attention as they testify so you will be in a proper
22 position at this trial's conclusion to fairly assess the
23 witnesses' credibility in the light of not just a particular
24 witness's testimony, but in light of all the testimony and
25 all of the evidence received at trial. And, of course, it's

1 important you keep an open mind throughout the course of the
2 trial and that just means you're not beginning to make up
3 your minds or formulate opinions as to what you think the
4 ultimate decisions in this case ought to be until all of the
5 evidence has been received, and until I've instructed you on
6 the law that's applicable in the case, and until you've been
7 asked to begin with your deliberations at the trial's
8 conclusion. That is the process that is designed for you 12
9 jurors to arrive at a fair and just decision in this case.

10 And so I want to again thank you for your service and I
11 want to thank you again for you -- in advance for your
12 participation and your careful attention to the lawyers and
13 the witnesses in the case. And so at this time, I'm going
14 to ask that you give your attention to the lawyers as they
15 begin their opening statements and as I mentioned, we will
16 hear from the State first.

17 MR. HARPER: Thank you, Your Honor. May it please the
18 Court.

19 The defendant's charged with harassment in the second
20 degree, which means that as the State, it's my job to prove
21 to you beyond a reasonable doubt that the defendant engaged
22 in a pattern of conduct and contact that was unwanted by the
23 victim, Ms. Joy, and that it was persistent over a period of
24 time. Not only that, but I have to prove to you that a
25 reasonable person would, and that Ms. Joy did, suffer

1 emotional distress because of that contact.

2 Now, this isn't a normal case. This is a case where
3 the victim, Ms. Joy, and the defendant were married for over
4 40 years. During that time period, they had children
5 together. They had a life together.

6 Now, in this trial, we're not going to go back 40
7 years, but we do have to go back to 2020 and 2020 is when
8 Ms. Joy tried to leave the defendant. She left his house to
9 go live with her child, Christian. What you're going to
10 hear is that whenever she did that, she sent a text to the
11 defendant saying I don't want anymore contact with you,
12 except for business, to do business, but other than that, I
13 don't want anymore contact with you. What you're going to
14 hear is that contact kept coming. You're going to hear that
15 in January she again repeated herself, I don't want contact
16 with you, but the contact kept coming. You'll hear that she
17 eventually had to apply for a restraining order, one that
18 was eventually -- that was not granted, but one that she
19 applied for. She gave him a strong signal, I do not want to
20 talk to you.

21 In February, she sends another text, Stop contacting
22 me, three exclamation points. Do not contact me. And what
23 you're also going to hear is that for the next year contact
24 continued until eventually what you'll hear is that Ms. Joy
25 ended up moving to Rock Hill, South Carolina, which is why

1 it puts us here. All of this that I just talked to you
2 happened in Greensboro. She moved from Greensboro to Rock
3 Hill to get away and for a time, what you'll hear, is that
4 things were pretty quiet. The contact did not continue, but
5 in September of 2022, somehow the defendant found out where
6 she was. He started writing her letters; letters that she
7 didn't respond to, but the letters came anyway. After
8 moving across states, you'll hear the letters started
9 coming.

10 Ladies and gentlemen, I don't want to tell you about
11 the entire case, but I wanted to give you that snapshot to
12 say this: if you want to get away from somebody, you should
13 be able to. It doesn't matter that you were married for 40
14 years. It doesn't matter that you had children together.
15 If you want to get away from someone, you should be able to.
16 If you don't want to be talked to by a person, it shouldn't
17 take years to make that happen.

18 Ladies and gentlemen, at the end of this case, after
19 you've heard everything, what I'm going to do is I'm going
20 to come back and I'm going to ask for a verdict and I'm
21 confident that after you've heard everything, after you've
22 heard Ms. Joy's testimony, after you've heard Mr. Ruprecht's
23 testimony, who will be in here a little bit later, that the
24 only verdict I'm going to feel comfortable asking for and
25 the only verdict you're going to feel comfortable giving is

1 one of guilty. Thank you.

2 MR. BOYD: May it please the Court.

3 Good afternoon. I am not going to prove to you that my
4 client, Mr. Peterson, is innocent. Now, you may think,
5 well, wait a minute; this is strange. What's his lawyer
6 getting up here saying he's not going to prove him innocent?
7 And the reason I'm telling you this is that he doesn't have
8 to come into court and prove himself innocent. He is
9 presumed to be innocent and we've all heard that term
10 throughout our lives, adult lives at least, that a person is
11 presumed to be innocent, but you know, that goes against our
12 natural inclination. Our natural inclination, when you hear
13 somebody is charged with a crime, if we read in the
14 newspaper somebody's charged, or see on Facebook somebody's
15 charged with something, our natural inclination is to assume
16 the person is guilty. Just think, well, they've got the
17 person that did that or they must be guilty or they wouldn't
18 have been charged. But, as jurors, you have to take that
19 kind of thinking away, because the presumption of innocence
20 means simply, as Roger Peterson sits there, he doesn't have
21 to come in here and prove anything. The State -- he doesn't
22 have to come in here and prove to you that he's innocent.
23 The State has to prove to you that he is guilty and the
24 State has to do that beyond a reasonable doubt. The Judge
25 will talk to you more about reasonable doubt in his final

1 instructions to you, but basically a reasonable doubt means
2 it's not enough to come in here and produce some evidence
3 that someone maybe guilty or that a person is possibly
4 guilty, or even that a person is probably guilty. Proof
5 must be beyond a reasonable doubt.

6 Now, Roger and Joy Murdock were married, like the
7 Solicitor said, for about 40 years and a separation occurred
8 and family court got involved up in Greensboro, and it's
9 still involved. They're still, after all these years,
10 fighting over the property. It's still going on and that's
11 what this case is about.

12 The harassment. I want to let you -- what Roger is
13 charged with. I'm going to read the definition to you.
14 Harassment in the second degree means a pattern of
15 intentional, substantial and unreasonable intrusion into the
16 private life of a targeted person that serves no legitimate
17 purpose and causes the person -- and would cause a
18 reasonable person in his position to suffer a mental or
19 emotional distress.

20 Now, there's a number of things in this statute that
21 have to be proven and every one of those has to be proven
22 beyond a reasonable doubt. First, there must be an
23 intrusion into the private life of a person. That's the
24 first thing. The State has to prove that beyond any
25 reasonable doubt, but that's not enough. They have to do

1 more than that. They have to prove a pattern in it as
2 repeated conduct. They have to prove that beyond a
3 reasonable doubt and even if they prove those two things,
4 that's not enough. They have to prove that the conduct was
5 intentional beyond a reasonable doubt. That it was
6 substantial beyond a reasonable doubt and that it was
7 unreasonable beyond a reasonable doubt. If any of those
8 things fail, if the State fails to prove any of those things
9 beyond a reasonable doubt, then the State's case has failed.
10 And then even if the State's proven all of those things by
11 beyond a reasonable doubt, they must prove that the conduct
12 would serve no legitimate purpose and they have to prove
13 that beyond a reasonable doubt, that the conduct served no
14 legitimate purpose. Then, even if they prove all that, they
15 have to prove beyond a reasonable doubt that it would cause
16 a reasonable person -- a person -- a reasonable person in
17 that person's position to suffer mental or emotional
18 distress. So the State has to prove all of those things
19 beyond a reasonable doubt. If the State fails even one of
20 those elements of the offense -- we call them elements --
21 one of those things the State has to prove. If they prove
22 everything else, but fail to prove one of those things
23 beyond a reasonable doubt, then Roger is entitled to a
24 verdict of not guilty.

25 Now, you'll hear a lot of evidence in this case, a lot

1 of testimony in this case, and we submit to you that the
2 State will fail to prove beyond a reasonable doubt that
3 Roger is guilty. Thank you.

4 THE COURT: All right. The State will proceed with its
5 case and call its first witness.

6 MR. HARPER: Thank you, Your Honor. The State calls
7 Joy Murdock to the stand.

8 (JOY ROSE MURDOCK, being first duly sworn, was examined
9 and testified as follows:

10 DIRECT EXAMINATION

11 JOY ROSE MURDOCK BY MR. HARPER:

12 Q. Ms. Murdock, could you please introduce yourself to the
13 jury?

14 A. You're going to have to speak up.

15 Q. I was just about to ask, if you have trouble hearing
16 me, I'll move up. Ms. Murdock, could you please introduce
17 yourself to the jury?

18 A. Joy Rose Murdock.

19 Q. Okay. And how do you know the defendant?

20 A. We were married for 40 years; now ex-husband.

21 Q. Did you say four years or 40?

22 A. Forty.

23 Q. Forty. 4-0?

24 A. Yes.

25 Q. Okay. And during that time frame, where did y'all

- 1 live?
- 2 A. Where did we live?
- 3 Q. Yes?
- 4 A. In Greensboro, North Carolina.
- 5 Q. Okay. Was it always in the same house?
- 6 A. Not -- no. We lived in an apartment and then the house
- 7 that my mother had and then we moved into our own home.
- 8 Q. Okay. Did you have any children during that marriage?
- 9 A. Yes.
- 10 Q. How many?
- 11 A. Two while we were married. One was born when I was a
- 12 teenager and he was adopted.
- 13 Q. Okay. What are their names?
- 14 A. Sarah Peterson, Christian Peterson and Alex Ruprecht.
- 15 Q. Okay. And so the one with the last name Peterson, are
- 16 the ones that you guys had while were married?
- 17 A. Yes.
- 18 Q. Okay. Where did they live whenever they grew up?
- 19 A. With us.
- 20 Q. And whenever they got older, did they get their own
- 21 places?
- 22 A. Yes.
- 23 Q. Did they stay in Greensboro or did they leave?
- 24 A. When they went to college, they went away and stayed
- 25 where they were in college.

1 Q. Okay. And after they left, about how long did you stay
2 with Mr. Peterson as his wife?

3 A. Until 2020, October 2020.

4 Q. Okay. And what happened in October 2020?

5 A. I left and went to live with my son, Christian.

6 Q. Okay. Where was Christian living at the time?

7 A. He was living in Greensboro, about two blocks away from
8 where we resided.

9 Q. Okay. You say how many blocks? About two blocks?

10 A. About two, three blocks.

11 Q. Okay. So whenever you left in October, did you tell
12 Mr. Peterson that you did not want contact with him at that
13 time?

14 A. I left so fast, I left with a bag and a dog.

15 Q. Okay. Do you recall when it was, if ever, that you
16 told him that you did not want contact with him?

17 A. It was after that. The only contact that I would have
18 with him is taxes and I was trying to sell my mother's home,
19 which he kind of took over without my knowledge.

20 Q. Okay. And during -- during the early stages of being
21 separated, how would you describe your relationship with Mr.
22 Peterson?

23 A. Not good. We'd had a rocky marriage for a long time.

24 Q. And then after that, did it improve?

25 A. No.

1 Q. Okay. In December of 2020, do you remember sending a
2 text message to the defendant?

3 A. Yes.

4 Q. Okay. I'm handing you now what we marked for
5 identification purposes and into evidence as State's Exhibit
6 Number 1. Do you recognize this?

7 (Whereupon, the referenced exhibit was handed to the
8 witness.)

9 A. Yes.

10 Q. What is that?

11 A. It's a text that I sent to him through -- we had a home
12 phone.

13 Q. When you say home phone in quotations, what does that
14 mean?

15 A. It was -- it was what we called -- we had individual
16 phones, but we left that phone for like the home phone since
17 I had had that phone number forever.

18 Q. Was it a cell phone or a --

19 A. It was a cell phone eventually. It was a land line and
20 it got switched to a cell phone.

21 Q. Okay. But at the time of that text message, was it a
22 cell phone?

23 A. Yes.

24 Q. And is that a fair and accurate representation of the
25 text that you sent to him in December of 2020?

1 A. Yes.

2 MR. HARPER: Your Honor, at this time the State moves
3 to admit what will be marked as State's Exhibit Number 1
4 into evidence.

5 MR. BOYD: No objection.

6 THE COURT: Without objection. So admitted.

7 MR. HARPER: Thank you, Your Honor.

8 Q. Joy, I wonder, do you mind reading that text
9 conversation aloud for us?

10 A. I don't want to block text from the home phone, so
11 please keep this as a business only number. No personal
12 messages.

13 Q. Okay. And was that your message to him or his message
14 to you?

15 A. Me to him.

16 Q. Were there any messages sent back to you in response?

17 A. Not at that time, no.

18 Q. Okay. Are there any other messages on that piece of
19 evidence?

20 A. Personal messages to me.

21 Q. Okay. Do you mind reading those out for me?

22 A. Well, he did say one thing, Norton is business -- or I
23 said, Norton is business. Don't worry. Then someone else
24 sent, saying, Don't worry about Hannah or Dayton's room. I
25 shut their doors, and there was a appointment notification

1 for Miller Vision.

2 Q. Okay. Just to dig into that just slightly, the
3 original message that you sent to him was, I don't want to
4 block texts from the home phone so please keep this as
5 business only number. No personal messages; correct?

6 A. (Nods head affirmatively)

7 COURT REPORTER: Ma'am, answer verbally.

8 THE WITNESS: Ma'am?

9 COURT REPORTER: Please answer verbally when you
10 respond.

11 Q. Yeah. She's got to take everything you say down. So
12 if you just nod or something like that,---

13 A. Okay. Okay.

14 Q. ---she has no way to put that down.

15 A. Okay.

16 Q. Okay. So was that the message?

17 A. Yes.

18 Q. Okay. And then the message you read afterwards is
19 Norton is business. What is Norton?

20 A. Computer protection.

21 Q. Oh, okay. I gotcha. And then the other text that were
22 on there were don't worry about Hannah or Dayton's room.
23 Who are they?

24 A. That was a client that I had for my business and the
25 just had texted that.

1 Q. And what was your business?

2 A. I have a cleaning business.

3 Q. Okay. Like cleaning houses?

4 A. Yes.

5 Q. All right. And then the next thing was forwarded
6 messages about Miller Vision.

7 A. Yes.

8 Q. Right? Is that where you get your eyes checked or
9 something?

10 A. Yes.

11 Q. Okay. And so did you have an objection to those types
12 of texts about business or official things like that?

13 A. No, 'cause, you know, that was where at that point
14 before I had my number changed or my phone that those kind
15 of things came to, 'cause I hadn't notified anyone that I
16 had a new number to text my cell phone.

17 Q. Okay. And was that the last time that the defendant
18 ever spoke to you or sent you a text message?

19 A. No.

20 Q. Okay. Do you recall if you sent him another text
21 message in January of 2021?

22 A. Yes.

23 MR. HARPER: Your Honor, I'm showing opposing counsel
24 what would be marked as State's Exhibit Number 2.

25 Q. I'm handing you now what will be marked as State's

1 Exhibit Number 2. Do you recognize this?

2 (Whereupon, the referenced exhibit was handed to the
3 witness.)

4 A. Yes.

5 Q. What is it?

6 A. Some text mostly from Mr. Peterson and I just have one
7 text here.

8 Q. Okay. Do you have a date on that?

9 A. Monday, January 4, 2021.

10 Q. Okay. And is that a fair and accurate representation
11 of the text conversation that you had with Mr. Peterson back
12 on January 4th of 2021?

13 A. Yes.

14 Q. Okay.

15 MR. HARPER: Your Honor, at this time, the State moves
16 to admit what will be marked as State's Exhibit Number 2
17 into evidence?

18 THE COURT: Defense?

19 MR. BOYD: No objection.

20 THE COURT: Without objection, so admitted.

21 MR. HARPER: Okay. Thank you, Your Honor.

22 Q. Ms. Joy, I'm actually going to hand this back to you
23 real quick. Do you mind starting at the top and reading
24 that into evidence for me?

25 A. This is from Mr. Peterson. Happy New Year. At some

1 point, we've got to talk with each other. Let's start
2 tonight. He said, I took the garage door opener out of my
3 car. Please give me my car key. He says, You are killing
4 me. Please let me help you and Christian. He is in pain,
5 too. Truce. Let me help you and Christian tonight and
6 tomorrow, and I said, Please leave me alone. Please, for
7 the last time, home phone for business only, and he said,
8 Tomorrow's the last day to pay taxes on your house.

9 Q. Thank you. And that was about a week in between, if
10 the dates on here are correct, December 28th to January 4th;
11 correct?

12 A. Uh-huh.

13 Q. Okay. Now, was that the last time you heard from Mr.
14 Peterson?

15 A. No.

16 Q. Okay. What happened next?

17 A. He still contacted me. My son had a drop box for his
18 mail slot and he would put notes, letters in there, drive
19 by his house, walk by his house and that's not the usual
20 way. We never drove by or walked by that way in many, many
21 years.

22 Q. What do you mean? 'Cause he's only two blocks away?

23 A. Yes.

24 Q. So what do you mean by that?

25 A. So there was another street that was a parallel and we

1 always used that street to drive. Walking was not -- didn't
2 happen.

3 Q. Now, you said a couple of things there. So there was a
4 drop box---

5 A. Yes.

6 Q. ---on Christian's house?

7 A. Yes.

8 Q. Whenever notes were dropped in there, who were they
9 addressed to?

10 A. Me, Christian.

11 Q. Okay. And you said that he would walk by. How did you
12 know that?

13 A. I would see him out the window, possibly be out in the
14 yard. Yeah. I got so I didn't want to stay outside in the
15 yard. I like to piddle and I was kind of recluse inside
16 'cause I didn't want to have contact with him, so I stayed
17 in.

18 Q. Okay. Now, in response to that, did you do anything
19 else?

20 A. Later I went to the Family Justice Center in Greensboro
21 and started the process of a temporary restraining order.

22 Q. Okay. I want to dig into that just a little bit. You
23 said you started the process.

24 A. Yes.

25 Q. What do you mean by that?

1 A. They have a process where you go and you give them
2 examples of what's happening to even have proof of doing
3 that and they told me to write every time he -- he came by
4 or incidences so they would have that and I later found out
5 that wasn't the case. I needed to had videos and pictures,
6 which I didn't know 'til after the case.

7 Q. After the case had what?

8 A. After the court hearing or during the court hearing
9 when they were trying to gather evidence.

10 Q. Okay. So let's back up just a little bit. When did
11 you actually start the process of applying for a restraining
12 order?

13 A. I don't recall exactly the date. I have the copy of
14 the temporary restraining order.

15 Q. Okay. Do you think it was in 2021 or do you think it
16 was in January or February? Just a general time line.

17 A. Yes. January/February.

18 Q. Okay. And to the best of your knowledge, do you know
19 if Mr. Peterson was informed that you filed for one?

20 A. He was -- the temporary restraining order was granted
21 and it was served not long after it was granted.

22 Q. Okay. I want to be very clear about something. You
23 said earlier that a restraining order was not granted, but
24 now you're saying a temporary restraining --

25 A. Well, the temporary was granted. After that, there's

1 like a two-week period and you have to -- they set a date.

2 You go back to court and present evidence. So the temporary
3 for two weeks was granted.

4 Q. Okay. Now, during that two-week -- actually, let's
5 pause just for a moment.

6 MR. HARPER: Let the record reflect I'm showing
7 opposing counsel, that's marked State's Exhibit Number 3.

8 Q. Ms. Murdock, I'm approaching you with what's been
9 marked as State's Exhibit number 3. Do you recognize this?

10 (Whereupon, the referenced exhibit was handed to the
11 witness.)

12 A. Yes.

13 Q. What is that?

14 A. This is the complaint and motion for a domestic
15 violence protection order.

16 Q. Okay. Now, I'm only seeing one page there. Were there
17 other pages?

18 A. I believe there was another page attached to it.

19 Q. Okay.

20 A. If I'm thinking right.

21 Q. But for what we have, is that a fair and accurate copy
22 of at least the -- I don't know what you'd call it, but the
23 first page of---

24 A. Yes.

25 Q. ---the restraining order application?

1 A. Yes.

2 Q. Okay. And so that's a fair and accurate copy of it?

3 A. Yes.

4 Q. Thank you.

5 MR. HARPER: Your Honor, at this time, the State moves
6 to admit what's been pre-marked as State's Exhibit Number 3
7 into evidence.

8 MR. BOYD: Your Honor, I would object on grounds of
9 Rule 404, and also that it's not a complete document.

10 MR. HARPER: Your Honor, would you like me to argue or
11 do you want to send the jury out?

12 THE COURT: All right. Let me just see counsel up
13 here.

14 (Whereupon, a Bench conference was held off the record,
15 out of the hearing of the court reporter and the jury.)

16 THE COURT: Okay. The objection to the admission of
17 exhibit 3 into evidence is sustained.

18 MR. HARPER: Thank you, Your Honor.

19 Q. Now, after you applied for that restraining order, did
20 Mr. Peterson contact you during that two-week period?

21 A. Uh-huh. He contacted me right after it was served.

22 Q. Right after it was served?

23 A. That afternoon. Yes.

24 Q. Thank you.

25 MR. HARPER: Your Honor, let the record reflect that

1 I'm showing opposing counsel what will be marked as State's
2 Exhibit Number 3.

3 Q. Ms. Murdock, I'm handing you what has been pre-marked
4 as State's Exhibit Number 3. Do you recognize this?

5 (Whereupon, the referenced exhibit was handed to the
6 witness.)

7 A. Yes.

8 Q. What is that?

9 A. It's a text from Mr. Peterson.

10 Q. Does it have a date on it?

11 A. January 22nd, 2021.

12 Q. And so is it your testimony that this was after the
13 restraining order was served upon him?

14 A. Yes.

15 Q. Is it a fair and accurate copy of the text messages
16 sent to you by Mr. Peterson on January 22nd of 2021?

17 A. Yes.

18 Q. Thank you.

19 MR. HARPER: Your Honor, at this time the State moves
20 to admit what will be marked as State's Exhibit Number 3
21 into evidence.

22 MR. BOYD: No objection.

23 THE COURT: All right. Without objection, so admitted.

24 MR. HARPER: Thank you, Your Honor.

25 Q. I'm going to take that from you just one moment. Ms.

1 Murdock, same thing here. Do you mind reading that into
2 evidence for me?

3 A. He says, Please do not go down wrong path. I have a
4 mandatory meeting, I'll be in it the same time as the court.
5 Do you want me to lose my job? Please can we go to
6 counseling together like we were supposed to do in the first
7 place?

8 Q. Thank you. One thing that I want to touch on before we
9 move on, it says, Please can we go to counseling together
10 like we were supposed to do in the first place?

11 A. Yeah.

12 Q. When were you supposed to go to counseling?

13 A. That's a inaccurate statement from him. The children
14 we raised together encouraged me or us to go to counseling.
15 He refused repeatedly. He said we could work it out. We
16 could just talk, but when we talked it didn't never go
17 anywhere. It was just -- we never made progress.

18 Q. Okay.

19 A. So I finally decided on my own to go by myself.

20 Q. Okay. Now, after that text message on January 22nd of
21 2021, did his contact with you stop?

22 A. No. It stopped for that two weeks except for the
23 walking, driving by.

24 Q. Okay. So, yeah. Can you describe what happened
25 instead?

1 A. I think he did a little, not much, because there was
2 supposed to be no contact, no down the street, not -- you
3 know, if he saw me he was supposed to go to the other side
4 of the street. There was just no contact, no calls. So it
5 was minute.

6 Q. Now, you mentioned earlier and we've seen it in
7 evidence that you asked for him to continue talking about
8 business?

9 A. Uh-huh.

10 Q. Correct?

11 A. (Nodding head affirmatively) Uh-huh.

12 Q. During the course of all this, was he still talking to
13 you about business?

14 A. The only thing we had to work out was taxes and my
15 mother's house, 'cause that was something that we couldn't
16 just stop 'cause we had been married that year before.

17 Q. So had you continued to talk to him about that type of
18 stuff as well?

19 A. As little as possible. Yes.

20 Q. Okay. Between January 22nd, 2021 and February, did you
21 speak to him at all?

22 A. (Shakes head negatively)

23 COURT REPORTER: Ma'am, please answer verbally.

24 A. Not unless it was court. No.

25 Q. Okay. And in response to continued contact from him,

1 did you send him any other messages asking for him to stop
2 talking to you?

3 A. Yes. Tell him to leave me alone.

4 Mr. Harper: Let the record reflect I'm showing
5 opposing counsel what will be marked as State's Exhibit
6 Number 4.

7 Q. Ms. Murdock, I'm handing you now what would be marked
8 as State's Exhibit Number 4. Do you recognize this?

9 (Whereupon, the referenced exhibit was handed to the
10 witness.)

11 A. Yes.

12 Q. What is that?

13 A. It's a conversation from us on business and then I told
14 him to leave me alone.

15 Q. Okay. Is there a date on that?

16 A. The date that I see is Thursday, February 18th, 2021.

17 Q. Okay. And is that a fair and accurate representation
18 of the text message conversation between you and Mr.
19 Peterson on February 18th of 2021?

20 A. Yes.

21 MR. HARPER: Your Honor, at this time, the State moves
22 to admit what will be marked as State's Exhibit Number 4
23 into evidence.

24 THE COURT: Any objection?

25 MR. BOYD: No objection to the document.

1 THE COURT: All right. Without objection, so admitted.

2 MR. HARPER: Thank you, Your Honor.

3 Q. Ms. Murdock, can we do we've been doing and just have
4 you read this into the record for me?

5 A. Read the whole thing?

6 Q. Yes, ma'am.

7 A. What I can see is you want to -- if you want to help
8 find someone to fix the girder, get an estimate and --

9 Q. And I'm sorry. Who is sending these?

10 A. That was me.

11 Q. Okay.

12 A. We were doing the house. That was kind of -- he had
13 done things that I didn't approve of as far as the house and
14 he was working on it. This was when it was actually in the
15 process of being sold.

16 Q. Okay. You can continue.

17 A. And then the next one on Thursday, the 18th, Leave me
18 alone. Do not text or call me. Do not come to Christian's
19 house or even walk by, and he says, I showed my loyalty from
20 August to November and kept your secret, hoping you would
21 get better. Please help the family, and I really, really
22 need you and still love you. And then Saturday, Please,
23 Joy, find -- please find some love for me and let's stop
24 this and try to put the family first so we can all be
25 together.

1 Q. Joy, what is he talking about whenever he says he
2 showed his loyalty in September, kept some sort of secret?
3 What is he talking about?

4 A. I don't know. He elaborates later to that, but that's
5 --

6 Q. Well, do you recall what that elaboration was?

7 A. I don't -- you'll have to ask him that.

8 Q. Okay. Now, Ms. Murdock, after you sent this text
9 message that says, Leave me alone, with three exclamation
10 points. Do not text or call me. Do not come to Christian's
11 house or even walk by. Did he stop contacting you?

12 A. No.

13 Q. What happened instead?

14 A. Still the letters through the drop box. I went on a
15 trip with my friend and we had a great weekend, just having
16 fun, chilling out, shopping. Came home, there was like a
17 note on each door of my son's house and it just blew me away
18 and ruined my nice weekend with notes. Still notes. Still
19 driving by. I have video of him walking by and he walked by
20 and then he turns around and looks at the house. Just
21 repeated contact; text, text to family, friends, anybody
22 that he could find a number for.

23 Q. Now, during that time period, was there anything going
24 on in Family Court?

25 A. Are you speaking of the divorce?

1 Q. Yes.

2 A. Yes.

3 Q. Okay. When did you actually end up filing for divorce
4 or did he file for divorce?

5 A. In April or May, possibly of 2022.

6 Q. Okay.

7 A. Or '21. My days -- it's been a long time.

8 Q. So just for context, the last text message that we
9 talked about was February 18th of 2021. Does that help
10 refresh your recollection?

11 A. Yes. It was after that.

12 Q. Okay. So do you think it was in 2021 or 2022?

13 A. It was 2021, then.

14 Q. Okay. And did you have to go to court for any of those
15 proceedings?

16 A. Oh, yes. Yes.

17 Q. And while you were in court did you ever communicate to
18 him that, again, you did not want contact?

19 A. Not in that court. No.

20 Q. Okay.

21 A. I didn't have any kind of contact with him at all.
22 Even at court, I didn't speak to him. I let my lawyer
23 handle that.

24 Q. Okay. Now, how long did you live at Christian's house?

25 A. Two -- about a year and a half, two years.

1 Q. And when do you think you left?

2 A. Probably June of '22.

3 Q. June of '22?

4 A. If I'm thinking right.

5 Q. Okay. So if my math is right, and I went into law and
6 not math for a reason, but I think that's 16 months. Is
7 that right?

8 A. Uh-huh.

9 Q. Okay. And during the entire time you lived there, when
10 did Mr. Peterson start leaving you alone?

11 A. Well, he really didn't, but he did 'cause when I moved,
12 he didn't know where I was.

13 Q. Okay. But for the time you were in Greensboro?

14 A. He never left me alone.

15 Q. Okay. So for 16 months---

16 A. Uh-huh.

17 Q. ---this continued. Is that---

18 A. Yes.

19 Q. ---fair?

20 A. Yes.

21 Q. Why did you move to Rock Hill?

22 A. Hoping that he couldn't find me and he would let me
23 start my life again.

24 Q. Where did you move to in Rock Hill?

25 A. I moved in with our son, Alex.

1 Q. Okay. And if I'm remembering correctly, from your
2 testimony, Alex was the son that you had when you were a
3 teenager?

4 A. Yes.

5 Q. How did you reconnect with him or did you ever happen
6 to reconnect?

7 A. He -- the Father's Day of that year or the year before
8 -- I'm sorry. The days get mixed up 'cause it's been so
9 long ago. He found our daughter on Ancestry and also my
10 cousin and contacted them and not long after that, we
11 started communicating.

12 Q. Okay. So for about two years, you -- I'm sorry. You'd
13 known him for about two years before you moved in. Is that
14 correct?

15 A. Yeah. I guess so.

16 Q. Okay. And when you moved in with him, you said that
17 you did not hear from Mr. Peterson. Is that correct?

18 A. I didn't hear from him for a couple of months.

19 Q. Okay.

20 A. I'd say June through August.

21 Q. June through August? Okay. When you did hear from
22 him, what happened?

23 A. He sent letters to Alex's house addressed to me.

24 Q. Okay. Would you recognize those letters if I showed
25 them to you?

1 A. Yes.

2 MR. HARPER: Your Honor, let the record reflect that
3 I'm showing opposing counsel what will be marked as State's
4 Exhibits 5, 6, and 7.

5 THE COURT: It will so reflect.

6 Q. Ms. Murdock, I'm approaching you with what will be
7 marked for identification purposes as State's Exhibit 5, 6,
8 and 7. Do you recognize these?

9 (Whereupon, the referenced exhibits were handed to the
10 witness.)

11 A. Yes.

12 Q. What are they?

13 A. They are letters from Mr. Peterson.

14 Q. Now, does his name appear on the outside of those
15 letters?

16 A. Yes.

17 Q. Where at?

18 A. Up on the left-hand corner where you would put a return
19 address.

20 Q. Can I see that real quick?

21 A. I have the originals with me also.

22 Q. Okay. But on this picture, can we see the defendant's
23 signature on there or his name on there?

24 A. Not on that one because the police department or the --
25 that we filed with put their card there.

1 Q. Okay. During your 40 years of marriage, did you get to
2 see the defendant's handwriting at all?

3 A. Yes.

4 Q. Would you recognize it if you saw it?

5 A. Yes.

6 Q. There is some writing on the outside of that envelope.
7 Can you tell me, to the best of your knowledge, if that is
8 the defendant's handwriting?

9 A. Definitely.

10 Q. Okay. Now, in reading the letter, the contents of it,
11 were you able to tell who it was from?

12 A. Definitely, 'cause that was the -- what he always wrote
13 about was the same thing most of the time.

14 Q. Okay. So from the contents you were able to derive
15 that it was probably from him?

16 A. Yes.

17 Q. Okay. And so is that a fair and accurate
18 representation of the letter that you received and I
19 believe it was September of 2022?

20 A. Yes.

21 Q. Okay.

22 MR. HARPER: Your Honor, at this time, the State moves
23 to admit what will be marked as State's Exhibits 5, 6, and 7
24 into evidence.

25 MR. BOYD: Your Honor, I would object. It's an

1 unsigned letter that is insufficient. No evidence my client
2 sent that letter.

3 MR. HARPER: Your Honor, again, would you like me to
4 argue it?

5 THE COURT: Overruled. She's -- she has said she
6 recognized his handwriting.

7 MR. HARPER: Thank you, Your Honor.

8 Q. Ms. Peterson, I'm going to hand you back what has been
9 marked for identification purposes -- I'm sorry -- marked
10 into evidence as State's Exhibit Number 6. Is this the
11 entirety of that letter that you received?

12 A. Yes.

13 Q. Okay. I know it's a lot, but would you mind reading
14 that into evidence? And please make sure you're speaking
15 into the microphone so that everyone can hear.

16 A. So (unintelligible) Fall, 2022. Joy, I love you.
17 Nanny always said family is most important, always forgive.
18 I know you remember. Alex does not know me. I cannot
19 believe as much as you know, I dreamed and wished for our
20 family to be whole, that you took Alex away from me. I
21 thought we are sweethearts and soul mates. How could you
22 let Alex take you away from Sarah and me? I can't sleep and
23 lay in bed thinking what could have been, what should have
24 been. I sent two letters to Nika(ph), Alex's lawyer. Did
25 you read them? All this emotional stress, not sleeping,

1 family not in my life and going to jail has taken a big toll
2 on me. My PSA came back 15.67. Should be below 4 and I got
3 to see an oncologist to see how bad my prostate cancer is.
4 Dad at 70, did chemo when his PSA reached 6. Ron Myers was
5 at 72 when he reached 7 and took out his prostate. The
6 cancer is more than 6 years early and way high. Just think,
7 I have not changed my will and if I die, you will get all of
8 it. Call Pendleton and tell you want to postpone or stop
9 the family distribu- -- equity distribution. I'm asking for
10 an intervention next month. You need to rent Raleigh, get
11 your health insurance, do taxes and more. If I don't get in
12 -- don't get it, then pursue Pendleton, not obeying Judge's
13 orders and falsifying documents. If E.D. goes forward,
14 you're going crazy when a judge splits the household. Why
15 do that? Everyone says you are much better off working
16 things out between ourselves. If we could have communicated
17 back in September 2020, our family would have been
18 celebrating. Alex needs this. We all do. Joy, you made a
19 large sum of money and did not hardly pay expenses. In
20 today's money, that's a million dollars. Have you read your
21 discovery to me? There are so many things wrong. If you
22 and Alex continue, my broken, stab -- my broken, stabbed and
23 tried to cut out heart will turn black. I cannot believe
24 you perjured yourself on witness stand. I gave you a chance
25 to retell, but you said I tried to run over you and Alex.

1 Really, you know that is a lie. You perjured yourself on
2 a 50(b). Stop. Just look at our family situation. This is
3 not good. Sarah and you have not talked and you would be --
4 normally be screaming by one week. You are not yourself.
5 You would have given love equally to all our grown kids.
6 Sarah is closing herself up and thinking of quitting her job
7 and staying home. Sarah worked too hard to get where she
8 is. I know you're proud of Sarah. Christian is suffering
9 too, but holds it inside. Alex needs to know what a real
10 brother and sister is like. They need to develop their
11 relationships. My head hurts constantly now. I have
12 headaches before. My pneumonia is coming back. I am
13 coughing more lately and coughing up phlegm. My body aches.
14 I had six boils on back, two left scars. Please do not --
15 please, I do not want to die with our family not celebrating
16 life with each other. Please, can we put the past behind us
17 and look to the future, work together, so we can again
18 celebrate everything together as a loving family. Tell Alex
19 he will get so much more love from you, Christian, Sarah and
20 his father.

21 Q. Is that the entire letter?

22 A. Yes.

23 Q. Now, when you received this letter, you said that it
24 had been a couple of months since you'd moved to Rock Hill?

25 A. Uh-huh. Yes.

1 Q. And was this the first piece of contact you had from
2 him since you moved?

3 A. Yes.

4 Q. And how did it make you feel to receive this letter
5 after that time period?

6 A. It makes me upset. Things in there are not all true.
7 Just --

8 Q. What do you mean by that? Some of the things in there
9 are not all true?

10 A. There's a lot of misstatements made in the letters that
11 it's just opinion, not fact.

12 Q. Okay. During this, there were two things that I wanted
13 to touch on. One of them was something about -- about
14 money and it said something about a million dollars or
15 something. What is he talking about?

16 A. I don't know what he means by like in today's money.
17 I'm not sure.

18 Q. What was he's talking before he says, Joy, you made a
19 large sum of money and did not pay hardly any expenses?

20 A. He's saying that I didn't -- he made the money and he
21 paid for all the bills and the house payments and
22 everything, that I didn't contribute.

23 Q. Okay. And then it was also, in talking about equitable
24 distribution and all of that, did you take this as a threat
25 in any way?

1 A. Possibly, that he would come after me like he did in
2 court.

3 Q. Okay. I don't want to touch that too much, but what
4 about this other stuff about his PSA? What did that mean to
5 you, if anything?

6 A. I -- from what he's saying, I guess PSA is related to
7 prostate cancer and that he was trying to tell me that
8 things weren't going well for him.

9 Q. Were you aware of that before this?

10 A. No.

11 Q. Okay. Was that the last piece of contact that you had
12 from Mr. Peterson?

13 A. No.

14 Q. What happened instead?

15 A. Another letter.

16 Q. Do you recall when that letter would have gotten to
17 you?

18 A. October, I believe.

19 MR. HARPER: Beg the Court's indulgence.

20 Q. Do you recall receiving a letter in September of 2022?

21 A. Oh. Yes.

22 Q. You do remember -- recall that?

23 A. Yes. It's been a --

24 Q. I'm actually going to come back to that to make sure I
25 actually enter the correct thing, but you said that there

1 was a letter that you believe you received in October?

2 A. There was also one in September. There was like
3 September, October. I know there was one in December.

4 MR. HARPER: Your Honor, let the record reflect that
5 I'm showing opposing counsel marked as State's Exhibits 8,
6 9, 10, and 11.

7 Q. Ms. Murdock, I'm approaching you with what will be
8 marked for identification purposes as State's Exhibits
9 Number 8, 9, 10 and 11. Can you flip through there and tell
10 me if you recognize those?

11 (Whereupon, the referenced exhibits were handed to the
12 witness.)

13 A. Yes.

14 Q. What is that?

15 A. It's a letter from Mr. Peterson.

16 Q. How do you know it's from Mr. Peterson?

17 A. Clearly on the envelope, it has his name and the
18 address where we resided?

19 Q. Is anything on that envelope in his handwriting?

20 A. Yes. The -- where it's addressed. On the back of the
21 envelope, he wrote help and on the -- when he closed the
22 letter, he wrote help.

23 Q. Okay. Now, the letter itself, is there any indication
24 that it is from the defendant?

25 A. Yes. On the bottom of the page it says help. Roger.

1 Q. Okay. And is that also in his handwriting?

2 A. Yes.

3 MR. HARPER: Your Honor, -- oh, sorry.

4 Q. Is it a fair and accurate representation of the letter
5 that you received in October of 2022?

6 A. Yes.

7 Q. Okay.

8 MR. HARPER: Your Honor, at this time, the State moves
9 to admit what will be marked as State's Exhibits Number 8,
10 9, 10, and 11 into evidence.

11 MR. BOYD: No objection.

12 THE COURT: All right. Without objection, so admitted.

13 MR. HARPER: Thank you, Your Honor.

14 Q. Ms. Murdock, I want to take this one step at a time on
15 this one. On the front of the envelope, which is State's
16 Exhibit Number 9, can you tell me what's written on there in
17 terms of who it's from and who it's to?

18 A. And it says Roger, our address and it's to me.

19 Q. Okay. I'm now handing you State's Exhibit Number 10,
20 which is the back of the envelope. Does that have anything
21 written on it?

22 A. It says help.

23 Q. And whose handwriting is that?

24 A. Mr. Peterson's.

25 Q. I'm now handing you State's Exhibit Number 11. What is

1 that of?

2 A. It's a letter folded over and it says help.

3 Q. Okay. And whose handwriting is the help written in?

4 A. Mr. Peterson's.

5 Q. Okay. I'm now handing you what has been marked as
6 State's Exhibit Number 8. Do you recognize this?

7 A. Yes.

8 Q. Okay. Before we proceed with you reading the entire
9 letter, can you tell me what the very first line is on that
10 letter?

11 A. Do not go down wrong path. Stop. Do not continue.
12 Please choose a new path.

13 Q. Okay. Now, I'm also handing you back State's Exhibit
14 Number 3, which was a text message sent to you on January
15 22nd of 2021, I believe.

16 (Whereupon, the referenced exhibit was handed to the
17 witness.)

18 Q. Do you remember admitting that into evidence or do you
19 remember talking about that a minute ago?

20 A. Yes.

21 Q. Okay. And that text message, did that come in before
22 or after the restraining order?

23 A. That was after the restraining order, the temporary
24 restraining order.

25 Q. Okay. And that first text that he sent you, what did

1 that say?

2 A. Please do not go down wrong path.

3 Q. Okay. And the first line of the letter that you
4 received in October?

5 A. Yes.

6 Q. No. Okay. I'm sorry. Do you mind --

7 A. This letter?

8 Q. Yes, that letter. Just the very first line.

9 A. It just says, Do not go down wrong path. Stop.

10 Q. So the same language that we saw before?

11 A. Yes.

12 Q. Okay. Now, Ms. Murdock, do you mind reading that
13 entire letter into evidence for me?

14 A. I'll try. It's kind of not easy. Joy, you are better
15 off today --

16 Q. I'm sorry. Make sure you speak into the microphone if
17 you can.

18 A. Joy, you're better off today than back in July and
19 August, 2020. If you could see Sarah, is she better off?
20 No one can -- I can't read it -- something -- believe this
21 is happening. She will talk about other things. Christian,
22 after 22 months of running inside when he saw me, finally
23 said you are killing me. Roger is dealing with prostate
24 cancer and because he laid in bed at night worrying about
25 everyone, reliving the bad times and missing everyone. The

1 drainage has returned and the cough -- and cough up. Hoping
2 pneumonia does not return. Your mother said -- I'm trying
3 to see what it says. Your mother and something to your
4 mother trying to tell you family's most important. Forgive.
5 All Joy has to do is look up with her big brown eyes into
6 Roger's eyes and Roger will forgive 44 years -- 44 years of
7 love will return and drown out the bad of two years.
8 Remember when I found you at your mother's and wanted to
9 scream at you, why are you taking away family, Sarah
10 Christian, Alex, Walker and Joy. When I reached out, you
11 just looked up at me and saw those big brown eyes again.
12 Please do not continue down the wrong path. Stop and choose
13 the new path to the right. Roger is still Alex's largest
14 supporter. Just ask him before his broken, stabbed heart
15 turned black. Please do not let that happen. Communicate
16 -- communication is the solution. There are more than 14
17 deficits in your discovery in court Wednesday. Your lawyer
18 told the judge that these were your sworn statements. Your
19 lawyer is throwing you under the bus. She does not care
20 about you and our family. Your lawyer said she did not have
21 -- said you don't have a joint account with Rose at Bank
22 of Oakridge. You said you inherited it. Your lawyer knows
23 it is marital and we will lose money when the judge makes a
24 decision. Your lawyer says you inherited McDowell from your
25 mother. We know you had a (unintelligible) full inherited

1 from Aunt Jo. You reportedly -- report only one annuity and
2 did not report the other or the oil fund or the Korean fund.
3 Yes, these are separate that need to be reported. You said
4 you inherited the Lincolnton building, but provided a deed
5 that showed a date before Rose died. There are many
6 examples that lawyer's letting you purger yourself. Your
7 lawyer disobeyed Judge Larry Archie and falsified a document
8 to the same judge to get the preliminary injunction. All of
9 this will be dealt with next month and it will be bad for
10 you and your lawyer. You're way better off to look over the
11 discovery you signed under oath and tell your lawyer that
12 it's not the truth. How could she present this and -- how
13 she could present this and fire her. Ask for all your fees
14 returned. She told the judge Wednesday, Joy has to pay
15 these fees and it's not fair defendant does not have to pay
16 a lawyer. Remember, she got you to perjure yourself for the
17 50th -- 50(b) to get the rest. You perjured yourself on the
18 witness stand about defendant trying to run over you and
19 Alex. You know that did not happen. The text was a
20 compliment to Alex. Alex was -- be in his wheelchair he
21 would put a football field -- he would put a football field
22 between us again like he did in South Carolina. I had a --
23 if I had a chance -- wait -- I had a chance. If he was on
24 braces, but a father would not risk that and get Alex hurt.
25 You know that is why, not because you called the police.

1 Alex was standing unsafely on the curb. You and Alex will
2 be better off. Stop the equity distribution now. I may be
3 in stage 4 cancer and you will get all instead of less or
4 half. I need my family back, please. Maybe in the near
5 future we can celebrate Thanksgiving, Christmas and Alex's
6 birthday as a family. I know it is coming soon and I would
7 wish I could him celebrate. Alex needs to know what family
8 is about. He got a taste of cake day 2020. Alex said he
9 helped his adopted father. Now I need his help. Help.
10 Roger.

11 Q. Is that the entirety of the letter?

12 A. Yes.

13 Q. Okay. I just want to go back and touch on a couple of
14 points here. He mentioned several times that you had
15 perjured yourself in the Family Court proceedings. What is
16 he talking about?

17 A. I guess he's saying that I didn't hand in all of my
18 financial things, but what I have available, I presented to
19 my lawyer.

20 Q. Okay. And at a couple of times in here he said that
21 you'd be better off if you, quote, "told the truth." Did
22 you take that as any sort of threat or anything?

23 A. Yes.

24 Q. Okay. And the part at the top in all caps, DO NOT GO
25 DOWN THE WRONG PATH. STOP. DO NOT CONTINUE in bigger text.

1 PLEASE CHOOSE A NEW PATH. Is that something you've heard
2 before?

3 A. Yes.

4 Q. Okay. And did you take that as a sort of threat?

5 A. Yes.

6 Q. Okay. At the very bottom of the page -- again, I just
7 want to make sure, because a couple of times in here he
8 identified himself as both Roger and the defendant. Can you
9 tell me whose handwriting is at the bottom?

10 A. That's Roger's writing.

11 Q. Okay. How did you feel when you got this letter?

12 A. Alarmed, scared. When you see that "help" on the back
13 and you see it there, that's just scary, strange, unusual,
14 and it just didn't make me feel good. It gives me high
15 anxiety.

16 Q. And did you respond to that letter?

17 A. No.

18 Q. Was that the last piece of contact that you ever had
19 from Mr. Peterson?

20 A. No.

21 Q. Did he write you anymore letters?

22 A. Did I write letters?

23 Q. Did he write you anymore letters?

24 A. Oh. Yes.

25 Q. Did he write you any letters in December of 2022?

1 A. Yes.

2 Q. Okay.

3 MR. HARPER: Let the record reflect I'm showing
4 opposing counsel State's Exhibits 12, 13, 14, and 15.

5 Q. Ms. Murdock, I'm approaching you with what's been
6 marked as State's Exhibits 12, 13, 14, and 15. Could you
7 please tell me if you recognize any of these?

8 (Whereupon, the referenced exhibits were handed to the
9 witness.)

10 A. Yes.

11 Q. What is it?

12 A. A letter from Mr. Peterson.

13 Q. Okay. Is that what they all are?

14 A. Yes.

15 Q. Okay. I'm going to take these, again, one-by-one.
16 This first one, State's Exhibit Number 12, what is that?

17 A. It's the envelope that the letter came in from Roger
18 Peterson at our home address in Greensboro and it was
19 addressed to me.

20 Q. Okay. And whose handwriting is on the front of that?

21 A. That's Mr. Peterson's.

22 Q. Okay. I'm handing you State's Exhibit Number 13 now.
23 Can you identify that for me?

24 A. It's the back of an envelope with a heart drawn on it.

25 Q. Okay. And State's Exhibits 14 and 15, can you identify

1 those for me?

2 A. Yes. That's the letter that he sent.

3 Q. Now, is that one typed or is it handwritten?

4 A. Handwritten.

5 Q. And whose handwriting is that?

6 A. Mr. Peterson's.

7 Q. Thank you very much.

8 MR. HARPER: Your Honor, at this time, the State moves
9 to admit what has been marked for identification purposes as
10 State's Exhibits 12, 13, 14, and 15 into evidence.

11 THE COURT: Defense?

12 MR. BOYD: No objection.

13 THE COURT: Without objection, so admitted.

14 MR. HARPER: Thank you, Your Honor.

15 Q. Ms. Peterson, it looks like -- I'm sorry, Ms. Murdock.
16 I apologize. We have two different pages here. If you can,
17 do you mind reading that into the record for me?

18 A. Dear Joy, I wonder what if? What if Joy had not hired
19 -- not lied to Alex about -- something at -- to hide Joy's
20 real fears? What if she did not believe and insisted
21 counseling like he promised me? What if you and Alex did
22 not or try run or try to harm or hear me? What if Joy had
23 gotten a good lawyer and believed in counseling first? I
24 wonder what if Joy hugged me when we meet again. Would the
25 44 good years wash away the last two bad years? Alex does

1 not know me. Please, Joy, tell him I am the okay one Nanny
2 passed on that wanted Alex in our life. Christian and Sarah
3 do not know. Joy, you took Alex away me and Sarah, too.
4 Think of Sarah, Christian and Alex. Nanny taught you and I
5 to forget the past. Love to the future. Family is most
6 important. Forgive. Make future better. Joy, you need all
7 of us to help you manage your paranoia and fears. Alex,
8 Sarah, Christian, Roger and Joy. We were gaining ground
9 helping you losing Rose. It will not be easy, but we are
10 strong. You are strong. Call me or allow Alex to call me
11 with your -- I can't read that word -- better yet, come up
12 here and have a family get together at
13 Christmas. Things are pretty bad right now. Please do not
14 let things get ten times worse. Let's try to celebrate as
15 a whole family. Use your brown eyes to tell me that we
16 got the strongest love story.

17 Q. How did you feel whenever you got this one?

18 A. Not good.

19 Q. In between the last letter and this letter, had you
20 asked for contact with him?

21 A. No.

22 Q. One of the last things that you read was things are
23 really bad right now. Please, please do not let things get
24 ten times worse. How did you feel whenever you read that?

25 A. Alarmed, scared, not knowing what would happen next.

1 Q. And given everything that happened in the past, did you
2 take that as a threat in any way?

3 A. Yes.

4 Q. Is that the last time that you heard from Mr. Peterson?

5 A. (Witness pauses)

6 Q. Not in letters, or just in any form whatsoever?

7 A. I don't really remember. Probably not.

8 Q. Did you receive any sort of voice mails or anything
9 from him?

10 A. He sent a voice mail that said something like I need
11 you. I know you need me.

12 Q. Okay.

13 MR. HARPER: Let the record reflect I'm show defense
14 counsel State's Exhibit Number 16.

15 Q. Ms. Murdock, I'm approaching you with State's Exhibit
16 Number 16. Do you recognize this?

17 (Whereupon, the referenced exhibit was handed to the
18 witness.)

19 A. Yes.

20 Q. What is that?

21 A. It's a CD of a voice mail I got.

22 Q. Okay. And have you reviewed this copy?

23 A. Yes.

24 Q. How do you know that you've reviewed this copy?

25 A. I initialed it.

1 Q. Okay. And it is a fair and accurate representation of
2 the voice mail that you received from Mr. Peterson on
3 January 5th of 2023?

4 A. Yes.

5 MR. HARPER: Your Honor, at this time, the State moves
6 to admit State's Exhibit Number 16 into evidence.

7 THE COURT: Defense?

8 MR. BOYD: No objection.

9 THE COURT: Without objection, so admitted.

10 MR. HARPER: Permission to publish, Your Honor.

11 THE COURT: You may.

12 MR. HARPER: Madam Clerk, do you mind?

13 Are you able to broadcast it to the rest of the
14 courtroom or is it not working?

15 CLERK: It's not working.

16 MR. HARPER: Nothing coming through yet?

17 CLERK: Not coming on.

18 MR. HARPER: Yeah. Let's try it one more time.

19 CLERK: Ain't doing anything.

20 MR. HARPER: For the time being, I'll move on to the
21 next piece and we'll come back to that.

22 Q. I know we haven't heard that voice mail yet, but I want
23 to move on. After that voice mail, did you hear from Mr.
24 Peterson again, whether it's email, voice mail, anything
25 like that?

1 A. I don't recall.

2 Q. Would it help to refresh your recollection if I
3 approached you with something?

4 A. Yes.

5 MR. HARPER: Your Honor, I'm approaching the witness
6 with what will be marked as State's Exhibit Number 17.

7 (Whereupon, the referenced exhibit was handed to the
8 witness.)

9 Q. And if that refreshes your recollection, just let me
10 know.

11 A. Yes.

12 Q. Okay. Thank you very much. So did you receive any
13 other communications from Mr. Peterson after that voice
14 mail?

15 A. Yes.

16 Q. And what was that communication?

17 A. That was a email.

18 Q. Okay.

19 MR. HARPER: Let the record reflect that I'm showing
20 defense counsel what will be marked as State's Exhibit
21 Number 17.

22 Q. Ms. Murdock, I'm now approaching you with what's been
23 marked as State's Exhibit Number 17. Do you recognize this?

24 (Whereupon, the referenced exhibit was handed to the
25 witness.)

- 1 A. Yes.
- 2 Q. What is that?
- 3 A. It's an email to Sarah, Christian and me.
- 4 Q. And just to clarify, Sarah and Christian are who?
- 5 A. Our children that grew up in our home.
- 6 Q. And who is that from?
- 7 A. It's from Roger.
- 8 Q. How do you know it's from Roger?
- 9 A. It says home on it, I think; the context and how he
- 10 words everything and what he writes.
- 11 Q. Okay. What do you -- I guess we'll get into that in
- 12 just a moment, if I could have this back just briefly.
- 13 Okay. So the context that's inside of this email, it is
- 14 similar to what you've heard from Mr. Peterson in the past?
- 15 A. Yes.
- 16 Q. Without going into the exact statements that are in
- 17 here, 'cause this is not in evidence yet so I want to make
- 18 sure we don't talk about what's actually in here. What, in
- 19 particular, about the context or the way that he's writing
- 20 let's you know that it's from him?
- 21 A. The subject, his health and he talks about our
- 22 children, getting back together, the kids. He says help
- 23 again and that talks about getting counseling.
- 24 Q. Okay. So he's talking the first person or the third
- 25 person in that email?

1 A. It's like third person.

2 Q. Okay.

3 MR. HARPER: Your Honor, at this time, the State offers
4 into evidence what has been marked as State's Exhibit Number
5 17.

6 THE COURT: Defense?

7 MR. BOYD: No objection.

8 THE COURT: All right. Without objection so admitted.

9 MR. HARPER: Thank you, Your Honor.

10 Q. Joy, do you mind doing the same thing we've been doing,
11 just reading this into evidence for me?

12 A. It says help. Where are Sarah and Christian that Joy
13 and Roger raised to be caring and responsible? Joy has her
14 secret mental breakdown visiting Alex alone. Supposed to go
15 together August 27th, 28th. Joy lies to Alex to hide real
16 fears of losing Alex. Joy gets Roger to keep secret if she
17 goes to counseling with him. Sarah's been pushing for
18 counseling. Roger is biting his tongue, talking to Alex on
19 first whole family vacation, but he agrees we get
20 counseling. Our kids see Joy is not acting normal and try
21 to help. Alex cares Joy even more on last day not taking
22 meds. Joy goes down alone again in September and gets
23 worse. Joy goes alone to counselor, two sessions and two
24 retreats. Returns from retreat shaking, very upset, voice
25 nervous and abusive. Roger tries to call Alex on Alexa.

1 Joy hangs up and goes to bed. Next day after working Joy in
2 same shape. Roger goes to bathroom, text Alex to call Joy.
3 Immediately, Joy calms down when she hears his voice. First
4 week in October Joy asked Roger, out of the blue, recording
5 on phone why he wants to take Rose's home. A witness and
6 Joy told the court lawyer told her to find DV and record it.
7 Still early October, Joy moves into spare bedroom, maybe to
8 get DV, but none. Joy moves out October 19th. Joy is told
9 by her lawyer to no longer communicate with me. Never gets
10 us to go counsel to save family. Only thinking the money
11 she will make. Ten thousand dollars just dividing our stuff
12 with judge for one day. If Joy and Roger had counseling and
13 later with whole family, we would have continued celebrating
14 everything. Alex would have cake day over and over again.
15 Alex needs to know what family love really is. Christian,
16 Sarah, Alex, Roger and Joy need each other's love to heal.
17 Nanny says forgive the past, look to the future. Love each
18 other, forever included. Help before it's too late. Life
19 is short and we need to enjoy each minute.
20 Q. Thank you. Is that the entirety of that email?
21 A. Yes.
22 Q. In between the voice mail, which we're going to listen
23 to in a moment, and January 22nd of 2023, did you ask him to
24 continue contact with you?
25 A. No.

1 Q. Okay. And how did you receive -- or how did you react
2 once you actually received this email?

3 A. Upset. A lot of that is not true and I mean, that -- I
4 hadn't seen him in years and to -- how he knows what my
5 mental state is beyond me.

6 Q. When you said that a lot of that is not true, do you
7 mind expanding on that?

8 A. Just the context, his saying like I had a mental
9 breakdown, I didn't. When he says I came home upset, I
10 wasn't. I don't know. Like I said, it's just not the
11 truth.

12 Q. So before we move back to that voice mail, I want to
13 stay on this for just a moment. Have you ever received
14 counseling?

15 A. Yes, I have.

16 Q. Have you ever received any sort of diagnosis as a
17 result of that counseling?

18 A. Yes.

19 Q. And what was that diagnosis?

20 A. PTSD.

21 Q. Anything else or just PTSD?

22 A. Anxiety.

23 Q. Okay. And during the course of that counseling, were
24 you able to determine, with your counselor, a reason for
25 that diagnosis?

1 MR. BOYD: Your Honor, I'm going to object to this.
2 This is going far astray, going into counselor's opinions
3 who are not here.

4 MR. HARPER: Your Honor, I'm only asking her to talk
5 about her specific diagnosis and the causes for that
6 diagnosis, whether -- I'm not asking for the doctor's exact
7 thoughts on it, just what Ms. Peterson believes is the cause
8 of her diagnoses.

9 THE COURT: Let me see counsel.

10 (Whereupon, a Bench conference was held off the record,
11 out of the hearing of the court reporter and the jury.)

12 Q. Ms. Murdock, why did you start going to counseling?

13 A. The children encouraged me and I didn't think that I
14 needed it and then I finally decided, woke up, it's like
15 I've got to go to counseling and get help and find myself
16 again.

17 Q. Okay. And when was that?

18 A. I believe September of 2021.

19 Q. 2021?

20 A. Uh-huh.

21 Q. Okay. And when you started going, were you having
22 symptoms you were concerned about?

23 A. Anxiety. A lot of anxiety, night terrors. Just kind
24 of wanted to find -- like, forty years of a lot of abuse.

25 Q. I just want to stop you right now. I just want to

1 know, in particular, were there any symptoms that you were
2 concerned about before you went? Just stick to that.

3 A. Well, I just needed help getting over 40 years of a bad
4 marriage.

5 Q. Okay. And whenever all of this started, did your
6 symptoms get worse or better?

7 A. Better.

8 Q. Not counseling. Whenever all the stuff with Mr.
9 Peterson started.

10 A. Oh, no. No. Still anxiety, panic attacks.

11 Q. Okay. And whenever you got the new communications from
12 him, did your symptoms get better or worse?

13 A. Worse.

14 Q. Can you describe what you mean by that?

15 A. Sometimes like hyperventilating, panic attacks, just
16 have -- just fear. Like I say, I had night terrors, bad --
17 really bad dreams about him.

18 Q. Okay.

19 MR. HARPER: Before we go to the last piece of
20 evidence, now that we've got this voice mail up, I do want
21 to play that. Your Honor, permission to publish what I
22 believe was State's Exhibit Number 16?

23 THE COURT: You may publish.

24 Q. And, Ms. Murdock, this --

25 (Whereupon, the referenced exhibit was published to the

1 jury.)

2 Q. Now, do you recognize the voice on that voice mail?

3 A. Yes.

4 Q. Who is that voice?

5 A. Mr. Peterson.

6 Q. Okay. Given what we've talked about in the last couple
7 of minutes, how did that voice mail make you feel whenever
8 you received it?

9 A. Not good. I remember like shaking and getting upset
10 again and it just stirs up everything all -- every time he
11 contacted me. It just keeps rehashing the past. I'm trying
12 to move on.

13 Q. Okay. Now, were you still seeing your therapist at
14 this time whenever you received that email and that was,
15 again, January 5th of 2023?

16 A. Not at that time. I couldn't afford her. It was like
17 \$100 a visit and at that time, I couldn't keep going as
18 often as I needed to, so I stopped for a while until I moved
19 to Rock Hill.

20 Q. Okay. And did you let Mr. Peterson know ever who you
21 were going to for that therapy?

22 A. No.

23 Q. Do you recall if Mr. Peterson ever found out where you
24 were going?

25 A. Yes. That was really spooky.

1 Q. Can you tell me a little bit more about that?

2 A. I received an email from my lawyer that Mr. Peterson
3 had contacted --

4 MR. BOYD: Your Honor, I'm going to object to hearsay.

5 THE COURT: All right. Sustained.

6 MR. HARPER: Thank you, Your Honor.

7 Q. Without saying that or how you found out, are you aware
8 that -- if the defendant ever found out where you were going
9 for therapy?

10 A. Yes, he did.

11 Q. Okay.

12 MR. HARPER: Your Honor, may we approach real quick?

13 THE COURT: Yes, you may.

14 (Whereupon, a Bench conference was held off the record,
15 out of the hearing of the court reporter and the jury.)

16 Q. Ms. Murdock, to wrap up your testimony, and the defense
17 may have some questions for you, I just wanted to go back
18 and recap some of this time line. In 2020, did you separate
19 from the defendant?

20 A. Yes.

21 Q. And at that time or soon thereafter, did you ask for
22 him not to have anymore contact with you?

23 A. Yes.

24 Q. Did he continue to have contact with you?

25 A. Yes.

1 Q. Did you ask him to stop contacting you any other times?

2 A. Yes.

3 Q. And did he continue to contact you?

4 A. Yes.

5 Q. During the time you were living with Christian, from
6 December of 2020 to June of 2022, did the defendant continue
7 to contact you after you asked him not to?

8 A. Yes.

9 Q. When you moved to Rock Hill, did the defendant stop
10 contacting you altogether?

11 A. No.

12 Q. Based off of all of that contact, how has that affected
13 your life?

14 A. Stressful. Very stressful, still anxiety. Just a lot
15 to handle.

16 Q. Okay. And do you see the man in the courtroom today
17 that we've been talking about, Mr. Peterson?

18 A. Yes.

19 Q. Can you please identify him for the record?

20 A. He's over here on the -- my right with Mr. Boyd.

21 Q. Are you indicating the man in the yellow shirt?

22 A. Yes.

23 Q. Thank you.

24 MR. HARPER: Your Honor, please let the record reflect
25 that Ms. Murdock has identified Mr. Peterson as the

1 defendant.

2 THE COURT: The record will so reflect.

3 Q. Ms. Murdock, please answer any questions defense may
4 have for you.

5 THE COURT: Mr. Boyd.

6 CROSS-EXAMINATION

7 JOY ROSE MURDOCK BY MR. BOYD:

8 Q. I believe you said earlier that you and Roger were
9 married for 40 years. Is that correct?

10 A. Almost, yes.

11 Q. And you and he lived together in Greensboro, North
12 Carolina. Is that correct?

13 A. Yes.

14 Q. And at the time that y'all separated, did he have a
15 job?

16 A. Yes.

17 Q. And what was his job?

18 A. He worked for the City of Greensboro.

19 Q. And what position did he have with the City of
20 Greensboro?

21 A. I think it was Homeland Security or something. I don't
22 remember exactly.

23 Q. Okay. Something -- it was something to do with
24 Homeland Security?

25 A. Uh-huh.

1 Q. Okay. And you and he, after you separated -- I'm
2 trying to -- when you filed your first action in Family
3 Court in -- it was in -- was it 2021? Is that correct?

4 A. Which Family Court are you referring to?

5 Q. Greensboro. Up in Greensboro.

6 A. Are you talking about the divorce?

7 Q. Yes.

8 A. Yeah. That would be Greensboro.

9 Q. Okay. And when did you file for divorce?

10 A. I believe it was like April or May of '22?

11 Q. Okay. And the -- and that was in the Greensboro. Is
12 that correct?

13 A. Yes.

14 Q. Okay. And as part of that divorce, you asked for
15 equitable distribution of all the property you own. Is that
16 correct?

17 A. Yes.

18 Q. And your divorce was finalized when?

19 A. May of '23, because Mr. Peterson appealed it.

20 Q. And, in fact, the equitable distribution of property is
21 still going on. Is that correct?

22 A. Almost finished.

23 Q. Okay. But it's not finished yet. Is that correct?

24 A. Correct.

25 Q. Okay.

1 A. Because Mr. Peterson keeps fighting it.

2 Q. Okay. But it's not finished, though, is it?

3 A. 'Cause Mr. Peterson keeps fighting it.

4 Q. Okay. Well, you've got -- I wanted to ask you, you
5 separated, you said you got the -- State's Exhibit 1, I
6 believe, was a -- this is a copy of a text, if I can show it
7 to you, that you received. Is that correct?

8 (Whereupon, the referenced exhibit was handed to the
9 witness.)

10 A. Yes.

11 Q. Okay. Now, you were still living in Greensboro when
12 you received this text. Is that correct?

13 A. Yes.

14 Q. Okay. And you -- you say, No personal messages. Is
15 that correct?

16 A. Yes.

17 Q. Okay. And is that him replying, Norton is business?

18 A. Yes.

19 Q. Okay. And the -- what's this don't worry about doing
20 Hannah or Dayton's room. I shut their doors because they
21 did not get their stuff picked up. Is --

22 A. That was an email from a client to that number.

23 Q. Okay. So that has nothing to do with him?

24 A. No.

25 Q. Okay. And then --

1 A. No.

2 Q. The Miller Vision Specialties has nothing to do with
3 Roger either. Is that --

4 A. No.

5 Q. Okay. Then you go -- Exhibit 2 looks like it's in
6 January 2nd of 2021, and you had separated when?

7 A. 2020.

8 Q. When in 2020?

9 A. October 17th or 18th.

10 Q. Okay. So you separated October 18th and this is
11 in December, you see -- get this text we just referred to in
12 State's Exhibit Number 1. Then in State's Exhibit Number 2,
13 the -- he says -- looks like you got a text from him, Happy
14 New Year. At some point we need to talk to each other?

15 A. I didn't. That's not my text.

16 Q. Is that his text to you?

17 A. Yes.

18 Q. Okay.

19 A. The only one text to me is the one highlighted---

20 Q. Okay.

21 A. ---that I said.

22 Q. Okay. So and he does ask -- he asks you, You took
23 the garage door opener out of my car. Please give me my car
24 key. He's asking for a car key; right?

25 A. That's not in my possession.

1 Q. Okay. But he -- that's what he was asking for?

2 A. Yes. Yes.

3 Q. And then he makes a statement, You're killing me.

4 Please help. Let me help you and Christian, and asked for a
5 truce. You say leave him alone.

6 A. Leave me alone.

7 Q. Okay. And the next text is, Tomorrow's the last day to
8 pay taxes on your house?

9 A. Yes.

10 Q. Okay. So that's dealing with business about the taxes.
11 Is that correct?

12 A. Yes.

13 Q. And was that house a part of equitable distribution,
14 too?

15 A. What home -- house?

16 Q. The house he's referring to.

17 A. My mothers?

18 Q. Yes.

19 A. That was inherited from my mother.

20 Q. Okay.

21 A. I was the only one in her will.

22 Q. All right. Well, my question is, was that part of
23 equitable distribution?

24 A. No.

25 Q. Okay. So that wasn't ruled on by Family Court?

1 A. No. Or I don't think so.

2 Q. All right. Then this is Exhibit Number 3, is something
3 -- is this from him, Put it through the door slot tomorrow?

4 A. That was from -- yes. That was, I believe, like a
5 contract from the Realtor. That was business.

6 Q. Okay. And is that from Roger?

7 A. That was from me and he said -- he says, Why can't I
8 hand it to you personally?

9 Q. Okay. You said that. He says, Why can't I hand it to
10 you?

11 A. Yes.

12 Q. He asked about counseling or talks about it, too and
13 then on Friday, January 22nd, Please don't go down wrong
14 path. Has a mandatory meeting at the same time as the court
15 is. Are you talking there, the court he's referring to is
16 the restraining order?

17 A. Yes.

18 Q. Okay. And he's telling you he has a mandatory meeting
19 to be there and it could cause him to lose his job?

20 A. That's not what caused him to lose his job.

21 Q. No. I'm not asking that. I'm asking that's what he's
22 telling you at that time?

23 A. (No response)

24 Q. That he has a conflict with the court time?

25 A. The court sets that date.

1 Q. Well, I understand that, but you -- he's telling you
2 that he has a mandatory meeting at that time?

3 A. That's what his text says.

4 Q. That's what he's telling you. And, in fact, you -- you
5 filed for the restraining order, but when you got to court,
6 you had lawyers, didn't you, for that?

7 A. I had notice?

8 Q. You had lawyers?

9 A. It was a lawyer that was appointed by the Justice
10 Center. He worked --

11 Q. And they dropped the restraining order, the request for
12 a restraining order; right?

13 A. It was dismissed without prejudice so if I needed to
14 come and do it again, I could.

15 Q. Okay.

16 A. Because I was given the wrong directions by the court
17 -- by the Justice Center.

18 Q. Okay. Okay. But it was dismissed?

19 A. Yes.

20 Q. Okay. So it's never -- never taken into effect. The
21 temporary restraining order expired and there was never a
22 regular restraining order issued?

23 A. There was a restraining order issued in South Carolina.

24 Q. I'm not asking that. I'm asking you if, in Greensboro,
25 was a restraining order issued from that family court that

1 you filed?

2 A. No.

3 Q. Okay. And you had a right to renew it and you never
4 did, did you?

5 A. Because I chose to take another avenue.

6 Q. Okay. All right. Now, looking at State's Exhibit 4,
7 these look like texts, I think you said, were sent in
8 February, about February 20 -- looks like February of '21.
9 That is highlighted. Are these your texts that are
10 highlighted or his texts?

11 A. That's mine.

12 Q. Okay. And is that a text to him?

13 A. Yes.

14 Q. Okay. So in the first text you said, He is working
15 with me. Appraisal is okay. And you're talking about an
16 appraisal for some property y'all own. Is that correct?

17 A. For my mother's property.

18 Q. Okay. So you said your mother's property is owned just
19 by you. Is that correct?

20 A. Yes.

21 Q. This wasn't part of equitable distribution?

22 A. You'd have to ask my lawyer those questions.

23 Q. Okay. But you know whether -- did you get the house?

24 A. Yes.

25 Q. And then you said, the next thing, If you want to help,

1 find someone to fix the girder. Is that on your mother's
2 house?

3 A. Yes.

4 Q. So you're asking him to help you find someone to fix
5 the girder?

6 A. Yes, because he had actually taken over without my
7 knowledge.

8 Q. But you're asking him to help somebody -- call to fix
9 it?

10 A. Yes.

11 Q. All right. And or at least get an estimate on how --
12 you're asking him, or at least get an estimate on it. Is
13 that correct?

14 A. Yes.

15 Q. Okay. The --

16 A. Then I asked him not to -- to leave me alone.

17 Q. After you asked him to help fix the girder?

18 A. (No response)

19 Q. And that was in February of 2021. Is that correct?

20 A. (No response)

21 Q. And then it looks like this letter, which is the next
22 item that was introduced, State's Exhibit 5, was after you
23 moved to South Carolina. Is that correct? And I'll show it
24 to you.

25 (Whereupon, the referenced exhibit was handed to the

1 witness.)

2 Q. This letter you received in South Carolina?

3 A. Yes.

4 Q. Okay. So everything we've talked about before in these
5 exhibits, you were still living in Greensboro at that time.

6 Is that correct?

7 A. Yes.

8 Q. Okay. Now, this letter that was typed, it was the fall
9 of '22, that's the next one you said you received. The --
10 and in here where he says, You need to rent Raleigh. What's
11 Raleigh?

12 A. Raleigh is a condominium or town home in Raleigh.

13 Q. Okay. Is that something y'all own together?

14 A. He and my son.

15 Q. Okay. Was it rental property or --

16 A. It was for my son originally to live in while he was in
17 college.

18 Q. Okay. And then after he moved out of college, did it
19 become rental property?

20 A. Yes.

21 Q. Okay. So he's talking about that and he's also talking
22 about doing taxes. He's talking about equitable
23 distribution there. Is that correct?

24 A. Yes. I did my taxes on my own that year.

25 Q. Okay.

1 A. He has all the -- everything as far as keys or anything
2 to the place in Raleigh. I don't have any of that in my
3 possession.

4 Q. Referring to exhibit 7, looks like -- well, let me back
5 up a minute before I go there. This was a -- looks like a
6 letter marked December -- postmarked at least December 29th
7 of 2022. Is that correct?

8 A. Yes.

9 Q. Okay. And that -- and he's asking you, basically, the
10 -- about thinking of the children and, basically, trying to
11 talk about a reconciliation. Is that correct?

12 A. I'd have to read the letter again to answer that.

13 Q. Okay.

14 (Whereupon, the witness reviewed the referenced
15 exhibit.)

16 A. It's inconsistent because I never promised him I'd go
17 to counseling with him and it's -- I started going and he
18 wanted to go and my counselor recommended that it was a good
19 idea for him to go to another counselor.

20 Q. Okay. And so -- all right. I'm going to back up a
21 minute to the letter, looks like October 24th, '22 letter
22 that you identified as coming from him. In this letter, and
23 I'll show it to you to make sure you understand what I'm
24 asking you about.

25 (Whereupon, the referenced exhibit was handed to the

1 witness.)

2 Q. I mean, you identify that as, correct, receipt --
3 seeing?

4 A. Yes.

5 Q. Okay. Is that -- now, you read this letter. You --
6 he's talking about deficiencies in your discover. Is that
7 correct?

8 A. He wrote it.

9 Q. I'm not asking you to admit there were deficiencies,
10 but that's what he's alleging in this letter; correct?

11 A. That's what he's alleging.

12 Q. Okay. And the -- and at that time, he is pro se in the
13 Family Court. Is that correct?

14 A. Yes.

15 Q. Okay. Which pro se means he was representing himself.
16 Is that correct?

17 A. Yes.

18 Q. And he's writing you complaining about deficiencies in
19 the discovery you provided. Is that correct?

20 A. No. That's his words.

21 Q. Well, I'm not asking you to admit you had deficiencies.
22 I'm asking you is that's what he's alleging and complaining
23 about in this letter?

24 A. They're all untruths.

25 Q. But that's what he's complaining about. Is that

1 correct?

2 THE WITNESS: Do I have to answer that?

3 THE COURT: Yes, you do.

4 A. That's what he's saying.

5 Q. Okay. So -- okay. And the actual -- you understand
6 the charges that are brought against him is from December
7 14th and February of 2023. Is that correct? From '22 to
8 '23, when you were living in Rock Hill?

9 A. Yes.

10 Q. Okay. And I believe this is the one of the actual
11 allegations as to what harassment is, is a letter dated
12 12/29/22. Is that correct? And I'll show you. You said
13 you received that?

14 (Whereupon, the referenced exhibit was handed to the
15 witness.)

16 A. Yes.

17 Q. Okay. And, again, he's asking about trying to
18 reconcile the family at that point, and you don't want to.
19 Is that correct?

20 A. Not after 40 years of abuse. I'm not going back to
21 that situation.

22 Q. And then you received this email, which I think was you
23 were one of a number of people that were copied on this:
24 Sarah, Joy, that's your daughter. Is that correct?

25 A. Yes.

1 Q. Okay. And Christian's your son?

2 A. Yes.

3 Q. And then you. Is that correct?

4 A. (Nods head affirmatively)

5 Q. Okay.

6 (Whereupon, Mr. Boyd conferred with his client off the
7 record.)

8 THE COURT: Please keep your voices lower.

9 MR. PETERSON: Oh. Sorry, sir.

10 Q. From September 2020 to December, 2020, did you have
11 Roger do a -- he did a lot on the house or dealing with the
12 mother's house about getting it sold. Is that correct?

13 A. I don't recall the exact dates.

14 Q. Well, maybe not exact dates,---

15 A. A lot of that he did without my request.

16 Q. ---but he was working on trying to help you get your
17 mother's house sold?

18 A. He did that without my request. He did it on his own
19 because he had a remote that I asked him for and he broke
20 into mother's home while I was there. So he did that on his
21 own. I did not ask him to do that.

22 Q. Well, you're asking him in one of the letters about
23 doing something.

24 A. Yes, but when I asked him to leave me alone, I wanted
25 it to stop. I could handle it on my own.

1 Q. And you wouldn't go over to the house at one point
2 because it made -- over to your mother's house because how
3 it made you feel. Is that correct?

4 A. My mother passed away in her bed and I found her.
5 That's very dramatic.

6 Q. It sure is.

7 A. I didn't want to go there for a little bit because it
8 brought back memories. I did go there. I did not ask him
9 to go do things. He chose to do that on his own without my
10 request.

11 Q. And your daughter, Sarah, are you estranged from her?

12 A. She refuses to communicate with me.

13 Q. She refuses to communicate with you?

14 A. Yes. I have tried to communicate with her.

15 Q. Okay. Thank you.

16 MR. HARPER: Brief redirect, Your Honor.

17 THE COURT: Yes, sir.

18 REDIRECT EXAMINATION

19 JOY ROSE MURDOCK BY MR. HARPER:

20 Q. Ms. Murdock, did you tell the defendant to stop
21 contacting you?

22 A. Yes.

23 Q. Did he stop contacting you?

24 A. No.

25 Q. Did that affect you negatively?

1 A. Yes.

2 MR. BOYD: Your Honor, I think that's been -- that's
3 not part of redirect. He's asked and answered that numerous
4 times.

5 THE COURT: Overruled.

6 Q. Did that affect you negatively?

7 A. Yes.

8 Q. Thank you.

9 MR. HARPER: No further questions.

10 THE COURT: All right. Ms. Murdock, you may step down.
11 Let me see counsel.

12 (Whereupon, a Bench conference was held off the record
13 and out of the hearing of the court reporter and the jury.)

14 THE COURT: All right. Ladies and gentlemen of the
15 jury, before we proceed to the next witness, we're just
16 going to take just a brief comfort break, just about 10
17 minutes or so. You can go back to the jury room, but while
18 you're there, please don't discuss the case with one
19 another, and we'll resume. We'll be at ease for about 10
20 minutes.

21 (Whereupon, the jury exited the courtroom at 4:18 P.M.)

22 MR. HARPER: Your Honor, are we at ease?

23 THE COURT: Yeah, we are. We'll be back at 4:30.

24 (Whereupon, a brief recess was observed from 4:21 P.M.
25 until 4:34 P.M.)

1 THE COURT: All right. Ready for the jury?

2 MR. BOYD: Defense is ready.

3 MR. HARPER: The State's ready, Your Honor.

4 THE COURT: All right. Please bring in the jury.

5 (Whereupon, the jury entered the courtroom at 4:35
6 P.M.)

7 THE COURT: All right. The State will call its next
8 witness.

9 MR. HARPER: Thank you, Your Honor. The State calls
10 Alex Ruprecht to the stand and, Your Honor, I don't believe
11 that his wheelchair will fit in there. How would you like
12 us to do this? Is it okay just to put him at this table
13 here or --

14 THE COURT: If he can just come up as close as he can
15 in the mic, we'll orient the mic however he needs to.

16 (ALEXANDER RUPRECHT, being first duly sworn, was
17 examined and testified as follows:

18 DIRECT EXAMINATION

19 ALEXANDER RUPRECHT BY MR. HARPER:

20 Q. Mr. Ruprecht, can you please introduce yourself to the
21 jury?

22 A. Yes. My name is Alexander Ruprecht.

23 Q. And how do you know the defendant?

24 A. I am -- I'm sorry. Which one's the defendant?

25 Q. This gentleman over here.

1 A. Okay. All right. He is technically my birth father,
2 but I don't consider him a father of any sort; just a role
3 in creating me, basically.

4 Q. Okay. Did you grow up with the defendant?

5 A. No, I did not.

6 Q. How did you end up meeting him, then?

7 A. I took a DNA test in 2020 and ended up -- I was adopted
8 at birth and found out that I had birth parents as well as
9 two full siblings through my DNA test.

10 Q. Okay. And after that, how did you make contact with
11 the defendant?

12 A. Yeah. So my birth sister had taken a DNA test
13 previously, which was, you know, how the match happened.
14 And so I messaged her on Ancestry.com and was like, hey,
15 what's up? Found out we have a match and I was adopted and
16 know nothing about it and trying to figure out, you know, I
17 was really just trying to find my birth mother. I just
18 always had questions, you know, as to where I came from and
19 what she was like and all those types of things, you know,
20 that you have growing up, so --

21 Q. Do you remember when it was that you took that DNA test
22 and made contact?

23 A. Yeah. I know it was Father's Day 'cause my cousin, as
24 well, had taken a DNA test and that was one of the people
25 that I reached out to first was a cousin and it was right at

1 Father's Day, 'cause I had lost my father about a year
2 before that and so I was visiting with my mom, so it's very
3 clear in my head. But, yeah, so that's when I started
4 reaching out 'cause I'd just gotten the results back and was
5 excited, so --

6 Q. And you said you wanted to meet your birth mother. Did
7 you get a chance to do that?

8 A. Yeah. She was hesitant at first, which I get; right?
9 Some stranger's contacting you saying they're your kid and
10 stuff from years ago, but, yeah. So it took about -- I
11 don't know a month or two and we started talking and then we
12 finally met in person.

13 Q. And who was your birth mother?

14 A. Mrs. Murdock.

15 Q. Is she in the courtroom today?

16 A. Yes.

17 Q. Can you please indicate her for me?

18 A. Right there.

19 MR. HARPER: Your Honor, let the record reflect that he
20 has indicated Ms. Joy Murdock.

21 THE COURT: So reflected.

22 Q. So did you say a year. I know you said it was Father's
23 Day, but what year was that?

24 A. 2020.

25 Q. Okay. And where were you living at the time?

1 A. I was living in Indian Land, South Carolina.

2 Q. And while you were living there, did you get to know
3 the defendant and Ms. Joy?

4 A. Yes.

5 Q. Okay. Did you form a relationship with either of them?

6 A. With Ms. Murdock, yes.

7 Q. Okay. And fast forwarding a little bit, where were you
8 living in 2022?

9 A. Can I check my notes? I'm pretty sure that's about
10 when I moved to Rock Hill. Yeah. 'Cause I moved to Rock
11 Hill, I think, in -- yeah, July of 2021. So in 2022, I was
12 in Rock Hill established.

13 Q. Okay. And this may seem like a silly question, but
14 what county is that in?

15 A. York.

16 Q. Okay. And did you ever live with Ms. Murdock?

17 A. No. Well, --

18 Q. Like growing up or ever?

19 A. Yeah. I do currently, but not when I was growing up.
20 No.

21 Q. When did she move in with you?

22 A. That was June of 2022.

23 Q. Okay. And why did she come to live with you? What
24 precipitated that?

25 A. Yeah. So she had, you know, moved out, left Roger and

1 moved in with my birth brother, Christian and we had taken a
2 mountain trip a month or so before that and we were having a
3 talk and I asked him, I said if she so needs, I said, can
4 you be a safe place for her to go, because it didn't take me
5 long -- it took me a month or so to figure out that there
6 was -- stuff was not right and that she needed to get the
7 heck out, basically.

8 Q. And I'm sorry. When was this?

9 A. That was -- I'm sorry. I have slept since five years
10 ago. It was September, 2020.

11 Q. Okay.

12 A. We took a weekend trip and --

13 Q. Did Ms. Murdock move in with you in 2020?

14 A. No, no, but so she had -- I'm sorry. I'm just trying
15 to fill the back story. So she had -- she left in October
16 of 2020 and moved in with Christian and was there for like
17 two years, but because Mr. Peterson would not leave her
18 alone, like, --

19 MR. BOYD: Your Honor, I'm going to object the opinions
20 about the cause --

21 THE COURT: Sustained.

22 Q. Just without going into anything -- anything like that,
23 what, exactly caused Ms. Joy to end up moving in with you?

24 A. Yeah. Well, it was basically I said I have a spare
25 room because where she was, she was still not safe.

1 Q. Okay.

2 A. And so I offered a safe place to be distanced.

3 Q. And do you recall when it was that she moved in with
4 you exactly?

5 A. Yeah. It was right around June of 2022, like mid-June.

6 Q. When she initially moved in with you in June of 2022,
7 were you aware of any contact that she had with the
8 defendant, if any?

9 A. She didn't have any.

10 Q. Okay. Do you recall if there was a time that she was
11 contacted by the defendant?

12 A. Yes. It was nonstop.

13 Q. Specifically, in 2022, whenever she was living with
14 you, do you recall a time that he contacted her?

15 A. Uh-huh. Yeah. She got multiple letters, some phone
16 calls, and then contact through second parties.

17 Q. Okay. I'm handing you now what has been admitted into
18 evidence as State's Exhibits 5 and 6?

19 A. Uh-huh.

20 (Whereupon, the referenced exhibits were handed to the
21 witness.)

22 Q. Do you recognize those?

23 A. Oh, yeah.

24 Q. You say, oh, yeah. What are they?

25 A. They're letters that he sent to Mrs. Murdock.

1 Q. Okay. And were you with her whenever she received
2 these letters or shortly thereafter?

3 A. Yes.

4 Q. Can you describe what, if any, changes in her demeanor
5 that you, yourself, personally witnessed?

6 A. Yeah. She became visibly upset, crying, like kind of
7 hyperventilating, panic attack type emotions and, you know,
8 it was basically like why won't he leave me alone. Why
9 can't he stop and just leave me alone. That's all I want.
10 Was just very visibly shaken and it would last for -- you
11 know, the residuals of it would last for a couple of days
12 because it just would shake her up so much at that point.

13 Q. Now, I'm approaching you with what has been admitted
14 into evidence as State's Exhibit's Number 8, 9 and 11. Do
15 you recognize any of these?

16 (Whereupon, the referenced exhibits were handed to the
17 witness.)

18 A. Uh-huh.

19 Q. Okay. And what are those?

20 A. Further letters that he sent, Roger sent.

21 Q. And same question, were you near her either while she
22 received those letters or directly thereafter?

23 A. Yes.

24 Q. And can you describe what, if anything, you noticed in
25 terms of a change in demeanor of her upon receipt of that

1 letter?

2 A. The same thing, crying, and just shaking and just very,
3 very upset, mostly 'cause of the content of the letters.

4 Q. I'm handing you now what has been admitted into
5 evidence as State's Exhibits 12, 13, and 14. Do you
6 recognize these?

7 (Whereupon, the referenced exhibits were handed to the
8 witness.)

9 A. Yep.

10 Q. And what are those?

11 A. Same thing. Continued contact. More letters.

12 Q. And, again, same question. Were you with her around
13 the time that she received these or directly thereafter?

14 A. Yeah. I work from home so I'm there most of the time
15 and often the one that brings the mail in.

16 Q. So can you describe what, if anything, you saw as sort
17 of a change of her demeanor?

18 A. Yeah. Shaking, crying and upset and, yeah.

19 Q. Do you recall -- I'm looking for State's Exhibit 16.
20 I'm handing you now what has been moved into evidence as
21 State's Exhibit Number 16, which was a voice mail left by
22 the defendant. Do you recall when she received that voice
23 mail?

24 A. Yeah.

25 Q. Were you around her around the time that she received

1 that voice mail?

2 A. Yeah.

3 Q. Can you describe what, if anything, you notice in a
4 change in her demeanor?

5 A. Yeah. I mean, hearing his voice is very triggering for
6 her, even more so than the writing and it sends her pretty
7 much in -- or it used to send her pretty much into a panic
8 attack and the more it happened, the more it was just like
9 why can't he leave me alone and why does this keep
10 happening and I just want to just live my life. So the more
11 it piled on, the more upsetting it was.

12 Q. I'm approaching you now with State's Exhibit 17. Do
13 you recognize this?

14 (Whereupon, the referenced exhibit was handed to the
15 witness.)

16 A. Yeah.

17 Q. What is that?

18 A. It's an email that was sent to Ms. Murdock and a lot of
19 the rest of the family.

20 Q. Now, I know that you said you work from home.

21 (Returning document) Thank you. But were you around her
22 around the time that she received this email?

23 A. Yes.

24 Q. And can you describe what, if anything, you noticed in
25 terms of a change in her demeanor upon receipt of that

1 email?

2 A. Yeah. I mean, it's the same thing. She gets very
3 upset and it causes her to have bad dreams and she can't
4 sleep. It's just -- it's bad.

5 Q. In your experience, your personal experience with Ms.
6 Murdock, does it seem to matter what the context -- the
7 content of those communications are in terms of her reaction
8 to them?

9 A. I would say no, only because the content tends to be
10 recycled and it's the same thing over and over again and I
11 know it's just all disturbing. So, I mean, it's always
12 disturbing. It's never anything comforting. It's never
13 anything, are you -- the question are you okay has never
14 been asked. Do you need anything has never been asked and
15 so, yeah. It's always upsetting for everybody involved. It
16 upsets me as well, so --

17 Q. Do you recall when Mr. Peterson was arrested for the
18 offenses?

19 A. (Nods head affirmatively)

20 Q. Did you notice a change in Joy's demeanor after that?

21 A. Oh, yeah.

22 Q. Can you describe that for me?

23 A. It was a relief for everybody, honestly, because it was
24 ---

25 Q. Specifically about Joy.

1 A. Yeah. She knew that there was a reprieve for a while,
2 that she could sleep easy. She could go out of the house
3 easy and not have to worry if somebody was going to show up
4 behind her or follow her in the car or coming to the door or
5 contacting her son or any of that. It was like she could
6 finally breathe and be free to live her life for once.

7 Q. Thank you. Please answer questions the defense may
8 have for you.

9 THE COURT: Cross-examination.

10 CROSS-EXAMINATION

11 ALEXANDER RUPRECHT BY MR. BOYD:

12 Q. Do you -- I believe you said you discovered about your
13 birth parents in 2020. Is that correct?

14 A. I believe so. Yes.

15 Q. Okay. And you made contact in 2020. Is that correct?

16 A. Correct.

17 Q. Okay. How did you make contact?

18 A. It started like I mentioned, through messaging on
19 Ancestry.com with my birth sister and then that continued to
20 I believe I got either an email address or a phone number
21 from my birth cousin to contact Ms. Murdock.

22 Q. Okay. Who did you talk to first, Ms. Murdock or Roger?

23 A. I believe it -- well, the response came first from Mr.
24 Peterson.

25 Q. Okay.

1 A. But I believe I reached out to both.

2 Q. Okay. And when did you first actually meet them?

3 A. That in person was July 5th of 2020.

4 Q. Okay. And at that time and when you were living in
5 Rock Hill in 2022 when these letters were sent to -- sent
6 there, did you say that you go -- you usually bring the mail
7 in. Is that right?

8 A. A lot of times.

9 Q. Okay. Do you recall on these instances, did you bring
10 the mail in?

11 A. Most likely, yeah. I know a couple of times that I did
12 for sure.

13 Q. Okay. And you don't remember whether you brought the
14 mail in or not or you did bring the mail in?

15 A. I know that at least a few of them, yes, I did.

16 Q. Okay.

17 A. I couldn't tell you exactly which ones.

18 Q. All right. And when you brought it, did you open the
19 mail?

20 A. No.

21 Q. Okay. Did you recognize the envelope and know who they
22 were from?

23 A. I did.

24 Q. And the -- you gave them -- at that point, you gave
25 them to your mother. Is that correct?

1 A. No. Usually, what I do is set them on the table until
2 she gets home.

3 Q. Okay. And then does she see them there and then open
4 them at that point?

5 A. That's correct.

6 Q. Okay. Did you have any conversation with her before
7 she opened them, that this looks like it's from Roger?

8 A. No, because when she's at work I don't want to upset
9 her because that's not the place to be handling things like
10 that.

11 Q. Okay. But you're at home when she gets home, aren't
12 you? You work from home I believe you said?

13 A. Uh-huh.

14 Q. So is -- you're at home when she comes in?

15 A. Uh-huh. Correct.

16 Q. Okay. And so you didn't have a conversation with her
17 about the letters being on the table or anything?

18 A. No. I mean, we would mention it, but again, knowing
19 what the content usually was, I waited for her to read it
20 first and let her lead, because it's not -- that's not my
21 place.

22 Q. All right. Did you come in there while she opened them
23 and read them?

24 A. Yes.

25 Q. Okay. So did she say -- come get you and say there's a

- 1 letter from Roger. I'm going to open it or --
- 2 A. We sat in the living room.
- 3 Q. And, of course, she made the decision to open the
- 4 letters. Is that correct?
- 5 A. Correct.
- 6 Q. The -- was -- well, -- do you recall Roger texting you
- 7 in October of 2020, after you had tried to call your mother
- 8 to calm her down? Do you remember that incident?
- 9 A. I'm not sure exactly what you're referring to.
- 10 Q. Okay. All right.
- 11 A. Calming down about what?
- 12 Q. I'm not sure.
- 13 A. Okay.
- 14 Q. I'm just asking you if you remember.
- 15 A. I'm not sure what you're referring to.
- 16 Q. Okay. Now, the letter -- these that you've got, you --
- 17 they were opened in the evening after she got home from
- 18 work?
- 19 A. That's correct.
- 20 Q. Where did she work? Did she -- working outside of the
- 21 house?
- 22 A. That's correct.
- 23 Q. Did you recall Roger sending you a text the next day
- 24 after there was a discussion or vote about you coming into
- 25 the family?

1 A. I'm not sure what you're referring to. I --

2 MR. BOYD: No further --

3 MR. HARPER: No redirect, Your Honor.

4 THE COURT: All right. Sir, you may be excused.

5 MR. HARPER: Your Honor, at this time, the State rests.

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, as you heard from the State, they have now rested
8 their case. That means they will not be calling anymore
9 witnesses in their case in chief. So at this time -- at
10 this time we are going to pause for the evening and resume
11 in the morning.

12 Before I let you -- before I let you go, let me -- I
13 wanted to speak with the lawyers up at the Bench for just a
14 moment so we can ensure we take care of any housekeeping
15 matters we need to take care of.

16 If I could see counsel, please.

17 (Whereupon, a Bench conference was held off the record,
18 out of the hearing of the court reporter and the jury.)

19 THE COURT: Okay. Ladies and gentlemen, we will break
20 now for the evening. It's just a couple of minutes before
21 5:00. When we resume in the morning, I'm going to ask you
22 to report back at 9:30 to wherever -- wherever the bailiff
23 tells you to report, but you -- it may be back to the jury
24 room, it may be downstairs, but just report first where he
25 tells you to. You'll end up in the jury room and then here.

1 Please be back at the courthouse by 9:30 and, again,
2 you do not have the case for deliberation yet, so please
3 discuss it amongst yourselves or anybody at home and please
4 do not try to conduct any independent research about the
5 case. So, again, thank you for your attention today. Have
6 a good evening. We'll see you at 9:30 in the morning.

7 (Whereupon, the jury exited the courtroom at 4:55 P.M.)

8 THE COURT: All right. Anything we need to take up at
9 this time? Mr. Boyd?

10 MR. BOYD: Your Honor, at this time, I would move for a
11 directed verdict, the grounds being the harassment is a
12 pattern of intentional, substantial, and unreasonable
13 intrusion in the private life of a target person for no
14 legitimate purpose and we're dealing here not with the --
15 what was brought into -- happened in Greensboro, but what
16 happened December to February in Rock Hill. The -- it would
17 -- it has to be to be serve no legitimate purpose and cause
18 the person -- and would cause a reasonable person to suffer
19 mental or emotional distress. The issue's not whether it
20 caused Ms. Murdock emotional distress, it would cause a
21 reasonable person. There's nothing, even backing up --
22 going up to this that are any kind of physical threats or
23 anything in these messages. It's all a total of basically
24 -- best case scenario is let's get counseling, let's get
25 back together. I mean, that is -- that's a common

1 occurrence in people that break up or have relationships, or
2 husbands and wives that break up, but one person's wanting
3 to get back together. Another person can just, you know,
4 easily delete an email or throw the mail in the trash. It's
5 not like he was doing this every hour. She wasn't getting
6 multiple messages a day. She wasn't getting messages every
7 day. She was getting an occasional -- something
8 occasionally, every few weeks that -- to that effect. I
9 submit there's no evidence that would cause a reasonable
10 person to have mental or emotional distress. If that's the
11 case, then, I mean, there's thousands and thousands of
12 people who are subject to breakups and have -- one party
13 wants to get back together, but that would be considered
14 harassment. The -- and so I would submit there's
15 insufficient evidence to carry a charge of harassment in the
16 second degree to the jury.

17 THE COURT: All right. Thank you, sir. We'll hear
18 from the State.

19 MR. HARPER: Thank you, Your Honor. I mean, just
20 briefly. The legal standard for directing a verdict is
21 whether or not there is any evidence, not whether or not
22 there is strong evidence in the first place, but then also
23 we look at that evidence in the light most favorable to the
24 non-moving party, which in this case, is the State.

25 Your Honor, Mr. Boyd talked about how we were here to

1 talk about what happened in December of 2022 to February
2 2023 and that's the case, but before I talk about that, I
3 want to talk about what happened beforehand. I introduced
4 all of that context, all of it, to determine whether or not
5 a reasonable person would fear -- would feel mental distress
6 as a result of these communications. A reasonable person
7 who has asked someone to stop multiple times over the course
8 of a year and a half and moving states to try to get away,
9 not letting them know where they're going and then being
10 found again, Your Honor, the State would submit that a
11 reasonable person would feel fear -- reasonable fear about
12 that. And not only that, Your Honor, Mr. Boyd's statement
13 that it's not about whether or not Ms. Murdock fears the
14 defendant is not entirely accurate. The State has to prove
15 that the person who suffered the harassment suffered mental
16 distress as well as a reasonable person in their position.

17 Your Honor, I think there is plenty of evidence here to
18 show that the contact extended over a long period of time,
19 that it was unwanted, that it was unreasonable, that it was
20 an intrusion into her private life. The pattern was
21 continued from December 14th to February 8th, putting this in
22 South -- sorry -- in York County. And just to make sure
23 that I actually hit all of the elements, -- I was looking
24 for the other page -- but I -- Your Honor, I've got to prove
25 a pattern of intentional intrusion into the private life of

1 a private person that did cause and would cause a reasonable
2 person to suffer mental distress in their -- in -- as a
3 basis for all of that conduct. There is plenty of evidence
4 to submit that case to the jury. Whether or not they
5 believe that the contact was substantial or that a
6 reasonable person would fear is up to them, but it's
7 certainly not something to dismiss on a directed verdict
8 motion.

9 THE COURT: All right. Tell me how many -- so how many
10 -- within the indicted period, so to speak, how many
11 contacts do we have in evidence at this point?

12 MR. HARPER: Three, Your Honor. Your Honor, it is the
13 letter from December. It is the email from January. It's
14 the voice mail. The one that you kept out was an email that
15 was sent to her therapist, so that is not in evidence.

16 THE COURT: Okay.

17 MR. HARPER: It's just those three pieces.

18 THE COURT: All right. That -- all right. Thank you.
19 All right. Well, viewing the evidence and its reasonable
20 inferences in the light most favorable to the non-moving
21 part, which is the State, the Court finds the evidence as a
22 whole is susceptible to more than one reasonable inference
23 and, therefore, a jury -- a jury issue is created and it
24 should be submitted to the jury and the defendant --
25 defense's motion is denied.

1 MR. HARPER: Thank you, Your Honor.

2 THE COURT: Thank you. All right. Anything further
3 before we recede for the evening?

4 MR. HARPER: Nothing from the State, Your Honor.

5 THE COURT: All right. Then we will go into recess for
6 the evening and come back at 9:30 in the morning. Thank
7 you, everyone. Have a good evening.

8 (Whereupon, court was recessed at 5:03 P.M. and
9 reconvened on April 3, 2025 at 9:39 A.M.)

10 (END OF VOLUME I of II)

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STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF GENERAL SESSIONS
CASE NO. 2023-GS-46-01604

STATE OF SOUTH CAROLINA,)
)
Plaintiff,)
)
-vs-)
)
ROGER DEREK PETERSON,)
)
Defendant.)
_____)

TRANSCRIPT OF RECORD
(VOLUME II of II)

April 3, 2025
York, South Carolina

B E F O R E:

Honorable J. Derham Cole, Junior, Judge, and a jury.

A P P E A R A N C E S:

Mr. Alexander Harper
Assistant Solicitor
Ms. Emily R. Ford
Assistant Solicitor
Attorneys for the Plaintiff
York, South Carolina

Mr. James Boyd
Attorney at Law
Attorney for the Defendant
Rock Hill, South Carolina

Shannon E. McGilberry, CVR-M
Court Reporter

1 THE COURT: Okay. Is there anything we need to take up
2 before we bring in the jury?

3 MR. HARPER: Nothing from the State, Your Honor.

4 MR. BOYD: Nothing, Your Honor.

5 THE COURT: All right. All right. Please bring in the
6 jury.

7 (Whereupon, the jury entered the courtroom at 9:39
8 A.M.)

9 THE COURT: All right. Good morning, ladies and
10 gentlemen. Welcome back. I hope you had a pleasant evening
11 last night. As I mentioned yesterday before we broke, the
12 State has rested its case, meaning it's not going to call
13 evidence or present anymore witnesses, which means it is now
14 the defense's turn to present its case and that's where we
15 will begin this morning and, Mr. Boyd, the defense will call
16 their first witness.

17 MR. BOYD: Thank you, Your Honor. The defense calls
18 Roger Peterson.

19 (ROGER DEREK PETERSON, being first duly sworn, was
20 examined and testified as follows):

21 DIRECT EXAMINATION

22 ROGER DEREK PETERSON BY MR. BOYD:

23 Q. Okay. State your full name, please.

24 A. Roger Derek Peterson.

25 Q. Okay. And where do you live?

1 A. Greensboro, North Carolina.

2 Q. Okay. How old are you?

3 A. I'm 68. I had a birthday in February.

4 Q. All right. And are you -- at this time, are you
5 employed?

6 A. No, sir. I lost my job due to the State of South
7 Carolina.

8 Q. Okay. And then you -- what did you do before you --
9 when you worked?

10 A. Okay. My wife couldn't remember, but I was a safety
11 officer for the City of Greensboro Water Supply. So I was
12 responsible for the safety of the employees, but also the
13 citizens in Greensboro and we had a large department. So
14 there's also other members in each of their departments,
15 too, fire department, police department, the maintenance
16 department. So I was part of a big department group.

17 Q. Okay. And she, your wife, exwife, however, mentioned
18 something about Homeland Security. Was it involved with
19 that?

20 A. Yes. To get my job, I had to pass a Homeland Security
21 background check, so I had to have a spotless record. I
22 did; had credentials that they invited me into their weekly
23 meetings. I'd get to receive the emails and we would talk
24 about possible threats and possible things that we need to
25 address and things that I learned about and things they

1 learned about to pass on to me, too, from other departments
2 and -- so, yes.

3 Q. How long were you married to Ms. Peterson?

4 A. Technically married about almost 41 years. We missed
5 our 41st anniversary, but we did celebrate our 40th
6 anniversary, but I've known her for 45 years and we were
7 soul mates for 45 years.

8 Q. Did you have -- do you have children?

9 A. Yes. We have three.

10 Q. Okay. And I believe Alex was actually born before you
11 were married. Is that correct?

12 A. Yeah. We wanted to get married and Joy wanted to marry
13 me, but her mother -- she refused and Joy and I thought that
14 was best to give Alex up for adoption, but we both didn't
15 want to.

16 Q. And, now, who are your other children?

17 A. Sarah Joy Peterson and Christian Derek Peterson.

18 Q. Okay. And let me take you back to the time of you and
19 your wife's separation. Tell us the circumstances of that
20 led up to that separation.

21 A. Okay. Our daughter had done her DNA 10 years earlier
22 than Alex did his and Alex contacted her and on Father's Day
23 she came to me and said, there's someone has more DNA than
24 she's got -- her -- her partner, Trevor, and Katie are
25 twins and she says he has more DNA matches than they do and

1 she said how is that? And so we told her that when we was
2 first dating and stuff we did have a child. We had a little
3 girl and that's the reason why you're matching more than
4 Trevor and Katie's matching the DNA and so on Father's Day
5 we voted and Sarah and Christian said, you know, they went
6 exploring, invited him into the family and Joy said no, but
7 Joy, for 42 and half years, she had buried him because she
8 has fears that overwhelmed her, so she did that for safety
9 for herself. So I understood that. I had to make a
10 decision. Usually, I go with her on every decision. This
11 time here, I couldn't. I mean, this was my chance to get to
12 know Alex and get to bring him into our family and celebrate
13 for the first time as a whole family. So I really liked
14 this and that was my dream. So I voted yes, and Sarah
15 reached out to him. Like I told you in the messages,
16 letters. The next day I sent a text message to him and said
17 this is your father and please use this number here if you
18 need anything and he was really surprised and he answered me
19 back. So we started a relationship and after a while I got
20 my wife, Joy, to finally talk to him and go visit him. So
21 we made a couple visits. He made some visits up here. We
22 had a cake day, which I mentioned in the letter. In
23 Greensboro, we've got a place called Maxine B's and they
24 make great cake and there was, good gosh, five of us there,
25 six -- yeah, six of us there and so we got a couple slices

1 of cake and were sharing with everybody and he was
2 overwhelmed by family.

3 Q. Okay. Well, let me stop you there. Go on and how did
4 it develop that you and Joy---

5 A. That's what I was getting to next. Thank you, sir.
6 Okay.

7 Q. ---broke up?

8 A. Okay. So in August, for somehow, some way, we were
9 supposed to go down to see him, but he manipulated Joy to go
10 down by herself and she did and they had a good time and we
11 were talking on the phone and stuff and when she was ready
12 to come back, she texted back, said, we have a date night.
13 And we had -- we'd love every weekend and then we --
14 she decided which day she wanted to do the sheets --
15 exchange the sheets and clean. Anyway, the next time we
16 were supposed to go together again, she went again alone.
17 However, this time here, she came back crying, upset and she
18 feared that Alex could die at any time. Her mother in 2018,
19 after I took her to a doctor and the doctor said she was in
20 great health, the next week she passed away from a stroke
21 and Joy and I went to her house in the afternoon like we
22 always do. She beat me upstairs and she screamed. I come
23 to and grabbed her. It's a very tragic event. She asked me
24 finally, said check on my mother and I went over. I could
25 tell that she was already -- rigor mortis had set in. She

1 was dead. And I flipped her over and so after that, Joy
2 couldn't go back to her mother's house and that's called
3 avoidance. It's a mental health symptom. I tried to --

4 MR. HARPER: Objection. This is completely
5 unresponsive to the question Mr. Boyd asked.

6 THE COURT: Sustained.

7 MR. HARPER: Thank you, Your Honor.

8 Q. Okay. All right. Let's go forward to --

9 A. So -- well, I was going to say so Joy couldn't go into
10 the house anymore for about seven months. We -- I came home
11 one day within the first couple weeks and Joy had a butcher
12 knife, she had it to her throat --

13 MR. HARPER: Objection, Your Honor. Still completely
14 unresponsive to the question.

15 THE WITNESS: I'm trying to explain, but --

16 THE COURT: Sustained. He's --

17 MR. BOYD: All right.

18 Q. Go forward to the point that Joy and you separated.

19 A. Okay. We took a family vacation, the first time in
20 Labor Day weekend and, again, Joy -- everybody could tell
21 something was wrong with her and we told her -- we told all
22 our kids that Joy and I were going and getting counseling.
23 Joy, when she -- that's the last time she went down to see
24 Alex. Alex told her that he could die just like Joy's
25 mother and Joy said we would go get counseling together if I

1 would go along with her keeping Alex -- she told him that we
2 were having marital problems and we weren't, but she told
3 him that because she couldn't think of anything else and I
4 -- she looks at me with her brown eyes and I just -- yeah.
5 I had -- I gave in, you know, even though I think it's not
6 the best thing. So I kept that a secret the whole time we
7 was on vacation. When she was getting ready to go to the
8 counselor, which is Julie Marshall, and she used my email,
9 which -- to contact her, and she went twice, and then the
10 counselor suggested she go on a retreat at the end of the
11 month in September. I told her she should not do that. She
12 said she wanted to go. She text me peaceful --

13 MR. HARPER: Your Honor, I'm just renewing my
14 objection.

15 MR. BOYD: Well, I think he's explaining how --

16 THE COURT: Overruled. He's trying to get to -- he's
17 trying to get the explanation of what Mr. Boyd's asked him.

18 A. So that weekend she texted back peaceful. So -- but
19 she didn't have any contact with Alexander and I knew that
20 was going to be troublesome. When she came back on that
21 Sunday, she was upset. She was fearful. She was scared to
22 death. She was abusive. And I knew immediately that Alex
23 hadn't talked to her and she hadn't talked to Alex. So I
24 tried -- we got Alexis and we tried to, you know, Alexis,
25 call Alex and she hung up. I tried to say, look, we need to

1 talk to him. I said you need to talk to him. She wouldn't
2 do it, wouldn't do it. The next day -- she went to bed. So
3 the next day when she -- when I came home and she came home,
4 she was still in that same state of frame. I went to the
5 bathroom and texted Alex to please call his mother, because
6 his mother's all upset. I was listening when the phone
7 rang, she was still upset, but when she picked up the phone
8 and heard his voice, she calmed down. She had developed a
9 separation where she was scared to death that Alex going to
10 die just like her mother. So she made the decision at that
11 time then, I think, and Alex probably persuaded her, I
12 believe, that she would rather be with Alex than to stay
13 married to me. Unfortunately, there was a lawyer in the
14 same office that her counselor was in and that lawyer would
15 not allow counseling and --

16 MR. HARPER: Objection. Speculation.

17 THE WITNESS: No. She told me. I'll get to it in a
18 minute.

19 MR. HARPER: Objection. Hearsay.

20 MR. BOYD: Well, that's -- it's showing why he acted in
21 a certain way.

22 THE WITNESS: Yeah.

23 MR. BOYD: Not for the truth of what was asserted.

24 A. So --

25 THE COURT: Well, sustained, but you can rephrase the

1 question a little bit to elicit the responsive answer.

2 MR. BOYD: All right.

3 Q. So at that point, did she get a lawyer?

4 A. Yes. Right after she had the incident at the end of
5 September, the lawyer's is -- she's a top-rated lawyer in
6 Greensboro in the same building and that lawyer told her to
7 start videotaping me, try -- domestic violence. That's why
8 she was taping that day, saying why you going to take my
9 mother's house away from me? I went huh? But anyway, we
10 moved onto the next thing. She moved out that -- my bedroom
11 to the extra bedroom, our daughter's bedroom and then
12 finally she left me on the 19th and took our dog Walker and
13 I pleaded with her not to do that, but I knew she was going
14 to Christian's house, which Christian could help and so the
15 next day she brought Walker back to me to walk. So I got to
16 walk him that day and that was my the last time seeing him.
17 He passed away later that year, next year, and that was --

18 Q. Okay. What was the date she actually moved out?

19 A. The 19th?

20 Q. Of October---

21 A. Of October.

22 Q. ---of what year?

23 A. 2020.

24 Q. Okay.

25 A. Yeah.

1 Q. And she moved in with your son --

2 A. My son, Christian. And I talked to my son. He said
3 just give her time. You know, please she's upset. We'll
4 just give her some time, but she had a lawyer. That was an
5 unfortunate thing 'cause the lawyer was pushing. She didn't
6 want us to get back together. She wouldn't allow
7 counseling and she wouldn't allow Joy to talk to me.
8 November 16th, I hadn't talked to her. You know, basically
9 I sent a text to her, something like that there and that was
10 it. She wouldn't talk to me. I stopped by the house, make
11 sure she was okay, 'cause I saw the car was there and I
12 knocked on the door and finally she came and that's when she
13 told me that she couldn't talk to me 'cause her lawyer said
14 no talking. So I said, well, how's going to help us on --
15 you know, we're trying to sell the house. I'm trying to fix
16 the house up and we got the house in Raleigh and stuff, but
17 she wouldn't talk to me after that -- during that -- after
18 that, she kept the conversation brief. She finally text me
19 about using the home phone only and I thought that was kind
20 of odd. Why couldn't I text her on my phone? And I really
21 believe that her lawyer set me up to be arrested for texting
22 when she took the 50(b) out, which was invalid, because she
23 was no violence on that day, no contact in that day and her
24 -- her lawyer knew she couldn't do it. So she got -- hired
25 a new lawyer and that lawyer dismissed it because the lawyer

1 -- the judge would have asked her was there any domestic
2 violence that day? And Joy would have said, no.

3 Q. All right. Let me stop you there. You're getting a
4 little ahead of where we need to be right now.

5 A. Okay.

6 Q. I'm going to show you some of these exhibits that have
7 been introduced by the State.

8 A. Okay.

9 Q. And the -- State's Exhibit 1 looks like a text to you.
10 Do you recall this?

11 (Whereupon, the referenced exhibit was handed to the
12 witness.)

13 A. Yes. This is -- I'm pretty sure her lawyer, again, was
14 trying to get me arrested for texting 'cause the DA--

15 MR. HARPER: Objection. Speculation.

16 A. ---was pushing no texting.

17 THE COURT: Sustained.

18 Q. All right. You can't go -- but --

19 A. I can explain it later.

20 Q. -- but you sent that text.

21 A. I can explain later.

22 Q. Did you -- did you reply back? Was that your reply?

23 A. Yes.

24 Q. What does it mean Norton is business?

25 A. I had bought Norton for three computers, actually five

1 computers, and so her computer to be included in that so I
2 could load it for her and I didn't want our data to be --
3 'cause she took the computer had all our financial
4 information on it and I didn't want that to be exposed and
5 if you know how scams are, you know how people phish and
6 stuff, you know, try to get you, and so I wanted our
7 computer to be protected at her house -- Christian's house
8 -- at our house. She moved in with Christian, which is our
9 house two blocks, three blocks away. So I wanted our
10 information to be protected.

11 Q. Okay. So the house that she was living with Christian,
12 you and she owned?

13 A. Yes.

14 Q. Okay. Now, she had made some -- in her testimony, she
15 said that you were walking by the house constantly. She
16 said you left notes in the mailbox. Tell us about that.

17 A. Whew. I would walk to the park, which is straight down
18 McDowell(ph) to the Bog Garden. We got a Bog Garden and on
19 the other side Bicentennial and I would walk down. As I
20 walk down, of course, I go right past my son's house and I
21 would check on him, since the house is -- make sure it's
22 okay and then I proceed to the park. During the 50(b),
23 Judge Foster said that park is big enough that if you, by
24 chance, come across Roger, there's plenty of room for you to
25 separate and not be together. So -- and then later, the

1 magistrate, he said, walking past the house -

2 MR. HARPER: Objection. Hearsay.

3 THE WITNESS: No. The next mag- --

4 Q. Well, you can't -- hold on.

5 THE COURT: Sustained.

6 MR. HARPER: Thank you, Your Honor.

7 A. But it was on the way to the park.

8 Q. Let me -- you were walking to a park. How about
9 leaving notes in the mailbox and that type of thing she has
10 alleged that you did?

11 A. I might have did that once. Normally, I would take her
12 mail to her and put it through Christian's slot. At that
13 time I wasn't -- I was trying to give Christian time to work
14 that out there. I may have put a note on the thing, but I
15 don't remember doing the note. I know, I think I put a note
16 on her car toward the -- when we was trying to get the house
17 sold, and I found a buyer after I fixed the house up and got
18 the contract and then I presented that through the door to
19 her.

20 Q. All right. Well, don't do that now. Just answer the
21 question I'm asking about the note. You may have put a note
22 on her car at one point?

23 A. I think the note on the car I did one time, maybe in
24 December, while I was working on the house 'cause, again,
25 she wouldn't talk to me, so I had to try to figure a way to

1 communicate with her.

2 Q. All right. Let me ask you about -- let me show you
3 exhibit 2. I want to just show you that.

4 (Whereupon, the referenced exhibit was handed to the
5 witness.)

6 Q. It looks like that's a text from you. You say, Happy
7 New Year and you said, At some point we've got to talk to
8 each other, let's start tonight. What is it you need to
9 talk to her about?

10 A. Family. Again, we -- so for 45 years we celebrated
11 everything together: Thanksgiving, Christmas, New Year's,
12 everything, and then in 2020, we did celebrate Thanksgiving
13 as a family and then we didn't celebrate Christmas as a
14 family and so -- and we were going down the wrong road and I
15 was trying to help her realize that and you just turn around
16 and realize, hey, greed of money and this lawyer trying to
17 force her not to have contact with me is only going to make
18 things worse.

19 Q. All right. Now, you said -- you talk about taking the
20 garage opener out of the car. Give you the car key. What
21 was that about? Please give me my car key?

22 A. Oh. Okay. We were fixing up the house. I had a
23 buyer, we got a sale. The day we were supposed to sell it
24 and go to the lawyer's office, I text her and asked her, you
25 know, let's go together and she said I'm not going to be

1 nowhere around. So I went to Rose's house, her mother's
2 house, to say my good-bye and check it out and make sure
3 everything's done we needed to do and she was there and so
4 that surprised me. So when I walked up I said, hi, and she
5 said hi, and I said, well, you know, yeah. She kind of
6 caught me off, said I didn't feel like going to the house
7 once I got off mine. I was -- I hadn't seen her or anything
8 so this was just unbelievable. And so she asked me for a
9 garage door, which is how I got in for the three months
10 before because she wouldn't go to the house and I had take
11 -- go to the house to get the mail, check things. I was
12 cleaning it up. I was painting all the rooms, the garage
13 and doing all the things I need to do. So when she asked
14 for the garage, I went back to my car. I parked on the
15 street, too. I could have parked in the drive, but I didn't
16 want to block her. So I went back to my car on the street
17 and got the garage door and gave it to her. During this
18 time, after she moved out and she came with my son,
19 Christian, to our house and she removed a lot of money and
20 she removed savings bonds, \$40,000 for Christian, \$40,000
21 for Sarah, and \$40,000 for her. She cashed hers in later
22 that December, but she was supposed to do half and half.
23 One -- one half \$20,000 one year, \$20,000 next year. That
24 goes in some late, but she has not given Sarah her \$40,000
25 in savings bonds yet. She's using that. But that's -- I

1 parked behind Christian's car and so Christian had to come
2 back in the house to get my extra set of keys. He gave it
3 to Joy and Joy moved my car out and he backed his out and
4 they jumped in the car, 'cause I -- I say surprised them and
5 she went out the back door as I came in the upstairs door,
6 but surprised her. But anyway, she kept my keys and
7 wouldn't give them back to me. I still don't have them so I
8 finally just recently made another key.

9 Q. All right. And you at the bottom say, Tomorrow last
10 day to pay taxes on your house. You're talking about the
11 house that was being sold?

12 A. Mother's house; yeah. Yeah. I just wanted to remind
13 her that taxes had to be paid.

14 Q. Now, let me show you State's Exhibit Number 3.

15 (Whereupon, the referenced exhibit was handed to the
16 witness.)

17 Q. And the -- your -- your -- she asking, Put it through
18 the door lock. What is she talking about there?

19 A. Okay. Okay. Let me get my dates right and everything.
20 But she would get mail and I would say, you know, can I
21 bring it to you and give it to you, hoping she would talk to
22 me and she just -- again, the lawyer doesn't want me talking
23 to her, so she would just say just pass it through
24 Christian's door. We're lucky. In Greensboro, we got
25

1 mail slots on our doors. So the postman comes around and
2 gets the mail right to our house. So that's a really good
3 convenience we have, but it's -- again, she's trying to
4 avoid. She doesn't want to communicate with me and then, of
5 course, I did -- well, there's no one over there. Okay.

6 Q. All right. The -- what are you saying when you talked
7 about I have a mandatory meeting at the same time as the
8 court? What was that about?

9 A. Okay. Okay. This was Friday, January 22nd. Okay.

10 Q. Of what year?

11 A. 20- -- yeah, 2021. I had to get my mind straight.
12 Things happened in 2020, but no. In January 22nd, 2021,
13 okay, we'd already sold the house. I'd gone to the lawyer's
14 office with her and I walked by one day walking to the park
15 and she was out with a bunch of groceries out of the car and
16 when she got out of the car, I waited until she went up to
17 the house and put the groceries and then I said hello, can I
18 help you? 'Cause I seen maybe I can help carry some
19 groceries. She had a bunch. And she goes nah, I'm good.
20 So I said goodbye, we walked on. But on January -- and that
21 was in this period of two weeks that the lawyer knew the
22 judge would ask her about. On Friday, January 22nd, a
23 officer came to me and presented me a 50(b), which is a
24 temporary restraining order. Okay. On it it just says do
25 not assault, do not threaten and -- but it never said

1 anything about do not communicate, do not text on that front
2 page and the officer said nothing about that either. So I
3 waited an hour, hoping I'd see her or something. And I was
4 trying to -- debating, I prayed on it and so I knew that she
5 was committing to go down -- have a divorce and that's going
6 to cause a lot of family issues and she's -- her -- her -- I
7 know her well enough that it's going to affect her down the
8 road too, because --

9 Q. All right. Well, let's get to the --

10 A. Anyway, I finally decided I'd go ahead and text her on
11 the home phone. I said please don't go down the road path,
12 'cause I knew good and well it's going to separate the
13 family and it did. My daughter, for three years, has not
14 talked to her and she may never talk to. That's not good
15 for either one of them. I also explained to her I had a
16 mandatory meeting on that day and I needed to be off so I
17 could have that time to go to my meeting, otherwise I'm
18 going to lose my job and so that's why I text that to her.
19 Again, I didn't see anywhere on that front page about
20 texting, but the -- I understand now that the DA was pushing
21 no texting. They don't put it on the front page, though.

22 Q. All right. Now, the -- the restraining order, that
23 ended up being dropped. Is that correct?

24 A. Again, all she was trying to do -- she got the second
25 lawyer involved just to get a continuance so the -- and

1 filed the equitable distribution on February, I think, 6th,
2 while I couldn't communicate with her and that one got filed
3 and I got served on that, too, equitable distribution. So
4 now we're fighting over money and property.

5 Q. So equitable distribution, that means division of
6 property and assets?

7 A. Exactly. You sit down, you try to work things out and
8 most of the time, you can work it out together. Her lawyer
9 did not want us to do that.

10 Q. Okay. And, actually, that equitable distribution case
11 is still going on at this time, isn't it?

12 A. Again, as I told you, there were so many discrepancies,
13 and during --

14 Q. Well, just -- it's still going on right now. That's --

15 A. It is still going on now and next week I'm supposed to
16 present my arguments, finally.

17 Q. Let me show you State's Exhibit 4 and this looks like
18 it's February of 2021 and the -- there's some highlighted
19 yellow that, He is working with me. Appraisal is okay.
20 What's that conversation about?

21 (Whereupon, the referenced exhibit was handed to the
22 witness.)

23 A. You said February?

24 Q. Well, it's on there as February.

25 A. It's not February.

1 Q. Well, --

2 A. This happened while we were trying to sell the house.
3 December. Yeah. That's later on, though.

4 Q. Okay. That's one --

5 A. That's not here. This happened in December -- I think
6 it was late December.

7 Q. All right. Well, what's it about?

8 A. Okay. The -- Joy couldn't go to the house to do the
9 inspection so she asked me to do it and I said, sure. So I
10 went to the inspection with the buyer and their -- they
11 hired an agent to go around and check all the house out,
12 make sure the appliances are working, looked for thing like
13 termites and stuff. There was an old, old termite nest down
14 under the house and he hit the girder beam with some real
15 sharp instrument and he gouged it, but he didn't find any
16 damage. The buyer presented to Joy that they wanted a
17 reduction of \$10,000 and Joy came to me through this message
18 and said, you know, see if I could find out -- someone to
19 fix the girder. I said there's nothing wrong with the
20 girder. I got three termite inspectors out. They all
21 inspected it, said there's nothing wrong. I gave her all
22 three inspections. I told her the cheapest one was half and
23 I said -- I advised to go ahead and that -- I passed onto
24 through the door that go ahead and take the cheapest one.
25 He's a good guy. He'll do the inspect- -- he'll do the

1 termite mediation and apply it and then he'll come back next
2 year to do it again and she chose the more expensive one,
3 but that's what that was about the girder, is that she
4 asked me to do that there and get estimates, but I didn't
5 need to get an estimate. I got the termite inspection that
6 said there was no termite. That termite nest was old, four
7 or five years old, and all three said there was no termite
8 damage. So I passed that all on to her so she could
9 negotiate with the buyer. And then February 18, Leave me
10 alone. Do not text me (reading document out loud) --
11 Q. Well, let me just ask you, on that house, that's
12 dealing with her house that she inherited from her mother;
13 right?
14 A. Yes, but --
15 Q. And that house was not part of equitable distribution?
16 A. No, but 30 years, she told me if I kept the house up,
17 fixed it, it would be our retirement house.
18 Q. But you're helping her sell her house, basically,
19 aren't you?
20 A. I'm trying -- she had a problem. Still had a problem
21 with avoidance and knew if I could get the house sold that
22 they'd go away.
23 Q. Okay.
24 A. And that would help her on her other problem, the
25 separation, fear of Alex dying.

1 Q. And in this message here, is that a text from you?

2 A. Okay. Let me see. It's got to be. It's not
3 highlighted.

4 Q. Not the -- it's not a highlighted text.

5 A. No, no. It is from me. Yeah. I --

6 Q. What is that about?

7 A. Again, we go back to when she made the second visit to
8 see Alexander by herself, not with me. So she lost me as a
9 support person that she needs and when she went down, she
10 had that mental breakdown and she -- Alexander asked her,
11 what's going on? What's wrong. And he was concerned. And
12 she couldn't think -- she couldn't say, hey, I fear that
13 you're going to die just like my mother, so --

14 Q. Let me just stop you there.

15 A. Yeah. I'm getting ahead.

16 Q. What I want to ask you is what do you mean when you
17 said I showed my loyalty from August to November?

18 A. When she came back, she asked me -- crying and said I
19 did something terrible. I told Alex that we had marital
20 problems and I know we don't, but I know I need you to tell
21 him -- agree. If he asks you, just say we got marital
22 problems and I agreed. I got her, said, If I do that, you
23 agree to go to a counselor with me, 'cause I knew that she
24 wouldn't talk about these problems. There was no marriage
25 problems. So I said I showed my loyalty. I kept that from

1 him. And on our vacation, our first whole family vacation
2 and only whole family vacation probably, I didn't tell the
3 kids about it and when -- so I showed my loyalty to her and
4 then I asked her, you know, 'cause the family needs help.
5 This has gotten really out of control, especially now that
6 my exwife and my daughter Sarah don't talk and she's got all
7 kinds of mental problems, too. She's seeing a psychiatrist
8 and there's things. So this is really serious. I mean,
9 it's serious and her lawyer will allow counseling. The
10 courtroom doesn't want to talk about mental health. It's
11 serious.

12 Q. Now, she -- she eventually moves down to South Carolina
13 to Alex?

14 A. Uh-huh.

15 Q. And here's a letter that been introduced. This is
16 State's Exhibit Number 6.

17 A. Yeah. Can I talk about her statement yesterday, when
18 she said --

19 Q. Not yet. Not yet.

20 A. Okay. Not yet. Okay.

21 Q. All right. You -- is this a letter, first off, just
22 yes or no, did you write this letter?

23 (Whereupon, the referenced exhibit was handed to the
24 witness.)

25 A. No. I would have signed it.

1 Q. Okay. So this is not typed by you?

2 A. No.

3 Q. Okay.

4 A. I even suspected Alexander may have done it, but he --
5 I got reasons to believe that.

6 Q. Okay. So you deny that you wrote this letter?

7 A. I deny I wrote that.

8 Q. This is Exhibit 8. I want you to look at this and ask,
9 did you write this letter?

10 (Whereupon, the referenced exhibit was handed to the
11 witness.)

12 A. Yes. I signed this. Yes.

13 Q. Okay. And in this letter you mention several things
14 about deficiencies in discovery and going on like that.
15 What is that about?

16 A. Okay. When you go through an equitable distribution,
17 you got to -- each of us had to do a discovery, which said
18 this is what we own as marital. This is what we own as
19 separate. And so I presented mine and her lawyer accepted
20 it and -- but on Joy's, she kept having deficiencies. One
21 of the arguments was that the house on McDowell our son
22 lives in, she inherited it and I didn't, but then I had to
23 remind -- she took a lawyer to make sure that everything was
24 kosher and so she was involved in this lawyer and we got a
25 judge that decided Roger and Joy inherited this property.

1 So she knew that. So how would her lawyer get her to
2 perjure herself, but she did. The Bank of Oakridge is an
3 account that was marital. \$95,000 was transferred from a
4 marital account into that account just before she did --
5 moving out, but she said that was separate property, yet
6 there's a check presented two and a half years before her
7 mother died has Joy's name on it. That's not inherited.
8 The bank -- we went to the bank. The bank official said,
9 No. Do not -- this is not inherited. You owned this
10 property before -- this asset before and now it's just
11 yours.

12 Q. All right. We don't need to go into all the details,
13 but---

14 A. Well,---

15 Q. ---but you're complaining here about---

16 A. ---there's also more I want to talk about.

17 Q. ---deficiencies in discovery.

18 A. It's one more just to show. There's also a property in
19 Lincolnton that my mother-in-law owned and she trust me
20 enough that I found out that she deeded it to Joy and me in
21 one of my emails that Joy impersonated me and sent to the
22 deed in Charlotte -- deeder -- to prepare the deed. She
23 acted like --

24 MR. HARPER: Objection, Your Honor. I have absolutely
25 no idea what he's talking about here, but I'd like to see a

1 document.

2 THE COURT: Sustained.

3 Q. Okay.

4 A. Anyway,---

5 Q. Don't -- don't --

6 A. ---she said it wasn't marital and it was.

7 Q. So you're complaining about that in the letter?

8 A. She had had my name removed from the deed and I've got
9 evidence to show that and I'll present that next week, but
10 she present it. She mentioned she was -- she worked
11 cleaning houses and she saved a bunch of money, but she
12 didn't present any of that. I told you about the incident
13 where she asked me to change the tires, rotate the tires and
14 and (unintelligible) and when the (unintelligible) guy came
15 back white as ghost and brought me out to her car and raised
16 the trunk, there was over 100,000 --

17 MR. HARPER: Objection, Your Honor. It's unresponsive
18 to the question. It's also -- I also have objections to
19 relevance at this point.

20 THE COURT: Sustained.

21 Q. All right. Let me show you---

22 A. Frustrating.

23 Q. ---Exhibit 14. It looks like -- and now we're
24 getting into -- this is a document. This is what -- this is
25 a document that's actually in the period you're being

1 charged with in this court.

2 A. Yeah. Keep in mind, too, when I sent these letters, I
3 was pro se, meaning I represented myself. My lawyer -- it's
4 a very political area in --

5 Q. Okay.

6 A. -- with two lawyers and he had to drop out because her
7 lawyer did something wrong and he was not good at saying she
8 did something wrong. So I had to start doing my own legal
9 actions---

10 Q. All right.

11 A. ---as pro se. No other lawyer would do it because of
12 the same situation.

13 Q. All right. Now, this is State's Exhibit 14 and 15.

14 A. Okay.

15 Q. Looks like a letter to Joy. Did you write that letter?

16 (Whereupon, the referenced exhibits were handed to the
17 defendant.)

18 A. Yeah. Yeah. I wrote both of these. This is my
19 handwriting and --

20 Q. What is the purpose of that letter?

21 A. Again, I was not allowed to talk to Joy. Joy's lawyer
22 in Greensboro would not allow counseling. I presented to
23 her lawyer -- no; that was later. That don't -- that's
24 later. Anyway, as pro se, I can reach out to her and talk
25 to her about legal stuff, but I also -- she hadn't told me

1 Alexander hadn't talked -- hadn't communicated or text me in
2 2021 or 2022. She hadn't either besides that one in
3 February. So every time I wrote a letter, she didn't say
4 anything bad back to me about not communicating, so I
5 thought I could go ahead and pursue. At this time, our
6 daughter Sarah was already saying she wasn't going to
7 communicate with Joy anymore and communicate with Alexander
8 anymore. They had done something seriously wrong. And then
9 she started talking about the things that her mother had
10 done to her growing up, and I agreed with her. So -- but I
11 still thought the best thing to do was at least have a
12 working relationship. So I'm still reaching out, trying to
13 get Joy to realize that and, again, Joy's paranoid fear
14 leads Alex --

15 MR. HARPER: Objection. Speculation.

16 A. It's not ---

17 Q. You can't -- stop. When there's an objection,---

18 A. Yes, sir.

19 Q. ---you need to stop 'til the Judge rules.

20 A. That's frustrating.

21 THE COURT: Sustained.

22 MR. HARPER: Thank you, Your Honor.

23 THE COURT: All right.

24 A. Anyway.

25 Q. But the purpose of this letter is just -- what was the

1 purpose of the letter?

2 A. Again, I'm just trying to reach out to Joy and give her
3 a second chance, a third chance and a fourth chance. I'm
4 not quitting on her and --

5 Q. Okay.

6 A. But I -- there's only things -- so much things that I
7 can do.

8 Q. All right. All right. Now, the --

9 A. I still love her and I still -- I don't want her to
10 kill herself like --

11 Q. All right. Stop.

12 A. Okay.

13 Q. Just answer questions.

14 A. Yeah.

15 Q. Now, there was a tape played of a phone call in court
16 yesterday. Do you recall making that phone call?

17 A. I don't recall. This is just before I was going to
18 have my prostate surgery removed. I heard it. It's my
19 voice. I mean, I -- you heard -- you heard I was --

20 Q. But you don't -- you don't have -- you don't have an
21 independent recollection of it?

22 A. I mean, I -- I guess I was trying to reach out one last
23 time and, again, I would love to have my family support me
24 with prostate cancer.

25 Q. Let me ask this -- okay. I'm going to show you State's

1 Exhibit 17 and ask that the -- this looks like an email
2 that's sent to a number of people.

3 A. Yes.

4 (Whereupon, the referenced exhibit was handed to the
5 witness.)

6 Q. Who all is this -- first off, the question just who all
7 was this sent to?

8 A. Yeah. This is our daughter, Sarah, our son, Christian,
9 that we raised and there's several emails that I sent it to
10 that was still theirs and then the last one is to Joy, also.

11 Q. Okay.

12 A. But it's really addressed to Sarah and Christian.

13 Q. And what's the subject of that email? And Joy is
14 copied; right?

15 A. Kind of like that. Yes, sir.

16 Q. And what's the subject of that email?

17 A. Again, I'm trying to make sure our children know
18 exactly what happened. Again, when we took our family
19 vacation, I didn't say anything about this here to them and
20 I'm trying to reach out to them and let them realize that
21 it's a serious situation. Joy could take her life.

22 MR. HARPER: Objection.

23 A. And --

24 THE COURT: Sustained.

25 A. So --

1 Q. Well, I'm going to ask you this: are you trying to
2 reconcile the family, including the relationship between
3 your daughter and your wife?

4 A. Yeah. Yes, sir. And I'm hoping down the road we can
5 get a working relationship between my exwife and me and my
6 oldest child and me and maybe bring Sarah back into it after
7 counseling.

8 Q. Okay. In any of the contact you made, are you
9 threatening Joy?

10 A. No, sir. No, sir. And I really resent the argument
11 that was made by the solicitor. I love my wife. Okay.
12 I'll always love my wife. I would do anything right now if
13 she asked me to do it. All she's got to do is look at me
14 with her brown eyes and she gets what she want. Now, it's a
15 little harder now 'cause I realize that there's an ulterior
16 motive and I'm going to have address that. My daughter's
17 saying be extra careful. All my sisters are saying be extra
18 careful, but I love her and I would never do anything to
19 -- in the eyes of God she's always going to be my wife. I
20 need to take care of her. I need to respect her and I need
21 to do right by her. So I am never going to threaten her. I
22 do not threaten people. I have never done domestic
23 violence. She's made all kinds of stuff up on the 50(b),
24 which her lawyer knew that was not true, so she had to
25 dismiss it. Didn't want the judge to question her like they

1 do in that courtroom of a witness. No, sir. I would never
2 threaten my wife and I would never do any domestic violence
3 to her and I didn't. She has proof of that, 'cause she
4 never got --

5 Q. All right. Well, let me ask you, are you guilty of
6 harassment?

7 A. No, sir. And I never got any direction from her, the
8 State of South Carolina, to stop sending -- or stop
9 communicating or try to communicate with her. On January --
10 the last week in January, I finally got a letter from a Rock
11 Hill officer and he said I needed to come down and address
12 some things. I said, what are they? Can you send them to
13 me. And he says, no, I can't. So that Friday I told him --
14 he said there's one -- he said you got to come down to Rock
15 Hill and turn yourself in. So I said, well, if I got to, I
16 got to. So I drove down, turned myself in, they threw me in
17 jail. I finally got to see a judge. The judge wouldn't
18 listen to me. I tried to tell her I was a safety officer.
19 I carry a phone with me that I have to have my GPS on all
20 the time. I don't need any -- I'm bondable. I'm okay.
21 And, unfortunately, there was another one or two and I was
22 stuck in jail that weekend. So -- but I finally got bond
23 and got out and then, you know, that -- again, the only --
24 the reason I stopped communicating was because that officer
25 sent me a letter the end of January and after that, I didn't

1 communicate with my wife anymore, even though I want to, I
2 can't. So it stopped there. But that was the reason I
3 stopped because he told me and so now I needed to realize I
4 -- he told me if I came down to South Carolina, I would have
5 got arrested and thrown in jail, and I never did that. So
6 there was no threat to anybody here.

7 Q. Thank you. Answer any questions for Mr. Harper.

8 THE COURT: All right. Solicitor.

9 MR. HARPER: Thank you, Your Honor. May it please the
10 Court.

11 CROSS-EXAMINATION

12 ROGER DEREK PETERSON BY MR. HARPER:

13 Q. Mr. Peterson, right at the end of your testimony you
14 said you love your exwife?

15 A. Yes, sir. I do.

16 Q. And you'd do anything for her?

17 A. Yes.

18 Q. Except for leave her alone whenever she asks you to?

19 A. From that -- from that February of 2021, she never said
20 anything about leave me alone. Do not send letters to her,
21 nothing. She would not communicate because her lawyer told
22 her no communication.

23 Q. Okay. And --

24 A. If she would have said -- if she would have said do not
25 communicate, it would have been different and finally when I

1 got the --

2 THE WITNESS: Can I finish my statement, sir? Can I
3 finish my statement?

4 A. Yeah. And, finally, when I got the notification from
5 that, hey, there is warrants in South Carolina and have
6 taken out, I stopped when I came down here to turn myself
7 in and I haven't done any communication with her since.

8 THE COURT: All right. Redirect.

9 MR. BOYD: You may come down.

10 THE COURT: All right. Sir, you may step down.

11 THE WITNESS: Thank you, guys.

12 MR. BOYD: That's the defense case, Your Honor.
13 Defense rests.

14 THE COURT: All right. The defense -- ladies and
15 gentlemen of the jury, the defense has rested so they --
16 which means, as the State did after it rested, the defense
17 will not be calling anymore witnesses or introducing any
18 further evidence.

19 So at this time, we are going to take a morning break.
20 There's some matters we will need to take up with the
21 lawyers outside your presence, but we're -- it's about time
22 for a break anyway. So if you'll return to the jury room
23 and please do not discuss the case amongst yourselves or try
24 to find anything out about the case and we'll come back in
25 about 15 minutes.

1 (Whereupon, the jury exited the courtroom at 10:25
2 A.M.)

3 THE COURT: All right. Anything at this time?

4 MR. BOYD: Your Honor, at this time, I would renew my
5 motion for directed verdict on the same grounds I've
6 previously stated.

7 THE COURT: All right. The State?

8 MR. HARPER: I just renew the same arguments I made at
9 the same time or at the time of the directed verdict motion,
10 Your Honor.

11 THE COURT: Okay. Well, viewing the evidence and the
12 inferences to be drawn therefrom in the light most favorable
13 to the non-moving party, which is the State, the Court finds
14 there is more than one reasonable inference that the jury
15 can draw from the evidence and testimony presented;
16 therefore, the directed verdict motion is denied.

17 All right. We have -- we have some Bench charges
18 prepared. Are there any charges that you have to submit and
19 are you prepared to discuss those at this time or do we need
20 to -- do we need to take a break and how do you want to
21 proceed with closing? Are you ready to proceed shortly or
22 do we need to take a longer break?

23 MR. HARPER: So, first of all, Your Honor, the State
24 doesn't have any sort of additions to the charges or
25 anything like that. I would like to see a reasonable doubt

1 charge so I know what I should argue in closing, if you're
2 willing to do that.

3 THE COURT: Okay.

4 MR. HARPER: But the State's ready to close whenever,
5 Your Honor.

6 THE COURT: Defense?

7 MR. BOYD: I have no addition -- no charges to submit,
8 Your Honor.

9 THE COURT: Okay. All right. If the counsel wishes to
10 approach, you can take a look at what I intend to charge and
11 then make sure there's nothing else and there's a reasonable
12 doubt charges and it's page 6.

13 (Whereupon, an-off-the record charge conference was
14 held at the Bench.)

15 THE COURT: All right. Then we'll just, as we told the
16 jury, we'll just come back at about 10:45.

17 (Whereupon, a brief recess was observed from 10:31 a.m.
18 until 10:59 A.M.)

19 THE COURT: Okay. We ready for the jury?

20 MR. HARPER: Yes, Your Honor.

21 MR. BOYD: Defense is ready.

22 THE COURT: All right. Please bring in the jury.

23 (Whereupon, the jury entered the courtroom at 11:00
24 A.M.)

25 THE COURT: Okay. Ladies and gentlemen of the jury, we

1 are now going to hear the closing arguments for the lawyers
2 and as I mentioned to you in the opening instructions, just
3 be reminded that the closing arguments from the lawyers are
4 not evidence themselves, but it's important to give them
5 your full attention, because it is their opportunity to
6 address you and to give you their view of the facts and
7 evidence as they apply to the case and how they would -- how
8 they would suggest you conduct your deliberations and render
9 a verdict, but, again, these are -- they are advocates on
10 behalf of the State and behalf -- for the defense on behalf
11 of his client. So they're -- so that this is their view of
12 the facts and evidence, but it's going to be your job to
13 decide the facts when it's time for your to deliberate. So
14 after the -- after the closing arguments, then I will you,
15 as I mentioned in the opening instructions, I will give you
16 instructions on the law of the case before you are
17 instructed to go back to the jury room and deliberate. So
18 we'll hear closing arguments from each party and then I will
19 give you some instructions and then we will proceed in that
20 fashion. So with that, we will hear from the State.

21 MR. HARPER: Madam Clerk, do you mind showing my screen
22 to the jury?

23 If you want to be able to get away from someone, you
24 should be able to get away from them. It seems like a
25 pretty simple thing, but unfortunately, it wasn't for Roger

1 Peterson. Unfortunately, despite every single indication to
2 the contrary, Mr. Peterson still -- you heard him on the
3 stand -- does not believe that he cannot contact his wife.
4 If it weren't for law enforcement's involvement, that was
5 the final thing, if it weren't for that, he still wouldn't
6 have left her alone and if you want to be able to get away
7 from someone, you should be able to. You shouldn't have to
8 send multiple texts. You shouldn't have to apply for a
9 restraining order. You shouldn't have to move across state
10 lines. If you want to be able to get away from someone, you
11 should be able to.

12 Mr. Peterson is charged with harassment in the second
13 degree. The Judge is going to instruct you on the law, but
14 just briefly I wanted to go ahead and put that in front of
15 you 'cause there's a couple of elements that we need to
16 consider in your deliberations.

17 The first is that a person has to commit a pattern of
18 intentional, substantial and unreasonable intrusion that
19 serves no legitimate purpose and would cause a reasonable
20 person in her position to suffer mental or emotional
21 distress.

22 Now, the Judge is going to send the indictment back
23 with you. The indictment is what we use to charge people
24 and be to be able to try them in a criminal court. On the
25 back of that, it's also going to have the elements of the

1 offense. I encourage you to read that and listen to the
2 judge whenever he tells you what the law is, but what you're
3 going to see on there is a date range. That date range is
4 going to be December 14th to February 8th, December 14th of
5 '22, February 8th of 2023.

6 So why did talk about all the other stuff? Why did we
7 talk about everything going back to 2020? Because context
8 matters. Because I have to prove that a person in Ms. Joy's
9 position would feel emotional distress, and how do we know
10 what her position is unless we go back to when it started?
11 Now, they were married for 44 years. We didn't go back that
12 far, but what we did start at was whenever they got
13 divorced and what we saw immediately was that Ms. Joy said
14 don't talk to me about anything else other than business.
15 As we heard a substantial amount about Mr. Peterson's
16 testimony, there was some business they had to conduct in
17 terms of getting her mother's estate in order as well as
18 just shutting down their lives together. That's all she
19 wanted, but he persisted in contacting her despite that and
20 so she had to send another text, and another text, and apply
21 for a restraining order because he persisted and all of that
22 is important to understanding why from December 14th to
23 February 8th these letters that didn't have anything
24 outwardly threatening, maybe implicitly, maybe something
25 Ms. Joy took as a threat, but why those letters, those voice

1 mails, those emails would cause her to reasonably suffer
2 emotional distress. So we showed a couple of pieces of
3 evidence in order to prove our case. The first on the list,
4 this text message I just talked about a moment ago. No
5 personal messages on the home phone, business only. Well,
6 unfortunately, Mr. Peterson did not only communicate with
7 her about personal things and so she had to send another
8 text message. Leave me alone. What I think is interesting
9 about that text message is that when Mr. Peterson was on the
10 stand he said that doesn't mean I can't talk to her. I find
11 it interesting three simple words can be misconstrued so
12 greatly. Leave me alone doesn't mean I can't talk to her.
13 It's just a misunderstanding.

14 Later that month she has to apply for a restraining
15 order. We heard a lot about that restraining order and
16 there's a lot of procedural things that went on with that
17 restraining order, but none of that matters. Let me tell
18 you why. Because if a person applies for a restraining
19 order, I can think of almost no other greater indication
20 that person doesn't want to talk to you. That person
21 doesn't want to be contacted by you. Regardless of whether
22 or not it's granted, it's a pretty clear signal, but what
23 did hear from Mr. Peterson? Didn't say I couldn't text her.
24 Didn't say I couldn't call her. They don't put that on the
25 front of a form, 'cause he's entitled to it. We heard it

1 throughout his entire testimony. February 18th, Leave me
2 alone!!! Three exclamation points. I find it interesting
3 that those three words can be so greatly misconstrued.
4 Leave me alone. The third time, fourth time if you count
5 the restraining order. Apparently, I put an animation in
6 that. Did not know I did that, but we're going to fast
7 forward a little bit, but in order to fast forward, we have
8 to understand a couple of things. I only put in a couple of
9 texts. I only put in the fact that she applied for a
10 restraining order in terms of actual physical pieces of
11 evidence that you could go back there and put your hands on
12 and look at, but as Ms. Joy testified, that wasn't it. He
13 would walk by her house slowly, looking at the house in a
14 way that she said that despite the fact that her son lived a
15 couple blocks down, that that was not a normal way for them
16 to go. He would leave letters in the mail slot, leave
17 letters underneath her windshield wiper, leave letters for
18 her whenever she was gone for her to come back to, 'cause
19 leave me alone wasn't clear enough. He still needed to get
20 to her 'cause it was his family that was breaking up. It
21 doesn't matter what she wanted. His family was in jeopardy.
22 I wrote down a couple things that I wanted to make sure that
23 I addressed before we move forward.

24 Her lawyer was trying to set me up for texting. I had
25 to find a way to communicate with her. She's trying to

1 avoid me. She doesn't want to talk to me. The restraining
2 order doesn't include texting. When I was pro se -- or I
3 went pro se 'cause I had to find a way to talk to her.
4 Interesting thing about being pro se in the criminal justice
5 system and really all legal systems that we have in the
6 United States, if you are pro se but another person has an
7 attorney, you have to communicate with their attorney.
8 That's the way it's set up. It's so that people don't put
9 undue pressure on people who are represented and talk to
10 them outside the legal system. That's how it is. I guess
11 he just wanted to ignore that 'cause he needed to find a way
12 to get to her.

13 We fast forwarded to September of 2022. Now, Mr.
14 Peterson says he didn't write this letter. He didn't sign
15 it. The outside of the envelope had his handwriting on it,
16 though, and after 44 years, Joy said that she could
17 recognize his handwriting and as we can see in the content
18 of the letter that she read out for you, and that you can go
19 back and read again, the exact same language, stuff that
20 only he would know. But, of course, he didn't sign it so it
21 isn't him; right? She moved across state lines. She left
22 Greensboro after it was not clear enough that she didn't
23 want to talk him through all the Family Court proceedings,
24 through all the texts, through the restraining order
25 application, none of it. She had move state lines and for

1 three months she didn't hear from him 'til the last day of
2 fall, 2022, when she received this letter.

3 Her son Alex testified yesterday and he told you that
4 as soon as she received that letter, she had a visual
5 emotional response. It wasn't internal. She was breaking
6 down, having a panic attack in his eyes; all from this.
7 Because after 18 months, he would not leave her alone. I
8 have never seen three words misconstrued so greatly.

9 October 24th, Do not go down the wrong path. Now, we
10 saw that language. We saw that in a text message on the day
11 that he was served the restraining order. We know this is
12 him and whenever Joy received a letter, she had the same
13 exact same reaction that she got the last time 'cause he
14 would not leave her alone. He had to get to her. December
15 29th, we're in the date range that we're talking about for
16 harassment in this case; handwritten letter. Same sort of
17 content. You are free to go back and read it. Same
18 reaction from Joy. She just wants to be left alone and she
19 can't be left alone. The voice mail. I'm not going to play
20 it. It's pretty short, but it says I need you and I know
21 that you need me. Leave me alone. He knows she needs him.
22 Leave me alone, but he knows she needs him. So, of course,
23 he must continue to contact her. Apparently, it was going
24 to play.

25 January 22nd is the last piece of evidence that I

1 entered. It's a email from the defendant to members of his
2 family; same sort of content; same reaction from Joy.

3 You heard Ms. Joy testify. You can make your own
4 determinations about whether or not she is a reasonable
5 person. I submit that she is and a reasonable person in her
6 position, after getting these letters, after 18 months --
7 actually, at this point it's more than that of saying leave
8 me alone, I don't want to talk to you, would feel emotional
9 distress. It doesn't matter what the content is. It
10 doesn't matter that they don't have explicit threats in
11 them. The point is she can't get away and if you want to
12 get away from somebody, you should be able to.

13 The Judge is going to instruct you on the law. He's
14 going to instruct you on reasonable doubt. He's going to
15 instruct you that it's my burden to prove my case beyond a
16 reasonable doubt and reasonable doubt, as he's going tell
17 you, is doubt that would cause a person to hesitate to act.

18 I submit to you, ladies and gentlemen, there is plenty
19 of evidence to meet all the elements of the crime that he's
20 charged with. I submit that these -- this pattern of abuse
21 is intentional. It is substantial. It is unreasonable, and
22 that a reasonable person in Ms. Joy's position would
23 suffer emotional distress and Ms. Joy did suffer emotional
24 distress.

25 Now, I didn't know the defendant was going to testify.

1 The defendant never has to put up a case. In the criminal
2 justice system, as Mr. Boyd said, you are presumed innocent
3 until I prove you guilty and as he stands there -- as he
4 sits there, he's still innocent. You have not said that he
5 is guilty. I didn't know he was going to testify, but
6 during the course of his testimony I wasn't actually
7 planning on asking him any questions. I was going to sit
8 up, say thank you very much. No questions. He wasn't going
9 to agree with my version of reality. What can I possibly
10 ask him? Instead, he fed me the line at the end, I love my
11 wife. I'd do anything for her. What were my three
12 questions? Mr. Peterson, at the end of your testimony you
13 said that you loved your wife; right? Yes, I do. You said
14 you'd do anything for her? That's right. Except for leave
15 her alone. I didn't care what his answer was. We've seen
16 it throughout the trial. That's the one thing he wouldn't
17 do, leave her alone. Mr. Peterson's guilty of harassment in
18 the second degree and I told you at the beginning of this
19 trial that I was going to come back and I was going to come
20 back and I was going to ask for a verdict and that the only
21 verdict I was going to feel comfortable asking for and the
22 only verdict you were going to feel comfortable giving is
23 one of guilty.

24 Ladies and gentlemen, I thank you for your
25 attention. Please find the defendant guilty.

1 THE COURT: Mr. Boyd.

2 MR. BOYD: Please the Court. You've heard a lot about
3 presumption of innocence from the judge and the judge will
4 talk to you about that some and just remind you that, and
5 it's been said, that as he sits there, he is -- Roger is
6 presumed to be innocent and that means he doesn't have to
7 come into court and prove himself innocent. He didn't have
8 to take the witness stand and testify. The State has to
9 prove his guilt and prove it beyond a reasonable doubt. I
10 want you to think about what beyond a reasonable doubt means
11 for a minute.

12 Beyond a reasonable doubt is different from what we
13 talk about in some other cases, like a civil case. There's
14 different standards of proof for different kind of cases.
15 For instance, in a civil case, if it's a car wreck or
16 something like that, if it's a question of who ran a
17 stoplight, it's a question of -- you balance it out and
18 whichever way the evidence goes ever so slightly is called
19 the greater weight of the evidence or a preponderance of the
20 evidence and that's what -- that's what you need. Whoever
21 tips the scales of justice ever so slightly wins in that
22 kind of case. That's not the case in a criminal case.

23 In some cases there's a standard of proof called clear
24 and convincing evidence and that's used in, for instance, a
25 Family Court situation where somebody has to prove adultery.

1 The evidence of adultery has to be clear and convincing, but
2 beyond a reasonable doubt is beyond that. That's the
3 highest standard of proof there is. It has to be beyond any
4 reasonable doubt. If there's any reasonable possibility
5 that a person is not guilty, then they're entitled to a
6 verdict of not guilty. A verdict of not guilty is not a
7 declaration of innocence. A verdict of guilty is not a
8 declaration of innocence. I'll say it again. In some
9 places, they -- I think, Scotland, for instance, they have
10 three verdicts. They have a verdict of guilty. They have a
11 verdict of not proven, and they have a verdict of innocent
12 and we kind of combine those two in this case. A verdict of
13 not guilty means that the State has not proven the case
14 beyond a reasonable doubt and that's -- it's not a
15 declaration of innocence. A jury never finds somebody
16 innocent. You may see that in a paper sometime or
17 something, somebody's been found innocent. That never
18 happens. Juries don't declare people innocent. They find
19 -- they declare whether there's been enough evidence to
20 prove guilt beyond a reasonable doubt.

21 Now, why am I talking about this? Because there, as I
22 told you earlier, there's certain things that have to be
23 proven to prove harassment in the second degree and one
24 thing, there has to be an intrusion into the private life of
25 another person, into their private life, and there has to be

1 -- and there has to be -- that intrusion has to be
2 unreasonable and it also, even if it's those things, it has
3 to serve no legitimate purpose and would also have to cause
4 a reasonable person in that position to suffer mental or
5 emotional distress.

6 Now, I want to go back to the parties were married for
7 over, I think they said, 40 years. The -- in 2020, Joy
8 leaves. She makes the decision to leave. Now, the first
9 thing you have of any communication between them is, I
10 don't want to block texts from the home phones so please
11 keep this as business. No personal messages. Then there's
12 a text back, Norton is business. He's talking about
13 something there. So there's nothing here. And remember,
14 all this is just background. The only thing you're to
15 consider on whether a verdict of guilty or not guilty is
16 concerned is what happened in the dates alleged in the
17 indictment, which are December 14, 2022 to February 8, 2023.
18 So none of this can a verdict of guilty be found on, but --
19 and then, later on, there's talk about the -- the garage
20 door opener. They had been to the house. They had had
21 contact. He's helping her with the sale of her mother's
22 house. That's not part of the equitable distribution.
23 That's just a property she owned, she inherited, but he's
24 helping, doing all this work to try to help her sell the
25 house. She doesn't object to that. I mean, when she needs

1 him to do that, she's willing to communicate. She's willing
2 him to go over to the house. She's willing him to do
3 things. She's willing to have him go in there and do things
4 during that period of time. So when we get to that point
5 and he's -- nothing -- and, certainly, she's not complaining
6 about that, and then you get to January -- well, you get to
7 the point -- let's back up a little bit. She files for a
8 restraining order. Okay. And Mr. Harper made a deal, well,
9 restraining order means this and that's -- we don't know.
10 We don't have a copy of a restraining order. We don't -- a
11 restraining order can say you can't -- you can't be around
12 someone. It doesn't necessarily say you can't communicate
13 with anyone. We don't know what the terms of that
14 restraining order was, but in any event, it got to court and
15 it got dismissed and it's interesting to note she was living
16 in Greensboro, separated for over two years. A Family Court
17 case was going over two years. She had plenty of
18 opportunity to apply for a restraining order during that
19 time with the Family Court. During all that time, once that
20 was denied, if he was doing all this harassing, why did she
21 not get a restraining order there, but she didn't do it.
22 She didn't even try at that point to get a restraining
23 order. Why not? She claims during this time he was walking
24 by her house. Well, it's a public -- it's a public
25 sidewalk, I assume. He said he got the dog and he was

1 walking the dogs at some point. All these notes and things
2 she said he put in there, he said he left a note on her car
3 one time about something and may have left a note at another
4 time about something. He did take her mail over there and
5 drop it through the slot, 'cause mail was still coming to
6 the marital home, but it's interesting to note she says he
7 done all this. Well, are there any photographs of him
8 coming over to the house, any cameras? None of that was
9 presented into evidence. Was there any -- these notes he
10 was constantly leaving her, did she produce any of those?
11 That's paper they could produce. That's her word that he
12 did that. It's no evidence presented that he actually did
13 that in court, and they have the burden of proof. We don't
14 have the burden of proof to show he didn't do it. They have
15 the burden of proof to prove he did do it and then -- so
16 there's no restraining order during the time they're going
17 through the Family Court issues.

18 Then you've -- they've got him saying -- this concerns
19 the Family Court, having a mandatory meeting at the same
20 time of court. He doesn't want to lose his job. Is that a
21 -- would that come under the definition of harassment, of
22 serving no legitimate purpose, to have a -- something -- a
23 meeting, mandatory meeting at the same time as court?
24 That's not trying to do anything. The -- and, again,
25 State's Exhibit Number 4, the highlighted part of it is her

1 talking -- she's texting him about appraisal being okay. If
2 you want to help, find someone to fix the grinder or at
3 least get an estimate. She's wanting him to do all these
4 things with the house before she says then, Leave me
5 alone. Don't text or call me. There's number -- then we
6 get to the -- and I think it's important to note what's been
7 presented here. There is -- there is months between these
8 communications. These aren't -- it's not like he's talking
9 -- doing something every day, sending her a text everyday or
10 sending something five times a day. There's weeks and
11 months going on between these communications. It's not a
12 constant something that is happening on a daily basis. The
13 -- we get to State's Exhibit Number 5 that he said he didn't
14 write, but even if he did write it, he's talking about the
15 equitable distribution, that type of thing and it's -- this
16 is in fall of '22, so that would be in South Carolina. The
17 other ones he does talk, asking her to -- let's see.
18 State's Exhibit 8; yes. Talking about discovery. You know,
19 they may not like the way he's going about it, but is that
20 unreasonable to be talking about discovery in the Family
21 Court situation?

22 You go on -- what we have here, the charges that are
23 actually -- he's charged with are basically three contacts,
24 a letter dated December 22nd, 2025 (sic) and which he talks
25 about that. There's a voice mail January 5th, 2023, a very

1 short voice mail, and then there's a email of January 22nd,
2 and the email is addressed to multiple people including her
3 and the -- including their daughter, who she's estranged
4 with. I mean, the whole situation is sad because apparently
5 Alex is -- he is estranged from Roger, doesn't want anything
6 to do with Roger. Then they've got the daughter who doesn't
7 want anything to do with her mother. I mean, it's a sad
8 situation, but he's trying to fix it. He may have not tried
9 to go about it the right way and he may have made mistakes
10 doing that, but to be drug into criminal court over this is
11 frankly absurd. Family Court can deal with this. There's
12 no reason for this to be in this court.

13 We looked at talking about a pattern of intentional,
14 substantial, we're talking about contact that's made weeks
15 apart, sometimes months and months apart. This is not a
16 total of somebody harassing somebody every day. This is not
17 somebody coming by somebodies house. This is not someone
18 -- this is someone writing letters and some -- and an email
19 and one voice message. That's what they're talking about
20 here.

21 If you -- people break up all of the time. Husband and
22 wives, boyfriends/girlfriends break up all the time.
23 Sometime it's not mutual. Sometimes one person wants to
24 continue the relationship and the other one don't. That's a
25 common thing. People, a lot of times, contact the partner

1 they've broken up with and wanting to get back together,
2 want -- asking and asking and asking. Sometimes they say
3 no, no, no, but that happens in life and that's just
4 something that happens and it's no reason for that --
5 something like that to be drug into court about, because if
6 you drug everybody in court that constantly asks to get back
7 together with someone, the courts would be full. You
8 couldn't try the murderers and drug dealers or anybody else
9 'cause the courts would be full of that. This is not what
10 court's for.

11 The -- you know, she doesn't want to get a letter from
12 him, throw it in the trash. So the State has presented that
13 last time, over two years ago, he -- the last communication
14 was an email and certainly that email wasn't even directed
15 -- or it was copied to her, but it wasn't basically directed
16 even to her.

17 We ask you to consider all this and find a verdict of
18 not guilty, because this is the verdict that should be given
19 in this case. It doesn't mean he did everything right;
20 doesn't mean she did everything right. It just means that
21 that's what justice demands in this case. Thank you.

22 MR. HARPER: Very briefly, Your Honor.

23 THE COURT: Yes, sir.

24 MR. HARPER: He didn't do everything right. In fact, I
25 submit to you that he did everything wrong.

1 Now, my co-counsel wrote something down and I make it
2 a point to not ignore my co-counsel when she's wrong (sic)
3 and so I want to make sure that -- or when she's right so I
4 want to make sure that I say this to you.

5 Mr. Boyd made two points that I want to talk about.
6 One is that he said that this is about -- that he was
7 communicating about family court issues. What did I tell
8 you earlier? When you are representing yourself and someone
9 else is represented, you talk to their lawyer. You don't
10 talk to them. It doesn't matter that he's talking to her
11 about the equitable distribution. She doesn't want to talk
12 to him about anything and she has a lawyer to put a barrier
13 between herself and him. Doesn't matter that he's talking
14 about that.

15 The next thing that he brought up is it's a common
16 thing to want to continue a relationship. I can't really
17 refute that. It is a common thing to want to continue a
18 relationship after it's ended, especially after 44 years.
19 Normally, however, that doesn't last several years. It
20 doesn't last after someone has told you multiple times they
21 don't want anything to do with you, apply for a restraining
22 order, gone through the divorce proceedings, put a lawyer in
23 between both of you, move states. It doesn't -- that's not
24 normal.

25 Mr. Boyd said that Joy made the decision to leave.

1 Well, Mr. Peterson made the decision not to let her. Find
2 him guilty.

3 THE COURT: Okay. Ladies and gentlemen of the jury,
4 you've now heard the closing arguments from the -- from the
5 lawyers and now I am going to give you the instructions on
6 the law that you will need -- that you will need during your
7 deliberations back in the jury room.

8 I want to remind you that during this trial you and I
9 have certain duties to perform. As the trial judge, it's my
10 responsibility to preside -- it's been my responsibility to
11 preside over the trial of this case and I also have had the
12 duty to rule on the admissibility of evidence offered during
13 trial. So you are to consider only the competent evidence
14 before you. If there was any testimony ordered stricken
15 from the record in this case during the trial, you must
16 disregard that testimony. You are only to consider the
17 testimony which has been presented from this witness stand
18 and any exhibits, which are over there, that have been made
19 part of the record in this case and any stipulations of
20 counsel.

21 I have the additional duty to charge you the law
22 applicable to this case. As the presiding judge, I am the
23 sole judge of the law of this case and it is your duty as
24 jurors to accept and apply the law as I now state it to you.
25 If you already have an idea as to what the law is or what

1 the law ought to be, and it does not agree with what I now
2 tell you the law is, you must abandon this idea because you
3 are sworn to accept the law and apply the law exactly as I
4 state it to you.

5 In every case tried in this court before a jury, the
6 jury becomes the sole and exclusive judge of the facts in
7 the case. A trial judge cannot intimate, state, comment on,
8 or make any statement to a trial jury about the facts of the
9 case. Since you, the jury, are the sole judge of the facts
10 in the case, you are not to infer from what I have said
11 during the progress of this trial in the ruling upon the
12 admissibility of evidence or otherwise, or anything that I
13 say now during the course of this instruction to you, that I
14 have any opinion about the facts of this case. The law does
15 not allow me to have an opinion about the facts in the case.
16 This is a matter solely for you, the jury, to determine.

17 As jurors it is your duty to determine the effect,
18 value, weight and truth of the evidence presented during the
19 trial.

20 The indictment in this case charges the defendant, Mr.
21 Peterson, with harassment in the second degree. I remind
22 you that the fact that the defendant was arrested, charged
23 and indicted in this case is not evidence in the case and
24 cannot be considered to you as evidence of guilt in this
25 case, nor does it create any presumption or inference of

1 guilt. This document is simply the formal written
2 instrument which contains the charge made against the
3 defendant. It is the formal document by which this case is
4 brought into court.

5 The defendant has pled not guilty to the indictment
6 and that plea puts the burden on the State to prove the
7 defendant guilty. A person charged with committing a
8 criminal offense in South Carolina is never required to
9 prove himself with innocent. I charge you that it is an
10 important rule of the law, the defendant in a criminal
11 trial, no matter how serious the charge may be, will always
12 be presumed to be innocent of a crime for which the
13 indictment was issued, unless guilt has been proven by
14 evidence satisfying you of that guilt beyond a reasonable
15 doubt. This presumption of innocence does not end when you
16 begin your deliberations, but it accompanies the defendant
17 throughout the trial until you reach a verdict of guilt
18 based on evidence satisfying you of that guilt beyond a
19 reasonable doubt.

20 The presumption of innocence is a like a robe or
21 righteousness placed about the shoulders of the defendant,
22 which remains with the defendant until it's been stripped
23 from the defendant by evidence satisfying you, the jury, of
24 the defendant's guilt beyond a reasonable doubt. The
25 presumption is not a mere legal theory. It's not just a

1 legal phrase. It is a substantial right to which every
2 defendant is entitled unless you the jury are satisfied from
3 the evidence of the defendant's guilt beyond a reasonable
4 doubt.

5 The State has the burden of proving the defendant
6 guilty beyond a reasonable doubt. Some of you may have
7 served as jurors in civil cases where you were told that it
8 is only necessary to prove that a fact is more likely true
9 than not true, such as by the greater weight or
10 preponderance of the evidence.

11 In criminal cases, the State's proof must be more
12 powerful than that. It must be beyond a reasonable doubt.
13 Reasonable doubt is the kind of doubt that would make a
14 reasonable person to hesitate to act. Proof beyond a
15 reasonable doubt is proof that leaves you firmly convinced
16 of the defendant's guilt. There are very few things in the
17 world we know with absolute certainty and in criminal cases,
18 the law does not require proof that overcomes every possible
19 doubt. If, based on your consideration of the evidence, you
20 are firmly convinced that the defendant is guilty of the
21 crimes charged, you must find the defendant guilty. If, on
22 the other hand, you think there's a real possibility that
23 the defendant is not guilty, you must give the defendant the
24 benefit of the doubt and find him not guilty. Facts and
25 circumstances that merely place upon a defendant a grave

1 suspicion of the crimes charged or that merely raises
2 speculation or conjecture of the defendant's guilt are not
3 sufficient to authorize a conviction of the accused.

4 There are two types of evidence which are generally
5 presented during a trial, direct evidence and circumstantial
6 evidence. Direct evidence is the testimony of a person who
7 claims to have actual knowledge of a fact, such as an
8 eyewitness. It is evidence which immediately establishes
9 the main fact to be proved. Circumstantial evidence is
10 proof of a chain of facts and circumstances, indicating the
11 existence of a fact. It is evidence which immediately
12 establishes collateral facts from which the main fact may be
13 inferred. Circumstantial evidence is based on inference and
14 not on personal knowledge or observation. Crimes may be
15 proven by circumstantial evidence. The law makes no
16 distinction between the weight or value to be given to
17 either direct or circumstantial evidence; however, to the
18 extent the State relies on circumstantial evidence, all of
19 the circumstances must be consistent with each other and,
20 when taken together, point conclusively to the guilt of the
21 accused beyond a reasonable doubt. If these circumstances
22 merely portray the defendant's behavior as suspicious, the
23 proof has failed.

24 The State has the burden of proving the defendant
25 guilty beyond a reasonable doubt. This burden rests with

1 the State regardless of whether the State relies on direct
2 evidence, circumstantial evidence, or some combination of
3 the two. You should weigh all of the evidence in the case
4 and after weighing all the evidence, if you are not
5 convinced of the guilt of the defendant beyond a reasonable
6 doubt, you must find the defendant not guilty.

7 Necessarily, you must determine the credibility of
8 witnesses who have testified in the case. Credibility
9 simply means believability. It becomes your duty as jurors
10 to analyze and to evaluate the evidence and determine which
11 evidence convinces you of its truth. In determining the
12 believability of witnesses who have testified in the case,
13 you may believe one witness over several witnesses or
14 several witnesses over one witness. You may believe a part
15 of the testimony of a witness and reject the remaining part
16 of the testimony of that same witness. You may believe the
17 testimony of a witness in its entirety or reject the
18 testimony of a witness in its entirety. You may consider
19 whether any witnesses exhibited to you interest, bias,
20 prejudice or other motive in the case. You may also
21 consider the appearance and manner of a witness while on the
22 witness stand.

23 In order to establish criminal liability, criminal
24 intent is required. For example, the mental state required
25 to be proven by the State for a particular crime might be

1 purpose, intent, knowledge, recklessness or criminal
2 negligence. Criminal intent must be proven by the State
3 beyond a reasonable doubt. Criminal intent is always a
4 matter that must be determined by the jury from the
5 circumstances surrounding the situation. There is no way to
6 prove intent to a mathematical certainty. There's no way
7 medical science can dissect a person's brain and determine
8 what the person had in mind. So the law says that criminal
9 intent may be inferred from the circumstances shown to have
10 existed. This is how you decide of whether or not the
11 element requiring intent was present. It is not necessary
12 to establish intent by direct and positive evidence, but
13 intent may be established by inference in the same way as
14 any other fact by taking into consideration the acts of the
15 parties and all of the facts and circumstances of the case.

16 Criminal intent is a mental state, a conscious
17 wrongdoing. It is up to you to determine what the defendant
18 intended to do based on the circumstances shown to have
19 existed. Criminal intent can arise from action or a failure
20 to act. It may arise from negligence, recklessness or
21 indifference to duty or to consequences that are considered
22 by the law to be the equivalent of criminal intent.

23 Harassment in the second degree means a pattern of
24 intentional, substantial and unreasonable intrusion into the
25 private life of a targeted person that serves no legitimate

1 purpose and causes the person -- and would cause a
2 reasonable person in his or her position to suffer mental or
3 emotional distress. Harassment in the second degree may
4 include, but is not limited to, verbal written or electronic
5 contact that is initiated maintained or repeated.

6 Pattern means two or more acts occurring over a period
7 of time, however short, evidencing a continuity of purpose.

8 Electronic contact means any transfer of signs,
9 signals, writings, images, sounds, data, intelligence or
10 information of any nature transmitted in whole or in part by
11 any device, system or mechanism including but not limited
12 to a wire, radio, computer, electromagnetic, photoelectric,
13 or photo optical system. This section does not apply to
14 words or conduct protected by the constitution of this state
15 or the United States, a law enforcement officer or a process
16 service performing official duties or a licensed private
17 investigator performing services or an investigation as
18 described in detail and a contract signed by the client and
19 the private investigator.

20 Madam Foreperson and ladies and gentlemen of the jury,
21 I wish to express the hope that each of you will be mindful
22 of the importance of your responsibility. You're not called
23 upon to serve as jurors very often and the proper
24 performance of the duty requires each of you to reach the
25 height of freeing your mind of all improper influences.

1 As the presiding officer of this Court, I'm vitally
2 concerned that whatever verdict you find will be the result
3 of your going into the jury room and confining your
4 consideration to the evidence and the law that you have
5 heard in this courtroom, weighing it fairly and impartially
6 as I have every confidence you will do.

7 Your verdict in this case cannot be based on sympathy,
8 passion, prejudice or emotion or some other consideration
9 not found in the evidence. Remember, your verdict must be
10 unanimous.

11 And, Madam Foreperson, this is the indictment and this
12 will go back in the jury room with you. Again, as I have
13 stated to you, the indictment itself is not evidence. The
14 reason it is going back into the jury room with you is
15 because on the face of the indictment where you'll see the
16 word verdict, you will write your verdict, either guilty or
17 not guilty, depending on what your decision is and then,
18 Madam Foreperson, as foreperson, you will sign on this line
19 and date it and so that will go back in the jury room at the
20 time that the evidence you are to consider is submitted to
21 you.

22 Now, in just a moment I'm going to ask you to retire to
23 the jury deliberation room and I'm going to take up any
24 issue we need to take up with the lawyers before you begin
25 your deliberations. So please do not begin deliberating

1 when you get back there until your are instructed by the
2 bailiffs to do so. We have to take up some issue with the
3 lawyers, as I mentioned. We -- they will verify the
4 exhibits and the evidence that are to go back in the jury
5 room with you and so you will not have all of the evidence
6 you need to consider until that occurs. So please do not
7 begin to discuss the case until you are further instructed
8 to do so.

9 If, during your deliberations, any questions arise that
10 you need the Court to address, Madam Foreperson, please take
11 the question from any juror that has it. Please write it on
12 a piece of paper, sign and date -- date the piece of paper
13 that has the question on it and knock on the jury room door
14 and hand it to the bailiff. The bailiff will give it to the
15 Court and then we will address appropriately.

16 Likewise, when you reach a verdict and you have
17 recorded it on the verdict form, on the face of the
18 indictment, please knock on the jury room door, let the
19 bailiff know you have a verdict, and then we will reconvene
20 in the courtroom to proceed further.

21 So at this time, please return to the jury room and
22 await further instructions before deliberating. Thank you
23 very much.

24 (Whereupon, the jury exited the courtroom at 11:44
25 A.M.)

1 THE COURT: All right. All right. Is there anything
2 we need to take up regarding the jury charge or otherwise?

3 MR. HARPER: Nothing from the State, Your Honor.

4 MR. BOYD: None, Your Honor.

5 THE COURT: Okay. All right. Well, then if counsel
6 will please come and verify the exhibits to go back and we
7 will -- after that, we will do that.

8 I'm going to also get -- I'm also going to ask the
9 alternate to come out and I'll dismiss them.

10 MR. HARPER: That's probably appropriate at this point.
11 The only thing that I don't know that they didn't have
12 access to is this voice mail, State's 16. We can bring them
13 back out or I don't know if they have the ability to play
14 something through a computer back there. Do they?

15 CLERK: They have all --

16 MR. HARPER: Okay. Thank you. The only thing on here
17 is that voice mail. So --

18 THE COURT: Okay. Well, it sounds like they'll have
19 access to it. If they want to hear it and they have an
20 issue with it, I'm sure they'll -- I'm sure they'll ask us
21 questions. So we'll handle it however we need to.

22 Would you ask Ms. Baker, juror number 12, the
23 alternate, to come out, please?

24 BAILIFF: You want the alternate juror?

25 THE COURT: Yes, sir.

1 BAILIFF: She asked me. I said he'll call for you.

2 (Whereupon, the alternate juror entered the courtroom
3 at 11:46 A.M.)

4 THE COURT: Okay. Ms. Baker, if you would step
5 forward, please.

6 JUROR: Yes, sir.

7 THE COURT: Right there's fine. Do you have all of
8 your belongings with you?

9 JUROR: (Nods head affirmatively)

10 THE COURT: Okay. Well, I heard you anticipated this
11 and had already asked about it, but so you're -- as the
12 alternate and now that the full jury of 12 has gone back and
13 is about to begin deliberations, then you will not remain in
14 the jury room and it's just not proper for you to deliberate
15 along with the jury now that they will have the case, so --
16 but I do want to thank you for your service and your
17 attention and your diligence. We have -- it does happen.
18 We had a trial a couple of weeks ago where an alternate had
19 to sub-in. So it does happen, but -- so your service was
20 very important, even though you don't get to go back and
21 deliberate, but the good news is that you are now excused
22 and released for the week and you are released with the
23 Court's gratitude for your service in this case and your
24 attention and diligence and, more broadly, your fulfillment
25 of your civic duty this week. So thank you very much.

1 JUROR: Okay.

2 (Whereupon, the alternate juror was dismissed at 11:48
3 A.M.)

4 MR. HARPER: Your Honor, one thing. Ms. Baker, now
5 that you're excused, I always like to ask alternate jurors
6 how I did. You do not have to talk to me, but if you'd like
7 to stay and talk, I always like to ask people for feedback.
8 It's up to you.

9 THE COURT: Oh. Yeah. I should -- and you -- now you
10 are -- not with any of them, but you are free to discuss the
11 case with anyone you like or you don't have to discuss it.
12 So, yes, that is up to you.

13 JUROR: Okay. Thank you.

14 THE COURT: All right, sir, if you would -- the
15 exhibits to go back are on the table and this is the
16 indictment, which is the verdict form. So if you would take
17 all of that back to the jury and instruct them that they may
18 begin their deliberations and you can also let them know
19 that we have lunch coming.

20 BAILIFF: Okay. Oh, okay.

21 (Whereupon, exhibits and verdict form to the jury at
22 11:48 A.M., after which court was in recess awaiting the
23 verdict of the jury at 11:49 A.M. until 2:16 P.M.)

24 MR. HARPER: Your Honor, I believe we're ready for the
25 verdict.

1 THE COURT: All right. Please bring in the jury.

2 (Whereupon, the jury entered the courtroom at 2:16
3 P.M.)

4 THE COURT: All right. Ladies and gentlemen, Madam
5 Foreperson, has the jury reached a verdict?

6 MADAM FOREPERSON: We have.

7 THE COURT: Have you recorded the jury's verdict on the
8 verdict form and signed and dated it?

9 MADAM FOREPERSON: Yes.

10 THE COURT: Okay. Would you please hand it to the
11 bailiff to hand to the Court.

12 (Whereupon, the verdict form was handed to the bailiff
13 and then handed up to the Court.)

14 THE COURT: Thank you, sir. All right. Madam Clerk,
15 would you please publish the verdict?

16 CLERK: Yes, sir. *The State of South Carolina versus*
17 *Roger Derek Peterson* for indictment number 2023-GS-46-01604
18 for the charge of harassment in the second degree. The jury
19 finds the defendant guilty.

20 Ladies and gentlemen of the jury, if that be your
21 verdict, so say you all by raising your right hand.

22 (Whereupon, all jurors raised their right hand.)

23 CLERK: Let the record show that all jurors affirmed
24 this verdicts.

25 THE COURT: The record will so reflect.

1 Anything from the defense?

2 MR. BOYD: No, Your Honor.

3 THE COURT: All right. Anything before we -- anything
4 from the parties before we release the jury?

5 MR. HARPER: Nothing from the State, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, having
7 reached a verdict in this case, your service is now
8 concluded. You are now hereby dismissed and you may return
9 to the jury room with the bailiff to retrieve any belongs
10 you may have brought with you and you are free to go.

11 Before you do go, I just want to thank you for your
12 service this week and in this trial, in particular. Thank
13 you for your promptness in your appearance and your
14 attention to the trial of the case and the parties'
15 arguments and the evidence and your diligence in arriving
16 at a verdict. You are now free to go. You are free to
17 discuss the case, if you wish, with anyone. You are not
18 required to discuss the case with anyone, but you may do so
19 if you wish to do so. So I hope you have a good remainder
20 of the week and you are hereby released and dismissed and
21 excused. Thank you very much.

22 (Whereupon, the jury exited the courtroom at 2:21 P.M.)

23 THE COURT: All right. Do we need any time before
24 sentencing?

25 MR. HARPER: Your Honor, it may be superstitious of me,

1 but I don't print out any of my paperwork before a verdict
2 comes back and so Ms. Ford is going to get that from the
3 printer right now, so we should have that in a moment. I
4 think we can do sentencing before we have that if you're
5 inclined so, Your Honor.

6 THE COURT: We can just -- we can wait for that. I
7 prefer to have it before. So we'll stand at ease for a few
8 minutes until that arrives.

9 MR. HARPER: Thank you, Your Honor.

10 THE COURT: Thank you.

11 (Whereupon, court at ease)

12 THE COURT: All right. Are we ready to proceed?

13 MR. HARPER: The State's ready, Your Honor.

14 THE COURT: Okay.

15 MR. HARPER: Ready, Your Honor.

16 THE COURT: State. Yes, sir.

17 MR. HARPER: Thank you, Your Honor. The defendant was
18 convicted of harassment in the second degree, which only
19 carries, you know, a pretty marginal amount of time, but the
20 most important part about that is the defendant has actually
21 already served all of that time. His bond was revoked last
22 year, I believe, and he served the entirety of that sentence
23 until his bond was reinstated.

24 Since that time, he's also been on a GPS monitor and so
25 I don't even know how many days credit he would have credit

1 for, but he has more than maxed that out. At this point,
2 the only thing the State is asking for is a permanent
3 restraining order. I have passed two copies of a proposed
4 permanent restraining order up there, Your Honor, indicating
5 that he has not to have any contact with either Ms. Joy or
6 Mr. Alex Ruprecht for a period of 50 years. I understand
7 that it is within your discretion whether or not to grant
8 that permanent restraining order, but that was the entire
9 reason that we went through this whole process was to get
10 that sort of protection for Joy Murdock and Alex Ruprecht.
11 They would both like to speak at the appropriate time, Your
12 Honor, but I -- again, that is the only thing the State is
13 asking for at this time is that permanent restraining order.

14 THE COURT: All right. We'll hear from them.

15 Yes, ma'am.

16 MS. MURDOCK: We've gone through many years, bad
17 marriage, physical abuse, a lot of emotional abuse. I'm
18 here to be free of that so I can move on with my life. My
19 hope is that I can have peace from Mr. Peterson and that he
20 will finally leave me alone and let me do that. I really
21 need for him to stop. I've got a file full against what
22 Mr. Boyd said of communication from Mr. Peterson; texts,
23 letters. I want to be without that from now on. I want to
24 be at peace, asking many years, he would said, what do you
25 want? I'd say just give me peace and that's what I'm asking

1 for is peace, to let me live my life without any
2 communication from him. There's so much more to the story
3 than anyone will ever know. Not getting my clothes after a
4 divorce for five years. Not being able to get in my house
5 to get even what the equitable distribution said. I finally
6 did with police escort. But please just let me have peace.
7 That's all I ask for. Thank you.

8 THE COURT: All right. Thank you, ma'am.

9 Yes, sir.

10 MR. RUPRECHT: Your Honor, as Ms. Murdock stated,
11 there's so much more to the story than, you know, could be
12 presented in this case. I, myself, have a three-inch stack
13 of paper from somebody I only knew a few months of
14 correspondence that would not stop. It has disrupted our
15 work. It has disrupted our feeling of safety. You know,
16 I have worked very hard on my career and I'm having to miss
17 work for all of these trials for somebody that I only knew
18 for a few months and after three months decided I wanted
19 nothing more to do with him and it would not stop and the
20 only reason that there is ever been any break was because of
21 fear of going back to Moss Justice Center where he served a
22 good bit of time already and that is the only thing, besides
23 changing email addresses, phone numbers and everything else,
24 which again disrupts every bit of our life to have to do
25 that; it has stopped this. And we fully know and fully

1 believe that without this protection, it's going to
2 continue. It's going to start back up again and we're going
3 to have spend time worrying whether he's going to show up.
4 He's already banned from the State of South Carolina as long
5 as that bond holds. And, again, that's been the only thing
6 to keep this from happening. I've never dealt with a person
7 like this in my life and I don't care to again and that's
8 all we're looking to do is move on with our lives. There's
9 no ill will. There's no vengeance. It's just we want to
10 move on with our lives. So that's why we're asking for this
11 restraining order.

12 THE COURT: All right. Thank you, sir.

13 All right. I'll hear from Mr. Boyd, Mr. Peterson.

14 MR. BOYD: Your Honor, the -- as the solicitor says,
15 he's maxed -- he's done the maximum time for this sentence.
16 The -- he is also on an electronic monitor as a conditional
17 bond. He's complied with the terms of the bond so I think
18 he's entitled to have that taken off at this point.

19 The -- as far as the restraining order goes, Your
20 Honor, there's been no contact in two years. A restraining
21 order, though it just sound innocuous, it does have some
22 ramifications that this conviction wouldn't have what his
23 rights. For instance, I think under federal law it affects
24 somebody's gun rights. There's other ramifications are on
25 this. He realizes that he has no -- he can't contact them.

1 I mean, if there's any contact, there could be another
2 harassment charged filed at this point. He absolutely knows
3 he can't have contact. So I submit to you a restraining
4 order is unnecessary.

5 MR. PETERSON: Your Honor,---

6 THE COURT: Yes, sir.

7 MR. PETERSON: ---since my exwife brought up that she
8 hasn't had a chance to get her clothes, back in May of 2021,
9 I had a lawyer work with her lawyer and she was supposed to
10 submit to my lawyer a list of things that she wanted. I
11 knew that she was in trouble with taxes 'cause she's cashed
12 in all of her bonds and I confirmed with my son, and worked
13 through my son to do the federal taxes. I knew what she
14 had, so I gave it to him. He looked it over, he said I
15 would save her a lot of money and so he convinced her -- the
16 lawyer -- her lawyer said don't do it and it had nothing to
17 do with it, but my son convinced her that, hey, I'm saving
18 you a lot of money and on the Friday that we was going to --
19 I needed to do an IRA. I was driving by our house, our
20 house I moved from it, but that's unknown to Joy and I'm not
21 disagreeing with that there. I saw my ex- -- I saw my wife
22 at the time fighting and arguing with two officers and I
23 said, well, I need to turn around and find out what's
24 going on. So I turned around, went back and she was saying
25 he's innocent. He's not guilty. It was dismissed. Don't

1 arrest him. I didn't know what she was talking about. I
2 never got served with an arrest that she talked about on the
3 50(b). So they said they got to take me. So I said, you
4 know, you got to take me, you got to take me. So on a
5 Friday, you know don't get a chance to have a bond because
6 that's what her lawyer wanted was me to stay in jail for two
7 days and the officers -- when I talked to the magistrate, I
8 asked the officer I talked to, wanted to know what they saw
9 and they did and they explained to the magistrate that she
10 was saying he's not guilty, that he's innocent. Don't
11 arrest him. 'Cause she never that that arrest stayed. She
12 thought when it got dismissed, the arrest got dismissed, I
13 guess. I did really know about it, but lawyer used it a
14 certain time. So she could have got her clothes through the
15 proper procedure, but way back then, but she chose instead
16 to arrest me. The officers told the magistrate, the
17 magistrate could a judge involved and it was an exception
18 made to let me out on my own recognizance. I did catch
19 COVID-19 while I was there. Okay. Now, the solicitor
20 argued that I -- she even contacted me later. She was
21 actually looking for evidence. She contacted me after her
22 lawyer dismissed me -- the dismissal in Greensboro back on
23 like February 18th, or something like that there, of 2021.
24 And we didn't have much contact; some. You know, emails
25 would come to me that's hers, and I would just forward it to

1 her and I had lawyers working with me, but again, I lost my
2 lawyer, had to be pro se. I do have a lawyer now because I
3 cannot talk to her or Alex. I want lawyers to handle that
4 there and I've been doing that for two years now. She
5 had -- so I just want you to -- she's made a false statement
6 here in the court. She's made false statements here, I
7 think, forward. So we need to take that into account. I'm
8 trying to catch my composure, sir. I am fighting stage 4
9 cancer. It's a serious issue. And like I say, the
10 solicitor only one that I saw that she said don't contact me
11 was the one back in February 18th, 2021. When I started
12 sending the letters to her trying to get our relationship
13 back with our daughter, she could have easily said don't
14 contact me. Don't -- you know, but she didn't. Each one,
15 she didn't say anything. Alex didn't say anything.
16 Alexander didn't say anything either. So she could have
17 done that. I am just a loving husband and father, but now I
18 say you got to understand paranoia is a serious thing. I've
19 dealt with it for 45 years with her and it's gotten worse
20 and worse and worse. Once she believes something or once
21 lawyers tell her lies, she believes it. So I have no desire
22 to contact her, but there may be things in the future where
23 I need to work through, legal matters, that she's going to
24 be in here and I know there will be. She's falsified
25 information I've told the court and that's got to be dealt

1 with, but I know that if I can get my relationship back with
2 my son, Christian, I will work through him if there's
3 anything needs to be done communication wise between Joy and
4 me. I will not have any kind of communication with her. I
5 don't need to have a permanent restraining order on me. I'm
6 already -- this has affected my health seriously. I came
7 down here -- I was pro se in Greensboro and the attorney in
8 Greensboro, same attorney, would not recognize that
9 counseling back in September of 2020 and Joy used my email
10 to send those, but she goes to that and all I did was send
11 an email to the counselor saying please tell -- 'cause they
12 were friends -- the attorney there, Attorney Pendleton, that
13 yes, Joy did have counseling. I sent her off on a retreat
14 that was disastrous and that way Attorney Pendleton can say
15 yes, you know, there is a mental health matter here and we
16 need to address that, but the Court's won't do it. Finally,
17 Joy did admit that she has PTSD. She doesn't have PTSD from
18 me, okay, or my daughter. She has it from the fear that
19 Alex is dying and that's why she moved down here was to get
20 -- stay with him so she knows he's alive, 'cause if she
21 doesn't have contact with him, she can't call him, she
22 thinks he's dead. That's what happened back on the end of
23 September when she came back from the retreat. So that's a
24 scary situation and I'm afraid that she will commit suicide
25 just like her brother, because her brother committed suicide

1 and sent a note saying all of these things about their
2 mother didn't love him and she said yes, she was the same
3 thing. In Greensboro, the judge said equal -- equal dist-
4 -- equitable distribution, but she got her lawyer to get
5 another judge to give her all the guns. So now she has
6 guns, so I fear that. And anytime you have two people that
7 either have threatened suicidal or committed suicide, that's
8 a serious matter, sir, so I've got to take that in account,
9 too. So I'm not going to come down here anyway. There's no
10 reason to come down here. If she comes up to Greensboro to
11 see my son, I will stay away from that there. I will --
12 I've avoided her. I said we've got the stuff out of the
13 house. She got what she wanted. She said at that time she
14 didn't want any more, even though there's still some clothes
15 there. I can work with my son if she really wants them and
16 he can pick those up, but I don't need a restraining order.

17 THE COURT: All right. Thank you, sir.

18 MR. PETERSON: I'm still thinking, sir.

19 THE COURT: Mr. Boyd, tell me about the GPS issue
20 you've --

21 MR. BOYD: Well, that was a condition of the bond.
22 Judge Hall issued a bond --

23 THE COURT: A bond in this case?

24 MR. BOYD: It is, I think, in this case. There was a
25 number of cases. Rock Hill City, when he was bonded out,

1 ordered a GPS monitor. Then he was put in jail for a bond
2 violation. He's served the time he would do on all these.
3 I have a order from Judge Hall, but Judge Hall's kept all
4 the conditions of bond, including GPS monitoring. So now
5 that is -- I mean, he's complied with the bond. It's no
6 other -- it shouldn't be a condition anymore.

7 MR. HARPER: Your Honor, the only thing I would --

8 THE COURT: What's the State's -- I mean, what's not
9 the State's position, what are the facts alleged in --

10 MR. HARPER: So Mr. Peterson currently has three cases
11 open. One was just closed after the jury returned its
12 verdict. There are two other ones that I believe the GPS
13 monitor is attached to. My intention is to dismiss those
14 cases as soon as we leave here today. So that requirement
15 for GPS monitoring will be null and void. He's got other
16 cases in Lancaster, but I do not believe he has a GPS
17 monitor for that.

18 Your Honor, the only thing that I wanted to mention is
19 something else that I forgot to mention that wasn't part of
20 the trial, is about six months after his arrest, he was held
21 in contempt in Family Court. He was evaluated by the Court
22 there and found to have homicidal and suicidal tendencies
23 with that directed towards the victim. With that in mind,
24 that's another reason why I think a PRO is absolutely
25 essential.

1 MR. PETERSON: Your Honor, I would like to elaborate
2 right there 'cause he does not have all the facts and if he
3 does, he's not giving it to you. Your Honor, the equitable
4 distribution Court, I had a judge that found me guilty for
5 the arrest on the 50(b), texting her. I appealed that and
6 won that. I then -- when he showed up for the equitable
7 distribution, I brought up the matter that -- you're the
8 same judge that found me guilty for texting and there was no
9 evidence. You said my wife said there was not enough. All
10 you need is one evidence, one piece, and then you said,
11 well, she was found without prejudice. I said no. If the
12 lawyer doesn't allow her to be questioned by a judge, then
13 it has to be without prejudice. If she gets questioned, the
14 judge finds that she was lying, well, she -- I did an appeal
15 court and all that testimony that she gave was all false
16 statements. So she did lie and it would have been with
17 prejudice. Those are the two things the judge found me on
18 and that was wrong. There was another thing here that he
19 could have let me out in dismissal. I won my appeal as pro
20 se. The attorney that I wanted was busy doing a murder
21 case, but he was actually the same time there, so that
22 helped me at least explain how things would work and stuff.
23 So -- the equitable distribution that was going on, I was
24 you know, excited 'cause my wife was saying false
25 statements, they were false statements and was trying to

1 explain about oh, we've got rental property Raleigh and
2 was explaining that there and her attorney objected. Wow.
3 And I looked at my attorney and just kind of sighed, you
4 know, kind of trying to get his attention, we need to talk,
5 and the judge found me guilty for contempt. The bailiff,
6 whom I -- and was it March here of 2022 when I had brought
7 down here and I was doing my pro se work and the judge was a
8 new judge. She didn't understand what pro se meant and
9 found me guilty of contempt 'cause I contacted the counselor
10 and asked the counselor to let her attorney know that she
11 was receiving counseling back in September of 2020. They
12 brought me down here and said that was a violation and found
13 me in contempt. Five days later there was three judges in
14 the back of the room when I came in and they released me,
15 but she never apologized and then she asked the question, so
16 I said I still got stuff going on in Greensboro. I really
17 need to talk to the plaintiff and she asked somebody, said
18 yes, that's allowable, but that was all pro se work, Your
19 Honor. He brought it up here, the other time, last time I
20 was here, there was contempt that I committed and I was
21 innocent and that's why they released me after five days,
22 although the jail here wanted two more days. They would not
23 release me and I -- they said a phone thing. Now, going
24 back to equitable distribution, the bailiff -- in March they
25 arrested me so I put my hands up and they took me off. In

1 equitable in Greensboro when the judge said contempt, I was
2 between my two lawyers so I just raised my hand and was
3 shaking my head thinking I can't believe this is happening.
4 The bailiff said no, put your hands behind you. He then
5 took me away from my two attorneys, took me about five feet
6 back to a chair, sat me down in it, was pushing on my
7 shoulders so my hands would rub the back of the chair. I
8 told him it was hurting. He took his knee and drove it into
9 my chest. I said you broke my arm. The bailiffs -- the
10 sheriff that just came in grabbed me. I know my wife saw
11 it and she jumped out of her chair and moved several feet
12 away. They drug me out. The judge declared it criminal
13 contempt, but he is required to explain what it was and
14 bring me back and give me a chance to speak. He never did
15 that because he was protecting the bailiff. He kept me in
16 jail the full time, but he did something else important that
17 I'm going to address. He asked another judge to send a
18 psychiatrist Kim Sullivan in to evaluate me. She came in
19 saying that he was going to get me out. So I was explaining
20 everything that was going on. I thought I could talk to the
21 judge about the bailiff and they would work something out
22 there, but I also mentioned about my wife's -- my brother-
23 in-law, my wife's brother had committed suicide and I was
24 really worried about giving the guns to her, instead of
25 giving them to my son to hold for her. She never did. She

1 went back and said I was mentally ill and I needed to be
2 sent to the mental ward. Okay. They -- fortunately, the
3 mental ward was full so I went to a holding cell. Had to
4 put on the turtle, which you had to strip completely and
5 then for 24 hours I sat in that cell while they watched me.
6 While they watched me. And they finally brought an outsider
7 in and he evaluated me. He said there's nothing wrong with
8 this guy. He's got skills. He's not suicidal. I wish more
9 people had the skills he had, and they released me and
10 brought me back. Before I was released, the same guy
11 evaluated me again and he said the same thing. He said he's
12 not suicidal. He believes -- he's got so much love in his
13 life for the mother, he believes in God. He's not a
14 suicidal dude. He also -- I demonstrated skills that you
15 would -- when he said -- I said stuff, he tried to do
16 certain things. I was working with the City of Greensboro
17 and I told them that's one of the best things, working for
18 people that I care about and I'm doing things good for them
19 and --

20 THE COURT: All right. Mr. Peterson, do you have
21 anything to say about sentencing other than --

22 MR. PETERSON: Well, I have one more thing.

23 THE COURT: Okay.

24 MR. PETERSON: The judge and the psychiatrist who
25 protected the bailiff who tried to get me locked up down

1 here told the judge that -- not to give me a bond. So I was
2 stuck in jail for 105 days. I missed my biopsy for the
3 prostate and I missed taking out the thing. So I -- if I
4 would have took it out back then, I would have been cancer
5 free; I was not. I had to stay in jail until -- the
6 solicitor wouldn't bring me to jail. She -- if you've got a
7 hearing in South Carolina, if you plead guilty, you get out
8 quick. If you plead innocent, you stay in jail and rot
9 until the solicitor brings you to the thing. She never did.
10 My lawyer finally brought it to the judge that, hey, he's
11 been in here more than if he was guilty and got me out.
12 Okay. And then the only reason it was a last minute.
13 Should have never put the monitor on me and -- but they did.
14 I lost my job because, as I say, I was in jail for that
15 space of time. So you got to understand the bond that he
16 just said that I broke was because I was in jail and they
17 wouldn't let me charge it. They could have let me charge it
18 when I got out of jail, but the bondsman said no. That's
19 not allowed. Once it dies, you're going down to South
20 Carolina. So there's got to be some things done here.
21 We're in this thing from January '23. It's just wrong.
22 This thing is a torture device that you wear because you say
23 I'm not going to spend \$280. That's 10 percent of my
24 salary. So you plead guilty and they get a conviction. You
25 go to jail. You do the fast track. I heard so many people

1 say that. I was the only person there that was claiming
2 innocence except for one other guy. I am a responsible
3 person. I told you I was with the City of Greensboro as a
4 water supply safety officer, Homeland Security, background
5 checks. I will still be a responsible person going forward.
6 I cannot believe that the verdict thing I got here when
7 there was only one evidence that she says after the --

8 THE COURT: Okay.

9 MR. PETERSON: But anyway, I'm just asking, please
10 don't -- my life's already been ruined. Okay. No one
11 wanted to address the mental health of my wife. It's a
12 serious matter and I just ask you not to put a restraining
13 order on me. I am not going to contact her and I'll let my
14 lawyer handle all the legal matters.

15 THE COURT: All right.

16 MR. PETERSON: I've been doing that for the two years
17 since I found out that she did and all she had to do was
18 just tell me, you know, but she never did. So once I found
19 out that there was a warrant, which wasn't until January
20 27th, then I stopped contact with her and just gave up.
21 It's over; there's no chance. My daughter is screwed, but
22 that's just the way life is sometimes.

23 THE COURT: All right. Thank you, sir. The -- based
24 on the -- do we have a number -- do you have the number of
25 days, time?

1 MR. HARPER: I can get that for you, Your Honor. Hold
2 on.

3 MR. PETERSON: Your Honor, I spent 7 days the first
4 time in March. I had 105 days the second time.

5 MR. BOYD: Your Honor, he went from June 29th of '23 to
6 September 28th, '23. So that's more -- that's about almost
7 90 days.

8 MR. PETERSON: And it's two days from --

9 MR. HARPER: And, Your Honor, I believe he has been on
10 GPS monitor since he got out.

11 THE COURT: Okay. All right. Well, the maximum time,
12 as we've said, is 30 days. His -- the time in jail has been
13 well in excess of that. So the sentence of the Court on the
14 offense is -- is time served. As to the permanent
15 restraining order, the Court does find that this conviction
16 is a qualifying conviction and offense under 16-3-900 and
17 the Court will enter the restraining order as presented to
18 the Court.

19 MR. BOYD: Your Honor, what about the monitor?

20 MR. PETERSON: That comes off. He already said.

21 THE COURT: Well, it's -- I mean, his bond as to this
22 offense and conviction's extinguished, so it wouldn't be --
23 it wouldn't apply to this and the solicitor has indicated
24 he's going to dismiss the other two charges that --

25 MR. HARPER: Yes, Your Honor. In fact, I'll generate

1 the paperwork before I even leave this courtroom.

2 THE COURT: Okay. So it should be addressed this
3 afternoon.

4 MR. BOYD: All right. Thank you.

5 THE COURT: All right. Thank you.

6 MR. HARPER: Thank you, Your Honor.

7 (Whereupon, court was adjourned at 2:54 P.M.)

8 (END OF VOLUME II of II)

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* 4G LTE 51% 9:19 PM



Home



update thought

6:10 PM

I don't want to block texts from the home phone so please keep this as a business only number. No personal messages.

6:17 PM

H

Norton is business

6:18 PM

Monday, December 28, 2020

H

Don't worry about doing Hannah or Dayton's room. I've shut their doors because they did not get their stuff picked up

11:44 AM

H

Hello Joy, this is Miller Vision Specialties. We wanted to remind you of your appointment on December 31st at 10:15 AM. Please bring your insurance card and complete all forms before you arrive for your visit at <http://getw3v.com/98iu2y>. Text C to confirm this appointment. Thank you!

Reply STOP to



Enter message



SEND



4G LTE 51% 9:19 PM



Home



Happy New Year. At some point we got to talk with each other. Let's start tonight

5:16 PM

Saturday, January 2, 2021



I took the garage door opener out of my car. Please give me my car key

6:04 PM



YOU ARE KILLING ME

6:48 PM

Monday, January 4, 2021



Please let me help you & Christian. He is in pain too

7:21 AM



Truce!!! Let me help you & Christian tonite and tomorrow

5:58 PM

6:45 PM

Leave me alone. Please, for the last time, home phone for business only.



Tomorrow last day to pay taxes on your house

6:49 PM

Tuesday, January 5, 2021



Enter message



SEND

1/8/22, 6:53 PM

Photo - Google Photos

94% 2:14 PM

< Home



8:22 PM Put it through the door slot tomorrow .

H

Why can't I hand it to you 8:23 PM

H

Can we please get counseling together very soon! 8:24 PM

H

Got a filling in the side of my tooth near gum
Weird 8:48 PM

Friday, January 22, 2021

H

Please do not go down wrong path 1:37 PM

H

I have a manadory meeting I will be in at the same time as the court. Do you want me to lose my job. PLease can we go to counseling together like we were supposed to do in the first place

2:33 PM

Friday, February 26, 2021



Enter message



SEND



10:49 AM

he is working with me.
Appraisal is ok.

11:18 AM

If you want to help, find
someone to fix the girder

11:26 AM

Or at least get an estimate

Thursday, February 18, 2021

5:11 PM

Leave me alone!!! Do not text
or call me. Do not come to
Christian's house or even walk
by.

R

I showed my loyalty from
August to November and kept
your secret hoping you would
get better Please help the
family and I really really need
you and still love you

7:05 PM

Saturday, February 20, 2021

R

PleaseJoy Please find some
love for me and let's stop this
and try to put the family first So
we can all be together

10:20 AM



Enter message



SEND

JONATHAN SOWELL

Police Officer I
Patrol

Rock Hill Police Department
120 E Black Street

Rock Hill, SC 29730

803-407-7242 Business

803-329-7248 Records

Jonathan.Sowell@cityofrockhill.com

Incident #: [REDACTED]

CRIMESTOPPERS
1-877-409-4321

GREENSBORO NC 270
PIEDMONT TRIAD AREA
23 SEP 2022 PM 4 L



Joy Peterson



29730-471242



JOY I LOVE YOU !!!

Last day of Fall 2022

Nanny always said Family is Most Important, Always forgive. I know you remember.

Alex does not know me! I cannot believe as much as you know I dreamed and wished for our family to be whole, that you took Alex away from me. I thought we are sweethearts and soul mates. How could you let Alex take you away from Sarah and me? I can't sleep and lay in bed thinking what could have been, what should have been. I sent 2 letters to Tamika, Alex's lawyer. Did you read them?

All this emotional stress, not sleeping, family not in my life and going to jail has taken a big toll on me. My PSA came back 15.67 (should be below 4) and I got to go see an urologist to see how bad my prostate cancer is. Dad at 71 did chemo when his PSA reach 6. Ron Myers was at 72 when his reach 7 and took out his prostate. This cancer is more than 6 years early and way high.

Just think I have not changed my will and if I die early you will get all of it. Call Pendleton and tell you want to postpone or stop the Equity Distribution. I am asking for an Intervention next month. We need to rent Raleigh, get you health insurance, do taxes and more. If I don't get it, then pursue Pendleton not obeying Judge's order and falsifying documents. If ED goes forward, you are going crazy when a judge splits the household. Why do that? Everyone says you are much better off working things out between ourselves. If we could have communicated back in September 2020 our family would have been celebrating. Alex needs this. *We all do!*

Joy, you made a large sum of money and did not paid hardly any expenses. In today's money that a million dollars. Have you read your discovery to me? There are so many things wrong. If you and Alex continue, my broken, stabbed and tried to cut out heart will turn black. I cannot believe you perjured yourself on witness stand. I gave you a chance to retell but you said I tried to run over you and Alex. Really, you know that is a lie. You perjured yourself on 50b.

STOP, just look our family situation. This is not good! Sarah and you have not talked in 18 months and you would normally be screaming by 1 week. You are not your usual self. You would have given love equally to all our grown kids. Sarah is closing herself up and thinking of quitting her job and staying home. Sarah worked too hard to get to where she is. I know you are proud of Sarah. Christian is suffering too but holds it inside. Alex needs to know what a real brother and sister is like. They need to develop their relationships.

My head hurts constantly now. I never had headaches before. My pneumonia is coming back. I am coughing more lately and coughing up phlegm. My body aches. I had 6 boils on back, 2 left scars. Please I do not want to die with our family not celebrating life and with each other.

PLEASE CAN WE PUT THE PAST BEHIND US AND LOOK TO THE FUTURE. WORK TOGETHER SO WE CAN AGAIN CELEBRATE EVERYTHING TOGETHER AS A LOVING FAMILY? Tell Alex, he will get so much more love from you, Christian, Sarah and his father.

JOY I LOVE YOU !!!

Last day of Fall 2022

JONATHAN SOWELL
Police Officer I
Patrol

Rock Hill Police Department
120 E Black Street
Rock Hill, SC 29730
803-329-7242 Business
Jonathan.Sowell@cityofrockhill.com

Incident #:

CRIMSTOPPERS
1-877-469-4311

GREENSBORO
PIEDMONT
23 SEP 2

JOY PETER

29730-471242

11/11/11

Nanny always said Family is Most Important, Always forgive. I know you remember. Alex does not know me! I cannot believe as much as you know I dreamed and wished family to be whole, that you took Alex away from me. I thought we are sweethearts and mates. How could you let Alex take you away from Sarah and me? I can't sleep and lay thinking what could have been, what should have been. I sent 2 letters to Tamika, Alex's lawyer. Did you read them?

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Just think I have not changed my will and if I die early you will get all of it. Call Pendleton tell you want to postpone or stop the Equity Distribution. I am asking for an intervention month. We need to rent Raleigh, get you health insurance, do taxes and more. If I do then pursue Pendleton not obeying Judge's order and falsifying documents. If ED goes you are going crazy when a judge splits the household. Why do that? Everyone says much better off working things out between ourselves. If we could have communicate September 2020 our family would have been celebrating. Alex needs this. ✓✓✓

Joy, you made a large sum of money and did not paid hardly any expenses. In today that a million dollars. Have you read your discovery to me? There are so many things you and Alex continue, my broken, stabbed and tried to cut out heart will turn blue believe you perjured yourself on witness stand. I gave you a chance to retell but you to run over you and Alex. Really, you know that is a lie. You perjured yourself on

STOP, just look our family situation. This is not good! Sarah and you have not ta months and you would normally be screaming by 1 week. You are not your usual would have given love equally to all our grown kids. Sarah is closing herself up and quitting her job and staying home. Sarah worked too hard to get to where she are proud of Sarah. Christian is suffering too but holds it inside. Alex needs to real brother and sister is like. They need to develop their relationships.

My head hurts constantly now. I never had headaches before. My pneumonia I am coughing more lately and coughing up phlegm. My body aches. I had 6 left scars. Please I do not want to die with our family not celebrating life and

PLEASE CAN WE PUT THE PAST BEHIND US AND LOOK TO THE FUTURE. WOOF WE CAN AGAIN CELEBRATE EVERYTHING TOGETHER AS A LOVING FAMILY? so much more love from you, Christian, Sarah and his father.

DO NOT GO DOWN WRONG PATH... STOP, DO NOT CONTINUE... PLEASE CHOSE A NEW PATH

JOY, are you better off today than back in July and early August 2020? If you could ask SARAH is she better off? NO one can because she refuses to believe this is happening! She will talk about other things. Christian after 22 months of running inside when he saw me, finally said "you are killing me". Roger is dealing with prostate cancer early because he lays in bed at night worrying about everyone, reliving the bad times and missing everyone. The drainage has returned and he coughs up, hoping pneumonia does not return.

Your mother and your "other" mother are trying to tell you FAMILY IS MOST IMPORTANT, FORGIVE. All JOY has to do, is look up with her big brown eyes into Roger's eyes and Roger will forgive. 44 years of love will return and drown out the bad in the last 2 years. Remember when I found you at your mothers and I wanted to scream at you WHY ARE TAKING AWAY MY FAMILY, SARAH, CHRISTIAN, ALEX, WALKER AND JOY? When I reached you, you just looked up at me and I saw those big brown eyes again. Please do not continue down the current path, stop and chose the new path to the right!

Roger is still Alex's longest supporter! Just ask him before his broken, stabbed heart turns black. Please do not let that happen. Communication is the solution.

There are more than 14 deficiencies on your Discovery. In court Wednesday, your lawyer told Judge that these were your sworn statements. Your lawyer is throwing you under the bus, she does not care about you and our family. Your lawyer said you did not have a joint account with Rose at Bank of Oak Ridge. You said you inherited it. Your lawyer knows it is marital and will lose money when a judge makes a decision. Your lawyer says you said you inherited McDowell from your mother. You know we had a judge rule we inherited it from Aunt Jo. You reported only one annuity, did not report the other, or the oil fund or the Korean Fund. Yes, these are separate but need to be reported. You said you inherited the Lincolnton building but provided a deed that showed a date before Rose died. There are more examples that your lawyer is letting you perjure yourself. Your lawyer disobeyed Judge Larry Archie, then falsified a document to the same Judge to get the preliminary injunction. All of this will be dealt with next month and will be bad for your lawyer and you. **You are way better off to look over the Discovery you signed under oath and tell your lawyer this is not the truth, how could she present this and fire her. Ask for all your fees returned.** She told the Judge Wednesday Joy has to pay big fees and it is not fair Defendant does have to pay a lawyer. **Remember she got you to perjure yourself for the 50b to get the arrest.**

You perjured yourself on the witness stand about the Defendant trying to run over you and Alex. You know that did not happen! That text was a complement to Alex, how if he was in his wheelchair, he would put a football field between us again like he did in SC. I had a chance if he was on braces but a father would never risk that and get Alex hurt. You know that is why I left, not because you called the police. Alex was standing unsafely on the curb.

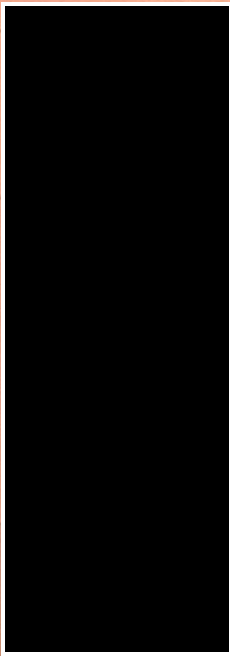
You and Alex will be better off if you stop the Equity Distribution now. I maybe in Stage 4 cancer and you will get all instead of half or less than half. **I need my family back. PLEASE.** Maybe in the near future, we can celebrate Thanksgiving, Christmas and Alex's birthday as a family. I know it is coming soon and I wish I could help him celebrate. **Alex needs to know what family is about. He got a taste Cake Day 2020.** Alex said he help his adopted father, now I need his help...

HELP!
Roger

ORO NC 270
TRIAD AREA
022 PM 4 L

PETERSON

Rogex



GREENSBORO NC 270
PIEDMONT TRIAD AREA
24 OCT 2022 PM 4 L



Joy Murdock Peterson



29730-471242



1734

HELP

Joy Marie

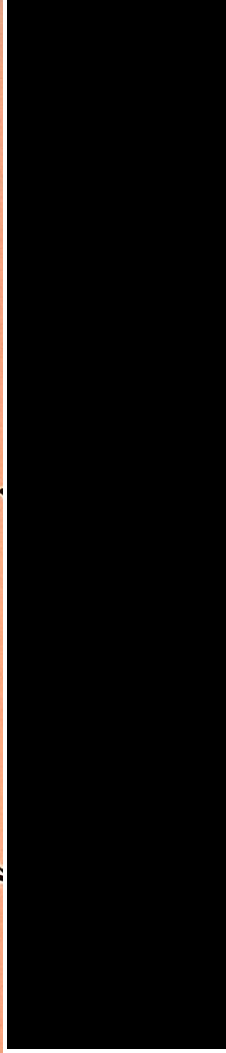
29730-471242

68x

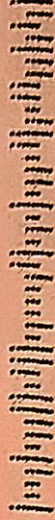
Joy Peterson

GREENSBORO NC 270
PIEDMONT TRIAD AREA
29 DEC 2022 PM 3 L

Joy Peterson



25730-471242





1
Dear Joy,

12-29-2022

I WONDER WHAT IF? WHAT IF JOY HAD NOT LIED TO ALEX ABOUT MARRIAGE PROBLEMS TO HIDE JOY'S REAL FEARS? WHAT IF ALEX DID NOT BELIEVE AND INSISTED COUNSELING LIKE HE PROMISED ME? WHAT IF YOU & ALEX DID NOT RUN OR TRY TO HARM ME? WHAT IF JOY HAD GOTTEN A GOOD LAWYER WHO BELIEVED IN COUNSELING FIRST?

I WONDER WHAT IF JOY ~~HATED~~ ^{HUGGED} ME WHEN WE MEET AGAIN? WOULD THE 44 GOOD YEARS WASH AWAY THE LAST 2 BAD YEARS? ALEX DOES NOT KNOW ME, PLEASE JOY TELL HIM I AM THE ONLY ONE (NANNY PASSED ON) THAT WANTED ALEX IN THEIR LIFE! CHRISTIAN & SARAH DID NOT KNOW. JOY, YOU TOOK ALEX AWAY ME (AND SARAH TOO).

THINK OF SARAH, CHRISTIAN & ALEX!
NANNY TAUGHT YOU AND I TO FORGET THE PAST — LOOK TO THE FUTURE, FAMILY IS MOST IMPORTANT — FORGIVE — MAKE FUTURE BETTER!

page 2

12/29/2012

JOY, YOU NEED ALL OF US TO HELP
YOU MANAGE YOUR PARANOIA FEARS!

ALEX, SARAH, CHRISTIAN, ROBERT & JAY!

WE WERE GAINING GROUND HELPING
YOU LOSING RISE! IT WILL NOT BE
EASY, BUT WE ARE STRONG...

YOU ARE STRONG!

CALL ME OR ALLOW ALEX TO
CALL ME WITH YOU THERE OR BETTER
YET COME UP HERE AND HAVE A
FAMILY GET TOGETHER AT CHRISTIAN'S!
THINGS ARE REALLY BAD RIGHT NOW
PLEASE, PLEASE DO NOT LET THINGS
GET 10X WORSE. LET'S TRY TO
CELEBRATE AS A WHOLE FAMILY!
⇒ USE YOUR BROWN EYES TO TELL ME THAT
WE GOT THE GREATEST LOVE STORY!

Outlook Home View New mail

Search

Meet Now

Close Previous Next

Close Fwd: Fw: HELP

Sent: Sunday, January 22, 2023 at 01:29:50 PM EST
Subject: HELP

Where are Sarah and Christian that Joy & Roger raised to be caring and responsible?

Joy has her second mental breakdown visiting Alex alone (supposed to go together). Aug 27/28

Joy lies to Alex to hide real fears of losing Alex.

Joy gets Roger to keep secret if she goes to counseling with him (Sarah been pushing for counseling)

Roger is biting his tongue talking to Alex on first whole family vacation but he agrees we get counseling

Our kids see Joy is not acting normal and try to help

Alex scares Joy even more on last day not taking meds

Joy goes down alone again in Sept and gets worse

Joy goes alone to counselor, 2 session and 2 retreats. Returns from last retreat on Sept 27 shaking, very upset, voice nervous and abusive. Roger tries to call Alex on Alexa, Joy hangs up and goes to bed.

Next day after working, Joy in same shape. Roger goes to bathroom, texts Alex to call Joy. IMMEDIATELY, JOY CALMS DOWN WHEN SHE HEARS HIS VOICE.

First week in Oct Joy asks Roger out of the blue recording on phone, why he wants to take Rose's home

On witness stand, Joy told the court, lawyer told her to find DV and record it.

Still early Oct Joy moves into spare bedroom maybe to get DV, but none, Joy moves out Oct 19

Joy is told by her lawyer to no longer communicate with me. Never gets us to go to counsel to save family, only thinking the money she will make, \$10,000 just dividing our stuff with judge for one day.

IF JOY AND ROGER HAD COUNSELING AND LATER WITH WHOLE FAMILY, WE WOULD HAVE CONTINUED CELEBRATING EVERYTHING! ALEX WOULD HAVE HAD CAKE DAY OVER AND OVER AGAIN. ALEX NEEDS TO KNOW WHAT FAMILY LOVE REALLY IS. CHRISTIAN, SARAH, ALEX, ROGER & JOY NEED EACH OTHER'S LOVE TO HEAL! NANNY SAYS FORGIVE THE PAST, LOOK TO THE FUTURE AND LOVE EACH OTHER! TREVOR INCLUDED!

Help before it is too late! Life is short and we need to enjoy each minute...

COUNTY OF YORK) INDICTMENT/CASE#: 2023-GS-46-01604) AW#: 2023A4620300402

STATE vs.

) Date of Offense: 12/14/2022Roger Derek Peterson) S.C. Code§: 16-03-1700(B)

AKA:

SSN: [REDACTED]

) CDR Code #: 2401RACE: WSEX: M

DOB: [REDACTED]

) Range of Offense: Harassment, Second Degree (NMT 30 days &/or \$200)In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADSTO: Harassment, Second DegreeRange of Offense Pled: (NMT 30 days &/or \$200)In violation of § 16-03-1700(B) of the S.C. Code of Laws, bearing CDR Code # 2401☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ MANDATORY GPS☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted.☐ Lesser Included Offense☐ Defendant Waives Presentment to Grand JuryThe plea is: ☐ w/o Rec/Negotiations ☐ Negotiated☐ Recommendation

/s Alexander J Harper 103325

/s James W. Boyd

824

Solicitor SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☐ SCDC ☒ County Detention Center ☐ Home Incarceration Programfor a determinate term of _____ days/months/years/Time Served ☐ YOANTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC_____ days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ PTUP☐ No Contact with Victim☐ Domestic Violence Intervention Program☐ Hold for Inpatient Treatment☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430☐ SAC/MHC if necessary☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135☐ Other: _____☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: \$

\$100 \$ 100

\$100 \$

\$12 \$

\$25 \$

\$25 \$ 25

\$150 \$

\$41 \$

\$50 \$

\$40/ea \$

TBD \$

\$500 \$

\$40 \$

TOTAL \$ 125

/s Angie Bryant

Clerk of Court/Deputy Clerk

2789 Cole

Judge Code

April 3, 2025

Sentence Date

Presiding Judge

SCCA217B

01/27/2025

STATE OF SOUTH CAROLINA
COUNTY OF YORK

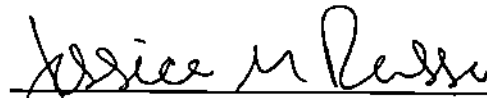
INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

HARASSMENT, SECOND DEGREE

That Roger Derek Peterson did in York County, on or about on or between December 14, 2022 and January 27, 2023, commit the offense of harassment by engaging in a pattern of intentional, substantial, and/or unreasonable intrusion into the private life of Joy M Peterson by means including but not limited to verbal, written or electronic contact that was initiated maintained or repeated, to wit: repeated phone calls, emails, text messages. And such contact would cause a reasonable person in her situation to suffer mental distress. This is in violation of 16-3-1710(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JESSICA M RUSSO
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: Felmet

ARREST WARRANT NUMBER

2023AA4620300402

ACTION OF GRAND JURY

TRUE BILL

Dana Dimmond
Foreperson of Grand Jury

Date: 10/26/23

VERDICT

DOCKET NO. 2023-GS-46-01604

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

ROGER DEREK PETERSON

INDICTMENT FOR

HARASSMENT, SECOND DEGREE

SC Code: § 16-03-1700(B)

CDR Code: 2401

Foreperson of Petit Jury

Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

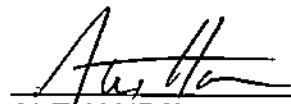
INDICTMENT

At a Court of General Sessions, convened on March 13, 2025, the Grand Jurors of York County present upon their oath:

HARASSMENT, SECOND DEGREE

That Roger Derek Peterson did in York County, on or about on or between December 14, 2022 and February 8, 2023, commit the offense of harassment by engaging in a pattern of intentional, substantial, and/or unreasonable intrusion into the private life of Joy M Peterson by means including but not limited to verbal, written or electronic contact that was initiated maintained or repeated, to wit: repeated phone calls, emails, text messages. And such contact would cause a reasonable person in her situation to suffer mental distress. This is in violation of 16-3-1710(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ALEXANDER J HARPER
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: Price

ARREST WARRANT NUMBER

2023AA4620300402

**AMENDED INDICTMENT
DOCKET NO. 2023-GS-46-01604**

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

MARCH 13, TERM 2025

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ACTION OF GRAND JURY
s/Dana Simmons on 10/26/2023

THE STATE

VS.

ROGER DEREK PETERSON

Defendant

Witness:

TRUE BILL

Foreperson of Grand Jury
Date: 3-13-25

VERDICT

INDICTMENT FOR

HARASSMENT, SECOND DEGREE

C.C.C. PLS. AND G.S.

Guilty

SC Code: § 16-03-1700(B)

CDR Code: 2401

Foreperson of Petit Jury
Date: 4/3/2025

FILED-RECEIVED

2025 APR 10 PM 3:10
THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

ANGIE M. BRYANT
C.C.C.P. & GS
YORK COUNTY, SC

APPEAL FROM YORK COUNTY
Court of General Sessions

RECEIVED

Apr 10 2025

SC Court of Appeals

J. Derham Cole Jr., Circuit Court Judge

Case No. 2023A4620300402

Roger Derek Peterson Appellant.

v.

The State Respondent.

NOTICE OF APPEAL

Roger Derek Peterson. appeals his conviction and sentence in this case. The sentence was imposed by the Honorable J. Derham Cole Jr. on April 3, 2025.

s/James W. Boyd
James W. Boyd SC Bar #824
James W. Boyd Law Firm LLC
1544 Ebenezer Road
Post Office Box 36425
Rock Hill, SC 29732
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(803) 328-5747 Fax
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Attorney for Appellant

April 9, 2025

Other Counsel of Record:
Alexander Harper
York County Solicitor's Office
1675-1A York Highway
York, SC 29745
(803) 628-3020 Phone
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

J. Derham Cole Jr., Circuit Court Judge

Case No. 2023A4620300402

FILED-RECEIVED

2025 APR 10 PM 3:10

ANGIE M. BRYANT
C.C.C.P. & GS
YORK COUNTY, SC

RECEIVED

Apr 10 2025

SC Court of Appeals

Roger Derek Peterson..... Appellant.

v.

The State Respondent.

PROOF OF SERVICE

I, James W. Boyd, certify that I served a Notice of Appeal on Respondent by hand delivery to the attorney of record, Alexander Harper, York County Solicitor's Office, 1675-1A York Hwy, York, South Carolina 29745. I further certify that all parties required by Rule to be served have been served.

s/James W. Boyd
James W. Boyd SC Bar #824
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(803) 328-2600 Phone
(803) 328-5747 Fax
james@jwbnotguilty.com
Attorney for Appellant

April 10, 2025

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

RECEIVED**Mar 09 2026****SC Court of Appeals****Dayne C. Phillips, Esq.**

SC Bar No. 77712

Price Benowitz LLP

1614 Taylor Street, Suite D

Columbia, SC 29201

(803) 807-0234

March 9, 2026

ATTORNEY FOR APPELLANT