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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable B. Alex Hyman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHARLES WILLIAM MURPHY, JR.,

APPELLANT

APPELLATE CASE NO 2025-000135

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 2 (K. CANTERBURY BWC VIDEO)
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STATE’S EXHIBIT NO. 33 (PHOT OF VICTIM FEET)
STATE’S EXHIBIT NO. 80 (AUTOPSY PHOTO)
STATE’S EXHIBIT NO. 83A (BW AUTOPSY PHOTO)

1 It also came to my attention, juror, Mr. James
2 Cook, that you may have hunted with me at some point. I did
3 let the attorneys know that. I am assuming that the fact
4 that you hunted with me before would in no way impact your
5 ability to be fair and impartial in the trial of this case;
6 is that correct?

7 JUROR: Yes, sir, it wouldn't.

8 THE COURT: Thank you, sir. Anything else,
9 Ms. Wilson or Mr. Stanko, before we swear the jury?

10 MS. WILSON: Nothing, Your Honor.

11 MR. STANKO: Nothing from the State.

12 THE COURT: Madam Clerk, you can swear to the
13 jury, please.

14 THE CLERK: Please stand and raise your right
15 hand. Do you solemnly swear or affirm you will well and
16 truly try the issues joined in this case in a true verdict
17 rendered according to the law and evidence, so help you God?

18 JURY: Yes.

19 THE CLERK: Thank you. You may be seated.

20 THE COURT: All right, ladies and gentlemen, we
21 are about to begin the case of the State of South Carolina
22 vs. Charles William Murphy, Jr. What I want to do is give
23 you a little bit of an initial introduction as to how this
24 case will be tried and also kind of what your duty is.

25 Now, you've probably seen television and you may

1 have seen podcasts and things like that. We certainly had a
2 big case here in the State of South Carolina last year. But
3 I want you to understand that our court system is not always
4 what you see on TV. You've seen movies that have trials. A
5 lot of times it's very suspenseful and it's full of action
6 and drama and intense, and there's riveting circumstances.
7 And while that may be the case with this trial, I don't
8 know, I just want you to understand that not all trials are
9 like that. And most of the time, trials are very
10 deliberate. And that's because it's a fundamental part of
11 our democracy.

12 In this case, the importance here is determining
13 and searching for the truth. And ultimately, you will have
14 a duty in this case that I'll go into more in depth here
15 shortly. And that duty is that you all are the fact
16 finders. And so that being said, a lot of times, what you
17 will hear on the witness stand is not as -- maybe not as
18 fast paced as what you've seen on TV and things like that,
19 but there's a reason for that.

20 These attorneys are going to do their best to make
21 this case go smoothly. And I know that they are going to
22 ask questions. And I promise you that there's a method
23 behind all of the madness and a purpose for their questions.
24 So I'm just going to ask that you pay very close attention
25 during this because a courtroom is a very -- it's a place of

1 honor. And I firmly believe that our system is the greatest
2 system in the world. I think it's the only system that
3 really and truly seeks to find the justice in our world.
4 And for that I'm very grateful for our founders who created
5 this system.

6 I will say this, that what I'm now going to tell
7 you are introductory remarks as to what your duty is. I
8 mentioned this yesterday that you are the finders of facts.
9 And if at any point during this trial you think I have an
10 opinion on what the facts are, I'm just going to go ahead
11 and ask you to please disregard it. I have no duty
12 whatsoever to be a fact finder in this case. You are the
13 fact finders and it will be your duty to listen diligently
14 to the witnesses that come before you and to also look at
15 the evidence which I deem is appropriate under the law that
16 you seek.

17 Now, the evidence that is provided in this case
18 will be provided through the testimony of witnesses who are
19 sworn and you were to look at those witnesses and use your
20 everyday common sense and determine whether or not those
21 people are believable or not believable. You can believe
22 all of the witnesses and everything they say, or you don't
23 have to believe any of the witnesses or anything they say.
24 Ultimately, that is up to you as the finders of fact.

25 But I also tell you that the same law that makes

1 you the finders of fact makes me the determining factor as
2 to the law of this case. It will be my duty to determine
3 what evidence can be put before you in and it's also my duty
4 to charge you on what the law is at the end of this case.
5 And I'll certainly do that at the end of this case.

6 Now, it may be that the Solicitor's Office and
7 Ms. Wilson, at some point during their opening statements or
8 even in their closing statements, they might make references
9 to what they believe the law is. But you're bound by your
10 oath to take the law as I tell you what it is. You are to
11 disregard what you may have seen on television or what you
12 may think the law is because you've sworn an oath now to
13 accept the law as I will charge it at the end of this trial.

14 Now, I made a comment to you yesterday about how
15 you were not to discuss any of the matters that you see
16 until I tell you to begin deliberating. There's a certain
17 purpose for that and it's that you don't want to sway your
18 fellow jurors or anything like that. You want them to have
19 an independent decision making process just like you do. I
20 also made a comment yesterday that I didn't want you to do
21 any independent research on your own. That means no Google,
22 that means no social media searches or anything like that.
23 And the reason for that is none of that is evidence. As
24 I've told you before, the evidence will come from the
25 witness stand and what is admitted into evidence, not from a

1 Google search. You're also not to do any Google searches on
2 what the law may be because generally speaking, it may be
3 wrong on Google and you are bound by what I tell you the law
4 is.

5 Now, in a few minutes you're going to hear opening
6 remarks made by the Solicitor's Office and also from
7 Ms. Wilson. And those opening remarks, I tell you, they are
8 not facts and evidence. They are simply opening remarks
9 about what the Solicitor's Office and the State of South
10 Carolina and what Ms. Wilson intend to show during the trial
11 of this case. And you're going to hear me say it multiple
12 times, but what the attorneys tell you, that's not the
13 evidence, the evidence comes from witnesses and what I deem
14 appropriate to be admitted into evidence.

15 I also will tell you that I have instructed the
16 attorneys and parties to this case that they are not to have
17 any contact with you all. So if you happen to see him in
18 the hallway or around the courthouse and they avoid you like
19 the plague, it's because I've told you to. They're not
20 being rude, they're simply abiding by my terms that I lay
21 out in this court. And that's just to make sure that there
22 is no biases or any perceived biases. So again, if they
23 ignore you, they're not being rude, they're just doing what
24 I tell them to do. But that being said, we will now begin
25 the trial of this case and we'll allow the Solicitor's

1 Office, excuse me, to begin by giving their opening
2 statement.

3 MR. DICHARA: May it please the Court, Your
4 Honor?

5 THE COURT: Yes, sir.

6 MR. DICHARA: Thank you.

7 OPENING STATEMENTS ON BEHALF OF THE STATE

8 MR. DICHARA: Early Monday morning, May 9th of
9 2022, the defendant in this case, Charles Murphy, called 911
10 to report that he had just found his girlfriend, 58-year old
11 Teresa Lischer, dead inside of her home. Police, fire, EMS
12 arrive on the scene and the defendant lets them inside the
13 house. Upon entering, officers walk in, they turn left, and
14 they see Teresa lying there dead in a pool of blood right
15 outside of her master bedroom.

16 During that time, an officer gathered information
17 from the defendant as he is the one who called 911. While
18 other officers did a protective sweep of the house to ensure
19 that no one else was in there. Once confirmed that it was
20 safe to proceed with their investigation, an officer talks
21 to the defendant. The defendant tells the officer that him
22 and Teresa had gotten into a fight on Friday night and
23 that's when she kicked him out of the house. He claims that
24 he got kicked out of the house Friday night and that he
25 doesn't come back until Sunday night. He also tells the

1 officer that when he entered the house on Sunday night, he
2 slept there. He called out for Teresa to see if she was
3 there. He didn't get any response, so he just went to bed.
4 According to the defendant, the next morning, he just woke
5 up and found Teresa lying there dead in the hallway without
6 explanation.

7 However, through their investigation, police come
8 to find that a neighbor across the street has a Ring video
9 camera. That camera is motion activated, and it captures
10 the outside of Teresa's home. The last time that Teresa is
11 seen is Saturday late in the afternoon when she drives her
12 car into the garage of the house.

13 Now, you'll also see in those videos that,
14 contrary to the defendant's statements to law enforcement,
15 he had been in and out of that house all weekend. From that
16 point, police test the clothes the defendant wore in the
17 house at the scene when they appeared that day, and that
18 testing those items came back positive for gunshot residue.

19 Now, more than that, law enforcement had a U.S.
20 Marshal agent also called to the scene. This agent employed
21 a K9 tasked with finding firearms, for searching for
22 firearms, and that dog actually hit on two locations. The
23 dog hit on a closet inside of Teresa's house, as well as a
24 trunk of the vehicle the defendant is seen driving in all
25 weekend.

1 While we're on the topic of dogs, you're going to
2 learn over the course of this trial that the defendant
3 had -- my apologies, that the victim, Teresa, had a dog
4 living with her in that house when this occurred. Now,
5 nothing crazy is going to go on here, we're not going to
6 call that dog to testify, we're not going to bring him to
7 court, but that dog gave us a very, very interesting point.
8 That dog had been stuck in that house, locked up, all
9 weekend, and yet there was no dog poop, no dog pee, nothing
10 inside the house.

11 And what's more is that you're going to tell me
12 that a dog stuck inside the house isn't going to go over to
13 its owner, who is on the floor laid out, pile of blood, it
14 just doesn't really seem possible. Anyone who has a dog, or
15 I don't even think that you have to have a dog to know this,
16 anyone knows the second you drop down like this, that dog is
17 going to come over to you. You can bet that dog will run
18 over you if you lay down straight up. Yet, there's no
19 bloody paw prints scattered throughout the house, nothing
20 indicating that that dog had run up to the victim, see
21 what's going on, sniff her out, none of that.

22 The last time that Teresa is seen alive is late in
23 the afternoon on Saturday when she drives into her garage
24 like I mentioned before. The defendant had been home in and
25 out of that house all weekend. And he wants us to believe

1 that he just woke up on Monday morning and found Teresa dead
2 in the hallway.

3 Now, MUSC performs an autopsy, and a doctor who
4 you'll hear from on that witness stand during this trial
5 confirms that Teresa was killed by a single shotgun blast to
6 the side of her head. That shot -- that's how Teresa went
7 from being a member of our community, from being a mom and a
8 nurse and many other things to be in a body on an autopsy
9 table that you guys are going to see throughout this trial.
10 This is how the defendant, Charles Murphy, came to be
11 charged with murder.

12 Now, as the Judge just told you guys, he's going
13 to give you instructions at the end of this trial. He's
14 going to tell you what law applies, he's going to tell you
15 what the burden of proof the State has, what Solicitor Jim
16 Stanko and I have to prove to you beyond a reasonable doubt
17 to establish that Charles Murphy shot and killed Teresa
18 Lischer. And the Judge is also going to tell you how you
19 are the trier of facts.

20 So I'm going to touch on the law and the burden of
21 proof very, very briefly, just because again, the Judge is
22 going to, you know, go into great detail with you guys on
23 that, but for now, it just boils down to the law or the
24 crime that we allege had been committed is murder.

25 Now, murder is defined as the killing of another

1 with malice aforethought. Malice is ill will, and
2 aforethought is essentially having that malice before while
3 you pull the trigger, for lack of a better way to put it.
4 It's important to note that you can form malice in an
5 instant, in the second before you pull a trigger, and it's
6 also important -- and I just want to bring this up,
7 premeditation, I think that people hear that a lot in books
8 and films when it comes to murder, that's not an element of
9 the crime. We don't have to prove that Charles Murphy
10 committed this act that had been premeditated, that he had
11 premeditated this act before committing it. We have to
12 prove that he killed Teresa Lischer with malice
13 aforethought.

14 Now, the burden of proof is on me, the State. And
15 the burden of proof is proof beyond a reasonable doubt.
16 That is the highest evidentiary standard in the law, but
17 that doesn't mean that it's an impossible burden to
18 overcome. What it means is that I have to leave you firmly
19 convinced that the defendant committed the crime as we
20 allege.

21 So how are we going to prove that? Most of the
22 evidence, if not all of it, is going to come from that
23 witness stand. You guys are going to hear from law
24 enforcement officers and others. You'll see pictures and
25 videos of the crime scene. You will see videos of the

1 defendant's comings and goings that weekend. You will see
2 that there is no forced entry in Teresa's house. And you'll
3 come to see that the defendant was the only person who had
4 the opportunity to kill Teresa.

5 As the trier of fact you guys are going to be the
6 ones to determine whether you find the State's witnesses and
7 our evidence credible and do you believe the people that we
8 put up on the stand? And when it comes to the videos and
9 the pictures that you will see over the course of this
10 trial, you're going to determine what you see. You're going
11 to judge what it means in the grand scheme of this case, and
12 you're going to make sense of those things.

13 And once we are through with our witnesses and
14 showing you the evidence that we feel establishes that
15 Christopher Murphy killed Teresa Lischer beyond a reasonable
16 doubt, we're going to ask you to return a verdict. And
17 we're going to ask you to return a verdict that is
18 consistent with everything that you will see throughout the
19 course of this trial and that is a guilty verdict. Thank
20 you.

21 THE COURT: Ms. Wilson.

22 MS. WILSON: Thank you.

23 OPENING STATEMENTS ON BEHALF OF THE DEFENSE

24 MS. WILSON: Good morning, ladies and gentlemen.

25 I'm Kia Wilson, and I represent Mr. Charles Murphy. I'm not

1 going to bore you with a really long recitation about the
2 facts of this case. I just want to bring a couple of things
3 to mind that I hope that you can focus in on while we are
4 trying this case.

5 The State is correct about one thing here and that
6 is that they have the burden of proof here and that is
7 critical. My client, Mr. Murphy, he doesn't have to speak
8 he doesn't have to tell you anything or present anything,
9 everything that is required in this case to prove that he is
10 guilty of something must come from the State. We have
11 nothing to show to you, nothing to present to you, nothing
12 that we have to prove to you. The burden is on the State.

13 And yes, this is a murder case, which is a serious
14 charge, which means that the burden should be equally as
15 high for the State. It shouldn't take some bits and pieces
16 of information to convict someone of a murder. So the
17 burden is high. And it's high for a reason, beyond a
18 reasonable doubt, no, it's not an impossible task, but it
19 should be a high burden to reach. It should take more than
20 a little bit to get there.

21 Now, under the law, he is innocent, Mr. Murphy is
22 innocent where he sits. Innocent until proven guilty. As
23 innocent as anybody sitting in this courtroom today.
24 Accused, not convicted. That can't change until the Judge
25 gives you permission to deliberate. And then, and only

DANIEL WRIGHT DIRECT BY MR. STANKO

1 then, if you believe that the State has met the burden.

2 Now, I'm just asking that you listen. Act with an
3 active mind and attentive ear to what is and isn't presented
4 in this case. And I believe that if you do those things,
5 you will find that Mr. Murphy is not guilty of murder in
6 this case. Thank you.

7 THE COURT: Thank you, Ms. Wilson.

8 Mr. Stanko, you may call your first witness.

9 MR. STANKO: Thank you, Your Honor.

10 The State calls Daniel Wright.

11 THE CLERK: Please raise your right hand and place
12 your left hand on the Bible. Do you solemnly swear or
13 affirm the evidence you're bout to give the Court in the
14 case will the truth, the whole truth, and nothing but the
15 truth, so help you God?

16 THE WITNESS: I do.

17 DANIEL WRIGHT, having been duly sworn,
18 testified as follows:

19 THE CLERK: Thank you. Get you to state your name
20 and then spell your last name to the Court.

21 THE WITNESS: It's Daniel Wright, W-R-I-G-H-T.

22 THE COURT: Yes, sir.

23 MR. STANKO: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MR. STANKO:

DANIEL WRIGHT DIRECT BY MR. STANKO

1 Q. Mr. Wright, where is it you work?

2 A. I work for Horry County 911 Communications.

3 Q. And about how long have you worked there?

4 A. About seven years.

5 Q. Okay. What is your job title there?

6 A. I am the quality assurance specialist.

7 Q. Okay. And as the quality assurance specialist,
8 what are your job duties?

9 A. I review calls based on our protocol, make sure we
10 follow policy, and I also am the custodian of records.

11 Q. Okay. As the custodian of records, did you have
12 occasion to look up a 911 call related to this case?

13 A. I did.

14 Q. And do you recall what date that that call came
15 in?

16 A. If I may refer to my notes?

17 Q. Please.

18 A. That call was on 5/9/2022.

19 Q. And do your notes have about what time that call
20 came in?

21 A. 7:02 a.m.

22 Q. Okay. And again, refreshing through your notes,
23 do you know the name of the person who made the call?

24 A. They told the call taker they were Billy Murphy.

25 Q. Okay. And did the system auto generate a phone

DANIEL WRIGHT DIRECT BY MR. STANKO

1 number that this call came from?

2 A. Yes, sir.

3 Q. What is that phone number?

4 A. [REDACTED].

5 Q. Okay. I am now going to show you what has been
6 marked as State's Exhibit 1. Could you have a look at that?

7 A. Okay.

8 Q. All right. And is that familiar to you?

9 A. Yes, sir, it is.

10 Q. And how is it familiar to you?

11 A. This is the recording that I recorded and signed
12 on the CD itself as well as the back.

13 Q. Okay. As the custodian of records, are you able
14 to modify or manipulate those recordings in any way?

15 A. No, sir.

16 Q. And is that something that your system just
17 automatically spits out to a recorder?

18 A. Yeah, they're saved and recorded that way, and you
19 have to actually pull the data out of the file to do that
20 and it can't be altered in any way.

21 Q. Okay. And I guess this is an obvious question,
22 but that did not appear to have been modified or altered in
23 any way?

24 A. Correct. It did not.

25 MR. STANKO: Okay. Your Honor, at this time, the

DANIEL WRIGHT DIRECT BY MR. STANKO

1 State would move Exhibit 1 into evidence.

2 THE COURT: Any objection?

3 MS. WILSON: No objection, Your Honor.

4 THE COURT: State's 1 is admitted into evidence.

5 MR. STANKO: Your Honor, permission to publish
6 this for the jury?

7 THE COURT: Permission is granted.

8 (WHEREUPON, State's Exhibit Number 1 was admitted
9 into evidence and published and played to the
10 jury.)

11 BY MR. STANKO:

12 Q. And once again, that's the recording that you
13 listened to?

14 A. Yes, sir, it is.

15 Q. Okay. And hearing that just then, did that appear
16 to be in the exact same format that it was when you first
17 listened to it?

18 A. Yes, sir.

19 Q. Thank you. Please answer any questions the
20 defense may have.

21 THE COURT: Ms. Wilson?

22 MS. WILSON: No questions, Your Honor.

23 THE COURT: All right. Thank you, sir, you may
24 step down.

25 THE WITNESS: All right. Thank you.

KENNETH CANTERBURY DIRECT BY MR. DICHARA

1 THE COURT: Any objection to him being excused use
2 from the rest of the trial?

3 MS. WILSON: No objection, Your Honor.

4 MR. DICHARA: Thank you, Your Honor. The State
5 now calls Casey Canterbury.

6 THE CLERK: Please raise your right hand and place
7 your left hand on the Bible. Do you solemnly swear or
8 affirm the evidence you give the Court in this case will be
9 the truth, the whole truth, and nothing but the truth so
10 help you God?

11 THE WITNESS: I do.

12 KENNETH CANTERBURY, having been duly
13 sworn, testified as follows:

14 THE CLERK: Thank you. Get you to state your name
15 and then spell your last name for the Court.

16 THE WITNESS: It's Kenneth Canterbury,
17 C-A-N-T-E-R-B-U-R-Y.

18 DIRECT EXAMINATION

19 BY MR. DICHARA:

20 Q. Good morning, sir.

21 A. Good morning.

22 Q. Where are you employed?

23 A. Horry County Police Department.

24 Q. How long have you been employed there?

25 A. Fourteen years.

KENNETH CANTERBURY DIRECT BY MR. DICHARA

1 Q. And what's your current title?

2 A. Corporal in the patrol division.

3 Q. Okay. Can you tell us about the training that you
4 had to undergo?

5 A. When I was first hired, I went through the South
6 Carolina Criminal Justice Academy, and then after that,
7 ongoing training and in-service every year since.

8 Q. Okay. And can you tell us about your job duties?

9 A. I work the patrol division where we respond to
10 calls for service, when people call in, or crimes that we
11 see as we're riding around.

12 Q. Okay. And I wanted to direct your attention to
13 May 9th of 2022. Do you recall if you were working that
14 day?

15 A. I was.

16 Q. Okay. And did you respond to a report of a
17 deceased victim?

18 A. Yes, I did.

19 Q. Okay. Do you recall where that was?

20 A. [REDACTED] Leste Road.

21 Q. Okay. Where is that exactly?

22 A. It's in the Myrtle Beach section of Horry County.

23 Q. Okay. And back In May of '22, were you in the
24 same title or position as you are now?

25 A. No, I was a lance corporal at the time.

KENNETH CANTERBURY DIRECT BY MR. DICHIARA

1 Q. Okay. Were your duties drastically different?

2 A. It's the same thing now, I'm a supervisor on the
3 route.

4 Q. Okay. Training the same too?

5 A. Yes, sir.

6 Q. Okay. So can you tell us what, if anything,
7 happened when you arrived at [REDACTED] Leste?

8 A. Once I walked into the residence I was instructed
9 by the medics that the victim was in the master bedroom.
10 And then I spoke with the defendant who was sitting on the
11 couch in the living room.

12 Q. Okay. Let's back up for a second. Could you tell
13 us, you know, what you saw when you walked in?

14 A. I walked in the house -- as soon as I walked in
15 the house, you basically come into the living room area, and
16 the defendant was sitting on the couch, and medics were over
17 to my left, which was a hallway leading to the master
18 bedroom.

19 Q. Okay. And -- all right. So once you were there,
20 you said you spoke to someone?

21 A. Yes, the medic -- well, the medics directed me to
22 where the victim was, and then I spoke with the defendant,
23 who was sitting on the couch.

24 Q. Okay. And you saw the victim in there when you
25 arrived?

KENNETH CANTERBURY DIRECT BY MR. DICHARA

1 A. Yes.

2 Q. Okay. So at this point, you had spoken to the
3 defendant in this case, Charles Murphy?

4 A. Correct.

5 Q. Okay. Is that person, is he in this courtroom
6 today?

7 A. Yes, sir.

8 Q. All right. If you don't mind, can you please
9 point him out for us?

10 A. Sitting at the table to the right.

11 MR. DICHARA: Let the record reflect the witness
12 id indicating the defendant, Charles Murphy.

13 THE COURT: The record will reflect that.

14 BY MR. DICHARA:

15 Q. And when you -- when you arrived at the scene,
16 were you wearing a body camera?

17 A. I was.

18 Q. Okay. And was it activated that day?

19 A. Yes, it was.

20 Q. Okay. And did it capture everything that you had
21 seen that day?

22 A. It did.

23 Q. Okay. I am going to show you what has been marked
24 as State's Exhibit 2. Do you recognize that?

25 A. I do.

KENNETH CANTERBURY DIRECT BY MR. DICHARA

1 Q. Okay. What is that?

2 A. It's a thumb drive that contains my video from my
3 body cam that day.

4 Q. And is -- did you have a chance to review that
5 footage?

6 A. I did.

7 Q. And is everything in there an accurate depiction
8 of what had occurred that day?

9 A. Yes, sir, it is.

10 Q. Okay. And this hasn't been altered or doctored in
11 any way?

12 A. No, sir.

13 MR. DICHARA: Your Honor, at this point, the
14 State moves to have Exhibit -- State's Exhibit 2 moved into
15 evidence.

16 THE COURT: Any objection prior -- other than your
17 prior objection?

18 MS. WILSON: No other objection. Thank you.

19 THE COURT: All right. Prior objections are
20 noted. State's Number 2 is admitted in evidence.

21 MR. DICHARA: Thank you, Your Honor. Permission
22 to publish to the jury?

23 THE COURT: Granted.

24 MR. DICHARA: Thank you.

25 (WHEREUPON, State's Exhibit Number 2 was admitted

KENNETH CANTERBURY DIRECT BY MR. DICHARA

1 into evidence and published and played to the
2 jury.)

3 MR. DICHARA: A little technical difficulty, but
4 I think that we can work through it. Just bear with us.
5 BY MR. DICHARA:

6 Q. Okay. Officer, when you walked in, were you able
7 to see the victim at any point?

8 A. I was.

9 Q. Okay. Can you explain -- can you walk us through
10 your entry into the house and what it took for you to see
11 the victim?

12 A. When I walked through the front door, I looked to
13 my left, which is where the medics were standing, and
14 there's a doorway, and I could see her feet in the doorway.

15 Q. Okay. Just to be clear, were you able to see her
16 when you were within that same straight line as walking in
17 or did you have to maneuver around to find her?

18 A. Walk in a few steps and turn to my left or look to
19 my left.

20 Q. Okay. All right. Thank you, sorry, I needed to
21 get that straight. And when you saw her, what did you see
22 exactly?

23 A. I could see her face down on the floor. When you
24 walk into the room -- when you walk into the doorway to the
25 master bedroom there's a closet to the left and a small

KENNETH CANTERBURY DIRECT BY MR. DICHARA

1 hallway leading to the master bedroom. And her feet were
2 laying just inside the doorway and her head was to the right
3 towards the master bedroom.

4 Q. Okay. And did -- were you able to personally
5 observe any physical injuries the victim had sustained?

6 A. At that time I could not. I could see what
7 appeared to be a pool of blood underneath her head.

8 Q. Okay. Now, going to when -- what just saw, your
9 interview of Charles Murphy, Mr. Murphy told you that the
10 last time that he saw the victim was on Friday night, right?

11 A. Correct.

12 Q. Okay. And he also confirmed -- he also confirmed
13 that the victim did have a dog in the house?

14 A. Yes, he did.

15 Q. Okay. Did you look through the house at all
16 during your investigation?

17 A. I pretty much stayed right in that area where I am
18 now, stayed right in that area in the kitchen, which is off
19 to my left.

20 Q. Okay. And did you see any type of dog feces, dog
21 urine?

22 A. No, sir, I did not.

23 Q. Anything to indicate that the dog had been stuck
24 in the house all weekend?

25 A. No, sir.

KENNETH CANTERBURY DIRECT BY MR. DICHARA

1 MR. DICHARA: Okay. Moment of the Court's
2 indulgence?

3 THE COURT: Sure.

4 BY MR. DICHARA:

5 Q. All right. Officer, just one more question, going
6 back to when you had observed the victim lying on the floor
7 outside the master bedroom. Did the victim -- did the pool
8 of blood that you just described, did it appear to be fresh,
9 old?

10 A. It appeared to be dried or it had already dried.

11 Q. And what does that indicate to you? Based off of
12 your --

13 MS. WILSON: Objection.

14 THE COURT: I'm not sure he can, unless he's had
15 his training. Is that your objection, Ms. 1Wilson?

16 MS. WILSON: Yes, sir, it is.

17 THE COURT: All right. I'm going to sustain the
18 objection.

19 MS. WILSON: Thank you.

20 BY MR. DICHARA:

21 Q. Okay. Officer, you just testified that the blood
22 had been dried?

23 A. It appeared to be, yes.

24 MR. DICHARA: Okay. No further questions.

25 THE COURT: Thank you. Ms. Wilson?

KENNETH CANTERBURY CROSS BY MS. WILSON

1 MS. WILSON: Thank you, Your Honor.

2 THE COURT: Ms. Wilson, would you to move the --

3 MS. WILSON: I would really appreciate it, yes.

4 Thank you. If we could move it?

5 THE COURT: Thank you.

6 MS. WILSON: Thank you.

7 CROSS-EXAMINATION

8 BY MS. WILSON:

9 Q. Office, Canterbury -- I'm sorry. Lieutenant Lance
10 Corporal Canterbury, I just have a couple quick questions.

11 A. Yes, ma'am.

12 Q. Now, the time that you arrived on scene, Charles
13 Murphy was not a suspect, was he?

14 A. No, ma'am.

15 Q. He was actually the complainant?

16 A. Correct.

17 Q. The person who called in saying, This is what I
18 have located what I found?

19 A. Yes, ma'am.

20 Q. And when you were asked by the State about the --
21 him talking about the dog and where the dog was in the
22 house, he told -- I think the words that he used were, Must
23 have been, right? He couldn't tell you exactly where, but
24 he said, Must have? Do you recall that?

25 A. Yes, ma'am.

KENNETH CANTERBURY CROSS BY MS. WILSON

1 Q. All right. So he wasn't telling you with a
2 certainty anything about the dog, just that he did let the
3 dog out that morning, correct?

4 A. Correct.

5 MS. WILSON: Okay. Court's indulgence?

6 THE COURT: All right.

7 BY MS. WILSON:

8 Q. Mr. Murphy's demeanor was one of panic and
9 distress, wasn't it?

10 A. Seemed to be, yes.

11 Q. And clearly seemed a bit out of sorts?

12 A. What do you mean?

13 Q. Well, clearly seemed to not be calm or relaxed?

14 A. No, he seemed upset.

15 MR. DICHARA: No further questions, Your Honor.

16 THE COURT: Any redirect?

17 MR. DICHARA: No, Your Honor.

18 THE COURT: All right. Corporal Canterbury, you
19 may step down.

20 THE WITNESS: Thank you.

21 THE COURT: May this officer be released?

22 MS. WILSON: Yes, sir, please. Thank you.

23 THE COURT: Thank you. Mr. Stanko, you can call
24 your next witness.

25 MR. STANKO: Thank you, Your Honor. Philip

PHILIP GREENE DIRECT BY MR. STANKO

1 Greene.

2 THE CLERK: Please raise your right hand and place
3 your left hand on the Bible. Do you solemnly swear or
4 affirm the evidence you're about to give the Court in this
5 case be the truth, the whole truth, and nothing but the
6 truth, so help you God?

7 THE WITNESS: Yes.

8 PHILIP GREENE, having been duly sworn,
9 testified as follows:

10 THE CLERK: Thank you. Get you to state your name
11 and then spell your last name for the Court.

12 THE WITNESS: Philip Greene. G-R-E-E-N-E.

13 THE COURT: Yes, sir.

14 MR. STANKO: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. STANKO:

17 Q. Mr. Green, good morning.

18 A. Good morning.

19 Q. Where is it you work?

20 A. Patterson Dental.

21 Q. Okay. And what do you do for them?

22 A. I repair medical equipment.

23 Q. Okay. And where is it you live?

24 A. [REDACTED] Leste Road. It's in the Socastee community.

25 Q. Okay. Do you happen to know the address of any of

PHILIP GREENE DIRECT BY MR. STANKO

1 the houses that are across from your house?

2 A. [REDACTED] Leste Road.

3 Q. Okay. And how long have you lived at [REDACTED]?

4 A. Five years.

5 Q. Okay. So that would have been -- you moved in
6 about 2019?

7 A. Yeah, December 2019.

8 Q. All right. Did you happen to know any of the
9 people who lived in that house?

10 A. I did. I was friends with the neighbor, but
11 honestly I didn't know her name. I would help her out if
12 sometimes she would have problems in her yard or something,
13 I would help her out, but honestly, I didn't know her name,
14 I didn't.

15 Q. Okay. Did she live in that house by herself?

16 A. No.

17 Q. Okay. Do you know anyone else who lived with her?

18 A. Yes, Mr. Murphy.

19 Q. Okay. And had you seen him in the past?

20 A. Yes.

21 Q. Did you have any interactions with him in the
22 past?

23 A. No.

24 Q. Okay. But again, you had seen him multiple times?

25 A. Yeah.

PHILIP GREENE DIRECT BY MR. STANKO

1 Q. Okay. And what was the name that you knew him as
2 back then?

3 A. We called him Murphy.

4 Q. Okay. And again, you had seen him a number of
5 times before?

6 A. Yes.

7 Q. Okay. Do you own a home surveillance system?

8 A. Yes.

9 Q. Okay. What type of system is that?

10 A. It's a Ring camera system, Ring security system.

11 Q. Does that system record all the time?

12 A. Motion activated.

13 Q. How far away from the sensor that you mentioned
14 does the motion have to be in order for the camera to
15 record?

16 A. Mine goes right to the edge of the sidewalk.
17 Almost, right, maybe, I don't know, maybe a foot into the
18 road.

19 Q. Okay. And that's the sidewalk in the road on your
20 side of the street, correct?

21 A. Yes, my side, yes.

22 Q. Okay. So this would not typically capture motion
23 at the house all the way across the street?

24 A. No, sir.

25 Q. Something would have to be going on in the roadway

PHILIP GREENE DIRECT BY MR. STANKO

1 in order for yours to activate?

2 A. Yes, sir.

3 Q. Okay. Did the police approach you about an
4 incident that occurred -- well, did they approach you on May
5 9, 2022?

6 A. Yes.

7 Q. And what were they asking for from you?

8 A. The video surveillance footage.

9 Q. Okay. Did you have an opportunity to review that
10 video footage?

11 A. Yes.

12 Q. And ultimately, did you provide that footage to
13 the police?

14 A. Yes, I did.

15 Q. Okay. I'm going to show you what's been marked as
16 State's Exhibit 3. Do you recognize that?

17 A. Yes.

18 Q. And how do you recognize it?

19 A. I signed off on it, and my initials are on it.

20 Q. Okay. Those are your initials on this tag?

21 A. Yes.

22 Q. Okay. You said you've watched this footage
23 already, correct?

24 A. Yes, sir.

25 Q. And from what you saw back on May 9th, to the

PHILIP GREENE DIRECT BY MR. STANKO

1 footage that you've seen on this thumb drive, has that been
2 modified in any way?

3 A. No, sir.

4 Q. Okay.

5 MR. STANKO: Your Honor, at this time, the State
6 would move Exhibit 3 into evidence.

7 THE COURT: Any objection?

8 MS. WILSON: Yes, sir, Your Honor.

9 THE COURT: All right. What's the objection?

10 MR. DICHARA: Your Honor, if we could approach?

11 THE COURT: Yes.

12 (WHEREUPON, a bench conference held off the
13 record.)

14 MS. WILSON: Thank you, Your Honor.

15 THE COURT: All right. State's Number 3 is
16 admitted over objection.

17 MS. WILSON: Thank you, Your Honor.

18 THE COURT: Yes, ma'am.

19 MR. STANKO: Your Honor, at this time permission
20 to publish this to the jury?

21 THE COURT: Yes, sir.

22 (WHEREUPON, State's Exhibit Number 3 was admitted
23 into evidence and published and played to the
24 jury.)
25

PHILIP GREENE DIRECT BY MR. STANKO

1 BY MR. STANKO:

2 Q. Do you recognize this location?

3 A. Yes, sir.

4 Q. Is this your driveway that we're seeing in the
5 foreground here?

6 A. Yes, sir.

7 Q. Okay. And which of the -- looks like three houses
8 that we can see on there, which one of these is [REDACTED]?

9 A. The one to the left, far left, yes.

10 Q. This one right here?

11 A. Yes, sir.

12 Q. Now, there are two cars in this driveway right
13 here. Are you able to see from where you are?

14 A. Yes. Uh-huh.

15 Q. Okay. If it would work better, if you want to
16 come down?

17 A. Yeah, I can see, I can see.

18 Q. Okay. You mentioned the woman who lived across
19 the street. Do you happen to recall the vehicles that she
20 drove?

21 A. One of them was a -- it was a silver convertible.
22 And the other one, I know if it was a black car, but I don't
23 remember what brand it was.

24 Q. Okay. Do these two vehicles in the driveway, do
25 those appear to be the ones that you recall?

PHILIP GREENE DIRECT BY MR. STANKO

1 A. Yes, yes. Uh-huh.

2 Q. You testified before that you've seen and met
3 Mr. Murphy several times, correct?

4 A. Yes. Uh-huh.

5 Q. Was that who just got out of the black vehicle
6 from the driveway there?

7 A. Yes, sir.

8 Q. Okay. And again, because you had seen him
9 multiple times before?

10 A. Yes, sir.

11 Q. In this house that he's entering, right there,
12 that was [REDACTED]?

13 A. Yes, sir.

14 Q. Is that the silver convertible that you recall --

15 A. Yes, sir.

16 Q. -- the homeowner owns?

17 A. Yes, sir.

18 Q. So I noticed in this one that the vehicle that was
19 on the roadway is now in the driveway. And again, you had
20 mentioned that you believe that's because the motion --

21 MS. WILSON: Objection. Your Honor, could we
22 approach?

23 THE COURT: Yes.

24 (WHEREUPON, a bench conference was held off the
25 record.)

PHILIP GREENE DIRECT BY MR. STANKO

1 MS. WILSON: Thank you.

2 THE COURT: Please rephrase the questions.

3 BY MR. STANKO:

4 Q. Where does the motion sensor on your Ring system
5 actually activate from?

6 A. On my side of the street, just over the sidewalk,
7 right at the edge of the road. Yes, yes, sir.

8 Q. Thank you, sir.

9 MR. STANKO: Could I get you to zoom in on the
10 house?

11 BY MR. STANKO:

12 Q. Mr. Greene, I'd like to call your attention to
13 this vertical window right there.

14 A. Yes, sir.

15 Q. Just please pay attention to that for the next few
16 seconds. What did you just see --

17 MS. WILSON: Objection.

18 (WHEREUPON, there was a bench conference held off
19 the record.)

20 THE COURT: All right. Thank you. You may
21 continue.

22 BY MR. STANKO:

23 Q. I'll ask that different way.

24 Did you happen to see two things pass by that
25 window on the video that we just saw?

PHILLIP GREENE CROSS BY MS. WILSON

1 A. Yes, sir.

2 Q. Mr. Greene, do you recall EMS responding to the
3 house across the street?

4 A. Yes, sir.

5 Q. Do you recall about what time that was?

6 A. It was around 7:00 a.m.

7 Q. And how is it you recall that that was the time?

8 A. I was getting ready to take my daughter to school,
9 and we normally leave at that exact time, around 7:00 maybe
10 7:05.

11 MR. STANKO: Please answer any questions the
12 defense may have.

13 THE COURT: Ms. Wilson, do you need to use the TV?

14 MS. WILSON: No, I don't need it. Thank you.

15 CROSS-EXAMINATION

16 BY MS. WILSON:

17 Q. Mr. Greene, how are you today?

18 A. Good. How are you?

19 Q. Good. So just to be clear, you're not an actual
20 eyewitness to anything that was captured on the Ring camera,
21 correct? You didn't see it yourself firsthand?

22 A. Not firsthand, no, ma'am.

23 Q. Right. So anything that you're commenting on
24 today is because you obviously you viewed the camera footage
25 that you --

PHILLIP GREENE CROSS BY MS. WILSON

1 A. Correct.

2 Q. And I know you said you had -- you didn't know
3 Ms. Lischer's name, that you knew of her, you obviously saw
4 her, but you didn't have any real interaction with her or
5 with Mr. Murphy; is that correct?

6 A. Correct.

7 Q. Okay. And in the footage that you watched, you
8 obviously see cars coming and going, but you can't know
9 who's actually driving or who's going back and forth, can
10 you?

11 A. Well, on the particular footage that I observed,
12 you know, I was able to recognize who was driving it from
13 Mr. Murphy. He Pretty much wore the same fluorescent
14 colored shirt pretty much all the time.

15 Q. Right. But as far as the silver car is concerned,
16 because the top is up, so you couldn't see who was in that,
17 could you?

18 A. If you zoom in well enough, you can tell there's a
19 female driving it.

20 Q. Okay. All right. And to be clear, you say that
21 you saw two things pass by the window, but you can't know
22 with any certainty what it was that passed by the window,
23 can you?

24 A. No, ma'am.

25 MS. WILSON: Okay. No further questions, Your

PHILLIP GREENE CROSS BY MS. WILSON

1 Honor.

2 THE COURT: Any redirect?

3 MR. STANKO: No redirect, sir.

4 THE COURT: All right. Mr. Greene, you may step
5 down. Thank you.

6 MR. STANKO: And will he be relieved of his
7 subpoena?

8 MS. WILSON: Without objection.

9 THE COURT: You can call your next witness.

10 MR. STANKO: Thank you, Your Honor. The State
11 would call Carla McCants.

12 THE CLERK: Please raise your right hand and place
13 your left hand on the Bible. Do you solemnly swear or
14 affirm that the evidence you're about to give the Court in
15 this case, be the truth, the whole truth, and nothing but
16 the truth, so help you God?

17 THE WITNESS: I do.

18 CARLA MCCANTS, having been duly sworn,
19 testified as follows:

20 THE CLERK: State your name and then spell your
21 last name for the Court.

22 THE WITNESS: Carla McCants. M-C-C-A-N-T-S.

23 THE COURT: Yes, sir.

24 MR. STANKO: Thank you, Your Honor.

25 DIRECT EXAMINATION

CARLA MCCANTS DIRECT BY MR. STANKO

1 BY MR. STANKO:

2 Q. Ms. McCants, good morning. Where is it you work?

3 A. Food Lion.

4 Q. And what do you do for Food Lion?

5 A. Asset protection specialist.

6 Q. What all does that entail?

7 A. A lot. I do internal investigations. I review
8 transactions, I pull video, many other things.

9 Q. Understood. Is one of the duties you have to you
10 had mentioned to pull videos?

11 A. Yes.

12 Q. Okay. Let me ask you this: How many Food Lion
13 stores are you assigned to?

14 A. I currently cover 47 stores in North and South
15 Carolina.

16 Q. Are you assigned to the Food Lion in Socastee, in
17 this area?

18 A. Yes.

19 Q. Okay. Did you have occasion to pull video of an
20 incident that occurred on or about May 8th of 2022?

21 A. Yes.

22 Q. Okay. Have you had an opportunity to watch that
23 video?

24 A. Yes.

25 Q. Okay. And based on your observation of that

CARLA MCCANTS DIRECT BY MR. STANKO

1 video, did it appear anything had been taken out, added to
2 it, in any way?

3 A. No.

4 Q. Okay. And as the custodian of records for Food
5 Lion, what typically are the responsibilities that go along
6 with that?

7 A. I'm not understanding what you're asking.

8 Q. As a custodian, when you pull these videos, do you
9 check them to make sure that nothing has been added or
10 changed from it?

11 A. Correct. If I pull the video, it comes straight
12 from that unit, the date and time that is requested,
13 straight onto a disk.

14 Q. Okay. And in this case, did you provide video to
15 law enforcements?

16 A. Yes.

17 Q. Okay. I'm going to show you what's been marked as
18 State's Exhibit 4. Do you -- I'm sorry, do you recognize
19 these?

20 A. The jump drive?

21 Q. Yes, ma'am.

22 A. No, it should have been disks.

23 MR. STANKO: Court's indulgence for a moment?

24 THE COURT: Yes.
25

CARLA MCCANTS DIRECT BY MR. STANKO

1 BY MR. STANKO:

2 Q. You viewed 2 videos in this case, correct?

3 A. Yes.

4 Q. And nothing had been manipulated from those
5 videos?

6 A. No.

7 MR. STANKO: Your Honor, at this time, the State
8 would ask to enter State's Exhibit 4 into evidence.

9 THE COURT: Objection?

10 MS. WILSON: Yes, sir, Your Honor.

11 THE COURT: All right.

12 MS. WILSON: Would you like to do it?

13 THE COURT: Let's -- Ladies and gentlemen, let's
14 let you take a break right now. It is 11:50. We'll take a
15 brief recess. We'll be back with you in just a minute.

16 Please, again, do not discuss any matters that
17 you've heard as to the testimony and evidence that's been
18 put for you. It's not time to begin any deliberations or
19 anything like that, but if you'll go to your jury room,
20 we'll be right with you.

21 (WHEREUPON, the jury exited the courtroom.)

22 THE COURT: All right. Yes, Ms. Wilson.

23 MS. WILSON: Thank you, Your Honor. Your Honor,
24 I'm objecting because it's clear that this witness doesn't
25 recognize the formatting of this -- this video, or at least

CARLA MCCANTS DIRECT BY MR. STANKO

1 the device that is on at this time. And that there is no
2 way to confirm that it is actually what she or remember is
3 actually sending him. I'm assuming that whoever did --
4 because it's not initialed either, which is something that
5 has been consistent in what the State's been doing with the
6 other witnesses to confirm that they actually recognize the
7 modified or whatever the version is that they're presenting
8 here in court. That's not the case here. We don't know at
9 this moment what it is.

10 THE COURT: Mr. Stanko?

11 MR. STANKO: Your Honor, I think I know what
12 happened. I showed her a disk that had it on it, and in the
13 course of our trial preparation, we converted it over to a
14 thumb drive.

15 Would the Court being inclined to allow her to
16 watch what is on this to certify that?

17 THE COURT: Do you still have the disk?

18 MR. STANKO: I do not, sir.

19 THE COURT: Well, you still have a chain issue as
20 to whether or not it's been --

21 MR. STANKO: Because it was -- ultimately it was
22 provided to us digitally. It was -- we downloaded it from a
23 central evidence location. So the disk that it was placed
24 on was just one of our empty disks that we have in our
25 office that I put it on and then we showed it to

CARLA MCCANTS DIRECT BY MR. STANKO

1 Ms. McCants.

2 THE COURT: Ms. Wilson?

3 MS. WILSON: My position, Your Honor, is that
4 Ms. McCants pulled it and provided it, however she sent it
5 to them, is the format in which she would have needed to
6 have -- she would need to verify. If they don't have that
7 particular item anymore, they're now saying, can you go back
8 and verify that this is a video? I don't know that she
9 actually can, because they no longer have what she gave
10 them.

11 MR. STANKO: Your Honor, what she gave the State
12 is in digital form, but it was stored on a hard drive. This
13 was simply pulled from that hard drive and put on --

14 MS. WILSON: And I think just be clear about that
15 part -- and I'm sorry, Mr. Stanko, I'm not meaning to just
16 cut you off -- I was going to say to the Court that I
17 appreciate what he's saying is that it's the same thing, but
18 the entire point of the chain is to establish continuity
19 from the time that it's made until the time that it's
20 presented in court. She has to be able to verify that this
21 is what she pulled, that without any deletions or additions
22 or any modifications. And that can't happen without what
23 she actually -- without her being able to say, This is what
24 I actually provided, this is the format I provided it in,
25 and now here we are watching it just in on a zip drive.

CARLA MCCANTS DIRECT BY MR. STANKO

1 THE COURT: Let's do this. Let's see if she can.
2 To me it's similar to somebody taking pictures and then them
3 getting printed out. They may not have been the one that
4 printed it out, I understand.

5 MS. WILSON: Yes, sir.

6 THE COURT: And I certainly want to see if she can
7 identify it. If she can't, then I won't keep it out. Let's
8 see if we can play it, and if you don't mind turning it so I
9 can see it, too, so I'll know exactly what --

10 MR. STANKO: Absolutely. We'll just angle it.

11 THE COURT: Ms. Wilson.

12 MR. DICHARA: I can't. I'm going to go where I
13 can see.

14 THE COURT: You can come up wherever you need to
15 be.

16 (WHEREUPON, the video was played.)

17 THE COURT: All right.

18 MR. STANKO: I apologize for the formatting
19 situation. Those two videos that you just watched, are
20 those --

21 THE WITNESS: Yes.

22 MR. STANKO: -- to your recollection, exactly --

23 THE WITNESS: Yes.

24 MR. STANKO: -- as you provided those to the
25 State?

CARLA MCCANTS DIRECT BY MR. STANKO

1 Okay. Your Honor.

2 THE COURT: Ms. Wilson, any questions you'd like
3 to ask as to her ability to authenticate these?

4 MS. WILSON: Just briefly.

5 You did watch these videos when you pulled them?

6 THE WITNESS: Yes.

7 MS. WILSON: You watched them in there entirely?

8 THE WITNESS: Yes.

9 MS. WILSON: And this is the full representation
10 of what you say you pulled?

11 THE WITNESS: Yes.

12 MR. STANKO: Okay. No further questions.

13 THE COURT: Let me ask you, Ms. McCants, down on
14 the bottom left hand corner of the two videos --

15 THE WITNESS: Uh-huh.

16 THE COURT: -- what do those letters indicate?

17 THE WITNESS: That is register one and two. That
18 is Food Lion 280 or the Store Number 289 and Dash Video Edge
19 is this the system that we use, Video Edge.

20 THE COURT: I think the other one had similar --

21 THE WITNESS: Yes.

22 THE COURT: -- lettering as well?

23 THE WITNESS: Yes.

24 THE COURT: All right.

25 THE WITNESS: That is the Food Lion To Go parking

CARLA MCCANTS DIRECT BY MR. STANKO

1 camera at store, Food Lion Store 289, Video Edge.

2 THE COURT: And 289 is the Socastee store?

3 THE WITNESS: Socastee Food Lion, yes.

4 THE COURT: All right. Thank you.

5 Ms. Wilson, any other questions?

6 MR. DICHARA: No, sir. Your Honor, just if the
7 Court is ruling that it's in, I just want to be clear on the
8 record. Yes, sir.

9 THE COURT: I'm going to admit it based on her
10 acknowledging that it's the same -- that what she reviewed
11 and also showing the store identification on the bottom.

12 That being said, it's two after 12:00 right now.
13 I know we were going to get lunch for the jury. Do you know
14 when we were planning on that?

15 THE CLERK: I had a deputy picking it up at 12:00,
16 so it should be here --

17 THE COURT: At 12:00. So it should be in just a
18 minute?

19 THE CLERK: Whenever, yes, sir.

20 THE COURT: How much longer do you think you have
21 on this?

22 MR. STANKO: Those two videos.

23 THE COURT: Ms. Wilson, with cross-examine, do you
24 expect it to take very long?

25 MS. WILSON: No, I don't.

CARLA MCCANTS DIRECT BY MR. STANKO

1 THE COURT: Why don't we go ahead and bring the
2 jury back in, we'll do that quickly, should be able to do
3 that within less than 10 minutes.

4 MR. STANKO: Your Honor, does the Court have any
5 issue with my asking her, Did you just watch these videos
6 and now are you familiar with what's on them?

7 THE COURT: I don't have any issue with that.

8 MS. WILSON: I don't either.

9 MR. STANKO: Okay. Perfect.

10 THE COURT: All right. Let's go ahead and bring
11 the jury. And, Ms. Wilson, feel free to move around.

12 (WHEREUPON, the jury entered the courtroom.)

13 THE COURT: All right. Thank you, ladies and
14 gentlemen. Mr. Stanko, you can continue.

15 MR. STANKO: Thank you.

16 BY MR. STANKO:

17 Q. Mr. McCants, I apologize for the formatting issue
18 earlier. Have you now had an opportunity to watch this
19 video?

20 A. Yes.

21 Q. Okay, there -- how many video clips are on here?

22 A. Two.

23 Q. Okay. And after you watched those, did you place
24 your initials on them?

25 A. I did.

CARLA MCCANTS DIRECT BY MR. STANKO

1 Q. Okay. The videos that are on this, do they appear
2 manipulated, altered in any way?

3 A. No, they do not.

4 Q. Okay. To your knowledge, this is a true and
5 accurate representation of what you turned over to police
6 back in May of 2022?

7 A. Yes, it is.

8 MR. STANKO: Your Honor, at this time the State
9 would move Exhibit 4 into evidence.

10 THE COURT: All right. State's Exhibit Number 4
11 is submitted in the evidence over the objection.

12 MR. STANKO: Your Honor, permission to publish?

13 THE COURT: You may.

14 (WHEREUPON, State's Exhibit Number 4 was admitted
15 into evidence and published and played to the
16 jury.)

17 BY MR. STANKO:

18 Q. Mr. McCants, there's a time and date stamp up at
19 the top, correct?

20 A. Correct.

21 Q. And how is that provided on these videos?

22 A. It's automatically pulled from the system. That's
23 the system keeping the time and date.

24 Q. Okay. Can anyone go in and manipulate that time?

25 A. Not to my knowledge, no.

CARLA MCCANTS CROSS BY MS. WILSON

1 Q. Okay. And for those who may not be able.

2 MS. WILSON: Objection.

3 MR. STANKO: I'll withdraw.

4 BY MR. STANKO:

5 Q. Ms. McCants, are you able to read what the time
6 and date is? Please step down if you're not able to.

7 A. The time is 5/8 of '22, 4:23:25 p.m., Eastern
8 Daylight Time.

9 Q. Thank you, ma'am. Ms. McCants, which Food Lion
10 store did you say this one was?

11 A. That is Food Lion 0289 in Socastee, South.
12 Carolina.

13 Q. Thank you. Ms. McCants, once again, nothing to
14 your knowledge, materially taken away, added to anything
15 like that?

16 A. It doesn't appear, no.

17 Q. Okay, thank you. Please answer any questions the
18 defense may have.

19 CROSS-EXAMINATION

20 BY MS. WILSON:

21 Q. Just very briefly, Ms. McCants, you're not an
22 eyewitness to anything that happened in this case are you?

23 A. No, I am not.

24 Q. You don't have any firsthand knowledge about what
25 occurred, what happened --

CARLA MCCANTS CROSS BY MS. WILSON

1 A. No, I do not.

2 Q. -- or who was involved?

3 MS. WILSON: All right. Thank you. No further
4 questions, Your Honor.

5 THE COURT: All right. Any redirect?

6 MR. STANKO: None, sir.

7 THE COURT: All right. Ms. McCants, you may step
8 down. May this witness be excused?

9 MS. WILSON: Yes, sir, please. Thank you.

10 THE COURT: All right, ladies and gentlemen, it is
11 10 after 12:00, we're going to break for lunch. I believe
12 that our Clerk's office has provided you guys with lunch, it
13 should be here, if it's not here now, it'll be here shortly.

14 I am going to ask that you leave your pads and
15 your pens in your seats rather than taking those back there.
16 Don't want anybody to lose it or somebody else to maybe grab
17 somebody's notes. So if you'll just remember to leave those
18 in here.

19 But again, just as a reminder, do not discuss
20 anything that you've heard. The time to deliberate will be
21 later, but that's not right now. Thank you.

22 (WHEREUPON, the jury exited the courtroom.)

23 THE COURT: All right. It's 12 after 12:00, let's
24 try to start back if we can around 1:00 or shortly after
25 1:00, okay?

1 MS. WILSON: Yes, sir.

2 THE COURT: Thank you.

3 (WHEREUPON, there was a lunch break held.)

4 THE BAILIFF: All rise.

5 THE COURT: All right. Thank you. Ladies and
6 gentlemen, y'all can be seated.

7 I meant to mention at the beginning of the trial,
8 you see me with my phone in my hand up here, these computers
9 we have to have our phone, it's some kind of double
10 authentication, so to sign in, I have to have my phone to do
11 that and every periodically it signs me off, it's a pain but
12 I guess that's technology. But so if you see me, I'm not
13 texting people or anything like that, but anything else
14 before we bring in the jury?

15 All right. Let's go ahead and bring them in.

16 (WHEREUPON, the jury entered the courtroom.)

17 THE COURT: All right. Mr. Foreman, ladies and
18 gentlemen, I hope that y'all had a good lunch. I hate to
19 rush you, but we do have a lot to get through. But, again,
20 thank you for your patience.

21 Mr. Stanko, you can call your next witness.

22 MR. STANKO: Thank you, Your Honor.

23 You Honor, the State calls Christian Fletcher.

24 THE CLERK: Please raise your right hand and put
25 your left hand on the Bible. Do you solemnly swear or

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 affirm the evidence you're about to give the Court in this
2 case be the truth, the whole truth, and nothing but the
3 truth, so help you God?

4 THE WITNESS: Yes, ma'am.

5 CHRISTIAN FLETCHER, having been duly
6 sworn, testified as follows:

7 THE CLERK: Would you just state your name and
8 then spell your last name for the Court?

9 THE WITNESS: It is Sergeant Christian Fletcher,
10 F-L-E-T-C-H-E-R.

11 THE COURT: Yes, sir.

12 MR. STANKO: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. STANKO:

15 Q. Sergeant Fletcher, what police agency is it you
16 work for?

17 A. I work for the Horry County Police Department.

18 Q. And how long have you worked there?

19 A. I've been with the Horry County Police Department
20 for eight years.

21 Q. What is your current job title there?

22 A. I'm currently a sergeant and I'm on a full time
23 special operations unit.

24 Q. And what do you do for that unit?

25 A. Our job is mainly generating and maintaining

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 | certain target packages on high risk buildings or structures
2 | within the county, as well as developing any operational
3 | plans for anything that's deemed exceptionally high risk,
4 | whether that be for locations, people, et cetera. And we
5 | also spearhead the training element of the department as it
6 | surrounds firearms and driving and things of that nature.

7 | Q. Okay. Was that your job title back in May of
8 | 2022?

9 | A. No, it was not.

10 | Q. What were you doing that month?

11 | A. In May of 2022, I was a homicide and violent crime
12 | detective also with the Horry County Police Department.

13 | Q. And I assume with a different job title, you had
14 | different job responsibilities?

15 | A. I did.

16 | Q. What were those?

17 | A. As a homicide detective you're tasked with
18 | investigating crimes in particular homicides but any other
19 | violent crimes typically against persons. Our job is to
20 | investigate it to the fullest throughout through channels of
21 | interviewing witnesses, suspects, victims, processing any
22 | and all information that comes in, and acting as a liaison
23 | on between other detectives assisting in that case.

24 | Q. Okay. In a homicide case, is there one specific
25 | detective that winds up being listed as the lead

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 investigator?

2 A. There is.

3 Q. Okay. Did you happen to become involved in a
4 homicide on or about May 9th of 22?

5 A. I was.

6 Q. Okay. What was your assigned role in that case
7 initially?

8 A. Initially, the way it works is you're called out
9 like an on-call schedule, it's normally a several detective
10 party initial response, and then ultimately on that day,
11 homicide supervision assigned the case to me as the direct
12 case agent for this case in particular.

13 Q. And as a direct case agent, what are your specific
14 duties on a case?

15 A. The specific duties vary, obviously by
16 availability and who's there, but my main goal overall is to
17 act as that general liaison between the investigations.
18 There's lots of avenues and things that are explored and
19 it's undoable by one single person. So I'm kind of the, I
20 guess, if you will, directing what needs to happen, when it
21 needs to happen, where it needs to go, and then compiling
22 all of that evidentiary value into a case.

23 Q. When did you first meet the defendant in this
24 case, Charles Murphy?

25 A. The morning of, so the ninth I believe, May 9th,

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 2022.

2 Q. Okay. And where did you meet him?

3 A. Just outside of his residence initially.

4 Q. Did you have occasion to meet with him later on at
5 your police headquarters?

6 A. I did.

7 Q. Okay. Did you collect any items from his person?

8 A. I did.

9 MR. STANKO: Your Honor, may I approach the
10 witness?

11 THE COURT: You may.

12 BY MR. STANKO:

13 Q. I'm going to show you what's been marked as
14 State's Number 5. Do you recognize this?

15 A. I do.

16 Q. Okay. And what are we looking at here?

17 A. That was the shirt that Mr. Murphy was wearing the
18 day that he came in contact with me.

19 Q. And when you collected this, what did you wind up
20 doing with it?

21 A. It was booked into evidence.

22 Q. Okay.

23 MR. STANKO: Your Honor, at this time the State
24 would move State's 5 into evidence.

25 THE COURT: Any objection?

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 MS. WILSON: No objection, Your Honor.

2 THE COURT: State's Number 5 is admitted into
3 evidence.

4 (WHEREUPON, State's Exhibit Number 5 was admitted
5 into evidence.)

6 BY MR. STANKO:

7 Q. What other items of Mr. Murphy's clothing did you
8 collect at that time?

9 A. Whatever was on his physical person. So I believe
10 it was shirt, shorts, shoes, and whatever contents were in
11 his pockets at the time, I believe it was a wallet and a
12 phone.

13 Q. Okay. Did you do any testing of his person?

14 A. I did. Collected a gunshot residue test from his
15 hands.

16 Q. What is a gunshot residue test?

17 A. It's like a blotter type mechanism that uses
18 adhesive to pull or to attempt to pull particulate off of a
19 location. In this case, the defendant's hands. And that
20 particulate is something that is indicative of having fired
21 or being around the firing of a weapon.

22 Q. I'm going to show you what's been marked, among
23 other stickers, as State's Exhibit 6. Does this look
24 familiar to you? If you need to flip it around to the back.

25 A. Just as it pertains to six?

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 Q. Correct, sir.

2 A. I can't get to six without opening up, it's got a
3 second envelope I think.

4 MR. STANKO: Your Honor, if he needs to may he
5 open the plastic bag?

6 THE COURT: Yes.

7 MR. STANKO: Do you have scissors that he could --

8 THE COURT: There you go.

9 THE WITNESS: That works.

10 BY MR. STANKO:

11 Q. Absolutely.

12 A. It's marked as our Number 1, but Number 6 on the
13 evidence record is a GSR kit.

14 Q. Okay.

15 A. Gunshot residue kit, excuse me.

16 Q. And on the back of that envelope there, does it
17 appear to have been sealed?

18 A. It does.

19 Q. After you close this envelope, what do you do with
20 the kit after you're done with it?

21 A. The kit comes with instructions inside of the kit
22 on how to go about sealing it. Essentially, it's a self
23 contained kit, the items that you use come from inside of
24 the kit. You perform the test per its instructions and
25 place it back in the kit per its instructions, seal it, then

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 submit it to our evidence division.

2 Q. Okay. After you collected those items from the
3 defendant, where did you go?

4 A. Where did I go, specifically?

5 Q. Yes.

6 A. I went to the evidence division to drop them off,
7 which is directly across the hall.

8 Q. I apologize, that was far too vague.

9 After all of this, did you respond to the incident
10 location?

11 A. Yes, I did ultimately return to the [REDACTED] Leste Road
12 address.

13 Q. Okay. What was your purpose of going back to that
14 house?

15 A. To get a general overview of what had been going
16 on? Again, as the established case agent, it's my job to
17 understand generally what's happening at multiple facets of
18 the case.

19 Q. Okay. Did you happen to request the services of
20 an outside agency?

21 A. I did.

22 Q. Okay, tell us about that.

23 A. Sometime later I requested the services of the
24 U.S. Marshals Service. We have a working relationship with
25 them, specifically, as it pertains to article search dogs.

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 The dog in particular that I was requesting, the search buy
2 by, is a dog that is trained in explosives and firearm
3 location.

4 Q. Okay. And did the U.S. Marshals Service send out
5 an agent with a K9?

6 A. They did.

7 Q. Okay. Again, that was at your direction?

8 A. Yes.

9 Q. Okay. Was there just one search warrant for the
10 house that day?

11 A. No. The original -- the original date, there were
12 two drafted. The second of which was drafted because there
13 was a vehicle located in the garage that was not included on
14 the first search warrant. So a secondary search warrant was
15 drafted for that. And then ultimately a third search
16 warrant was drafted for the employee of a K9 and for
17 collecting additional items inside of the home.

18 Q. Okay. Obviously you just said a lot. That third
19 search warrant you're referring to, were you present for the
20 execution of that search warrant?

21 A. I was.

22 Q. Okay. And did you happen to recover anything in
23 conjunction with that search warrant?

24 A. I did.

25 Q. What could you tell us about that?

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 A. On the review of the home with the K9, otherwise
2 there was -- located a black shirt in the washing machine of
3 the home that was collected.

4 Q. All right. What was the condition of that shirt?

5 A. It had been through or partially through a wash
6 cycle, so it was wet.

7 Q. Okay. I'm going to show you what's been marked as
8 State's Exhibits 9 and 10. Do you recognize this?

9 A. I do.

10 Q. Okay. What could you tell us about those photos?

11 A. Nine is the view of inside of the washing machine
12 not being tampered with or touched. It's just the view as
13 we opened it, as we saw it initially. And then 10 is a view
14 of the black in color shirt in question that was taken, and
15 it's just kind of laid across the top of the washing machine
16 for the sake of taking a photograph.

17 Q. Okay. And are those an accurate representation of
18 what you saw that day?

19 A. Yes.

20 MR. STANKO: Your Honor, the State would enter
21 nine and ten into evidence.

22 THE COURT: Any objection?

23 MS. WILSON: If I can see them just again real
24 quick? Without objection.

25 THE COURT: State's 9 and 10 are admitted into

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 evidence.

2 (WHEREUPON, State's Exhibit Numbers 9 and 10 were
3 admitted into evidence.)

4 BY MR. STANKO:

5 Q. I'm also going to show you what's been marked as
6 State's Exhibit 11. Do you recognize this?

7 A. I do.

8 Q. How do you recognize this?

9 A. That is the shirt that has appeared in the
10 photograph and the one that we took out of the washing
11 machine the day of the third search.

12 Q. Okay. When you came into possession of this
13 shirt, what did you do with it?

14 A. Again, I packaged it within accordance of our
15 policies and directive and turned it over to the evidence
16 division of the Horry County Police Department.

17 MR. STANKO: Your Honor, the State would move
18 State's Exhibit 11 into evidence.

19 THE COURT: Any objection?

20 MS. WILSON: No objection.

21 THE COURT: State's Number 11 is admitted in
22 evidence.

23 (WHEREUPON, State's Exhibit Number 11 was admitted
24 into evidence.)

25

CHRISTIAN FLETCHER DIRECT BY MR. STANKO

1 BY MR. STANKO:

2 Q. Sergeant, did you have occasion to travel down to
3 Charleston in your investigation of this case?

4 A. I did.

5 Q. What was the purpose of that trip?

6 A. Travel down to Charleston to where the Medical
7 University of South Carolina is located to attend the
8 autopsy of the victim, Ms. Lischer.

9 Q. Okay. And without getting into the results of
10 that autopsy or anything, did you observe the autopsy?

11 A. I did.

12 Q. Did you happen to observe any items removed from
13 the victim in this case?

14 A. Yes, several.

15 Q. Okay. I'm going to call into particular attention
16 what has been marked as State's Exhibit 7. Do you recognize
17 those?

18 A. I do.

19 Q. Okay. How do you recognize those?

20 A. These were removed from Ms. Lischer's body at the
21 autopsy at MUSC.

22 Q. Okay. And you actually witnessed those items
23 removed from her body?

24 A. I did.

25 Q. Do you recall which portion of her body they were

CHRISTIAN FLETCHER CROSS BY MS. WILSON

1 removed from?

2 A. Yes, they were removed from her head.

3 Q. Okay. And, again, you -- did you see those items
4 from the moment they were actually removed until they were
5 handed to you?

6 A. Yes. Outside of them going into packages that
7 were sealed and then handed to me in a lump sum. Yes.

8 Q. But again, those are. Those are the items that
9 were handed to you that day?

10 A. Yes.

11 MR. STANKO: Your Honor, at this time the State
12 would move Exhibit 7 into evidence.

13 THE COURT: Any objection?

14 MS. WILSON: Without objection.

15 THE COURT: State's Number 7 is admitted into
16 evidence.

17 (WHEREUPON, States Exhibit Number 7 was admitted
18 into evidence.)

19 BY MR. STANKO:

20 Q. Thank you, sir. Please answer any questions the
21 defense may have.

22 A. Yes, sir.

23 CROSS-EXAMINATION

24 BY MS. WILSON:

25 Q. So just to be clear, you didn't actually witness

CHRISTIAN FLETCHER CROSS BY MS. WILSON

1 Mr. Murphy commit a crime here, did you?

2 A. I did not.

3 Q. And there is no first-hand knowledge that you have
4 about anything that occurred at that location, is there?

5 A. At the time of, no, ma'am.

6 Q. Right. Firsthand --

7 A. Yeah.

8 Q. -- meaning, you weren't there or not an eyewitness
9 to anything?

10 A. Correct.

11 Q. All right.

12 MS. WILSON: And I'm sorry, Court's indulgence?

13 THE COURT: Sure.

14 MS. WILSON: Court's indulgence one more second.

15 Your Honor, I don't think I have any further
16 questions for Mr. Fletcher.

17 THE COURT: Redirect?

18 MR. STANKO: Nothing further, sir.

19 THE COURT: Sergeant, you may step down.

20 THE WITNESS: Thank you, sir.

21 MR. STANKO: Valerie Wandtke.

22 THE CLERK: Please raise your right hand and put
23 your left hand on the Bible. Raise your right hand put your
24 left hand on the Bible. Do you solemnly swear or affirm the
25 evidence you're about to give the Court in this case be the

VALERIE WANDTKE DIRECT BY MR. STANKO

1 truth, the whole truth, and nothing but the truth, so help
2 you God?

3 THE WITNESS: I do.

4 VALERIE WANDTKE, having been duly sworn,
5 testified as follows:

6 THE CLERK: Get you to state your name and spell
7 your last name for the Court.

8 THE WITNESS: Valerie Wandtke, W-A-N-D-T-K-E.

9 THE COURT: Yes, sir.

10 MR. STANKO: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. STANKO:

13 Q. Ms. Wandtke, good afternoon. Where is it you
14 work?

15 A. Right now I'm on disability, but I'm a nurse.

16 Q. Okay. And where is it you live?

17 A. Gloucester, New York.

18 Q. Okay. Did you happen to know the victim in this
19 case?

20 A. Very well.

21 Q. What was her name?

22 A. Teresa Lischer.

23 Q. Okay.

24 A. Teresa Ann Lischer.

25 Q. And how did you know her?

VALERIE WANDTKE DIRECT BY MR. STANKO

1 A. We were the best of friends.

2 Q. How did you meet?

3 A. I met her in the summer of 2005. We worked
4 together as RNs at one of our local insurance companies, we
5 were cube mates.

6 Q. Okay. And was this while both of you were living
7 up in New York?

8 A. Yes.

9 Q. Okay. Do you recall how long did she live up in
10 New York?

11 A. I believe she -- well, she moved here 2016 or
12 2017, I believe so, she was there till then.

13 Q. Okay. As you got closer to that time that she
14 moved away, was she dating anyone?

15 A. Yes, unfortunately, yes.

16 Q. Who was that person?

17 A. Billy Murphy.

18 Q. Okay. Did you wind up meeting him?

19 A. Yes.

20 Q. Had you had conversations with him up there?

21 A. Oh, multiple. On the phone and in person.

22 Q. Okay. Fair for me to say that you recognize his
23 voice?

24 A. Yes, absolutely.

25 Q. Okay. You mentioned Teresa moved down here back

VALERIE WANDTKE DIRECT BY MR. STANKO

1 in 2016 or 2017, correct?

2 A. Correct.

3 Q. Okay. Did Mr. Murphy follow her down?

4 A. She followed him down, he was here, he moved.

5 She -- he lived with her for about a year, and then he came
6 down here and she followed him here.

7 Q. Okay. Did you have regular phone conversations
8 with Ms. Lischer?

9 A. Yes, we spoke all the time.

10 Q. Okay. I want to turn your attention to a specific
11 phone call that you had. Do you recall speaking with Teresa
12 the night of Saturday, May 7th?

13 A. I do.

14 Q. Okay. Why does that date stick out in your head?

15 A. Well, because of, because it's probably obvious,
16 but she called all excited about the hockey game, and, you
17 know, we were all excited about the hockey game.

18 Q. Was she a big hockey fan?

19 A. She absolutely was.

20 Q. What was her team?

21 A. Colorado Avalanche. Her son lived in Colorado and
22 that was her favorite.

23 Q. Okay. Now, this would have been May, so would we
24 have been in the NHL playoffs by then?

25 A. You were -- yep -- well, they were, the Predators.

VALERIE WANDTKE DIRECT BY MR. STANKO

1 Q. Understood. And what was the subject of the
2 conversation that you had with Ms. Lischer that night?

3 A. Well, she called all excited about, you know, Woo,
4 they scored, so we talked for a couple minutes.

5 Q. Okay. Do you recall what kind of day -- what time
6 of day or?

7 A. Mm, early evening.

8 Q. Okay. Did you happen to hear anyone in the
9 background?

10 A. I did.

11 Q. Who did you hear?

12 A. Murph.

13 Q. Okay. Could you tell what he was saying?

14 A. I couldn't understand, but he was yelling.

15 Q. Okay. Did she tell you that's who that was?

16 A. Uh-hum, it's him, yelling in the background.

17 Q. But even if she hadn't, once again, you said that
18 you recognize his voice?

19 A. Uh-huh, very well.

20 Q. Does he have a fairly distinctive voice?

21 A. He does.

22 Q. Okay. And again, you mentioned that you do
23 recognize that voice?

24 A. I did.

25 Q. Okay. Were there any other sounds going on in the

VALERIE WANDTKE DIRECT BY MR. STANKO

1 background of that call?

2 A. Smacking. I mean, you know, like something
3 smashing. But he was, you know, smashing stuff sounded
4 like, he was yelling.

5 Q. Okay, and was that the last time that you spoke
6 with Teresa?

7 A. Yes, it was.

8 Q. Okay.

9 A. She was supposed to call back after -- after
10 scored again and she never called back. Excuse me.

11 Q. Thank you for your time, please answer any
12 questions the defense may have.

13 CROSS-EXAMINATION

14 BY MS. WILSON:

15 Q. Do you need a minute? Do you need additional
16 tissues?

17 A. I'll take a tissue, please.

18 Q. Okay.

19 A. That's okay. I'm good. I'm sorry, forgive me.

20 Q. Do you feel like you're able to go forward.

21 A. Okay.

22 MS. WILSON: May I approach, Your Honor?

23 THE COURT: I think she's good.

24 BY MS. WILSON:

25 Q. All right. Ms. Wandtke, you say you heard yelling

VALERIE WANDTKE DIRECT BY MR. STANKO

1 in the background, but you don't know what the words were,
2 correct?

3 A. That's correct.

4 Q. So you can't really attest as to what was being
5 said, just that you heard yelling?

6 A. I heard Murphy yelling in the background, but I
7 couldn't understand what he was yelling about.

8 Q. And you said that Ms. Lischer called you and she
9 was excited about the game?

10 A. Correct.

11 Q. And so you can't say that he wasn't excited about
12 the game?

13 A. It was angry yelling. She was excited, happy
14 yelling, Woo, we scored.

15 Q. And he was angry yelling?

16 A. Yes.

17 Q. And you say he was angry yelling because of the
18 tone?

19 A. Correct.

20 Q. And the smashing that you say you heard, you're
21 saying that you heard smashing, but you don't know what was
22 smashed, if anything was smashed, if something was just
23 being dropped, or if he was -- you don't know what was
24 actually happening, correct?

25 A. Correct. He was yelling and, you know, it sounded

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1 like there was banging in the background.

2 Q. Okay. All right.

3 MS. WILSON: No further questions, Your Honor.

4 THE COURT: Any redirect?

5 MR. STANKO: No, Your Honor.

6 THE COURT: All right. Ma'am, you may step down.

7 THE WITNESS: Thank you.

8 THE COURT: Can this witness be excused?

9 MS. WILSON: Yes, please.

10 THE COURT: Mr. Stanko, you can call your next
11 witness.

12 MR. STANKO: Thank you, Your Honor. Next we will
13 call Matthew Stephenson.

14 THE CLERK: Please raise your right hand and place
15 your left hand on the Bible. Do you solemnly swear or
16 affirm the evidence you're about to give the Court in this
17 case be the truth, the whole truth, and nothing but the
18 truth, so help you God?

19 THE WITNESS: I do.

20 MATTHEW STEPHENSON, having been duly
21 sworn, testified as follows:

22 THE CLERK: Please state your name and spell your
23 last name for the Court.

24 THE WITNESS: Matthew Stephenson,
25 S-T-E-P-H-E-N-S-O-N.

MATTHEW STEPHENSON DIRECT BY MR. STANKO

1 THE COURT: Yes, sir.

2 MR. STANKO: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. STANKO:

5 Q. Officer, good afternoon. What is your rank?

6 A. I'm a sergeant with Horry County Police
7 Department.

8 Q. That was going to be my next question, which
9 agency. What are your job duties?

10 A. The supervisor of the crime scene unit.

11 Q. Okay. And as that supervisor, what are you
12 typically required to do?

13 A. We are required to -- we basically collect
14 evidence and process various types of crime scenes. We
15 document crime scenes with photography and complete the
16 reports that go along with that.

17 Q. Okay. Were those your job responsibilities and
18 job title back in May of 2022?

19 A. I was a detective, but yes, same job duties.

20 Q. Okay. Just a different rank?

21 A. Yes.

22 Q. Okay. Were you called to respond to a homicide
23 that occurred in Socastee?

24 A. Yes, sir.

25 Q. And was that on May 9, 2022?

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1 A. Yes, sir.

2 Q. Okay. Did you happen to take any photographs at
3 that location?

4 A. I did.

5 Q. Okay. All right. I am going to hand you a series
6 of photographs. They are State's 12 through 16. Ask you to
7 just have a look at these real quick.

8 What were you documenting in those pictures?

9 A. The first picture is the front of the residence.
10 And the remaining pictures are photographs of the front door
11 and locking mechanisms and latching mechanisms on the storm
12 door and the front entrance door.

13 Q. Okay. And why were you taking all those pictures
14 of the doorway?

15 A. It's common practice for us to take pictures of
16 any ingress into the residence to show that there was no
17 forced entry into the home.

18 Q. Okay. And did you observe any damage or
19 destruction to the lock or the door jamb or the door itself?

20 A. I did not.

21 Q. Okay. And once again, those are your pictures?

22 A. Yes, sir.

23 Q. Are those a true and accurate representation of
24 what you saw that day?

25 A. Yes, sir.

MATTHEW STEPHENSON DIRECT BY MR. STANKO

1 MR. STANKO: Your Honor, the State would move 12
2 through 16 into evidence.

3 THE COURT: Any objection?

4 MS. WILSON: Without objection.

5 THE COURT: State's Number 12 through 16 are
6 admitted in evidence.

7 MR. STANKO: Your Honor, permission to publish?

8 THE COURT: You may.

9 (WHEREUPON, State's Exhibit Numbers 12 through 16
10 were admitted into evidence and published to the
11 jury.)

12 BY MR. STANKO:

13 Q. Did you then go around to the back of the house?

14 A. I did.

15 Q. Okay. What was your reason for looking at the
16 back of the external part of the house there?

17 A. Again, it's common practice for when -- for any
18 type of crime scene, we always take exterior overall
19 photographs of the scene, and that includes the back area of
20 the house, back doors, backyard area, and it is again the
21 same reason to check for any type of damage to the
22 residence.

23 Q. Okay. I'm handing you what's been marked as
24 State's 17 through 21. Could you have a look at those
25 pictures, please? And what are we looking at in those

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1 pictures?

2 A. The first couple pictures are the exterior privacy
3 fence that was around the property. And I did the same
4 thing on that, I documented with photography the latching
5 mechanism for the fence, and also documented the rear
6 sliding door on the back of the residence to show that there
7 was no forced entry into the residence.

8 Q. Okay. Did you observe any forced entry, any
9 damage to the residence?

10 A. No, sir, I did not.

11 Q. And there were three different doors that you were
12 looking at there?

13 A. Yes, sir.

14 Q. Okay. Are those pictures a true and accurate
15 representation of what you saw?

16 A. Yes, sir.

17 MR. STANKO: Your Honor, the State would move 17
18 through 21 into evidence.

19 THE COURT: Any objections?

20 MS. WILSON: Without objection, Your Honor.

21 THE COURT: State's Number 17 through 21; is that
22 correct, Mr. Stanko?

23 MR. STANKO: Yes, Your Honor.

24 THE COURT: 17 through 21 are admitted into
25 evidence.

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1 MR. STANKO: And, again, permission to publish?

2 THE COURT: Permission granted.

3 (WHEREUPON, State's Exhibit Numbers 17 through 21
4 were admitted into evidence and published to the
5 jury.)

6 BY MR. STANKO:

7 Q. Did you then enter the house?

8 A. I did.

9 Q. Okay. And did you happen to, I guess, process the
10 kitchen area of the house?

11 A. I did.

12 Q. Okay. I'm going to hand you what's been marked as
13 State's 22 and 24 and ask if you recognize these pictures.

14 A. Yes, sir.

15 Q. Okay. And where did you find those items?

16 A. Item 11, which was a handwritten note, was found
17 on the kitchen table. And the other picture is the
18 photograph of the kitchen trash can.

19 Q. Okay. And again, those are -- those are both a
20 representation of what you observed that day?

21 A. Yes, sir.

22 Q. Do they appear modified in any way?

23 A. No, sir.

24 MR. STANKO: Your Honor, the State would move 22
25 and 24 into evidence.

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1 MS. WILSON: Your Honor, I do object to Number
2 24 -- I'm sorry.

3 THE COURT: 22 and 24?

4 MS. WILSON: What was that?

5 MR. STANKO: 22 and 24.

6 MS. WILSON: Yes.

7 THE COURT: Did I mistakenly write down 11?

8 MS. WILSON: I think so.

9 MR. STANKO: Your Honor, it was Horry County's
10 Item 11, but as far as for the purposes of the trial that
11 was --

12 THE COURT: Oh.

13 MS. WILSON: And I'm going to object to 22, as
14 well.

15 THE COURT: 22 and 24?

16 MS. WILSON: Yes, sir.

17 THE COURT: You all step up here and take a look
18 at these.

19 (WHEREUPON, a bench conference held off record.)

20 THE COURT: State's 24 is admitted into evidence
21 over objection.

22 (WHEREUPON, State's Exhibit Number 24 was admitted
23 into evidence.)

24 BY MR. STANKO:

25 Q. Officer, after you searched the kitchen or

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1 processed the kitchen, did you then proceed into the living
2 room?

3 A. I did.

4 Q. Okay. I'm going to show you what's been marked as
5 State's 25 through 28. Would you have a look at those? And
6 what are we seeing in those pictures?

7 A. It was photographs of the view into the living
8 room from the front door and the view from to the right and
9 left from the front door as you enter the main part of the
10 house.

11 Q. Okay. And again, those are your observations from
12 when you got there that day?

13 A. Yes, sir.

14 Q. Have you modified those in any way?

15 A. No, sir.

16 Q. Okay. True and accurate representation of your
17 investigation?

18 A. Yes, sir.

19 MR. STANKO: Your Honor, at this time the State
20 would move was 25 through 28 into evidence.

21 THE COURT: Any objection?

22 MS. WILSON: Without objection.

23 THE COURT: State's Numbers 25 through 28 are
24 admitted.

25 MR. STANKO: And, Your Honor, I forgot to ask for

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1 it a moment ago, but may I publish those as well as 24?

2 THE COURT: You may publish 24, 25, 26, 27 and 28.

3 MR. STANKO: Very good. Thank you, sir.

4 (WHEREUPON, State's Exhibit Numbers 24 through 28
5 were admitted into evidence and published to the
6 jury.)

7 MR. STANKO: Your Honor, we might need a minute of
8 the court's time for next set of pictures.

9 THE COURT: All right. Ladies and gentlemen, let
10 me ask that you step out to your jury room. Probably be a
11 good time if you need to relieve yourself or anything like
12 that. Might be just a few minutes and we'll be right back
13 with you. Again, just as a reminder, do not discuss
14 anything that you've heard yet. There'll be a time to
15 deliberate once I tell you, okay. Thank you.

16 (WHEREUPON, the jury exited the courtroom.)

17 THE COURT: Yes, Ms. Wilson.

18 MS. WILSON: Thank you, Your Honor.

19 Your Honor, I'm going to object in advance to 33
20 and 34. I'm going to hand these up to the Court, these are
21 the State's Exhibits. My objections are due to the explicit
22 nature of them. Certainly, they're going to be more
23 prejudicial and probative. I think there's already been
24 some testimony in about where Ms. Lischer was injured and
25 the nature of those injuries. Certainly, you know, there's

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1 going to be opportunity through other presentation, my
2 understanding, at least through the pathologist, who would
3 be one of the people I'm assuming will be called to present
4 information about the nature of the injury and how it is
5 believed that death occurred.

6 Certainly, a bloody headshot photo or of the body
7 laying in a pool of blood is more likely to just inflame
8 than educate or inform the jury. And I think the
9 information can be derived by other methods that would be
10 less likely to inflame their passions. And I'm asking the
11 court to exclude these photos. In particular. I don't love
12 the other photo, which is number -- was that 31?

13 THE COURT: I've got 33 through 37, I think, is
14 what he was getting ready to identify.

15 MS. WILSON: And I actually don't -- I don't
16 really have a problem 31, 29, 30, and 32 are the shots of
17 the victim's feet, as you know, which they've already
18 technically seen on the video from Canterbury, because it's
19 that view when he looks into the room and you see the holes
20 in the wall, that's basically what these shots are. I don't
21 prefer those, but those two in particular, I just think are
22 just way too explicit for presentation.

23 MR. STANKO: Your Honor, the State's position on
24 that, there certainly aren't any pictures of the injury
25 itself. The establishment of a timeline in this case is

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1 somewhat critical to the State's case and the two pictures
2 of the victim show just how much the pooled blood had dried.
3 It was in a dried puddle, it was cracking, it establishes
4 the position that she wound up in. I believe there were
5 certainly, we'll call them, worse pictures out there. These
6 don't show her face, they simply show how she was found by
7 law enforcement.

8 THE COURT: Is there -- does the State have any
9 other pictures of the actual blood pooling?

10 MR. STANKO: Just those two. Was it 33 and 34?

11 THE COURT: Right.

12 MR. STANKO: Just those two, sir.

13 MS. WILSON: And the problem, Your Honor, I
14 appreciate what the State is saying about the dry blood, but
15 again, they've already gotten some testimony in about the
16 blood being dried, even though the officer isn't qualified
17 to make a statement as to the amount of time. But he
18 already said it, Canterbury said it, the State inquired
19 about it. So that evidence is, good or bad, right or wrong,
20 already in front of the jury. And I don't know that these
21 photos are going to make that any more expressed or explicit
22 to lay people when, frankly, the rest of the photo is so
23 problematic. And these are -- these are color photos, and
24 even if they were in black and white, I want to be clear, I
25 still think there would be a problem.

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1 THE COURT: I will keep 34 out I'll allow 33 just
2 for positioning. Okay. The other three I don't have a
3 problem.

4 MS. WILSON: And 33, Your Honor, is still one of
5 the ones with the body and the head.

6 THE COURT: It is, it's just not the -- from the
7 head view.

8 MS. WILSON: Yes, sir. Okay. And so the Court is
9 just acknowledging over my objection?

10 THE COURT: I am.

11 MS. WILSON: Yes, sir. Thank you, Your Honor.

12 THE COURT: Thank you. All right. Anything else?
13 Do we have any other photos that we need to address prior?

14 MR. STANKO: Not as it relates to this witness,
15 no.

16 THE COURT: Okay.

17 MS. WILSON: No. Thank you, Your Honor.

18 THE COURT: Anything else for this witness that
19 you foresee?

20 MS. WILSON: I do not, because I don't think
21 there's much else.

22 THE COURT: All right. Just so we're -- let me
23 make sure that my numbers. I've got 12 through 16 were
24 admitted, 17 through 21 were admitted, 22 was not admitted,
25 24 was admitted, 25 through 28 were admitted. Was there a

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1 Number 23?

2 MS. WILSON: That's the letter, right.

3 MR. STANKO: 23 was the letter itself that you
4 would not allow the picture.

5 THE COURT: Okay, so 22 and 23, then. Okay. And
6 then I have 33 through 37, which number did I just -- I
7 handed the photos back.

8 MR. STANKO: It was 34, you were not allowed in.

9 THE COURT: 34 was not admitted, but the rest will
10 be, okay.

11 Anything else before we bring the jury back in?

12 MS. WILSON: No, sir. That's it, thank you.

13 MR. STANKO: No, Your Honor.

14 THE COURT: Let's go ahead and bring them in.
15 Thank you.

16 (WHEREUPON, the jury entered the courtroom.)

17 THE COURT: All right. Thank you, ladies and
18 gentlemen.

19 Mr. Stanko, you can continue.

20 BY MR. STANKO:

21 Q. Sir, I am now going to hand you what has been
22 marked as State's Exhibits 29 through 33, please have a look
23 at these. And just, in order, could you tell the jury what
24 we're seeing in those photos?

25 A. Yes. Photograph 29 is coming in from the -- it's

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1 a view of coming in from the living room area into the
2 master bedroom area where the victim's located.

3 Picture Number 30 is a view of a backpack with a
4 cell phone that was located right near the victim's feet.

5 Picture Number 31 is the same thing, it's just the
6 screen on the phone is lit up.

7 Q. You mentioned the screen on that phone is lit up?

8 A. Yes.

9 Q. So that phone still had a charge on it?

10 A. Yes, it did.

11 Q. Okay.

12 A. Picture Number 32 is another view of the backpack
13 at the victim's feet with a piece of notebook paper and some
14 handwriting on it.

15 And then Picture Number 33 is a view -- after you
16 entered the master bedroom door, it's a view of the victim's
17 position, how she was located.

18 MR. STANKO: Your Honor, at this time, the State
19 would move Items 28 through 33 -- excuse me. 29 through 33,
20 into evidence.

21 THE COURT: Any objection?

22 MS. WILSON: Just as previously stated for 33.

23 THE COURT: 29 through 33 are admitted into
24 evidence. Objection as noted on Number 33.

25 MS. WILSON: Thank you.

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1 MR. STANKO: And, Your Honor, permission to
2 publish.

3 THE COURT: You may.

4 MR. STANKO: And, Your Honor, Court's indulgence,
5 just a moment. We'll allow them to have a look at those
6 pictures so that we're not dividing their attention.

7 (WHEREUPON, State's Exhibit Numbers 29 through 33
8 were admitted into evidence and published to the
9 jury.)

10 MR. STANKO: Your Honor, I appreciate the Court's
11 time on that. Thank you.

12 THE COURT: Yes, sir.

13 BY MR. STANKO:

14 Q. Detective, did you next investigate and process a
15 series of holes in the wall in that hallway?

16 A. I did.

17 Q. Okay. I am going to show you what has been marked
18 as State's Exhibits 35 through 42. Could you walk the jury
19 through these, please?

20 A. Yes. Picture Number 35 is a series of holes that
21 were located in the master bedroom wall above where the
22 victim was located. In this picture they're marked with
23 scale tape and they were given a letter to individual -- to
24 say separate them individually.

25 Picture Number 36 is the same set of holes. At

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1 | this point, though, I've placed trajectory rods to show the
2 | path of travel through the wall.

3 | Q. And if I could stop you, what is the purpose of
4 | those rods?

5 | A. To show the angles which the projectiles may have
6 | traveled.

7 | Q. Okay. And in your investigation of those rods,
8 | did it appear that multiple shots were fired or a single one
9 | from your estimation?

10 | A. From what I estimated, it was a single shot.

11 | Q. Okay. Thank you. Please keep going.

12 | A. The next picture, Picture Number 37 is a view
13 | inside the master bathroom, which is on the opposite side of
14 | the wall from the first couple of pictures, and it shows the
15 | damage that was caused to the mirror in the master bathroom
16 | once the projectiles passed through the wall.

17 | Thirty-eight is hard to tell with that in Picture
18 | 38, but this is documenting with photography the bathroom,
19 | master bathroom counter and sink, to show the glass in
20 | the -- and the apparent projectiles that are laying on top
21 | of the bathroom counter.

22 | Q. And, Detective, why would some of those
23 | projectiles wind up in the sink in that case?

24 | A. They lose their energy once they pass through that
25 | sheetrock and the wood and things in the wall and some of

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1 them don't travel very far and some fall.

2 Q. Okay. Were there any other rounds that made it
3 farther than those?

4 A. Yes, there was. The Picture Number 39 is another
5 view of the bathroom mirror, but this one has the trajectory
6 rods coming through from the opposite side of the wall to
7 show the trajectory of those projectiles that traveled
8 through into the bathroom.

9 Picture Number 40 is a view of the shower stall,
10 and it is in the top of this shower stall, you can see what
11 appears to be projectile holes that travel across the
12 bathroom after coming through the wall and mirror and
13 entered into the back wall of the shower.

14 Picture 41 is the exterior wall outside of the
15 home from the master bathroom. And in this picture, what
16 we're doing is documenting the fact that one of the
17 projectiles actually exited the exterior of the home it went
18 all the way through the shower stall, through the wall, and
19 out of the siding on the exterior of the wall.

20 Picture 42 is a closer view of the same hole that
21 I just described on the exterior of the home.

22 Q. Detective, you mentioned that it appeared to you
23 that it was a single shot that created this distortion in
24 the wall, correct?

25 A. Yes, sir.

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1 Q. This wouldn't have been a pistol or a rifle, would
2 it?

3 MS. WILSON: Objection.

4 THE COURT: Step up.

5 (WHEREUPON, a bench conference was held off the
6 record.)

7 MS. WILSON: Thank you.

8 THE COURT: Objection is sustained.

9 BY MR. STANKO:

10 Q. Detective, when you processed the bathroom, did
11 you collect any fragments from the bathroom itself?

12 A. I did.

13 Q. I'm going to show you what's been marked as
14 State's 43, 44, and 45. Could you have a look at those and
15 do you recognize them?

16 A. I do.

17 Q. Are those the items that you collected from the
18 bathroom that day?

19 A. They are.

20 Q. Once you collected those what did you do with
21 them?

22 A. They were packaged and in envelopes separately,
23 and they were placed in our evidence division.

24 MR. STANKO: Your Honor, at this time, the State
25 would request 35 through 42 the pictures, and then 43, 44,

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1 and 45 the fragments entered into evidence.

2 THE COURT: Any objections?

3 MS. WILSON: Without objection, Your Honor.

4 THE COURT: All right. 35 through 42, the photos
5 are admitted into evidence, 43, 44, 45, the ammo fragments
6 are also admitted into evidence.

7 MR. STANKO: Your Honor, permission to publish
8 these to the jury?

9 THE COURT: You may.

10 (WHEREUPON, State's Exhibit Numbers 35 through 42
11 and 43, 44, 45 admitted into evidence and
12 published to the jury.)

13 MR. STANKO: Your Honor, would the Court like me
14 to pass these around to them or just hold them up to show
15 them?

16 THE COURT: Either way is fine with me.

17 MR. STANKO: All right. Very well.

18 BY MR. STANKO:

19 Q. Detective, did you next process the master bedroom
20 in this case?

21 A. I did.

22 Q. Okay. Did you happen to recover any items from
23 that bedroom?

24 A. Yes, sir, I did.

25 Q. I am showing you what's been marked as State's 46

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1 and 47. Could you tell me what these are?

2 A. Yes, they are boxes of shotgun shells, Winchester
3 shotgun shells, 12-gauge caliber.

4 Q. Okay. And where did you locate those?

5 A. They were in a nightstand drawer beside the master
6 bed.

7 Q. Okay. Are both of them full?

8 A. No, one is empty.

9 Q. And once you acquired those items, what did you do
10 with them?

11 A. They were marked photographed and collected, and
12 then they were turned into our evidence division.

13 MR. STANKO: Your Honor, the State would move, I
14 believe, it was 46 and 47.

15 THE COURT: State's Numbers 46 and 47. Any
16 objection?

17 MS. WILSON: No objection, Your Honor.

18 THE COURT: State's 46 and 47, the ammo boxes are
19 admitted into evidence.

20 MR. STANKO: Thank you, sir.

21 (WHEREUPON, State's Exhibit Numbers 46 and 47 were
22 admitted into evidence.)

23 BY MR. STANKO:

24 Q. Detective, did you recover anything else inside
25 that bedroom?

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1 A. Yes, sir, I did.

2 Q. And could you tell us what you recovered from in
3 there?

4 A. There was a camouflage 12-gauge shotgun barrel
5 located underneath the master bed.

6 Q. I'm going to show you what's been marked as
7 State's 48. Is this the shotgun barrel that you recovered
8 that day?

9 A. It is.

10 Q. When you collected that, tell us about how you
11 collect items like this.

12 A. We're going to photograph that item in place where
13 it's located, which was in this case was underneath the
14 master bed. At that time I'm going to mark it with an
15 evidence marker which is just a yellow plastic evidence
16 marker, photograph it there, then we're going to collect it
17 and then it's transported back to our police department for
18 further processing, if necessary.

19 MR. STANKO: Your Honor, at this time the State
20 would move 48 into evidence.

21 THE COURT: Any objections?

22 MS. WILSON: No objection.

23 THE COURT: State's Number 48 is admitted into
24 evidence.

25 (WHEREUPON, State's Exhibit Number 48 was admitted

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1 into evidence.)

2 BY MR. STANKO:

3 Q. Now, Detective, after you left the house, did you
4 have occasion to process any items in this case?

5 A. I did.

6 Q. More specifically, I would like to call your
7 attention to items of clothing.

8 A. Uh-huh.

9 Q. Could you take us through how you process items of
10 clothing in a case like this?

11 A. In a case like this, what I'm looking for on the
12 clothing is bodily fluids. And again, in a shooting case
13 I'm looking for gunshot residue. Usually that is done in a
14 controlled environment in our in-house lab.

15 So the clothing is laid out, it is photographed in
16 its entirety, front, back, inside out, everything like that.
17 And then at that point I'm going to use an alternate light
18 source to look for bodily fluids. And again, gunshot
19 residue, and alternate light source is commonly referred to
20 as ALS, but I use what we call a 455 filter, which these
21 lights have several different types of filters depending on
22 what we're looking for. And in this case I used a 455
23 filter to try to locate gunshot residue.

24 Q. What sort of items of clothing did you process in
25 this case?

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1 A. I processed a yellow colored T shirt, a pair of
2 shorts, a pair of tennis shoes and then another black
3 T-shirt.

4 Q. Okay. Did you also process a tan hat?

5 A. I did, yes.

6 Q. Okay. And where did you obtain those items from?

7 A. They were collected -- the yellow shirt and shorts
8 were collected by Detective Fletcher from the defendant.
9 And the other items were collected by Detective Fletcher at
10 the residence. The black shirt was located in the washing
11 machine.

12 Q. Okay. And could you take the jury through your
13 process for actually testing? You mentioned that you use a
14 light filter. What is it you're looking for when you're
15 doing GSR testing?

16 A. Looking for GSR on -- which is gunshot residue --
17 looking for that on clothing, using the filter and paired
18 with a pair of orange goggles is what makes this gunshot
19 residue on this clothing stand out. The best I can describe
20 what it looks like on clothing is almost like, it's like a
21 metallic dust is what it looks like on the clothing itself.

22 At that point, if I find anything like that, I
23 usually photograph it. We have orange filters that we can
24 put on our camera lenses that we can photograph to show what
25 we're looking at. And then at that point I collect what we

MATTHEW STEPHENSON DIRECT BY MR. STANKO

1 call a scanning electron microscopy test, commonly referred
2 to as SEM because that's a mouthful. So once, basically
3 what that is, is it's a small little dauber that's just
4 basically a magnet. And we'll do that area and then once
5 it's -- it's then sealed back in packaging and sent to the
6 lab for further testing.

7 Q. What is the purpose of the further testing?

8 A. When those are sent off to the lab, they do a
9 microscopic test and confirm that yes or no, it is gunshot
10 or it's not gunshot residue.

11 Q. Okay. So just to summarize, you, you do an
12 initial test, get your result?

13 A. Yes.

14 Q. And then you send it to another lab to confirm?

15 A. Yes, it goes to SLED.

16 Q. Okay. What were the results of the testing that
17 you did?

18 A. I had -- there was a couple of areas that on the
19 hat I got a positive reaction, and on these shorts I got a
20 positive reaction, presumptive positive reaction for gunshot
21 residue. And then again on the black shirt there was a
22 couple of areas that had a positive reaction for gunshot
23 residue.

24 Q. Okay. And you mentioned that these kits are sent
25 up to a lab.

MATTHEW STEPHENSON DIRECT BY MR. STANKO

1 A. Yes.

2 Q. To clarify, is it just the kit that goes up or are
3 you sending the full item of clothing up to the laboratory?

4 A. Just the kit.

5 Q. Okay. All right. Describe these -- you briefly
6 talked about it, describe these kits and how that portion
7 that this works.

8 A. Those kits are -- they come self packaged. It's
9 a -- it's just -- it comes in an envelope and there's
10 instructions on the envelope on how to conduct this test.
11 Once you open it up, you just mark the -- there's a -- it's
12 a little plastic vial kind of about an inch or two high, and
13 then on one end of it, it's got basically a metal magnet on
14 that end, very, very low power magnet. And then once you
15 take that plastic cap off -- they are sealed when you get
16 them -- and then you collect what you need to collect from
17 the item of clothing, the cap goes back on, it's placed back
18 in the envelope and sealed up.

19 Q. I'm going to show you what's been previously
20 marked as State's Exhibits 49, 50, 51, 52, and 53. Do you
21 recognize this packaging?

22 A. I do.

23 Q. Okay. And tell us about how your procedure for
24 sending things up to that lab goes.

25 A. For in this instance, these SEM tests, they're

MATTHEW STEPHENSON DIRECT BY MR. STANKO

1 packaged individually, and then they're packaged in a
2 separate envelope and labeled with item numbers where I need
3 it to go, which in this case would be the SLED trace lab for
4 further processing. And then it is turned into our evidence
5 division to be sent to SLED.

6 Q. And do you seal these envelopes?

7 A. I do.

8 Q. Okay. What is the purpose of sealing the
9 envelope?

10 A. It's to show that it hasn't been tampered with.

11 Q. Okay. And does it appear -- obviously this Has
12 gone through other hands at this point, but when you
13 relinquished it, was any -- was any tampering done to these
14 items?

15 A. No, sir.

16 Q. Okay, so you took the test and then immediately
17 put in that envelope?

18 A. Yes.

19 Q. Okay.

20 THE COURT: Just making note of those numbers.

21 MR. STANKO: So this would have been 49 through
22 53. Court's indulgence, one moment, Your Honor.

23 BY MR. STANKO:

24 Q. Thank you for your time. Please answer any
25 questions the defense may have.

MATTHEW STEPHENSON CROSS BY MS. WILSON

1 MS. WILSON: Court's indulgence.

2 THE COURT: Yes, ma'am.

3 CROSS-EXAMINATION

4 BY MS. WILSON:

5 Q. Detective Stephenson, say that your job duties
6 were just to process these bits and pieces of evidence and
7 then to package after you did the -- used the SEM kit to
8 package and send it off. And you said that the SEM kits
9 were just these prepackaged kits. So they come sealed, I
10 assume?

11 A. Yes, ma'am.

12 Q. And so they're sealed to make sure that there is
13 no cross-contamination or anything of that nature?

14 A. Yes, ma'am.

15 Q. And when you are packaging up these things, I'm
16 assuming that you're using certain techniques or practices
17 to make sure that you're not also causing any
18 cross-contamination?

19 A. Yes, ma'am.

20 Q. So when you take it from the house, you are
21 sealing it?

22 A. It's packaged -- most items are packaged in a
23 paper bag.

24 Q. Okay.

25 A. And then for transport back to our lab for further

MATTHEW STEPHENSON CROSS BY MS. WILSON

1 processing.

2 Q. Okay. And are you -- you're not the first person
3 on scene at the house, are you?

4 A. No, ma'am.

5 Q. So other people would have been there, might have
6 had hands on or touched things that you then subsequently
7 processed, correct?

8 A. There's a possibility, yes, ma'am.

9 Q. Okay. And to be clear, you don't have any
10 firsthand knowledge about anything in this case, do you?

11 A. Other than what I did, no I don't.

12 Q. Right. Okay. So you don't know who the parties
13 are or you might be aware of it now, but I'm saying you
14 wouldn't have known anything that day about what happened or
15 how this came to be?

16 A. No, ma'am.

17 MS. WILSON: All right. Thank You. No further
18 questions.

19 THE COURT: Any redirect?

20 MR. STANKO: No redirect, sir.

21 THE COURT: All right. Sir, you may step down.

22 MR. STANKO: Your Honor, if we could take just a
23 5, 10-minute break, we have one item where we're obtaining
24 from downstairs.

25 THE COURT: Okay. All right. Ladies and

1 gentlemen, if you'll step back to your jury room. Seems
2 like a good time to take a little short break anyway. I
3 apologize, ladies and gentlemen. I didn't realize y'all
4 were still looking at the photos. Take your time, ladies
5 and gentlemen, at the end of this case, all of these will be
6 available for your viewing, as well.

7 (WHEREUPON, the jury exited the courtroom.)

8 THE COURT: All right. We'll be at ease. If
9 somebody will just let us know when to come back. Thank
10 you.

11 MR. STANKO: And, Your Honor, because of my
12 scheduling and not realizing just how fast of a case this
13 was going to turn into, we have one witness left for today.

14 THE COURT: Who is that witness?

15 MR. STANKO: Jensen Brown with the Horry County
16 Police Department.

17 THE COURT: How long do you reckon that will take?

18 MR. STANKO: Half hour.

19 THE COURT: Okay.

20 MR. STANKO: Probably, a little less than
21 Stephenson did.

22 THE COURT: Who do we have tomorrow?

23 MR. STANKO: Tomorrow we would lead off with
24 Merrell Hawkins with the evidence division for Horry County.

25 THE COURT: Okay. And we have the pathologist

1 tomorrow?

2 MR. STANKO: So, because our SLED person now works
3 for the North Carolina Crime Lab.

4 THE COURT: Okay.

5 MR. STANKO: She -- we have scheduled her for 2:00
6 p.m. because she has to make it down from Raleigh. And then
7 the pathologist, her schedule just worked out to 3:30. So
8 the problem is we could probably get through the morning in
9 like a half hour. And then we just have like a giant break.
10 And then because those people are coming from out of town,
11 then we wind up having them at 2:00.

12 I know it's not a judicious use of the Court's
13 time, but unfortunately given the scheduling that we had
14 with people, that just seems to be where we are right now.

15 THE COURT: Roberto Carrillo, is that person
16 coming?

17 MR. STANKO: He's going to come in the morning,
18 yes. He works for the U.S. Marshals Service, we had to
19 bring him in from out of town. So we will have two chain
20 witnesses as far as the SEM kits and then we'll have the
21 U.S. Marshal.

22 So, honestly, if you want to start at 10 or 10:30,
23 we'll get them in, send them on a long lunch and then we
24 kick back off with SLED at 2:00.

25 THE COURT: Okay.

1 MR. STANKO: If that works for the Court.

2 THE COURT: Any objection to that, Ms. Wilson?

3 MS. WILSON: I don't have any objection, Your
4 Honor.

5 THE COURT: And these out of town witnesses, I
6 mean, unfortunately, sometimes we have to work a little
7 around their schedule.

8 MS. WILSON: That's fine, Your Honor.

9 MR. STANKO: Yeah, we have and we've already
10 locked them in for, you know, SLED will be at 2:00, the
11 pathologist will be at 3:30.

12 THE COURT: All right. Well, let's take 10
13 minutes then and we'll let the jurors stretch their legs,
14 and then we'll start back. Thank you.

15 MR. STANKO: Thank you, sir.

16 MS. WILSON: Thank you.

17 (WHEREUPON, a break was held.)

18 THE BAILIFF: All rise.

19 THE COURT: Thank you. All right.

20 Mr. Stanko, are we ready to proceed?

21 MR. STANKO: Yes, Your Honor.

22 THE COURT: Ms. Wilson, anything?

23 MS. WILSON: Nothing, Your Honor.

24 THE COURT: All right. Let's go ahead and bring
25 in the jury.

1 (WHEREUPON, the jury entered the courtroom.)

2 THE COURT: All right. Mr. Stanko, you ready to
3 proceed?

4 MR. STANKO: Yes, Your Honor.

5 THE COURT: You can call your next witness,
6 please.

7 MR. STANKO: Your Honor, the State calls Jensen
8 Brown.

9 THE CLERK: Please raise your right hand and put
10 your left hand on the Bible. Do you solemnly swear or
11 affirm the evidence you're about to give the Court in this
12 case will be the truth, the whole truth, and nothing but the
13 truth, so help you God?

14 THE WITNESS: I do.

15 JENSEN BROWN, having been duly sworn,
16 testified as follows:

17 THE CLERK: Thank you. Get you to state your name
18 and spell your last name for the Court.

19 THE WITNESS: My name is Jensen Brown. First
20 name, J-E-N-S-E-N. Last name, B-R-O-W-N.

21 DIRECT EXAMINATION

22 BY MR. STANKO:

23 Q. Officer, good afternoon.

24 A. Good afternoon.

25 Q. Where is it you work?

JENSEN BROWN DIRECT BY MR. STANKO

1 A. Horry County Police Department.

2 Q. And what is your job title there?

3 A. I am a crime scene technician.

4 Q. Okay. And as a crime scene technician, what are
5 your job responsibilities?

6 A. Primarily processing evidence that gets turned in
7 by detectives or other patrol officers, responding to call
8 outs, assisting the detectives on processing those scenes,
9 processing vehicles, things of that nature.

10 Q. Okay. And were those your job duties and job
11 title back in May of 2022?

12 A. Yes.

13 Q. Okay. Were you called out to the scene of a
14 homicide on May 9th of 2022?

15 A. Yes, I was.

16 Q. Okay. What were you tasked with to do once you
17 got there?

18 A. I was tasked with searching the secondary scene,
19 as they called it, so the exterior of the residence where
20 the crime occurred, any and all abandoned buildings, there
21 was, I believe, a horse stable and an abandoned trailer.
22 They just asked me to photograph and search those areas.

23 Q. Okay. I am going to show you what has been marked
24 as State's Exhibits 55 through 61. Could you have a look
25 through those for me?

JENSEN BROWN DIRECT BY MR. STANKO

1 A. Yes, sir.

2 Q. And could you tell the jury what we are seeing in
3 those pictures?

4 A. In these photos it starts with where I walked out
5 of the backyard of the residence, [REDACTED] Leste Road, I believe,
6 and it just shows the path deep into the woods that I took
7 until I came to the opening of what appeared to be an
8 abandoned horse stable. And the photos show my progression
9 into the horse stables overall. And then right when I
10 walked into the horse stables and what is known as, I
11 believe the tack room, I'm not familiar with horses, but
12 there was a few belongings that had -- this is the GEICO
13 Insurance card for -- is there a name on it -- it has
14 Teresa's name on it and there was miscellaneous trash and
15 liquor bottles all around, some personal hygiene items,
16 things of that nature.

17 Q. What brands of liquor -- of liquor bottles do you
18 see in those pictures here?

19 A. Here there is a Burnett's and Fireball.

20 MR. STANKO: Your Honor, at this time, the State
21 would move these pictures into evidence.

22 THE COURT: Any objection?

23 MS. WILSON: No objection, Your Honor.

24 THE COURT: State's Number 55 through 61 are
25 admitted into evidence.

JENSEN BROWN DIRECT BY MR. STANKO

1 MR. STANKO: And Your Honor, permission to
2 publish?

3 THE COURT: You may.

4 (WHEREUPON, State's Exhibit Numbers 55 through 61
5 were admitted into evidence and published to the
6 jury.)

7 BY MR. STANKO:

8 Q. All right. I'm also showing you what has been
9 marked as State's Exhibit 62, could you tell us what that
10 is?

11 THE COURT: Mr. Stanko, let's let him take a look
12 at these photos first.

13 MR. STANKO: I apologize, Your Honor.

14 Your Honor, I have three more sets of photographs
15 to go with -- to go through with the witness. Do you want
16 me to wait until we've gone through all the photos and then
17 give them the jury or piecemeal like this?

18 THE COURT: Let's just piecemeal it like this.

19 MR. STANKO: Very good. Thank you, sir.

20 THE COURT: All right. Mr. Stanko, go ahead.

21 MR. STANKO: Thank you, Your Honor.

22 BY MR. STANKO:

23 Q. Now, I'm going to show you what's been marked as
24 State's Exhibit 62. Could you have a look at this?

25 A. Okay.

JENSEN BROWN DIRECT BY MR. STANKO

1 Q. Please tell the jury what we're looking at there.

2 A. This is a certified State of New York Birth

3 Certificate for Charles William Murphy, Jr.

4 Q. Okay. And where did you locate that?

5 A. In the tack room of the abandoned horse stables.

6 Q. Okay. And what did you do with that item once
7 you -- once you discovered it?

8 A. I photographed it first and then immediately
9 picked it up, bagged it as evidence, labeled it as Item
10 Number 1, I believe, and it remained in my custody until I
11 could turn it into the evidence division at the police
12 department.

13 Q. Did you modify that in any way?

14 A. No.

15 MR. STANKO: Your Honor, the State would seek to
16 introduce Item 62 in evidence.

17 THE COURT: Any objection?

18 MS. WILSON: No objection, Your Honor.

19 THE COURT: Number 62 is admitted in evidence.

20 (WHEREUPON, State's Exhibit Number 62 was admitted
21 into evidence.)

22 MR. STANKO: Court's indulgence, one moment, Your
23 Honor?

24 TIME: All right.

25

JENSEN BROWN DIRECT BY MR. STANKO

1 BY MR. STANKO:

2 Q. Now, Officer Brown, are you familiar with the
3 Socastee area of Horry County?

4 A. Yes.

5 Q. Okay, I'm showing you what's been marked as
6 State's Exhibit 54. There are multiple points identified on
7 this map. The first one up here at top, is that the house
8 that you initially responded to?

9 A. Yes.

10 Q. And what was the address of that house?

11 A. [REDACTED] Leste Road.

12 Q. Okay, I'll call your attention to the second point
13 that said that's been marked on here. It is labeled as
14 Horse Stables. Are those the stables that you next
15 responded to?

16 A. Yes.

17 Q. Okay. After you left the horse stables, did you
18 locate a secondary structure in the woods?

19 A. Yes, I did.

20 Q. Could you tell us about that structure?

21 A. I proceeded farther into the woods, and it
22 appeared to be an abandoned mobile home trailer. None of
23 the walls or windows or doors were intact. Definitely was
24 overgrown by weeds and shrubs, trees, but it once was a
25 mobile home trailer.

JENSEN BROWN DIRECT BY MR. STANKO

1 Q. Okay. Did it appear to you that somebody had been
2 living there?

3 A. Possibly.

4 Q. I'm going to show you what's been marked as
5 State's Exhibits 63 through 68. Could you have a look at
6 those, please?

7 And could you tell the jury what these pictures
8 captured?

9 A. Yes. This is what I saw through the wood line as
10 I approached closer to the abandoned mobile home, kind of
11 the exterior of the home itself. Some clothing that I
12 photographed outside of the trailer, as well as interior
13 photos I took to include miscellaneous belongings and trash,
14 liquor bottles, things of that nature.

15 Q. And on that last picture, what are the brands of
16 the liquor bottles that you photographed?

17 A. There are Fireball, Burnett's and Steel Reserve.

18 Q. And are those photographs true and accurate
19 representation of what you saw that day?

20 A. Yes, sir.

21 MR. STANKO: Your Honor, at this time the State
22 would move these items in evidence.

23 THE COURT: And what number is that?

24 MR. STANKO: I apologize. It was 63 through 68.

25 THE COURT: Any objection?

JENSEN BROWN DIRECT BY MR. STANKO

1 MS. WILSON: No objection, Your Honor.

2 THE COURT: 63 through 68 are admitted.

3 MR. STANKO: And permission to publish, sir?

4 THE COURT: You may.

5 (WHEREUPON, State's Exhibit Numbers 63 through 68
6 were admitted into evidence and published to the
7 jury.)

8 MR. STANKO: Once again. Your Honor, we'll give
9 them time to have a look at them.

10 THE COURT: Were you publishing Number 62, as
11 well?

12 MR. STANKO: The -- is that the birth certificate,
13 sir?

14 THE COURT: That was, I just didn't know, I was
15 just asking.

16 MR. STANKO: No, just the pictures.

17 BY MR. STANKO:

18 Q. Officer, the mobile home where you took those
19 pictures has been marked on this map. Is that an accurate
20 representation of where that mobile home was located?

21 A. Yes, sir.

22 Q. After you finished at the mobile home, did you go
23 back to the original residence?

24 A. I did.

25 Q. Okay. What was your purpose of going back to the

JENSEN BROWN DIRECT BY MR. STANKO

1 residence?

2 A. To conduct an article search of the vehicles on
3 the property.

4 Q. Okay. And I call your attention in particular to
5 a black Subaru in the driveway. I'm going to show you
6 what's been marked as State's Exhibits 73 through 77.

7 Now, is that the vehicle that you searched?

8 A. Yes.

9 Q. Okay. Was anything that you believe to be of
10 evidentiary value located inside that vehicle?

11 A. Nothing was collected from inside the vehicle as
12 evidence. However, I did photograph up close just a Food
13 Lion receipt that was located in the vehicle.

14 Q. Okay. From your photograph of that Food Lion
15 receipt, are you able to read the date and time that's on
16 that receipt?

17 A. Yes. It is, 4:26 p.m., May 8, 2022.

18 Q. Okay. And on the other picture of that receipt
19 are you able to tell what item was purchased?

20 A. It looks like one 24 ounce Steel Reserve can.

21 Q. Was anything else of evidentiary value for you
22 recovered from that vehicle?

23 A. No, nothing else was recovered.

24 Q. These are the photographs that you took?

25 A. Yes.

JENSEN BROWN DIRECT BY MR. STANKO

1 MR. STANKO: Your Honor, at this time, the State
2 move these items in evidence.

3 THE COURT: What numbers are those?

4 MR. STANKO: Your Honor, this was 73 through 77.

5 THE COURT: Any objection to 73 through 77?

6 MS. WILSON: I just need to look at them really
7 quickly, Your Honor. Without objection.

8 THE COURT: State's Number 73 through 77 are
9 admitted.

10 MR. STANKO: Thank you, Your Honor. And
11 permission to publish?

12 THE COURT: You may.

13 (WHEREUPON, State's Exhibit Numbers 73 through 77
14 were admitted into evidence and published to the
15 jury.)

16 BY MR. STANKO:

17 Q. Officer Brown, did you receive any further word of
18 other locations in this case?

19 A. I did.

20 Q. What can you tell us about that?

21 A. After I was done searching the vehicles, I was
22 informed of a shed of some kind deeper into the woods that
23 they asked me to go help search and photograph.

24 Q. Was this fairly close to the mobile home that you
25 had been at shortly before?

JENSEN BROWN DIRECT BY MR. STANKO

1 A. It was fairly close, a little deeper into the
2 woods, I guess you could say, and off to, I don't know which
3 direction, but veered off to the left, but in the same
4 proximity, yeah.

5 Q. Okay. What do you recall seeing inside that shed?

6 A. I recall seeing a lot of bags of personal
7 belongings, bags of food, lots of trash. There was a blue
8 tent. Inside the tent, there was used needles and
9 various -- just trash, food, belongings, there was a
10 mattress, a box spring. That was pretty much it.

11 Q. Okay. I'm going to show you what's been marked as
12 State's Exhibits 69 through 72. And do those photographs --
13 do those match up with your recollection of what you saw
14 that day?

15 A. Yes, sir.

16 Q. Are those a true and accurate representation of
17 what you saw that day?

18 A. Yes, sir.

19 Q. And in -- you mentioned that there was a good bit
20 of trash out there, in Picture 72, a liquor bottle?

21 A. Yes.

22 Q. What brand of liquor bottle?

23 A. Burnett's Vodka.

24 MR. STANKO: Your Honor, at this time, the State
25 would move item 69 through 72 into evidence.

JENSEN BROWN DIRECT BY MR. STANKO

1 THE COURT: Any objection to State's 69 through
2 72?

3 MS. WILSON: Your Honor, just -- I need one point
4 of clarification if I could.

5 THE COURT: Okay.

6 MS. WILSON: No objection. Thank you.

7 THE COURT: 69 through 72 are admitted.

8 MR. STANKO: Permission to publish, sir?

9 THE COURT: You may.

10 (WHEREUPON, State's Exhibit Numbers 69 through 72
11 were admitted into evidence and published to the
12 jury.)

13 BY MR. STANKO:

14 Q. Officer Brown, you notice that there is -- there's
15 one more spot down at the bottom here that says, Shed with
16 Tent. Is that an accurate location for where that shed was?

17 A. Yes, sir.

18 Q. Okay.

19 MR. STANKO: At this time the State would move
20 State's 54 into evidence.

21 THE COURT: State's Number 54, any objection?

22 MS. WILSON: Without objection.

23 THE COURT: State's Number 54 is admitted in
24 evidence.

25 MR. STANKO: Your Honor, permission to publish

JENSEN BROWN CROSS BY MS. WILSON

1 this to the jury?

2 THE COURT: You may it.

3 (WHEREUPON, State's Exhibit Number 54 was admitted
4 into evidence and published to the jury.)

5 BY MR. STANKO:

6 Q. Thank you, Officer. Please answer any questions
7 the defense may have.

8 A. Yes, sir.

9 THE COURT: Ms. Wilson.

10 MS. WILSON: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. WILSON:

13 Q. Officer Brown?

14 A. Yes.

15 Q. Okay. Now, you say you documented this, these
16 locations, correct? The photographs?

17 A. Uh-huh.

18 Q. And these were photographs that you took?

19 A. Yes.

20 Q. You don't actually know how any of those things
21 got back there, do you?

22 A. No.

23 Q. You didn't witness anybody take them back there?

24 A. No.

25 Q. You didn't watch anybody back there maybe drinking

JENSEN BROWN CROSS BY MS. WILSON

1 from the bottles or using the needles or sleeping on
2 anything that was back there?

3 A. Correct.

4 Q. And you have no way of knowing who might have used
5 it? If it was one person, correct?

6 A. Uh-huh.

7 Q. Or maybe 10 people, or even if 20 people might
8 have been back there or even 100 people back there using
9 those items, and you don't have any idea about the time
10 frame that in which those items were used back there; is
11 that correct?

12 A. Correct.

13 Q. So the only thing you can really tell us is that
14 these are the things you saw back there that you documented
15 photographically; is that right?

16 A. Yes.

17 MS. WILSON: All right. No further questions,
18 Your Honor.

19 THE COURT: Any redirect?

20 MR. STANKO: No redirect, sir.

21 THE COURT: All right. Ms. Brown, you may step
22 down. May this witness be excused?

23 MS. WILSON: Yes, sir, without objection.

24 THE COURT: You're excused. Thank you.

25 All right. Y'all step up here just for a minute.

JENSEN BROWN CROSS BY MS. WILSON

1 MR. STANKO: Yes, sir.

2 (WHEREUPON, a brief conversation off record.)

3 THE COURT: All right. Ladies and gentlemen,
4 we've moved, I think, quicker than we expected to today, and
5 that's a good thing. What I'm going to do, I'm going to
6 release you. There are some other witnesses, but they're
7 coming from out of town and they're scheduled for tomorrow.
8 That being said, given how fast we've been moving, I'm going
9 to ask that y'all come back tomorrow morning at 10:00 a.m.,
10 okay?

11 Again, just a reminder, do not discuss anything
12 that you've heard so far. There'll be a time to deliberate,
13 I promise you. Again, don't do any independent research,
14 but I have noticed how attentively y'all are paying
15 attention and I certainly appreciate that. I know that the
16 State does as well as the Defense.

17 So you have a good night, enjoy your afternoon,
18 and we'll see you tomorrow. And you can leave your pads
19 right in your chair.

20 (WHEREUPON, the jury exited the courtroom.)

21 THE COURT: All right. Anything else from the
22 State?

23 MR. STANKO: Nothing from the State.

24 THE COURT: Anything from the Defense?

25 MS. WILSON: Nothing, Your Honor.

1 BAILIFF: All rise.

2 THE COURT: Thank you. Please be seated. All right --
3 all right. Are we ready to proceed?

4 MR. STANKO: Yes, Your Honor.

5 MS. WILSON: Yes, sir.

6 THE COURT: All right.

7 MS. WILSON: Your Honor, I did want to mention one thing.
8 It's my understanding that the scheduling may have changed
9 slightly --

10 THE COURT: Okay.

11 MS. WILSON: -- for today. The State informed me this
12 morning that we might be able to get through their witnesses
13 by around 1:00, 1:30, 2:00 o'clock --

14 MR. STANKO: Your Honor, the -- the two who we originally
15 had coming later on this afternoon and they were able to move
16 up their schedules.

17 THE COURT: Oh, great.

18 MR. STANKO: After lunch, I have two witnesses to go. I
19 will have the -- the technician from -- excuse me, the
20 scientist from SLED and then the pathologist.

21 THE COURT: Okay.

22 MR. STANKO: And they're originally not going to be here
23 until 2:00 o'clock, and then 3:30. We moved them up. The --
24 the one from SLED will be able to be here by 1:00 and the
25 pathologist can be here by 1:30. So if we get all that done,

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5

1 we could be -- the State could rest by 2:15.

2 MS. WILSON: And so to that end, I'm just asking the
3 Court to take into consideration, I would've written my
4 closing last night had I realized they were going to be that
5 early.

6 THE COURT: Uh-huh.

7 MS. WILSON: I thought we probably would have to go into
8 Thursday morning since the last one was supposed to present --
9 I'm sorry. Was supposed to present at 3:30.

10 THE COURT: Got you.

11 MS. WILSON: So if we could have just a little extra time
12 padded it into the lunch break. I think we should kind of
13 move through quickly this morning, honestly.

14 MR. STANKO: Your Honor, we have two chain witnesses and
15 then a K-9 handler from the Marshal Services --

16 THE COURT: Oh, that shouldn't take an hour.

17 MR. STANKO: Yes, sir.

18 THE COURT: Well, it's 10:00 till 11:00, so that would
19 put us, you know, being done maybe 11:40, 11:45 maybe earlier
20 than that. It just kind of depends. We'll take a little
21 longer break and maybe start at 1:30. That would give --

22 MR. STANKO: That -- that would certainly work. That's -
23 - that's when the pathologist is due to arrive.

24 MS. WILSON: That should -- that should be sufficient
25 time. I just -- I need to --

1 THE COURT: You've done this enough where you can give a
2 closing pretty quick.

3 MS. WILSON: Right. I need to organize -- marshal my
4 thoughts.

5 THE COURT: No, I know. I -- I -- I'm just joking with
6 you.

7 THE COURT: Yes, sir.

8 MR. STANKO: And, Your Honor, to -- to that end, we would
9 ask that -- that we be allowed to -- to close and charge
10 today.

11 THE COURT: Okay. Yeah.

12 MR. STANKO: Assuming that's the -- that's the timeline.

13 MS. WILSON: I would -- that's exactly what I'm asking
14 for the --

15 THE COURT: It works for me and I feel certain that the
16 jury would rather do that than come back tomorrow.

17 MR. STANKO: Yes, sir.

18 THE COURT: If possible.

19 MR. STANKO: Yes, sir.

20 THE COURT: All right. Thanks.

21 MS. WILSON: Thank you, Your Honor

22 MR. STANKO: Thank you, Your Honor.

23 THE COURT: Let's go ahead and bring in the jury. What
24 we may need to do is, when we break for lunch we'll go ahead
25 and have a charge conference just to make sure that

1 everybody's okay with that.

2 MR. STANKO: I've already handed this one to Ms. Wilson.
3 The only request to charge that we had is the -- is the one we
4 discussed before on the circumstances evidence.

5 THE COURT: Is that the Logan charge?

6 MR. STANKO: Yes, it is, sir.

7 THE COURT: Okay.

8 MS. WILSON: And that -- is that the one that the Court
9 uses?

10 THE COURT: Uh-huh.

11 MS. WILSON: Okay.

12 THE COURT: Well, I -- I haven't looked at this to see if
13 it's the one, but I do have a Logan charge. Yes.

14 MS. WILSON: That's --

15 MR. STANKO: That's -- that's where we got it from, sir.

16 THE COURT: Perfect.

17 MS. WILSON: Because I do like the one that the Court
18 normally uses traditionally.

19 THE COURT: Yeah.

20 MS. WILSON: So -- but we'll -- I guess we'll do that.

21 Thank you, Your Honor.

22 THE COURT: Perfect.

23 REPORTER'S NOTE: (Jury enters courtroom at 10:53AM)

24 THE COURT: All right. Welcome back, ladies and
25 gentlemen. Thank you, again, for your patience. We've been

1 working on a few things, but we're ready to get going. Mr.
2 Stanko, you can call your next witness.

3 MR. STANKO: Thank you, Your Honor, the State would call
4 Merrell Hawkins.

5 THE CLERK: Please raise your right hand and place your
6 left hand on the Bible.

7 **MERRELL HAWKINS, HAVING BEEN DULY SWORN TESTIFIES AS FOLLOWS:**

8 THE CLERK: Thank you. Could you to state your full name
9 and spell your last name for the Court.

10 THE WITNESS: Merrell Hawkins. H-A-W-K-I-N-S.

11 THE COURT: Yes, sir.

12 **DIRECT EXAMINATION OF MERYL HAWKINS BY MR. STANKO:**

13 Q: Thank you, Your Honor. Ms. Hawkins, good morning.

14 A: Good morning.

15 Q: Where is it you work?

16 A: I work for the Horry County Police Department in the
17 Property and Evidence Unit.

18 Q: And what do you do in the Property and Evidence Unit?

19 A: I'm a property and evidence custodian. My job
20 essentially is to maintain the care, custody, and control of
21 the evidence.

22 Q: And how long have you been with the Horry County Police
23 Department?

24 A: About five and a half years.

25 Q: Okay. And has that been your -- your job title or your

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1 job responsibilities that whole time?

2 A: Yes, sir.

3 Q: Okay. Were you working in that capacity and -- and for
4 that agency in May of 2022?

5 A: I was.

6 Q: Okay. And did you have occasion to -- to take some
7 items into your possession around that time?

8 A: Yes, sir.

9 Q: Okay. I'm going to show you what's been marked as
10 State's Exhibits 6 and 49 through 53.

11 A: Okay.

12 Q: Okay. And, Ms. Hawkins, do you recognize those items?

13 A: I do.

14 Q: All right. And how do you recognize them?

15 A: This is evidence that was turned into me in May of 2022.

16 Q: Okay. And when evidence is turned into you, what do you
17 typically do with it?

18 A: It depends on what the request is. We -- some of it we
19 store, some of it we will arrange for testing if that needs to
20 happen. In this particular case, this was sent to SLED for
21 testing.

22 Q: Okay. Do you recall what -- what status that was
23 received to you in? As in could you describe how the package
24 was when you received it?

25 A: It was sealed.

- 1 Q: Okay.
- 2 A: Not in this package, but the envelopes were sealed.
- 3 Q: Okay. Whose plastic bag is that?
- 4 A: This is SLED's plastic bag.
- 5 Q: And when you get everything, how is it packaged for you?
- 6 A: Can I --
- 7 Q: Please.
- 8 A: So when I get it from the crime scene technician that
- 9 collects it, it would be in this envelope with this sticker on
- 10 it, with the red writing on it --
- 11 Q: Okay.
- 12 A: -- and sealed on the back.
- 13 Q: And were these items sealed when you received them?
- 14 A: Yes.
- 15 Q: Do you recall which officer you received them from?
- 16 A: Detective Stevenson. He's now Sergeant Stevenson.
- 17 Q: Okay. You mentioned that -- that these items were --
- 18 were sent along for testing, correct?
- 19 A: Correct.
- 20 Q: Do you happen to recall who picked up those items in
- 21 order to take them for testing?
- 22 A: So I transferred them to a gentleman named Jeff Roy.
- 23 He's not with our agency anymore, but at the time he was a
- 24 crime scene specialist.
- 25 Q: Okay. When you transferred those items over to Jeff

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1 Roy, were they -- were they still sealed?

2 A: Yes.

3 Q: Okay. Please answer any questions the Defense may have.

4 THE COURT: Ms. Wilson?

5 **CROSS-EXAMINATION OF MERYL HAWKINS BY MS. WILSON:**

6 Q: Thank you. Just very briefly, Ms. Hawkins.

7 A: Yes, ma'am.

8 Q: In dealing with the evidence and the custody of the
9 evidence, you don't actually have any firsthand knowledge
10 about anything that happened in the case, do you?

11 A: No, ma'am.

12 MS. WILSON: Okay. No further questions, Your Honor.

13 THE COURT: Any redirect?

14 MR. STANKO: No redirect. And we would ask that she be
15 relieved from her subpoena.

16 THE COURT: All right. Ms. Hawkins, you may step down.

17 THE WITNESS: Thank you. I'll get this back over here.

18 THE COURT: Please. Thank you.

19 All right. Mr. Stanko, you can call your next witness.

20 MR. STANKO: Next we call Jeffrey Roy.

21 THE CLERK: Could you to raise your right hand and place
22 your left hand on the Bible.

23 **JEFFREY ROY, HAVING BEEN DULY SWORN TESTIFIES AS FOLLOWS:**

24 THE CLERK: Thank you. Could you just state your name
25 and then spell your last name for the Court?

1 THE WITNESS: Jeffrey Roy. R-O-Y.

2 **DIRECT EXAMINATION OF JEFFERY ROY BY MR. STANKO:**

3 Q: Sir, good morning.

4 A: Good morning.

5 Q: Where is it you currently work?

6 A: I currently work for North Myrtle Beach Police
7 Department.

8 Q: And what do you do for them?

9 A: I'm their quartermaster. I order all their supplies and
10 equipment.

11 Q: Okay. Were you working for them back in May of 2022?

12 A: No, sir.

13 Q: Where were you working?

14 A: Horry County Police.

15 Q: And what were you doing for the Horry County Police?

16 A: Crime scene investigations, but part of my duty was
17 transporting all evidence to SLED.

18 Q: Okay. And --And did you have occasion to -- to
19 transport items to SLED on or about May 9th, 2022? I may have
20 the -- my apologies. May 19th.

21 A: May 19th, yes.

22 Q: You did. Okay. All right. I'm going to show you what
23 has been marked as State's Exhibit 6 and 48 through 53. Could
24 you have a look at those items? And, sir, do you recognize
25 those?

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1 A: So the -- when I receive these things from transport,
2 they're -- the contents are in those envelopes that you see?

3 Q: Yes, sir.

4 A: So the actual items that are in there I'm not aware of.
5 I just signed for item number 1, 2, 3, 4, 5, 6 and I drive it
6 to SLED, but I don't know the contents.

7 Q: Okay. These two envelopes with the -- with the stickers
8 on them and the -- and the seal across, is that the -- the
9 form that you typically will receive?

10 A: Yes, sir.

11 Q: Okay. And once you receive those items, what do you do
12 with them?

13 A: I secure them in my vehicle and I drive them to
14 Columbia, South Carolina. Sometimes you turn them over to an
15 evidence technician there and sometimes you secure them in a
16 locker.

17 Q: Okay. And if you recall, how did you -- how did you
18 drop these off?

19 A: I believe these were handed off to a technician because
20 on one of the forms you'll see where it says locker and number
21 and I hand write that. So there would be a locker number
22 there, and there isn't. That means that they physically took
23 the items. SLED changes it up, how they're going to do it,
24 week to week, like if they're going to take it from you or put
25 it in a locker.

1 Q: Okay. When you received the items, did they appear to
2 have been tempered with in any way?

3 A: No, sir.

4 Q: Did you open the -- the envelope?

5 A: I did not.

6 Q: Okay. And your last interaction with -- with those
7 items was when you dropped them off at SLED?

8 A: Correct. And I very possibly could have picked them up
9 and brought them back to Horry County whenever they were done
10 processing that.

11 Q: Understood. Thank you. Please answer any questions the
12 Defense may have.

13 A: Okay.

14 **CROSS-EXAMINATION OF JEFFREY ROY BY MS. WILSON:**

15 Q: Is it Officer Roy?

16 A: No, not anymore.

17 Q: Mr. Roy?

18 A: Yeah.

19 Q: Okay. So, Mr. Roy, you -- you transported these items,
20 I'm clear about that. You don't have any knowledge about
21 anything that happened in this case, do you?

22 A: No.

23 Q: All right. So you're not a witness an eyewitness to
24 anything?

25 A: No, I was not on scene, no.

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1 MS. WILSON: All right. Thank you. No further
2 questions, Your Honor.

3 THE COURT: Okay. Thank you. Any redirect?

4 MR. STANKO: No redirect, sir.

5 THE COURT: All right. Mr. Roy, you may step down. Can
6 he be excused?

7 MS. WILSON: Without Objection, Your Honor.

8 THE COURT: Mr. Roy, you can be excused.

9 All right. Mr. Stanko, you can call your next witness.

10 MR. STANKO: Your Honor, the State would call Roberto
11 Carrillo.

12 THE CLERK: Please raise your right hand and place your
13 left hand on the Bible.

14 **ROBERTO CARRILLO, HAVING BEEN DULY SWORN TESTIFIES AS FOLLOWS:**

15 THE CLERK: Thank you. Could you just state your name
16 and then spell your last name for the Court?

17 THE WITNESS: Roberto Carrillo. C-A-R-R-I-L-L-O?

18 THE COURT: Yes, sir.

19 MR. STANKO: Thank you, Your Honor.

20 **DIRECT EXAMINATION OF ROBERTO CARRILLO BY MR. STANKO:**

21 Q: Sir, where is it you work?

22 A: I work for the US Marshals out of Florence, South
23 Carolina.

24 Q: And what are your -- what's your job title there?

25 A: Deputy US Marshal.

1 Q: What are some of your job responsibilities?

2 A: So court operations, prisoner operations, fugitive
3 investigations. I also work in explosives detection K-9.

4 Q: Right. Do you have any formal training as it relates to
5 -- to the K-9 you just mentioned?

6 A: Yes. And I just got back from an annual
7 recertification. I've been certified with a dog, this is my
8 second dog, so for about 10 years now through the ATF.

9 Q: Okay. And could you describe the -- the specific
10 training that -- that both you and then you and your K-9 go
11 through?

12 A: So the -- the ATF Academy is a 10-week long program and
13 for 10 weeks we're -- the dogs are food rewarded, so we're
14 essentially playing hide and seek, looking for explosives.
15 And when the dog finds explosives, that's how the dog is fed.
16 So they're also trained in addition to explosives, firearms,
17 shell casings, ammunition, anything that's been fired.

18 Q: Okay. I'm going to hand you what has previously been
19 marked as State's Exhibit 78 and 79. Could you have a look at
20 those. And could you tell us what are those?

21 A: So these are ATF certifications. One is for the course,
22 it's a 400-hour course. And then the other one is for an odor
23 recognition test, and they're from May of '21. This is when I
24 went through the academy for my current dog.

25 Q: Okay. And what is that dog's name?

1 A: Mam. M-A-M.

2 Q: And is that -- is that dog also on this team?

3 A: She is.

4 Q: Okay. What do those -- what do those certificates
5 indicate?

6 A: Successful completion, explosive detection K-9 handler
7 course 400 hours, and then explosives odor recognition
8 testing.

9 MR. STANKO: Okay. Your Honor, this time the State would
10 move 78, 79 into evidence.

11 THE COURT: Number 78 and 79. Any objection?

12 MS. WILSON: Without objection to either. No objection.

13 THE COURT: State's Number 78 and 79 are admitted into
14 evidence.

15 (STATE'S EXHIBIT NUMBERS 78 AND 79
16 ARE ADMITTED INTO EVIDENCE.)

17 BY MR. STANKO:

18 Q: Agent Carrillo, could you walk us through typically how
19 -- how -- now that the training has has concluded how you keep
20 Mam up to certification?

21 A: So like I said, Mam is food reward, so in order for her
22 to eat, I have to -- I have to train her. She has to get on
23 some kind of explosive odor or firearm odor. So I ultimately
24 play hide and seek with her every day. I'll -- I'll hide
25 explosives. My -- my main -- the -- the main place I work

1 every day is the Federal courthouse in Florence. So I'll hide
2 explosives in and around the courthouse.

3 I train with other local handlers. We go to different
4 venues. We do vehicles, buildings, exteriors, fields, I mean,
5 anything you can think of. Any - anything we might run into,
6 you know, we're trying to hide explosive. Anything we want
7 productive we're -- we're trying to hide that odor. I work a
8 lot of -- since she's food reward and I have to train her
9 daily, a lot of shell casings, fireworks. I throw stuff out
10 in my yard, I let her go find it, she finds it, she sits,
11 that's her alert, and then I feed her, that's her reward. So
12 she get's two cups a day and it's got to come from working.
13 So that's a -- that's a daily thing. And -- and
14 recertification is -- is -- we're tested on five different
15 areas.

16 That odor recognition test, like you saw, which is cans,
17 20 odors she can't have any misses. She can have up to two
18 falses any more than that, she fails. Then there's a mission
19 search, which is normally a building hotel rooms. This -- I'm
20 trying to remember what we just did for the building search,
21 but it's -- but it's buildings. Normally, they use hotel
22 rooms, vehicles, field search and articles with boxes or
23 backpacks and you have to pass every single aspect of that in
24 order to recertify. And we just got back from that last week.
25 Q: Okay. You mentioned firearms is -- is one of the things

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1 she's looking for. Is that just firearms in general or what
2 specifically is she looking for in terms of firearms?

3 A: So for the firearms, it's that burnt powder or, or, you
4 know, it's -- it's referred to as gunshot residue, but it's
5 essentially a burnt powder. She's trained on black powders,
6 smokeless powders, things that are used to -- to load
7 ammunition. But she's -- it's -- it's distinct from something
8 actually being fired. They have to be imprinted on an actual
9 something fired, whether it's that shell casing or a firearm.

10 Q: Okay. Did you have occasion to respond to [REDACTED] Leste
11 Road on May 11th, 2022?

12 A: I did.

13 Q: Okay. And was -- was Mam with you?

14 A: She was. She was.

15 Q: Okay. Could you tell the jury what -- what happened
16 related to -- to your callout that day?

17 A: Just from memory it was -- they were -- they were
18 looking from -- for a shotgun used in a homicide.

19 Q: All right. And do you recall which areas of the -- of
20 the home Mam, alerted? Do you call it an alert or a hit or --

21 A: I recall an alert and it was on a vehicle that was in
22 the driveway.

23 MR. STANKO: Okay. Court's indulgence for one moment,
24 Your Honor.

25 THE COURT: Okay.

1 BY MR. STANKO:

2 Q: All right. Agent, I'm showing you what's previously
3 been marked as State's 73, 74, and 75. Do you recognize that
4 vehicle?

5 A: I do.

6 Q: All right. Is that the -- is that the vehicle that that
7 Mam alerted on that day?

8 A: That is.

9 Q: Okay. Could you tell us about where in that vehicle she
10 alerted and -- and well just kind of walk us through what
11 happened there?

12 A: So I -- I remember it was back to back days that we did
13 searches and I can't remember the order that it went. One --
14 one was the house and the vehicles, and then one was the
15 wooded area. And I think we -- I think we searched another
16 vehicle first prior to that one. And we opened that one up.
17 I don't -- I don't remember -- I'm sure we did exterior, but
18 when that one was opened up, she immediately jumped in that --
19 that tailgate and alerted.

20 Q: And this is the -- the black Subaru in that picture
21 there?

22 A: Correct.

23 Q: Okay. Where at all in the -- in the vehicle? Were
24 there -- were there multiple alerts?

25 A: There was a second alert, you know. Obviously after she

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1 alerts then, you know, that's when we investigate and we try
2 to find something. And then, you know, we took her out and --
3 and ran her around the whole vehicle. The second alert was on
4 the gear shift center console area.

5 Q: Okay. So just to run it back, she -- you said she
6 alerted on the -- on the rear trunk?

7 A: Correct. She jumped into the hatchback and -- and was
8 almost an instant alert.

9 Q: Okay. And also on the gear shift?

10 A: Correct.

11 Q: And in -- in your training and experience how would --
12 how would gunshots items like that wind up on a gear shift?

13 MS. WILSON: Objection.

14 THE COURT: Yes, ma'am.

15 MS. WILSON: Your Honor. He's asking this witness to
16 testify and suppose about how it got there. I don't know that
17 that's appropriate given the type of testimony that he's
18 giving here today.

19 THE COURT: Mr. Stanko, can he lay a foundation as to how
20 he would know that.

21 BY MR. STANKO:

22 Q: Based upon your -- your training and experience, how is
23 it typically that -- that residue in a -- in a firearms case
24 would be transferred just hypothetically onto, say a gear
25 shift --

1 MS. WILSON: Objection.

2 BY MR. STANKO:

3 Q: -- or a -- a steering wheel?

4 THE COURT: It calls for speculation.

5 BY MR. STANKO:

6 Q: Again, the -- the two alerts on the vehicle, were they
7 gear shift and the trunk?

8 A: Yes.

9 Q: Okay. Was Mam then taken inside the house?

10 A: I can't remember the order, but -- I can't remember the
11 order if it was a before or after thing.

12 Q: Okay. But did Mam conduct a search inside the house?

13 A: And -- and honestly I believe she did, but I'm -- I'm --
14 have the -- the main thing -- this is from 2022. The main
15 thing that sticks out is that those alerts in that vehicle.
16 And I don't remember -- I remember going into the house and I
17 remember there was you know, broken glass and there was some
18 hazards and I'm just -- and I can't remember -- it's -- it's
19 vague to me, so.

20 Q: Okay. Do you recall if she alerted on the closet at any
21 point?

22 A: I don't remember.

23 Q: Okay. So the -- the -- again -- the main -- the main
24 hit that she had was on that vehicle?

25 A: Correct.

1 MR. STANKO: Okay. Thank you. Please answer any
2 questions the defense may have.

3 MS. WILSON: Court's indulgence.

4 THE COURT: Yes, ma'am.

5 **CROSS-EXAMINATION OF ROBERTO CARRILLO BY MS. WILSON:**

6 Q: Mr. -- I don't want to incorrectly state your title, Mr.
7 Carrillo, or is it --

8 A: That -- that's fine. Yes.

9 Q: Okay. So Mr. Carrillo, based on what you've asserted
10 here today, you're telling us that Mam is basically food
11 rewarded for alerts.

12 A: Correct.

13 Q: So she alerts, she gets a reward, and that's how you
14 train her to continue to be able to focus on finding, you
15 know, these burnt powders, to these -- to alert on these
16 smells that she comes across when she comes across them,
17 correct?

18 A: Correct.

19 Q: And to that end, if -- when Mam is going out and she,
20 she finds a scent, Mam isn't able to alert you as to the when
21 or the how of the deposit, correct?

22 A: Correct.

23 Q: So Mam is alerting, but you don't have any idea about
24 how it got there when it got there or who might have put it
25 there, correct?

1 A: Correct.

2 MS. WILSON: All right. No further questions.

3 THE COURT: Any redirect?

4 MR. STANKO: Briefly.

5 **REDIRECT EXAMINATION OF MR. CARRILLO BY MR. STANKO:**

6 Q: She mentioned food as a -- as a reward, but again, Mam
7 only gets that food as you stated, if she -- if she actually
8 finds something?

9 A: Correct.

10 Q: Okay. And you -- and you have, I guess, confirmed
11 whenever she gets the food, you have said that's an item?

12 A: Correct. We don't -- we -- you know so for -- for that
13 instance, she probably was praised but she probably wasn't
14 fed. Because we don't want to obviously create, we want to
15 confirm, you know, like, hey, there's something there. It's
16 not saying she's wrong, but obviously it's hard to -- I don't
17 want to reward on nothing being, you know -- so she was
18 probably praised up. It's a food and -- and praised reward.
19 So, hey good girl, you know, great job. You know, you worked
20 hard when you get back to the truck, maybe I'll give you a
21 cookie or something, you know, because you work -- you -- but
22 outside of that, obviously there was no confirmation, like you
23 said, so there was no actual reward. Because there's -- we do
24 a -- we reward on source. So I had pretty much no source, you
25 know, to actually reward on.

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1 Q: Understood. Okay. Thank you.

2 MR. STANKO: Nothing further, Your Honor.

3 THE COURT: All right. You may step down. May this
4 witness be excused?

5 MS. WILSON: Without objection

6 THE COURT: All right. Do you all want to step up here
7 just for a second?

8 REPORTER'S NOTE: (Whereby bench conference is held.)

9 THE COURT: All right. Ladies and gentlemen, it's 11:15.
10 We have some witnesses that are scheduled to come in at 1:00.
11 So what I'm going to do is I'm going to -- I know we've only
12 been here for about 30 minutes, but I'm going to release you
13 for lunch on your own since we do have some time and we will
14 start back. Let's try to be back here by 12:50 and we'll
15 start back right at one o'clock. All right. Thank you.

16 REPORTER'S NOTE: (Jury is released for lunch at 11:16AM)

17 THE COURT: All right. As to the photos.

18 MR. STANKO: You know the photos in question are States
19 80, 81, 82 and 83. Would you like me to just go ahead and
20 hand them up and then --

21 THE COURT: Yes, please. 81?

22 MR. STANKO: 80 through 83, sir.

23 THE COURT: All right. Yes, ma'am.

24 MS. WILSON: All right, Your Honor. So of course my
25 argument is at the start that they're more prejudicial and

1 probative. Certainly you've got color photographs and if I
2 remember correctly one of them is a close-up shave shot of the
3 actual bullet entries into the skull. There is a picture of
4 Ms. Lischer's face. And I know that the State intends to try
5 to show that there was stippling.

6 Number one, I think that these photographs are a bit too
7 explicit for presentation, especially in color. And I'm
8 certainly not by saying that suggesting that black and white
9 is going to be better, but certainly -- or would be okay, but
10 it certainly would be better than these full color photographs
11 of her where she is lying in the -- I guess it's the operating
12 room or wherever they did the autopsy. I just feel that
13 again, these photographs are inflammatory, and I don't think
14 that as they are, as the State's trying to present them, that
15 they are appropriate to be put in front of the jury.

16 Certainly, I know the pathologist is going to testify and
17 -- today, and we're expecting the pathologist to get up and
18 talk about what the nature of the injury were -- what the
19 nature of the injury was, you know, the method and, you know,
20 where the injuries were and what she found. I don't know that
21 -- I do not believe that these photographs are necessary.
22 That they only do one thing and that is, you know, incite the
23 passions of the jury, which I think would be inappropriate
24 given, you know -- obviously given the trial that we're having
25 and what the purpose is here.

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1 So I'm asking the Court to exclude them outright. If the
2 Court does not wish to exclude them and feels that they're
3 appropriate certainly I would ask the Court to consider that,
4 without waiving my argument that they should be excluded, that
5 a black and white photograph would be, you know -- still --
6 maybe still allow some of the details that they're concerned
7 about to be shown in the photograph without them being quite
8 so in your face.

9 THE COURT: I understand. Mr. Stanko.

10 MR. STANKO: Thank you, Your Honor. You'll notice none
11 of these are a -- are a full body shot. None of them -- none
12 of them have any -- any blood pooling around her, anything
13 like that. The first one, Item Number 80 simply establishes
14 the -- the stippling on the -- on the side of her face. The -
15 - the second one establishes where on her head it was located,
16 and then the remaining two, they -- they just zoom in until
17 you get a -- a good idea of impact, sir.

18 THE COURT: All right. What I'm going to do 80, I'm
19 going to allow in color. 81, 82, or 83, I'll allow one to be
20 showed to the -- shown to the jury in black and white. I will
21 allow you all to take a look at them and see if you all can
22 amongst yourself, choose which one that is. If not, then I'll
23 choose.

24 MS. WILSON: Yes, sir.

25 THE COURT: But again, one of these would be black and

1 white.

2 MS. WILSON: Thank you, Your Honor.

3 MR. STANKO: The --

4 THE COURT: 80 --

5 MR. STANKO: The one with the -- with the stippling is
6 fine as is?

7 THE COURT: That's 80, this one.

8 MR. STANKO: Oh, you already have that one. Okay. 80.

9 THE COURT: 80 is -- I'm fine with -- out of 81, 82, 83.
10 I'll let you put one, but it needs to be black and white. But
11 again, I would like for you all to discuss which one you all
12 would like.

13 MR. STANKO: Just because this one shows her whole head.
14 I would go with this one instead of the other two.

15 MS. WILSON: I agree that that one should be out.

16 THE COURT: And Ms. Wilson, the record will reflect that
17 you're not abandoning your --

18 MS. WILSON: Yes, sir.

19 THE COURT: -- objection. I'm just seeing if I can get
20 you all to agree before I make a decision on it. And if you
21 can't, then I'm -- I'm fine with it. I'll -- I'll make a call
22 on it.

23 MS. WILSON: I -- okay. So they're all bad. I
24 definitely think that out of the three, if I had to pick one,
25 83 would be the one in black and white. Simply because it is

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1 just a close-up shot of the actual wounds which would be the
2 entry points of the bullets. I --

3 THE COURT: I tend to agree with you, Ms. Wilson. That
4 83 at least shows a portion of an ear so you can tell where it
5 is on the --

6 MS. WILSON: Right.

7 THE COURT: -- the head. 83 would've been the one that I
8 would've chosen if you all would've left it to me.

9 MS. WILSON: Yes, sir.

10 MR. STANKO: The State would -- would've requested 82
11 simply because it shows the whole head and it establishes
12 exactly where on the body that did occur, sir.

13 THE COURT: Well, I think that the pathologist can do
14 that and -- and could potentially point to her own head to
15 show where it is. So 83 black and white and I'll allow 80 in
16 color. Okay.

17 MS. WILSON: Thank you, Your Honor.

18 THE COURT: Just to show the stippling. Thank you, Ms.
19 Wilson. And again, Ms. Wilson, for the record this will
20 reflect your objection.

21 MS. WILSON: Yes, sir. Thank you, Your Honor.

22 THE COURT: All right. Is there anything else that we
23 need to take up?

24 MS. WILSON: I do not believe so.

25 Actually, Your Honor, I need to ask the solicitor ---

1 REPORTER'S NOTE: (Conference between attorneys.)

2 MR. STANKO: Your Honor, for the -- for the record, our -
3 - our cell phone person, Ken Marcus has the flu.

4 THE COURT: Okay.

5 MR. STANKO: He is unavailable. So it turns out all of
6 our pretrial was -- was for naught.

7 MS. WILSON: Okay. I just wanted to make sure --

8 MR. STANKO: So Ken Marcus will not be testifying. We
9 are down to two to go, sir.

10 MS. WILSON: Okay.

11 THE COURT: Okay.

12 MS. WILSON: So then I'm good.

13 THE COURT: And what I would like to do is right at one
14 o'clock, we'll -- I should have my jury charge done at that
15 point, or at least my proposed I'll go over with you all.
16 That way if there's some stuff that needs to be added, we can
17 do that prior to closing, so, okay?

18 MS. WILSON: All right. Yeah. Thank you.

19 THE COURT: All right. Thank you. We'll be at ease then
20 until one o'clock.

21 MR. STANKO: Thank you, sir.

22 MR. DICHIARA: Thank you, Judge.

23 (COURT IS IN RECESS.)

24 BAILIFF: All rise.

25 THE COURT: Thank you. You all may be seated. All

1 right. Are we ready to proceed?

2 MR. STANKO: Yes, Your Honor.

3 MS. WILSON: Yes, Your Honor.

4 THE COURT: Anything else before we bring in the jury?

5 MR. STANKO: Nothing from the State.

6 THE COURT: The photos that we discussed prior have those
7 been, I guess altered back to -- or to a black and white? Is
8 that --

9 MR. STANKO: Yes, Your Honor. And I got it remarked as
10 83 Alpha.

11 THE COURT: All right. Let's go ahead and bring in the
12 jury. Okay.

13 REPORTER'S NOTE: Jury enters courtroom at 1:17PM)

14 THE COURT: All right. Thank you. Ladies and gentlemen.

15 Mr. Stanko, you can call your next witness.

16 MR. STANKO: Thank you, Your Honor. State calls Nicole
17 Wildeboer.

18 THE CLERK: Please raise your right hand and place your
19 left hand on the Bible.

20 **NICOLE WILDBOER, HAVING BEEN DULY SWORN TESTIFIES AS FOLLOWS:**

21 THE CLERK: Thank you. I can get you to state your name
22 and then spell your last name for the Court.

23 THE WITNESS: Nicole Wildeboer. W-I-L-D-E-B-O-E-R.

24 THE COURT: Yes, sir.

25 **DIRECT EXAMINATION OF NICOLE WILDEBOER BY MR. STANKO:**

1 Q: Thank you, Your Honor. Ms. Wildeboer, good afternoon.

2 A: Hi, there.

3 Q: Where is it you work?

4 A: I currently work at the North Carolina State Crime Lab
5 in Raleigh, North Carolina.

6 Q: Okay. And were you working there back in August of
7 2022?

8 A: I was not.

9 Q: Where were you working?

10 A: I was working at the South Carolina Law Enforcement
11 Division in their forensic services laboratory in the Trace
12 Evidence Department.

13 Q: And what was your job title at that time?

14 A: A forensic scientist.

15 Q: And as a forensic scientist what were your job
16 responsibilities?

17 A: There I analyzed evidence submitted for the presence or
18 absence of gunshot crime residue.

19 Q: Okay. And what sort of training did you have to have in
20 order to -- to take on a job like that?

21 A: I have a Bachelor of Science degree in chemistry with a
22 concentration in forensic science from Methodist University.
23 And then upon beginning at SLED, I began a year and a half
24 long training program that consisted of written practical and
25 oral examinations, all of which I had to pass. They covered

1 all aspects of my duties from inventorying GSR kits to
2 analyzing the evidence to testifying in court. I also
3 analyzed evidence under direct supervision of another
4 competent analyst, and then I was given a competency case
5 where I had to correctly report my findings. Then I had a
6 trial -- a mock trial based on that case. I also attended a
7 couple classes at Hooke College of Applied Sciences, some of
8 those being scanning electron microscopy and gunshot residue
9 identification.

10 Q: And have you ever testified in a -- in a court before?

11 A: I have.

12 Q: Was that related to gunshot residue testing?

13 A: Yes, sir.

14 Q: About how many times would you say you've been
15 testifying?

16 A: Nine.

17 Q: I'm sorry.

18 A: Nine.

19 Q: Nine times. Okay. Were you qualified as an expert in
20 those situations?

21 A: I was.

22 Q: Okay.

23 MR. STANKO: Your Honor, at this time the State would --
24 would proffer Nicole Wildeboer as an expert in gunshot residue
25 testing.

1 THE COURT: Ms. Wilson, any objections or further
2 inquiry?

3 MS. WILSON: There will be inquiry, Your Honor.

4 THE COURT: All right.

5 MS. WILSON: Yes, sir.

6 THE COURT: Go ahead.

7 **VOIR DIRE EXAMINATION OF NICOLE WILDEBOER BY MS. WILSON:**

8 Q: Ms. Wildeboer, you said you've testified nine times and
9 each time you've been qualified. The first time that you were
10 qualified I'm assuming was right after you had finished your
11 education?

12 A: It was after I had been at SLED after I finished my
13 training program there whenever my first case went to trial, I
14 don't remember the specific date.

15 Q: Okay. So nine times you've been qualified and have you
16 had any point in time when you were not considered to be
17 qualified?

18 A: No, ma'am.

19 Q: Okay. And there's not been, other than you said you
20 have a BS in chemistry and a concentration in forensic
21 science, who was it that you said oversaw your, I guess, your
22 -- you said there was an expert or someone at SLED that
23 oversaw your last training?

24 A: Yes. I'll repeat that for you. While I was at SLED I
25 did the training program that consisted of the things that I

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1 mentioned. And that was done by my trainer there at SLED who
2 was a competent analyst that did GSR analysis.

3 Q: And do you recall who that analyst was?

4 A: Yes. Megan Fletcher.

5 Q: Megan Fletcher. And at any point in time have you not
6 actually -- I'm assuming that this is -- your work is peer
7 reviewed?

8 A: My -- do you mean my specific analysis?

9 Q: Yes.

10 A: Yes, ma'am.

11 Q: All right. And would Megan Fletcher be the one who peer
12 reviewed your findings in this particular case?

13 A: In this particular case, I don't remember who did the
14 review. However, it would've been one of my coworkers who was
15 competent in the area of gunshot residue.

16 Q: Okay.

17 MS. WILSON: I have no further questions, Your Honor.

18 THE COURT: All right. Any objection?

19 MS. WILSON: Without objection.

20 THE COURT: All right. Ms. Nicole Wildeboer, did I
21 pronounce that right?

22 THE WITNESS: Yes, sir.

23 THE COURT: Okay. Will be noted as an expert in the
24 field of gunshot residue analysis.

25 Yes, sir.

1 CONTINUED DIRECT EXAMINATION OF NICOLE WILDEBOER BY MR.

2 STANKO:

3 Q: Could you tell us what gunshot residue is?

4 A: Yes. Gunshot residue is the mixture of chemicals that
5 comes out of a gun when it is discharged. This mixture comes
6 from the primer, the propellant, and the projectile. What
7 we're specifically looking for comes from the primer portion
8 and on microscopic molten particles containing the elements
9 lead, barium, and antimony.

10 Q: Ms. Wildeboer, I'm showing you what has previously been
11 marked as State's Exhibit 6. Do you recognize this?

12 A: Thank you. It is L-2207400 number one. So when
13 evidence is -- yes. Yes, I recognize it. When evidence comes
14 into the lab at SLED, it is submitted by an agency, whether it
15 be a police department, a sheriff's office, someone that needs
16 evidence analyzed. They bring it in and it is given a unique
17 identifying number that will follow that item throughout the
18 course of its time at the lab. So in this case, that is how I
19 recognized it here. It's L-2207400. This specific envelope
20 is item number one. And then I also recognize PGSR and the
21 date and my initials. So that is from me. And then also the
22 date that I sealed it is also on here.

23 Q: And when you received that envelope, was it in a sealed
24 condition?

25 A: May I refer to my notes please.

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1 Q: Please.

2 A: So I am looking at my chain of custody, which is
3 basically a record kept of the places that this item has been.
4 So who it's come in contact with, where it's been stored and
5 the times. So that is what I'm referencing right now. So I
6 received this item from the trace department, 338, file one,
7 drawer two. So that is a secured location where only someone
8 that works in that Trace department would be able to go into
9 that room because it's locked. Before that, the GSR kit
10 would've been inventoried by Megan Fletcher and she would've
11 put it in 338, file one, drawer two.

12 MS. WILSON: Objection. Your Honor, if we could approach
13 just real quick.

14 THE COURT: Yes, ma'am.

15 REPORTER'S NOTE: (Whereby bench conference is held.)

16 **BY MR. STANKO:**

17 Q: Ms. Wildeboer as far as -- as far as your knowledge in
18 that, obviously you are not able to -- to say what someone
19 else might have done, but who was the -- who was the person
20 that you wound up receiving that from?

21 A: I received this from 338, file one, drawer two.

22 Q: And what was that person's name?

23 A: That is a location.

24 Q: Okay.

25 A: This item was submitted to the lab by Horry County

1 Police Department.

2 Q: Understood.

3 MR. STANKO: Okay. Your Honor, at this time, the State
4 would move item 6 in evidence.

5 THE COURT: Any objection?

6 MS. WILSON: Without objection.

7 THE COURT: All right. Item 6. Now, is that -- is item
8 six, doesn't it have some other numbers as well?

9 MR. STANKO: Your Honor, I think the bag ---

10 THE COURT: Or is it just the bag?

11 MR. STANKO: --- that all of these came in, that one was
12 -- was 6 and then everything else that's in here was 49
13 through 53, sir.

14 THE COURT: So are you moving in 49 through 53 right now
15 too?

16 MR. STANKO: I will be.

17 THE COURT: Okay.

18 MR. STANKO: If it -- if it would be easier for the Court
19 if I just asked her about all the rest of these and put them
20 in all at the same time.

21 THE COURT: That's fine. We'll go ahead and put in item
22 six and then I'll allow you to continue.

23 MR. STANKO: Okay. Thank you, sir.

24 THE COURT: Item six is admitted.

25 (STATE'S EXHIBIT NUMBER 6 IS

1 ADMITTED INTO EVIDENCE)

2 BY MR. STANKO:

3 Q: Matter of fact, I will go ahead and do that. I'm going
4 to show you a second envelope with items inside that have been
5 previously marked as State's Exhibits 49 through 53. Could
6 you have a look at these?

7 A: Yes, sir.

8 Q: And you do recognize that batch?

9 A: Yes, sir. I do.

10 Q: Okay. You previously testified to -- to Item 6. My
11 question to you is, did that follow the same path as the
12 other?

13 A: Yes, sir.

14 MR. STANKO: Your Honor, at this time we would -- we
15 would also ask for those items to be entered into evidence.

16 THE COURT: Any objection?

17 MS. WILSON: Without objection.

18 THE COURT: And again, just for the record, what were
19 those numbers again, 40?

20 MR. STANKO: Your Honor, it should be 49 through 53 and,
21 yes, 49 through 53, sir.

22 THE COURT: All right. State's 49 through 53 are
23 admitted without objection.

24 (STATE'S EXHIBIT NUMBERS 49 THROUGH 53

25 ARE ADMITTED INTO EVIDENCE)

1 **BY MR. STANKO:**

2 Q: And we'll start back at the -- at the single envelope.

3 You have it as -- as item 1, it would be State's Exhibit 6.

4 Did you conduct any testing on the item that is inside that
5 envelope?

6 A: I did.

7 Q: And what could you tell us about the testing in that
8 case?

9 A: So item 1 was submitted as a GSR kit from Charles
10 William Murphy, Jr. So how I analyzed this GSR kit was with a
11 scanning electron microscope paired with an X-ray detector.
12 The scanning electron microscope is a very powerful microscope
13 that uses an electron beam to analyze evidence that is very
14 small, unable to be seen with a naked eye, such as gunshot
15 primer residue. And it's paired with an X-ray detector. X-
16 Ray detector allows me to see what chemical elements are
17 present within the particles that I'm looking at such as lead,
18 barium, and antimony.

19 Q: Okay. And just to -- just for clarification, this was a
20 -- this was a swab of Mr. Murphy's hands.

21 A: So it was not a swab, it was a particle lift. And I
22 have an example if you'd like, if I can show.

23 Q: Please.

24 A: Yeah. So this is an example of a particle lift. So
25 inside this envelope there will be a GSR kit that has these

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1 type particle lifts inside of them. So this is a hand kit.
2 So the investigating officer, whoever collected the GSR kit
3 would have these particle lifts. Inside the GSR kit, there is
4 an information sheet that the officer or whoever's conducting
5 the GSR kit will fill out things on there include who they're
6 collecting from, the time, the incident occurred, what time
7 they're collecting, things such as that. And then they will
8 take this, they'll uncap it after they have gloves on.
9 They'll open it and inside is a particle lift. You can kind
10 of see it, it looks like the top of a roofing nail. It's flat
11 and there is a carbon adhesive on it. So it's super sticky
12 like tape. And whoever's doing the collecting will dab it
13 repeatedly all over the subject's hand and then they will cap
14 it and put it in the GSR kit envelope and they will send that
15 to SLED. So the particle lift itself is what I'm analyzing
16 with the scanning electron microscope or SEM at the lab.
17 Q: And the testing that you conducted on that particular
18 kit, what were -- what was your result on that?
19 A: My results for item 1 was no particles characteristic of
20 gunshot primer residue detected. The absence of primer
21 residue on the hands is consistent with, but not limited to
22 the following scenarios. The individual not having discharged
23 a firearm four to six hours passing between firing and
24 sampling, normal physical activity between firing and
25 sampling, the individual washing the hands, wiping the hands

1 or sweating profusely. The individual wearing gloves during
2 the discharge of a firearm, excessive blood or debris on the
3 hands, environmental factors including wind and rain, the
4 ammunition discharged, lead free non-toxic, or some 22 caliber
5 rim fire ammunition, not producing particles, characteristic
6 of the conventional gunshot primer residue and the firearm not
7 producing primer residue on the hands when discharged.

8 Q: All right. Turning to the other envelope you have, were
9 those were those submitted in the same kind of kit or was
10 there -- was this a different kit?

11 A: So container B here, it houses items 14, 15, 16 as well
12 as items 12 through 13. So these are slightly different than
13 the GSR kit that was from the subject's hands. So these items
14 were submitted as, so item 12 was labeled exterior front of
15 shorts. Item 13 was labeled exterior rear of shorts. Item 14
16 was labeled from front logo on hat and items 15 -- item 15 was
17 labeled as from exterior front right side of shirt. And item
18 16 was labeled as from exterior rear left sleeve. So these
19 are the same little particle lift. However, instead of them
20 being off of a subject's hands, they were collected from the
21 locations that I just read to you. So they were from items of
22 clothing that the agency did the collection off of those
23 clothing items and then sent in the particle lifts.

24 Q: So let's start with items 12 and 13 that you testified
25 were from the shorts. Did you -- did you get a result for --

1 for that test?

2 A: For items 12 and 13 my results were as follows,
3 particles characteristic of gunshot primer residue were found.
4 In general particles characteristic of gunshot primer residue
5 are microscopic, molten particles that contain the elements
6 lead, barium and antimony. Gunshot primer residue can come
7 from being in the vicinity to the discharge of a firearm or
8 coming into contact with a surface that has gunshot primer
9 residue on it. However, no information can be provided as to
10 the timeframe in which these particles were deposited.

11 Q: And so again, you got a -- you got a positive result for
12 the shorts in this case?

13 A: Yes, sir.

14 Q: Okay. Let's turn to item 14. What can you tell us
15 about that?

16 A: Item 14 was one particle lift described as being
17 collected from the exterior front of hat. And my results for
18 that are one particle characteristic of gunshot primer residue
19 was found. And then it could have gotten there the same ways
20 as I mentioned in the first result. So gunshot primer residue
21 on this inanimate object can come from being in the vicinity
22 to the discharge of a firearm or coming into contact with a
23 surface that has gunshot primer residue on it and no
24 information can be provided as to the timeframe in which the
25 particles were deposited.

1 Q: And did you also test items 15 and 16?

2 A: I did.

3 Q: And what was your result for that item?

4 A: For items 15 and 16 my result was no particles
5 characteristic of gunshot primer residue detected. The
6 absence of primer residue on the items is consistent with, but
7 not limited to the following scenarios. The item not being in
8 the vicinity to the discharge of a firearm, cleaning of the
9 item, excessive blood or debris on the item, environmental
10 factors including wind and rain, the ammunition discharged,
11 lead free non-toxic, or some 22 caliber rim fire ammunition
12 not producing particles characteristic of the conventional
13 gunshot primer residue, the firearm not producing primer
14 residue on the item when discharged.

15 Q: So just to summarize the testimony you ---

16 A: Excuse me.

17 Q: --- you just gave, you obtained a positive result on the
18 shorts?

19 A: Yes, sir.

20 Q: And a positive result on the hat?

21 A: Yes, sir.

22 MR. STANKO: Thank you very much. Please answer any
23 questions the defense may have.

24 THE COURT.: Ms. Wilson.

25 **CROSS-EXAMINATION OF NICOLE WILDEBOER BY MS. WILSON:**

1 Q: Good afternoon, Ms. Wildeboer.

2 A: Hello.

3 Q: Now, you've said a mouthful and I understand what you
4 said, so I thank you for being clear. I do want to clarify a
5 few things. It's my understanding that based on what you've
6 testified here to today, you don't actually know what happens
7 with any of these items prior to them arriving to you; is that
8 correct?

9 A: That is correct.

10 Q: So you can't say with a certainty whether or not
11 somebody wore gloves when they took a test or took a sample
12 from someone, correct?

13 A: That is correct.

14 Q: Now, in addition to that it's my understanding that you
15 are being very clear in stating there are so many different
16 ways that gunshot residue can end up wherever it ends up.
17 Okay? You're saying that transfer is possible, that it's not
18 necessarily because a person was the discharge of a weapon; is
19 that correct?

20 A: Transfer is possible, yes.

21 Q: Yes. And transfer can happen literally from brushing
22 against something where there might be gunshot residue?

23 A: Yes, ma'am.

24 Q: So if someone leans against something and gunshot
25 residue is there or if they come into contact with something

1 where there is gunshot residue that would basically result in
2 a transfer of residue to that person, correct?

3 A: That could be a possibility.

4 MS. WILSON: Now -- Court's indulgence.

5 THE COURT: Yes, ma'am.

6 **BY MS. WILSON:**

7 Q: You also talked about the fact that time is something
8 that you can't discern when you're doing residue testing. So
9 while there might be the presence of residue you can't say
10 with any certainty about how or when it got there?

11 A: So for a hand kit, something that was collected off of
12 an individual's hands SLED will not analyze a kit that is
13 submitted after six hours from the incident because they do
14 not expect there to be any gunshot primer residue on the
15 hands. Because anything you do with your hands can remove it
16 and that timeframe around six hours you use your hands a lot.
17 So you wouldn't expect it to be there. For an item of
18 clothing there is not a timeframe because the particles of
19 gunshot primer residue will remain on the item until it is
20 removed. So for those I'm unable to tell you any kind of
21 timeframe.

22 Q: And in -- I believe that one of the things that you did -
23 - did you actually -- you actually did test the hand -- the
24 gunshot residue test that was taken from Mr. Murphy's hands,
25 correct?

1 A: I did.

2 Q: And that one had a negative result, didn't it?

3 A: Yes, ma'am.

4 Q: And you said, I believe that there was one particle

5 specifically. I think your report says one particle, and I

6 think you testified to that as well today. One particle was

7 found on the hat. That's a small amount, isn't it?

8 A: It's one particle. Yes, ma'am.

9 Q: So one meaning not a minuscule number, but literally the
10 number one, meaning one single particle?

11 A: Correct.

12 Q: Is what you found? And typically you would have a much
13 larger number, wouldn't you? If you're finding gunshot
14 residue particles, it would be plural and it would be more
15 than two or three, correct?

16 A: There are a lot of different scenario -- different things
17 that can play into the amount of gunshot primer or gun residue
18 particles?

19 Q: Yes.

20 A: So some of those would be the firearm that was used, the
21 caliber of the weapon itself, but there was one particle found
22 in this.

23 Q: One particle? Just one. Which in this instance is not
24 what you're saying you found on the shorts, right?

25 A: Correct.

1 MS. WILSON: Court's indulgence.

2 THE COURT: All right.

3 **BY MS. WILSON:**

4 Q: My final question, I think. And this is just for
5 clarity's sake. You obviously you weren't -- you're not a
6 witness to anything that happened in this case. Are you an
7 eyewitness? I'm sorry.

8 A: No, ma'am.

9 Q: Obviously you did the testing of this -- the GSR, so
10 you're not an eyewitness to anything. So what you're
11 providing here today is just based solely off of what you have
12 conducted in your lab?

13 A: Yes, ma'am.

14 Q: And to also be clear, you cannot say definitively about
15 the time in which any of this GSR was deposited and you can't
16 say how it was deposited. Can you?

17 A: I am unable to tell you the time. I can tell you that
18 on the -- for the clothing items that the gunshot primer
19 residue got onto those items either by being in the vicinity
20 to the discharge of a firearm or coming into contact with
21 something that had gunshot primer residue on it.

22 Q: But you can't say that it got there in a specific way,
23 can you? Other than what you just explained?

24 A: Correct.

25 Q: All right.

1 MS. WILSON: No further questions.

2 THE COURT: Redirect?

3 MR. STANKO: No further questions.

4 THE COURT: All right. May this witness be excused?

5 MS. WILSON: Without Objection, Your Honor.

6 THE COURT: Mr. Wildeboer, you may step down.

7 THE WITNESS: Thank you, sir.

8 THE COURT: All right. Mr. Stanko, you can call your
9 next witness.

10 MR. STANKO: Your Honor, the State would call Dr.
11 Angelina Phillips.

12 THE CLERK: Please raise your right hand and place your
13 left hand on the Bible.

14 **ANGELINA PHILLIPS, HAVING BEEN DULY SWORN TESTIFIES AS**
15 **FOLLOWS:**

16 THE CLERK: Thank you. Get you to state your name and
17 then spell your last name for the Court.

18 A: Angelina Phillips. P-H-I-L-L-I-P-S.

19 THE COURT: Yes, sir.

20 MR. STANKO: Thank you, Your Honor.

21 **DIRECT EXAMINATION OF ANGELINA PHILLIPS BY MR. STANKO:**

22 Q: Dr. Phillips, where is it you work?

23 A: I work at the Medical University of South Carolina.

24 Q: And what do you do there?

25 A: I'm a forensic pathologist.

1 Q: What does a forensic pathologist do?

2 A: A forensic pathologist is a doctor who is trained in the
3 field of pathology, which is laboratory medicine. The
4 specific part of pathology that I'm trained in is forensic
5 pathology, which deals primarily with autopsy.

6 Q: And what sort of training does a -- does a person have to
7 -- have to acquire in order to do a job like that?

8 A: You have to complete undergraduate education. So I have
9 a Bachelor's of Arts in Anthropology, that's four years. Then
10 I have a Master's Degree in Human Nutrition, four years of
11 medical school upstate New York. And then you go to residency
12 for training in pathology. So that's four years, general
13 pathology. And after you've completed that training, you do
14 one more year of training fellowship year in forensic
15 pathology.

16 Q: You mentioned one of your main job duties is autopsies,
17 correct?

18 A: Yes.

19 Q: About how many autopsies have you performed?

20 A: At least a thousand.

21 Q: And have you ever had occasion to testify in court
22 related to those autopsies?

23 A: Yes.

24 Q: About how many times?

25 A: At least 30.

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1 Q: And have you ever been qualified as an expert?

2 A: Yes.

3 Q: How many times would you say that was?

4 A: At least 30.

5 MR. STANKO: Your Honor, at this time the State would
6 proffer Dr. Angelina Phillips as an expert in forensic
7 pathology.

8 THE COURT: Any objections or further questioning?

9 MS. WILSON: Without objection, Your Honor.

10 THE COURT: All right. Dr. Angelina Phillips is deemed
11 an expert in field of forensic pathology.

12 You may continue, sir.

13 MR. STANKO: Thank you, Your Honor.

14 **BY MR. STANKO:**

15 Q: How is an autopsy performed?

16 A: The autopsy is the external and internal examination of
17 the body for the purposes of determining the cause and matter
18 of death. You want me to go through the whole procedure?

19 Q: If you want -- if you want to go through the procedure
20 and then describe what you -- what you did in this case to
21 illustrate the steps that you took I'm sure the jury would
22 appreciate.

23 A: Yes. So the basics of any autopsy involves examining
24 the outer surface of the body and the internal surface of the
25 body. That basic autopsy procedure was followed in this case

1 with some minor changes that happened based on the case. So
2 the initial autopsy begins with photographs. As we receive
3 the body, we place it on the autopsy table. I take initial
4 round of photographs before I do anything with the body. Then
5 any evidence that needs to be collected is collected at that
6 time, pulled scalp hair, fingernail clippings, anything that
7 needs to be collected off of the clothing that's on the body.
8 Once all of that is collected and removed the body is cleaned
9 of any dirt, debris, or bodily fluids that may be obscuring
10 these surfaces so that I can closely examine for any injuries
11 or natural disease that would help me explain the death.

12 After it's cleaned, another round of photographs is taken
13 overall, and then I take photographs of any pertinent injuries
14 that are there. I document all of this on my external
15 diagram. After the external examination is complete then I
16 proceed to the internal examination, which is where we open
17 the body, the torso, and we open the head and examine the
18 organs on the inside looking for any natural disease, any
19 injuries that may be there that would help me explain the
20 death. After that portion is completed, a preliminary report
21 is generated and then a final report is generated. And those
22 reports would have the details of the autopsy and then the
23 cause and manner of death as that I determined.

24 Q: And did you have occasion to perform an autopsy on May
25 12th, 2022?

1 A: I did.

2 Q: And do you recall the name of the individual whose
3 autopsy you performed?

4 A: Theresa Lischer.

5 Q: Okay. And you mentioned the procedures you typically go
6 through. We won't have you recite all of those again. My
7 question to you is, did you -- did you do an external
8 investigation of the body?

9 A: Yes.

10 Q: And did you happen to note any injuries?

11 A: Yes, I did.

12 Q: Were there any injuries to Ms. Lischer's abdomen?

13 A: Yes. There were contusions or bruising faintly evident
14 on her upper abdomen.

15 Q: And based upon your medical experience, were you able to
16 -- to determine, to a rough degree of certainty, what may have
17 caused that injury?

18 A: I could give you a partial explanation, but I could not
19 give you a definitive answer as to what object caused that
20 injury other than telling you it's a blunt object.

21 Q: Okay. Would this have -- would this have been a foot, a
22 hand? How close might you be able to ---

23 MS. WILSON: Objection.

24 THE COURT: Yes, ma'am.

25 MS. WILSON: Maybe we should approach.

1 REPORTER'S NOTE: (Whereby bench conference is held.)

2 **BY MR. STANKO:**

3 Q: I will reword that to make it a little simpler. Could a
4 -- could a kick or could a punch have caused the injury that
5 you saw?

6 A: They were four somewhat parallel ovoid bruises on her
7 abdomen. It's less likely that a kick would cause that type
8 of injury? It's possible that a punch could cause that type
9 of injury, but I wouldn't be able to say that for sure.

10 Q: Did you also do an investigation or -- or analysis of the
11 victim's head in this case?

12 A: Yes.

13 Q: All right. What can you tell us about your initial
14 examination of this victim's head?

15 A: The initial examination of her head noted three defects
16 on the side of her head, the right side of her head. I
17 removed the hair around those injuries to examine them closer
18 and identify that they were gunshot wounds, or in this case
19 shotgun wounds from a shotgun pellet. And she had three
20 wounds on the right side of her head.

21 Q: I am going to show you what's previously been marked as
22 State's Exhibit 80. Could you have a look at that picture?

23 A: This is a photograph taken at the time of autopsy of the
24 decedent's face on the right side.

25 Q: Okay. And are you the one that took that picture?

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1 A: Yes.

2 Q: All right. Is that a true and accurate representation of
3 what you saw?

4 A: It is.

5 Q: Okay. Could you tell the jury what we're seeing in that
6 picture?

7 A: Should I show them the picture?

8 Q: I'll show it to them. Just describe it and then I'll
9 hand it over to you.

10 A: Yes. So this is a photograph taken at the time of
11 autopsy of the right side of her face looking straight on the
12 right side as she's laying face up. And it is showing some
13 red spots scattered across the right side of her face. And
14 those spots are small abrasions that you see called stippling.
15 They happen with burning gunpowder and material coming out the
16 end of a gun getting deposited on the skin, and it gives you a
17 clue as to somewhat imprecise range of how far away the weapon
18 was when it was fired towards her.

19 Q: Based upon your medical experience and opinion, how far
20 away was the was the shotgun to this?

21 MS. WILSON: Objection.

22 THE COURT: Come on up.

23 REPORTER'S NOTE: (Whereby bench conference was held.)

24 MR. STANKO: Okay.

25 MS. WILSON: Thank you, Your Honor.

1 THE COURT: Your objection's noted.

2 MS. WILSON: Thank you, Your Honor.

3 BY MR. STANKO:

4 Q: I'll ask it again. Based upon what -- what you saw on --
5 on Ms. Lischer's body and the -- and the stippling on the
6 face, are you able to give an opinion on the range, how far
7 away the -- the weapon would've been when it was fired?

8 A: In general, it can vary the range depending on the weapon
9 and the type of ammunition used. When you see stippling on
10 the skin it can be anywhere from under a foot out towards
11 three feet from the body. So up to 36 inches away, you can
12 still see stippling on the body. So anywhere within that
13 range you'd expect to see stippling.

14 Q: I am now going to show you what is previously marked as
15 State's Exhibit 83 A. Could you have a look at that one as
16 well?

17 A: This is a black and white copy of a photograph taken by
18 myself at the time of autopsy.

19 Q: And what are we seeing in that picture?

20 A: This photograph is showing the three defects or injuries
21 to her head with the hair shaved, exposing the injuries.

22 Q: And once again, you were -- you were the one who took
23 that picture?

24 A: Yes.

25 Q: And that's a true and accurate black and white copy of of

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1 what you observed that day?

2 A: Yes, it is.

3 MR. STANKO: Your Honor at this time the State would move
4 items 80 and 83A in evidence.

5 THE COURT: State's Number 80 and 83A are admitted.
6 Objection is noted.

7 **(STATE'S EXHIBIT NUMBERS 80 AND 83A**
8 **ARE ADMITTED INTO EVIDENCE)**

9 MR. STANKO: Your Honor, at this time permission to
10 publish these two pictures to the jury. And Your Honor, I'll
11 wait until they've ---

12 THE COURT: Okay.

13 **BY MR. STANKO:**

14 Q: Dr. Phillips, you mentioned that after doing the external
15 examination, you then did an internal examination of Ms.
16 Lischer's head?

17 A: Correct.

18 Q: Okay. What could you tell us about that?

19 A: The internal examination involves reflecting or peeling
20 the scalp back to expose the skull. Then we use a saw to open
21 up the skull and look at the brain. I noted that the defects
22 or injuries on her scalp continued through the skin and the
23 underlying tissue fracture through the skull and enter into
24 her cranial cavity and injure her brain.

25 Q: Did you recover anything from inside of her head?

1 A: Yes.

2 Q: What was that?

3 A: Three gray metal round projectile fragments.

4 Q: And based upon your experience, did you recognize those
5 items?

6 A: Yes.

7 Q: What were they?

8 A: Those were consistent with shotgun pellets.

9 Q: Okay. And the items -- the three items that you removed
10 from her head, what did you do with those items?

11 A: Those items were photographed and packaged into envelopes
12 and transferred to the investigator that was there.

13 Q: Okay. The injuries that that you observed were they
14 survivable?

15 A: No.

16 Q: Based upon your medical opinion how long would it have
17 taken for death to occur in a situation like this?

18 A: With the injuries to her brain that she has, it would've
19 been within seconds that she would've died.

20 Q: And I always confuse these, what was the cause of death
21 in this case?

22 A: The cause of death in this case was a shotgun wound to
23 the head.

24 Q: And that would classify this as a manner of death.

25 A: So the cause of death is how, and then the manner of

1 death is the circumstances that helps us classify it. And we
2 only have the five choices. So we have homicide, accident,
3 natural, undetermined, and I'm forgetting one. And in this
4 case it's a homicide because it's death by the hands of
5 another. So she did not do this to herself.

6 MR. STANKO: Please answer any questions the defense may
7 have.

8 THE COURT: Yes, ma'am. Ms. Wilson.

9 MS. WILSON: Thank you, Your Honor.

10 **CROSS-EXAMINATION OF ANGELINA PHILLIPS BY MS. WILSON:**

11 Q: Dr. Phillips, everything you've given has been very
12 detailed. Certainly the information that you've provided is
13 noting that you yourself actually witnessed occur, correct?

14 A: I did not witness the injury occur, but I documented
15 those injuries on the body.

16 Q: Right. And your job specifically is to make sure that
17 when you are processing evidence, or in this case performing
18 an autopsy, that you're just making clear what it is that
19 occurred in the case so that you can see and provide to law
20 enforcement the information that they are seeking about how
21 the injury happened. You know, what the method or mode of
22 death was, that kind of thing. Correct?

23 A: Yes. I look at the body and document the injuries and
24 provide that information at the cause and then the
25 circumstances are provided to me and I correlate that to come

1 up with the manner of death.

2 Q: Okay. And so again, no firsthand knowledge about
3 anything that occurred in this case?

4 A: No.

5 MS. WILSON: No further questions, Your Honor.

6 THE COURT: Any redirect?

7 MR. STANKO: No redirect, sir.

8 THE COURT: All right. Dr. Phillips, you may step down.

9 THE WITNESS: Thank you.

10 THE COURT: May Dr. Phillips be excused?

11 MS. WILSON: Without objection, Your Honor.

12 THE COURT: All right. All right, Mr. Stanko, you can
13 call your next witness.

14 MR. STANKO: Your Honor that concludes the State's
15 presentation. At this time we rest.

16 THE COURT: All right. Ladies and gentlemen, if you will
17 step to the jury room. We have a few matters of law that we
18 need to take up and we'll be back with you shortly. I remind
19 you not discuss anything that you've heard yet on -- from the
20 witness stand or any exhibits that you have seen. There will
21 be an opportunity at the appropriate time to begin
22 deliberating. Okay.

23 REPORTER'S NOTE: (Jury exits courtroom at 2:01PM)

24 THE COURT: Did it shut? Okay. There it went. All
25 right. Any motions from the defense?

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1 MS. WILSON: Yes, sir, Your Honor. At this point we
2 would move for a directed verdict.

3 THE COURT: Okay.

4 MS. WILSON: Certainly whenever there is the presentation
5 of the State's case and there's a failure in the evidence
6 certainly the defense is obligated to ask -- to request of the
7 Court a verdict -- a directed verdict that would establish
8 that the State has failed to meet their burden of proof.

9 In this particular instance I am claiming that there's a
10 failure of competent evidence to show that Mr. Murphy actually
11 did the killing in this case. This is a murder trial. We've
12 got bits and pieces of evidence, but nothing that directly
13 ties him to a killing in this case. And on that basis we
14 believe that the failure of competent evidence is great and
15 we're asking the Court to grant us a directed verdict on that
16 basis.

17 THE COURT: All right. Thank you, Ms. Wilson.

18 Mr. Stanko.

19 MR. STANKO: Thank you, Your Honor. Any directed
20 verdict's motion the Court is required to view the evidence in
21 the light most favorable to the non-moving party. Here
22 obviously that would be the State. And the Court should be
23 concerned with not the weight of the evidence, but the
24 existence or non-existence of evidence. We've heard from over
25 a dozen witnesses who have all in one manner or another tied

1 Mr. Murphy to this killing. Ultimately the decision on
2 whether or not that proof is sufficient would come down to the
3 jury.

4 MS. WILSON: I'm sorry, Your Honor. Could I reply just
5 briefly.

6 THE COURT: Sure.

7 MS. WILSON: I do want to be clear that while there have
8 been multiple witnesses who've taken the stand, there hasn't
9 been anybody who can tie him directly to this murder. Which
10 is of course going to the basis of my motion for directed
11 verdict to begin with. But I want to be clear about that.
12 There's been plenty of people to testify, but not one person's
13 been able to say he did it.

14 THE COURT: Thank you, Ms. Wilson. Looking at this in
15 the light most favorable non-moving party, which is the State.
16 Ms. Wilson, based on the evidence that has been presented
17 while not direct it is circumstantial and if believed a jury
18 could or could not find him guilty of this charge, but your
19 motion is noted and I respectfully deny it.

20 MS. WILSON: Yes, sir. Thank you, Your Honor.

21 THE COURT: Anything else, any other motions prior to
22 charge and closing?

23 MS. WILSON: I don't think I have anything else, Your
24 Honor. I would of course review any and all objections that
25 I've made during the State's presentation. And of course

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1 there is the inquiry for my client ---

2 THE COURT: Sure.

3 MS. WILSON: --- as to whether or not he intends to
4 testify.

5 THE COURT: All right. And have you discussed with him
6 his right to testify?

7 MS. WILSON: I have, Your Honor. We've talked about it
8 quite a bit and we also did -- we spoke about it previously
9 prior to going to the lunch break. And I'm going to let him
10 tell you what he intends to do.

11 THE COURT: All right. All right, Mr. Murphy, how are
12 you?

13 THE DEFENDANT: As well as can be.

14 THE COURT: Mr. Murphy, now has come the point where the
15 State has rested and you certainly have the option to testify
16 or not testify on your own behalf. I will tell you that you
17 have an absolute right to testify and if you choose not to
18 testify I will instruct this jury that they cannot hold that
19 against you because you have a right to not testify on your
20 own behalf.

21 I take that right very seriously and I always tell
22 Defendants that they certainly can, but if they do testify
23 they may open themselves up to cross-examination on
24 potentially some things that may have happened in their past.
25 I'm sure your attorney has spoken with you about that. I

1 don't know what you have in your past, so I can't speak on
2 that. I just have to advise you. With all that being said,
3 have you had an opportunity to discuss these matters with your
4 attorney?

5 THE DEFENDANT: Yes, we have, Your Honor.

6 THE COURT: And do you feel like you need any more time
7 to discuss with your attorney, your right to testify or to put
8 up a defense?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: All right. And do you intend to testify or
11 not testify?

12 THE DEFENDANT: No, sir. I respectfully decline.

13 THE COURT: Okay. All right. Well, what we'll do then
14 Ms. Wilson I would like to go ahead and have a charge
15 conference.

16 Mr. Murphy, you can sit down.

17 I would like to go ahead and have a charge conference and
18 that way if you rest on the record. Well, you probably want
19 to renew your prior motion. I don't know how much detail you
20 want to go into that, or if you just want to say you'd like to
21 renew your prior motions.

22 MS. WILSON: I -- it's -- traditionally I think renewing
23 them all saying that I just wish to renew them all is
24 sufficient.

25 THE COURT: All right.

1 MS. WILSON: I haven't seen anything recently to say
2 that's no longer enough, but.

3 THE COURT: I think it's sufficient. I just didn't -- I
4 hated to bring them in ---

5 MS. WILSON: Yes, sir.

6 THE COURT: --- have you say the defense rests and then
7 to take them right back out.

8 MS. WILSON: Right.

9 THE COURT: I would rather use the time more efficiently.
10 So as far as that I'll make sure that the record reflects that
11 you're renewing your motions. And I won't go into the beef of
12 the motions. I'll just ---

13 MS. WILSON: Yes, sir.

14 THE COURT: -- simply deny those motions again. Okay.
15 So as far as charge conference, let's see here. What I have,
16 I have that the charge, arrest and indictment are not
17 evidence. I have a charge about multiple charges that they
18 are each distinct and separate charges. This one is a little
19 different than most -- separate and distinct because
20 possession of a weapon during the commission of a violent
21 crime is somewhat of a building block crime. They would have
22 to be -- he would have to be convicted of murder before they
23 could even request that or even look at that. So I will
24 charge them on that.

25 The next is the presumption of innocence charge. I will

1 then charge on reasonable doubt. Let's see. I will next
2 charge them on their duties as the finder of facts as -- I'll
3 next charge them on statements of counsel that that's not to
4 be considered as evidence. I'm also going to charge they not
5 consider objections of the parties. I will also charge as to
6 emotion or sympathy. I'll next charge as to direct and
7 circumstantial evidence. And I believe that you all requested
8 the Logan Charge, so I'll be happy to do that. I next will
9 charge credibility of witnesses. I next will charge expert
10 witness.

11 I don't know if you all would like for me to charge
12 redacted exhibits or not. The only thing that has been
13 redacted that I have seen is the video. I can still charge
14 redacted exhibits. It's up to you all.

15 MS. WILSON: I don't think it needs to be in there.

16 THE COURT: Okay.

17 MS. WILSON: I don't know that it's an issue.

18 THE COURT: Sometimes it makes them go looking for the
19 redactions.

20 MS. WILSON: Right.

21 THE COURT: I'll next charge intent. I don't know if we
22 need to charge approximate cause as -- because the testimony
23 was not that it was at a later time. So I don't believe we
24 need to necessarily charge that. Let's see. I will charge
25 punishment. They are not to take into consideration the

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1 penalty, but I'm only going to charge that if somebody brings
2 it up during the closing.

3 MS. WILSON: Okay.

4 THE COURT: Okay. I'll next charge the law as to murder.
5 Obviously in removing the inferred malice. And then I'll next
6 charge possession of weapon during the commission of a -- or
7 attempt to commit a violent crime. I'll obviously state
8 during that that murder is considered a violent crime. And
9 then after that I'll discuss the jury verdict form. Is there
10 anything else that you all would request?

11 MS. WILSON: I would just -- I would for clarity, I would
12 like to hear the difference between the Logan Charge that was
13 presented by the State and what the Court normally would
14 present. If there is any difference. I just want to make
15 sure.

16 THE COURT: I need to see if the Logan is in this. Let
17 me see.

18 MS. WILSON: Because I would prefer the one that the
19 Court would typically use as opposed to what the State is
20 presenting.

21 THE COURT: Give me one second. The additional language
22 is that there are two types of evidence which are generally
23 presented during the trial. Direct evidence and
24 circumstantial evidence. Direct evidence directly proves the
25 existence of a fact and does not require deduction.

1 Circumstantial evidence is the proof of a chain of facts and
2 circumstances indicating the existence of a fact. Crimes may
3 be proven by circumstantial evidence. The law makes no
4 distinction between the weight or value to be given to either
5 direct or circumstantial evidence. However, to the extent the
6 State relies on circumstantial evidence the circumstances must
7 be consistent with each other. And when taken together point
8 conclusively to the guilt of the accused beyond a reasonable
9 doubt. If these circumstances merely portray the Defendant's
10 behavior as suspicious the proof has failed.

11 The State has the burden of proving the Defendant of
12 guilt, excuse me, proving the Defendant guilty beyond a
13 reasonable doubt. This burden rests with the State regardless
14 of whether the State relies on direct evidence, circumstantial
15 evidence, or some combination of the two.

16 That's the charges provided through Court Administration.

17 MS. WILSON: Okay. That would be my preferred.

18 THE COURT: That's what I'm planning.

19 MS. WILSON: Okay. That's what -- okay then that's.

20 MR. STANKO: Your Honor, that's verbatim what we handed
21 up.

22 THE COURT: I think there's a little bit, but yeah, it's
23 pretty much the same.

24 MS. WILSON: Thank you, Your Honor.

25 THE COURT: All right. All right. Well, let's take

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1 about a -- do you all need any -- do you have any audio video
2 stuff that you need?

3 MR. STANKO: Yes. We need to get Riley back so that I
4 can -- I utilize the TV there.

5 THE COURT: All right. Let's -- you want to take 10
6 minutes? Is that enough time?

7 MR. STANKO: Absolutely.

8 THE COURT: Ms. Wilson, is that enough time for you?

9 MS. WILSON: Yes, sir. It should be. Yes, sir. Thank
10 you.

11 (COURT IS IN RECESS.)

12 THE COURT: All right. Let's go ahead and bring in the
13 jury.

14 REPORTER'S NOTE: (Jury enters courtroom at 2:33PM)

15 THE COURT: Thank you, ladies and gentlemen.

16 Ms. Wilson, you can call your first witness.

17 MS. WILSON: Your Honor, the State won't have a
18 presentation.

19 THE COURT: Defense.

20 MS. WILSON: Defense rests.

21 THE COURT: All right.

22 MS. WILSON: Thank you.

23 THE COURT: All right. Ms. Wilson. Would you like to
24 renew your previous motions?

25 MS. WILSON: Absolutely, Your Honor.

1 THE COURT: All right. This record will reflect your
2 motions have been renewed. I'll respectfully deny those
3 motions.

4 MS. WILSON: Yes, sir. Thank you.

5 THE COURT: All right, ladies and gentlemen. I'm -- I'm
6 over here, I promise. We've reached the point now where the
7 State has put forth its evidence and the defense has also
8 rested. We will now begin what is commonly referred to as
9 closing arguments. You'll hear from the State and then you'll
10 hear a reply from Ms. Wilson. I will charge you on the law.
11 So I remind you that whatever they may say is the law,
12 ultimately I will charge you on what the law is. But I ask
13 you to please pay close attention to the attorneys as they do
14 their closing arguments.

15 Yes, sir.

16 MR. STANKO: Thank you, Your Honor. May please the
17 Court?

18 THE COURT: Yes, sir.

19 MR. STANKO: Charles Murphy killed Teresa Lischer. He
20 did it at some point over the weekend that we've been talking
21 about and immediately realized he needed to cover his tracks.
22 I said, how'd he do it? He waits until Monday morning and
23 then he calls 911. Tells police that that she had kicked him
24 out. They had gotten into a, a fight over his dream. He goes
25 to live in his he called it his in the woods. Tells police he

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1 stayed gone all weekend. He has even asked specifically, what
2 about Saturday? Were you there on Saturday? He tells him,
3 not at all. He says the very next time after that fight that
4 he gets back is Sunday around 8:00 p.m., 7:00 p.m.

5 REPORTER'S NOTE: (Whereby State's Exhibit 2 is played.)

6 MR. STANKO: His neighbor across the street, you heard
7 from him, Philip Green, he shows us his ring camera. We see a
8 series of clips that -- that only activate, per his testimony,
9 when something passes directly in front of his house.
10 Obviously we're relying on those clips that are that are given
11 to us just from the luck of the draw when something is -- is
12 right there in front of the house. He's able to positive --
13 positively identify him as somebody he -- he has known for a
14 while getting out of that car on Saturday afternoon and
15 walking into the house.

16 He points him out wearing that black shirt that -- that
17 we saw him wearing. We also see him inside of that black
18 Subaru wearing the yellow shirt. Mr. Green even said he
19 frequently wears it. You can see it right here. We see him
20 drive off in that black Subaru. And then Carla McCants from
21 Food Lion shows you a -- shows you a video. Shortly after he
22 leaves the house, you see him buying a Steel Reserve beer.
23 You'll note all those timestamps lined up.

24 REPORTER'S NOTE: (Whereby video is played.)

25 MR. STANKO: And once again, this is Saturday afternoon

1 the day he says he's not at the house at all.

2 We see the silver car return early evening that Saturday
3 night, that's the last time we see that silver Audi.

4 Now you heard testimony earlier that we see two objects
5 moving left to right in this window right here. I want to
6 make sure you pay attention to this. Again, you see one go by
7 slow, another go by much faster. Then we see him leaving the
8 house again wearing that yellow shirt.

9 You heard from Valarie Wandtke her friend of over 17
10 years. She talked to her on the phone Saturday night, talked
11 to her about a hockey game. She said she was very excited
12 about the hockey game, but she could also hear a second voice
13 in the background.

14 Now, she also testified to you that she knows the
15 Defendant in this case very well. She had met him while they
16 were all still living in New York. She told you that he has a
17 very distinctive voice and she could clearly hear him in the
18 background. She could hear he was angry. She could hear
19 other noises that sounded like banging on things. She told
20 you that she was expecting that the -- the Ms. Lischer was
21 supposed to call her back after the hockey game so they could
22 talk about it. She never called back and she never heard from
23 her again.

24 Now, Officer Stevenson showed you pictures all around the
25 outside of the house. There was no forced entry in this

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1 house. Not to the front, not to the gate, not to the actual
2 house itself. This was no break-in. This was someone with a
3 key. This was someone he was let in. You saw and heard early
4 on that Ms. Lischer had a dog. The dog made no messes in the
5 house. The dog didn't go up to its owner, didn't -- didn't
6 traipse around. You see no footprints in the house, anything
7 like that. It's because somebody was there that weekend
8 letting that dog in and out, making sure that that dog did not
9 disturb what had already happened that weekend.

10 The Defendant tells police that he has a shotgun. He
11 tells me he keeps it in a in a closet back in the back in the
12 back. Now you heard the -- the K-9 handler from the US
13 Marshal Service say that the dog hit nowhere in the house.
14 Said the only alert that the dog had was on the -- was on the
15 trunk and the gear shift of that black Subaru that we saw the
16 Defendant driving around all weekend. That dog was looking
17 for exploded (inaudible), he was looking for weapons that had
18 already been fired. It's not in the house at all.

19 You heard from Detective Fletcher that he took the -- he
20 took the clothing from -- from Mr. Murphy after -- after he
21 was placed under arrest. What did he find on that -- on that
22 clothing? Gunshot residue on multiple items. You heard it
23 was on -- you heard it was on his shorts. You heard it was on
24 his hat. That was later confirmed to you by -- by a SLED
25 scientist. He confirmed that all particles that were there

1 were in fact gunshot residue. So where was the presence of
2 gunshot residue and where was the presence of the odor of
3 gunshot residue found by the police from that weekend? It was
4 only found on clothing that the Defendant was wearing and
5 inside of the vehicle that he had been driving.

6 Dr. Phillips from MUSC, she took the stand very recently.
7 She told you signs of injury on the victim's body. Said at
8 least there was one bruise to her abdomen, four ovals.

9 She tells you that -- that this was a death caused by a
10 shotgun. You've seen the -- you've seen the items that were
11 removed from the victim's head. She tells you based on what
12 you saw on the side of her face, that that shot was fired only
13 up to three feet away. Very close. So that's why we're here.
14 The Defendant in this case has been charged with murder.

15 You heard at the very beginning, murder is defined as the
16 intentional killing of another with malice aforethought. Now,
17 first part of that, that's very simple. Intentional killing
18 means you meant to do what you did when you fired that shot.
19 You also heard before malice. It's defined as either ill will
20 or an evil intent. Malice aforethought simply means that
21 prior to firing the shot, prior to acting the way you did, you
22 had that ill will. You had that evil intent. Now, it doesn't
23 mean premeditation, it doesn't mean that you plan this out for
24 weeks. You can form that ill will, you can form that evil
25 intent the second before you pull that trigger.

1 The Judge in this case, he's going to -- he's going to
2 give you the law. Obviously, if anything I say is different
3 from that, obviously you listen to the Judge in this case.

4 He's going to tell you about reasonable doubt. Now,
5 proof beyond a reasonable doubt means that you are firmly
6 convinced of the guilt of the Defendant in this case. It
7 doesn't mean all doubt. There are very few things in life
8 that we know with absolute certainty. It means you are firmly
9 convinced. It means just like it implies, beyond a reasonable
10 doubt.

11 Now, I will certainly concede to you this is a case
12 entirely built on circumstantial evidence. You don't have a
13 camera inside that house. We never found a murder weapon.
14 What we do have is a series of facts. We have all the things
15 that you heard come from the witness stand that taken
16 altogether prove conclusively to the guilt of this Defendant.
17 He's the only person in the entire world with a motive and
18 with the opportunity to commit this crime.

19 Now, certainly you might hear from the -- from the
20 defense saying something like, well, you don't have the full
21 picture. Or she might even ask you not to do the State's job
22 for them. That's not what we're asking you for. We are
23 asking you to view all of this in totality. We're asking you
24 to view each piece of evidence and each word that you heard
25 from that witness stand, take it as a whole. Obviously, in a

1 circumstantial case, there's no one piece of evidence that is
2 going to ultimately convince you that you can't look at this
3 through a microscope. You can't say, okay. That's the thing.
4 You have to view this in its totality. Remember I mentioned
5 that this would be a -- a series of facts that prove
6 conclusively to a verdict in this case.

7 Now, I encourage you, listen to -- you can go back and
8 listen to whatever you would like. You can take these items
9 back with you to -- to the jury room. I encourage you to look
10 at everything. It's been a relatively short week, but all of
11 you have paid attention. I, myself, Ms. Wilson, everyone in
12 this courtroom are very appreciative of the attention you have
13 paid to this case. When the case began, the -- we consider it
14 a circle. All -- all 8 billion people on earth could have
15 been considered suspects in this case. Everything you've
16 heard, everything that's been entered into evidence has shrunk
17 that circle all the way down to the only person, the only
18 person who is responsible for the death of Teresa Lischer, and
19 that is Charles Murphy. We're asking you to find him guilty
20 because he is guilty. Thank you.

21 THE COURT: Ms. Wilson, you may close.

22 MS. WILSON: Thank you, Your Honor. Good afternoon,
23 ladies and gentlemen. And the State is correct, it has been a
24 very short week, but there's been a lot of things and a lot of
25 information presented for your consideration once

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1 deliberations begin. And obviously the State has explained to
2 you what their reasoning is, why you should believe that
3 Charles Murphy had to have killed Teresa Lischer in this case.
4 This -- these last two days have been dedicated to it. But
5 what I want to talk to you about here is something that the
6 Judge is going to talk to you about as well when he advises
7 you on what the law is. And that's reasonable doubt.

8 Now, the State is trying to tell you to anticipate what
9 my argument to you is going to be. And while they're not
10 entirely wrong, they're not entirely right either. Their
11 function is to convince you firmly that Charles Murphy had to
12 have killed Teresa Lischer in this particular instance. That
13 there is no other options or opportunities or situations that
14 could have occurred. And that there's only one explanation,
15 as he said, out of a world of millions, there's only one
16 possible explanation for what happened here. And I'm here to
17 tell you that that's not practical, nor is that reasonable.

18 Now, we've heard from many people and they've all come up
19 here to talk to you, whether it's about the shirt that -- that
20 Mr. Murphy was wearing, the car that he was driving, whether
21 or not there was gunshot residue, and all of these things have
22 logical explanations, none of which go directly to pointing
23 that he had a weapon in his hand and that he shot and killed
24 Teresa Lischer. They haven't been able to present one single
25 witness, an eye witness who can say to you that they saw

1 Charles kill Teresa Lischer. They haven't been able to
2 present an -- a witness who has dealt with the different
3 evidentiary pieces that has been presented to you in this
4 trial who's been able to tell you that the items that they
5 found were deposited at a specific time or at a specific place
6 by a specific person. Present, but they don't know how it got
7 there. Present, but they don't know when it got there, how
8 long it had been there? These are the details where
9 reasonable doubt reside in a case. They're important because
10 it's not just a matter of putting people on the stand and
11 saying everything looks like he did it.

12 It's so easy to point that finger and say it had to be
13 this person. But the details is where the juror comes in.
14 It's your job to decide, is it reasonable to believe that a
15 single particle of gunshot residue on a hat means he
16 discharged a weapon? Or the yellow shirt that the State has
17 kept -- kept pointing out throughout this trial, is it
18 reasonable to believe that this shirt wouldn't have any
19 gunshot residue on it? And I guarantee you that if it had
20 something on it, they would've trotted this out and waved it
21 around and told you about how all the gunshot residue was on
22 this shirt. That's not what they did because this shirt
23 doesn't have any gunshot residue.

24 The same with this -- this weapon, this barrel, not even
25 a real weapon, the barrel, they've waved this around during

1 the trial at you, not the murder weapon. And you heard that
2 from the State's own mouth, not the murder weapon. Why is it
3 here? Because they found it there. It was in the house. Not
4 used to kill Teresa Lischer. They're not putting it in Mr.
5 Murphy's hands, but they bought it here so you can see it and
6 know that there is a barrel of a gunshot, I -- I guess a -- a
7 gun in the house. Does that mean he killed her? Absolutely
8 not. Is there supposed to be a suggestion to you as a juror
9 that there was a weapon? So must have been a crime. That is
10 exactly what the purpose is of presenting it.

11 And my point to you is it is your function to look beyond
12 just a presentation of an item and saying, okay, that means
13 that he must have done something wrong. It should take more
14 than that to convict someone. It should take more than
15 saying, we found these things and so now we have a suspect and
16 this person is a person who had to have done it and you need
17 to convict this person. It should take more than that.

18 At the beginning of this case, you heard Anthony DiChiara
19 talk about how there is a burden of proof. That is absolutely
20 correct and the Judge is going to talk to you about that.
21 It's a high burden for a reason. It shouldn't take them
22 propping up a few people talking about gunshot residue to
23 convict someone of a murder. High burden means they need to
24 meet the -- the burden, they need to reach a certain threshold
25 of evidentiary sufficiency in order for a conviction to be

1 had.

2 Now, let's talk about the obvious. The State is harping
3 about the fact that Mr. Murphy told the officer that he wasn't
4 there that weekend. And yeah, I'm sure you all feel that's a
5 bad look on anybody. Why would he do it? Why would he say
6 something that wasn't true? Why does anybody say something,
7 they panic, then maybe they freak out at a moment. It's his
8 girlfriend. It's his girlfriend. Maybe ex-girlfriend at that
9 moment, but his girlfriend. This is somebody he'd been in a
10 relationship with and we've all seen it in the media, in the
11 news, the first person that gets looked at is the person who
12 is the person that -- who's closest in a relationship and in
13 time. That's not unusual. Does it make it okay? That's up
14 to you to decide. But does that mean he's the killer? No, it
15 doesn't automatically mean he's the killer.

16 What we don't have here is a -- a -- a clear cut path to
17 him being the person who killed Ms. Lischer. There is no
18 clear cut set of circumstances under which he killed her.
19 They don't have anybody who can say, you know, he came and got
20 a gun from me and then went and killed her. There is nobody
21 who can say, you know, I watched him do it. There's nobody
22 who can say they were arguing and then he killed her. What
23 they presented to you is Ms. Wandtke who says she heard them -
24 - heard she heard Mr. Murphy in the background of a call that
25 she was on with Ms. Lischer Saturday evening. What she

1 doesn't tell you, and she -- and she does say, she says he
2 sounds angry.

3 I asked specifically remember asking her the question, he
4 sounded angry, but she couldn't hear the words. She said she
5 could not hear anything specific that he said. We -- for all
6 we know, he stubbed his toe and was yelling out loud. But
7 what she didn't say is that he was yelling at Ms. Lischer.
8 She did not say that they were engaged in an argument. She
9 just said she heard him yelling. Now I suggested maybe he was
10 watching the game. I don't think that she agreed with that.
11 But the point is, it doesn't really matter why he was yelling.
12 She never said that he was yelling at Teresa. That he was
13 engaging with Teresa or arguing with Teresa. That never came
14 out in her testimony. She never said it. And certainly as
15 the best friend, if someone was yelling at her friend and
16 arguing with her friend while she was on the phone, she
17 would've told you that. But she didn't. And I submit she
18 didn't because it didn't happen that way.

19 Now, the neighbor across the street had the ring camera.
20 He -- Phillip Green, he couldn't tell you anything about how
21 Ms. Lischer died. He said he saw them periodically just as
22 neighbors seeing neighbors in passing. He had never had any
23 real open communication with either of them. Didn't know much
24 about them. No clear path there to Mr. Murphy being the
25 killer in this case.

1 Carla McCants at the Food Lion. He went to the grocery
2 store, he bought a drink. Nothing about that says murder.
3 Nothing about that says murder.

4 The 911 call Daniel Wright, I believe was his name, Mr.
5 Wright. No firsthand knowledge about anything that occurred
6 in this case that he had a 911 call and he basically turned it
7 over to law enforcement. Nothing about that indicating that
8 Mr. Murphy had to have pulled the trigger at some point. And
9 he specifically -- both of those people told you specifically,
10 they had no firsthand knowledge of anything that happened in
11 this case.

12 Now, I'm going to kind of gloss over just for expediency
13 sake. Merrell Hawkins, Jeff Roy, and even Jensen Brown, those
14 officers who came from Horry County Police to talk about how
15 they were custodians of the different records and the evidence
16 that you've seen in court this week. Those people have no
17 firsthand knowledge about anything that happened here. The
18 only person of those three who actually was out and actually
19 procured some of that evidence was Jensen Brown. And she told
20 you she knew nothing about what happened here. She couldn't
21 say when anything got to any location. Why you -- why what
22 she photographed is where it was. She doesn't know how it got
23 there. She doesn't know how long it had been there. All of
24 these things that I'm bringing up to you, reasonable doubt.

25 The -- the suggestion by the State is that somehow all of

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1 this goes right back to Mr. Murphy. But the -- the missing
2 link here is somebody to actually say he had something to do
3 with it. That is critical. It's critical. Otherwise we can
4 sit here with suppositions all week.

5 I can come up with 30 different stories for you about how
6 something might have happened. And I'm sure the State could
7 too. But what they haven't shown and provided to you is
8 something specific, something reasonable that makes you have
9 to point the finger at him and say, there's only one path
10 here, and it leads back to Mr. Murphy.

11 Now -- and again, Detective Fletcher is similar. He did
12 -- he did his job. I'm not saying he did a poor quality job.
13 He went looking for evidence, okay? And he found clothes in a
14 washing machine, okay? No GSR. He found -- and he took
15 photos of that and he presented that for court. He did the
16 GSR kit for the hands. No gunshot residue, okay? And Ms.
17 Wildeboer specifically testified to that, okay? They did a
18 GSR on the hands, gunshot residue test for the hands, nothing.
19 And she told you that if it's not within a certain timeframe,
20 they don't even try to test it. And she also pointed out to
21 you that she didn't know anything firsthand about what
22 happened. She's just following up on what she was given.

23 And Ms. Phillips -- Dr. Phillips correction, Dr.
24 Phillips, was very articulate and explained to you how she
25 came to the conclusions that she came to in determining that,

1 you know, there -- there were injuries that caused Teresa
2 Lischer's death that resulted from gunshot. I don't think any
3 of us are denying that. I don't think anyone in this
4 courtroom is going to say that that's not how it happened or
5 that's not what happened. Again, this is not about whether or
6 not someone died as a result of some foul play. This is
7 about, has the State proven beyond a reasonable doubt that it
8 had to have been Charles Murphy who did it. That's why we're
9 here. Pictures of -- of the backyard and the woods a shed
10 where God knows how many people have been. Those things don't
11 create that clear path to him having to be the only option.
12 And the State has submitted to you that that's the only path
13 that you can take. And I submit to you that there is another
14 one because you can find Mr. Murphy not guilty. And I'm going
15 to tell you that it is your job to find him not guilty if you
16 believe that there -- or have any hesitation about the facts
17 that you've been provided in this case by the State.

18 And I don't want to fulfill the State's prophecy of
19 saying that it's not your job to -- to fill in the blanks for
20 them. But the Judge is going to tell you that it's not your
21 job. They don't get to get to the 50-yard line and score a
22 touchdown, and they shouldn't when somebody's life is on the
23 line, okay?

24 And in closure, it's not up to you all to right any
25 perceived wrongs, to fix any problems that you think have

1 arisen in this case. I, like the State, have seen you all
2 paying attention. I know that you've been taking notes and
3 you've been focused on all the evidence and it's much
4 appreciated. I will say that sometimes the difference is in
5 the individual who basically thinks for themselves and stands
6 on what they believe. And while that might be a difficult
7 thing to do, it's what you're all charged to do as members of
8 this jury. I believe that if you've listened attentively,
9 which I know you have, and if you think critically about the
10 evidence that's been presented, that you will find that Mr.
11 Charles Murphy is not guilty of murder in this case. Thank
12 you.

13 THE COURT: Thank you, Ms. Wilson.

14 Counsel, anything else?

15 MR. STANKO: Nothing further from the State, sir.

16 THE COURT: Anything further defense?

17 MS. WILSON: Nothing, Your Honor.

18 THE COURT: All right, ladies and gentlemen. We have now
19 reached a point where I will charge you on the law and as you
20 can imagine, the law was somewhat extensive. And there's no
21 real exciting way to -- to read this. And it's certainly more
22 than any person could memorize. So I -- I will try to charge
23 you on the law as effectively and as entertainingly as I
24 possibly can. But the truth of the matter is, is that the law
25 is not built for entertainment. It's built for purpose. So I

1 tell you first that the indictments charged the Defendant with
2 murder and possession of a weapon during the commission of a
3 violent crime.

4 And I remind you that the fact that Defendant was
5 arrested, charged, and indicted in this case is not evidence
6 in this case. And it cannot be considered by you as evidence
7 of guilt in this case, nor does it create any presumption or
8 inference of guilt. This -- the documents that are commonly
9 referred to as indictments are simply the formal written
10 instruments with which contain the charges made against the
11 Defendant. Now the indictments in this case allege two
12 separate offenses.

13 The charges are murder and possession of a weapon during
14 the commission of a violent crime. Each indictment charges a
15 separate and distinct offense. You must decide each
16 indictment separately on the evidence and the law applicable
17 to it, uninfluenced by your decisions as to any other
18 indictments. Now the Defendant may be convicted or acquitted
19 on any or all of the offenses charged. You'll be asked to
20 write a separate verdict of guilt or not guilt for each
21 indictment.

22 I next charge you on the presumption of innocence and the
23 burden of proof. Now in this case, the Defendant has pled not
24 guilty to these indictments and the plea -- that plea puts the
25 burden on the State to prove the Defendant guilty. Now, a

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1 person charged with committing a criminal offense in South
2 Carolina is never required to prove himself innocent. I
3 charge you that it is important rule of law that the Defendant
4 in a criminal trial, no matter what the seriousness of the
5 criminal trial may be -- will always be presumed to be
6 innocent. And he's presumed to be innocent of that crime for
7 which the indictment was issued unless guilt has been proven
8 by evidence satisfying you of that guilt beyond a reasonable
9 doubt.

10 This presumption of innocence does not end when you begin
11 your deliberations, but it accompanies the Defendant
12 throughout the trial until you reach a verdict of guilt based
13 on evidence satisfying you of that guilt beyond a reasonable
14 doubt. The presumption of innocence is often looked at like a
15 robe of righteousness placed upon the shoulders of the
16 Defendant, which remains with the Defendant until it has been
17 stripped from the Defendant by evidence satisfying you of the
18 Defendant's guilt beyond a reasonable doubt. This presumption
19 of innocence is not just a mere legal theory, it's not just a
20 legal phrase, but it's a substantial right to which every
21 Defendant is entitled unless you, the jury, are satisfied from
22 the evidence of the Defendant's guilt beyond a reasonable
23 doubt.

24 Now I want to talk with you about what reasonable doubt
25 is. A reasonable doubt is the kind of doubt that would cause

1 a reasonable person to hesitate to act. The State has the
2 burden of proving the Defendant guilty beyond a reasonable
3 doubt. And some of you have may have served as jurors in a
4 civil case where you are told that it is only necessary to
5 prove that a fact is more likely true than not true, such as
6 by the greater weight or preponderance of the evidence. Now
7 in criminal matters and in criminal cases, the State's proof
8 must be more powerful than that. It must be beyond a
9 reasonable doubt. And proof beyond a reasonable doubt is
10 proof that leaves you firmly convinced of the Defendant's
11 guilt.

12 Now there are very few things in life that we know with
13 absolute certainty and in criminal cases the law does not
14 require proof that overcomes every possible doubt. If based
15 on your consideration of the evidence you are firmly convinced
16 that the Defendant is guilty of the crime charged, then you
17 must -- you must find the Defendant guilty. If on the other
18 hand, you think there's a real possibility that the Defendant
19 is not guilty, then you must give the Defendant the benefit of
20 the doubt and find him not guilty.

21 Now in this case I want to instruct you and emphasize
22 that the fact -- that the Defendant did not testify is not a
23 factor to be considered by you in any way in your deliberation
24 and in your consideration on the question of the guilt or the
25 innocence of the Defendant. It must not be considered by you

1 in any manner whatsoever. A Defendant has the constitutional
2 right to remain silent and the assertion of that right must
3 not be considered by you in your deliberations. I repeat,
4 under your oath you were to draw no conclusion whatsoever from
5 the fact that the Defendant in this case did not testify. The
6 fact that this Defendant did not testify should not even be
7 discussed in the jury room.

8 The burden of proof, as I have stated to you is on the
9 State. The Defendant is not required to prove his innocence
10 and the burden of proof remains on the State to prove guilt
11 beyond a reasonable doubt.

12 Now, I've spoken with you quite a few times about the
13 duties of you as jurors and of me as the Trial Judge and I
14 remind you that during this trial, I as the Trial Judge, it's
15 my responsibility to preside over the case and I also have the
16 duty to rule on the admissibility of the evidence offered
17 during the trial. And you are to only consider the competent
18 evidence that has been brought before you. If there was any
19 testimony ordered -- ordered stricken from the record in this
20 case during this trial, you must disregard that testimony.
21 You were to consider only the testimony which has been
22 presented from the witness stand and also any exhibits which
23 have been made part of the record in this case, and also any
24 possible stipulations by counsel.

25 I have the additional duty to charge you the law

1 applicable to the case, and as the presiding Judge, I'm the
2 sole judge of the law in this case. And it is your duty as
3 jurors to accept and apply the law as I now state it to you.
4 If you already have any idea as to what the law is or what the
5 law ought to be and it does not agree with what I now tell you
6 the law is, you must abandon that idea because you are sworn
7 to accept the law and apply the law exactly as I stated to
8 you.

9 In every case tried in this court before a jury, the jury
10 becomes the sole and exclusive judge of the facts. A Trial
11 Judge cannot in any way state or comment or make any
12 statements to a trial jury about the facts in a case, since
13 you, the jury are the sole judge of the facts. You are not to
14 infer from what I have said during this process in ruling upon
15 the admissibility of evidence or otherwise, or anything that I
16 say now during the course of this instruction to you, that I
17 have any opinion on the facts of this case. The law does not
18 allow me to have an opinion on the facts, nor do I have one.
19 This is a matter solely for you, the jury.

20 As jurors, it is your duty to determine the effect value,
21 weight, and truth of the evidence presented during this trial.
22 I next charge you that you may have heard statements by the
23 counsel during opening statements and closing statements. And
24 I tell you again as I've stated multiple times, that what the
25 attorneys state is not evidence. Rather, counsel is

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1 articulating the positions and contention of their clients.
2 This rule applies to the opening statement as well as closing.
3 You are also not to consider any objections by the parties.
4 Counsels for the State and defense may -- may object to
5 exhibits and or testimony. And these objections are not to be
6 considered by you in any way. You are not to withdraw any
7 inference, negative or positive from the objections or my
8 rulings.

9 Furthermore, as yours in this case, you are to decide
10 this case from the facts of the case as you find them. You
11 must decide this case only on those facts, setting aside any
12 emotions, sympathies, passions, or prejudices that you may
13 have.

14 I next charge you as to direct and circumstantial
15 evidence. There are two types of evidence which are generally
16 presented during a trial, direct evidence and circumstantial
17 evidence. Now, direct evidence directly proves the existence
18 of a fact and does not require deduction. Circumstantial
19 evidence is a proof -- or excuse me, is proof of a chain of
20 facts and circumstances indicating the existence of a fact.
21 Crimes may be proven by circumstantial evidence. The law
22 makes no distinction between the weight or value to be given
23 to either direct or circumstantial evidence. However, to the
24 extent the State relies on circumstantial evidence, the
25 circumstances must be consistent with each other. And when

1 taken together point conclusively to the guilt of the accused
2 beyond a reasonable doubt.

3 If these circumstances merely portray the Defendant's
4 behavior as suspicious, the proof is failed. The State has
5 the burden of proving the Defendant guilty beyond a reasonable
6 doubt. And this burden rests with the State regardless of
7 whether the State relies on direct evidence, circumstantial
8 evidence, or some combination of the two.

9 I next charge you as to credibility of witnesses. You
10 must determine the credibility of witnesses who have
11 testified. In this case, credibility simply means
12 believability. It becomes your duty as jurors to analyze and
13 to evaluate the evidence and determine which evidence
14 convinces you of its truth. In determining the believability
15 of witnesses who have testified in this case, you may believe
16 one witness over several witnesses or several witnesses over
17 one witness. You may believe a part of the testimony of a
18 witness and reject the remaining part of the -- of the same
19 witness. You may believe the testimony of a witness in its
20 entirety or reject the testimony of a witness in its entirety.
21 You may consider whether any witness has exhibited to you any
22 interest, bias, prejudice, or other motive in this case. You
23 may also consider the appearance and manner of a witness while
24 on the witness stand.

25 I next text you -- or excuse me, I next charge you as to

1 expert witnesses. In this case, we had two expert witnesses
2 deemed -- deemed experts in their field. They were Nicole
3 Wildeboer, expert in the field of gunshot residue analysis,
4 and Dr. Angelina Phillips, an expert in the field of forensic
5 pathology.

6 I charge you that the rules of evidence ordinarily do not
7 permit witnesses to testify as to opinions or conclusions. An
8 exception to this rule exists for witnesses we call expert
9 witnesses. A witness who by education and experience has
10 become an expert in some art, science, profession, or calling
11 may state an opinion as to relevant and -- and material matter
12 in which the witness claims to be an expert and may also state
13 the reasons for that opinion. Now you should consider any
14 expert opinion received in evidence in this case. And like
15 any other evidence, give it the way you think it deserves.

16 If you decide that the opinion of an expert witness is
17 not based on sufficient education and experience, or if you
18 conclude that the reasons given in support of that opinion are
19 not sound or that the opinion is outweighed by other evidence,
20 you may disregard the opinion entirely. An expert witness
21 testimony is to be given no greater weight than any other
22 witness testimony.

23 Further, you are not required to accept an expert's
24 opinion even though it is not contradicted. I next charge you
25 as to intent. In order to establish criminal liability,

1 criminal intent is required. For example, the mental state
2 required to be proven by the State for a particular crime
3 might be purpose, intent, knowledge, recklessness, or criminal
4 negligence. Criminal intent must be proven by the State
5 beyond a reasonable doubt. Criminal intent is always a matter
6 that must be determined by the jury from the circumstances
7 surrounding the situation.

8 There is no way to prove intent to a mathematical
9 certainty. There's no way medical science can dissect a
10 person's brain and determine what the person had in mind. So
11 the law says that criminal intent may be inferred from the
12 circumstances shown to have existed. This is how you make a
13 determination of whether or not the element requiring intent
14 was present. It is not necessary to establish intent by
15 direct and positive evidence, but intent may be established by
16 inference in the same way as any other fact by taking into
17 consideration the acts of the parties and all the facts and
18 circumstances of the case.

19 Criminal intent is a mental state. It's a conscious
20 wrongdoing. It is up to you to determine what the Defendant
21 intended to do based on the circumstances shown to have
22 existed. Criminal intent can arise from an action or a
23 failure to act. It may arise from negligence, recklessness,
24 or an indifference to duty or to consequences that is
25 considered by the law to be equivalent of criminal intent. I

1 next charge you on the crime of murder. The Defendant is
2 charged with murder as we have said repeatedly.

3 The State must prove beyond a reasonable doubt that the
4 Defendant killed another person with malice aforethought.
5 Malice is hatred, its ill will, or hostility towards another
6 person. It is the intentional doing of a wrongful act without
7 just cause or excuse and with an intent to inflict an injury
8 or under circumstances that the law will infer an evil intent.

9 Malice aforethought does not require -- require that
10 malice exists for any particular time before the act is
11 committed. But malice must exist in the mind of the Defendant
12 just before and at the time of the act -- the act is
13 committed. Therefore, there must be a combination of the
14 previous evil intent and the act. Malice aforethought may be
15 expressed or inferred. These terms expressed and inferred do
16 not mean different kinds of malice, but merely the manner in
17 which malice may be shown to exist. That is either by direct
18 evidence or by inference from the facts and circumstances
19 which are proved.

20 Express malice is shown when a person speaks words which
21 express hatred or ill will for another or when the person
22 prepared beforehand to do the act which was later
23 accomplished. For example, lying in wait for a person or any
24 other acts of preparation, going to show that the deed was
25 within the Defendant's mind would be expressed malice. Malice

1 may be inferred from conduct showing a total disregard for
2 human life. If facts are proof beyond a reasonable doubt
3 sufficient to raise an inference of malice to your
4 satisfaction, this inference would be simply an evidentiary
5 fact to be considered by you, the jury, along with the other
6 evidence in this case. And you may give it the weight you
7 decide it should receive.

8 I next charge you on possession of a weapon during the
9 commission of a violent crime. The Defendant is charged with
10 that charge and the State must prove beyond a reasonable doubt
11 that the Defendant was in a -- is in possession of a firearm
12 or visibly displayed what appeared to be a firearm during the
13 commission of a violent crime. A firearm means any machine,
14 gun, automatic rifle, revolver, pistol, or any weapon which is
15 designed to or may be readily converted to expel a projectile.
16 In order to find the Defendant guilty of possession of a
17 weapon during the commission of a violent crime, you must
18 first find the Defendant guilty of committing a violent crime
19 or attempting to commit a violent crime.

20 I now tell you that murder is a violent crime. The State
21 must prove beyond a reasonable doubt that the weapon further
22 advanced or helped in the commission of the crime.

23 Now I also tell you, ladies and gentlemen, that we have a
24 verdict form here, and on this verdict form there are three
25 possible verdicts that you may find. The verdict form reads

1 as follows: As to the charge of murder, we the jury
2 unanimously find the Defendant guilty or not guilty. If you
3 find that the Defendant is guilty of murder, then you may
4 consider the following charge. If you find the Defendant not
5 guilty of murder, you may not consider the following charge.

6 As to the charge of possession of a weapon during the
7 commission of a violent crime, we, the jury unanimously find
8 the Defendant guilty or not guilty. And ladies and gentlemen,
9 your verdict must be a unanimous one.

10 Mr. Foreperson or Mr. Foreman, when the jury agrees on
11 that verdict, you'll write the verdict on the -- on my form
12 circling either guilty or not guilty. And you'll sign your
13 name as the foreperson. You'll then knock on the jury room
14 door and inform the bailiff that you have reached a verdict.
15 I again tell you that your verdict must be unanimous.

16 Mr. Foreman, it is your duty as the foreman of this jury
17 to make sure that everybody is heard. Each of you will have
18 an independent vote in this and you each should be given the
19 right to discuss this. And, Mr. Foreman, I want to make sure
20 that everybody is heard on your jury panel. I ask that you
21 now return to your jury room, but do not begin deliberations
22 until you are told by the clerk or the bailiff to do so.

23 We need to gather the evidence so that we can take it
24 back to you and have a few matters that I need to take up with
25 the attorneys. But again, you may retire to your jury room.

1 To the alternates, I'm going to be ask that you be placed
2 in another room right now. And I should be available to speak
3 with you shortly. But just -- before you leave, I just want
4 to tell you, because this may be the, the last time that I get
5 a chance to speak. The State made comments and so did the
6 defense about how much how well you all paid attention and
7 I've noticed that that is not always the case with jurors.
8 Sometimes we get cases where they're looking up at the
9 ceiling, where they're asleep, and I haven't noticed that with
10 you all and I certainly appreciate that and I appreciate your
11 willingness to serve.

12 So again, if you'll retire to your jury room, we should
13 have everything back to you shortly.

14 REPORTER'S NOTE: (Jury exits courtroom at 3:26PM)

15 THE COURT: Any objections or to my jury charge please,
16 State?

17 MR. STANKO: Nothing from the State, sir.

18 MS. WILSON: Nothing.

19 THE COURT: Anything else before we send everything back
20 to the jury?

21 MR. STANKO: Your Honor, I -- I assume the bailiffs are
22 going to instruct them on what to do if they have questions.

23 THE COURT: Yeah, I'll -- I'll have the bailiff do that.
24 Why don't we do this though, if you all can come up and take a
25 look at the exhibits before they go back just to make sure

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1 everything is there. I was notorious when I practiced for
2 taking an exhibit back to my table to and -- and not putting
3 it back, so.

4 All right. Y'all take a look at that. Here's the
5 verdict form. Once y'all have gone through that with the
6 court reporter we'll go ahead and send everything back and
7 instruct them to begin deliberating at that time.

8 REPORTER'S NOTE: (Attorneys review exhibits.)

9 THE COURT: Any objections to releasing the alternates?

10 MR. STANKO: None.

11 THE COURT: Okay, thank you.

12 RERPORTER'S NOTE: (Exhibits are taken back to jury and
13 deliberations begin at 3:39PM)

14 (COURT IS IN RECESS.)

15 THE COURT: All right. We have a question from the jury.
16 It is, if we find the Defendant not guilty will he be tried
17 again on the charge? It's a pretty easy question to answer.
18 If he's found not guilty, then the answer would be no.

19 MR. STANKO: Right.

20 THE COURT: Any, I -- I don't want to go into detail with
21 the jury other than to just tell them no, okay?

22 MS. WILSON: Yes, sir.

23 THE COURT: All right. Let's go ahead and bring Mr.
24 Murphy out, and we'll bring the jury back in.

25 MS. WILSON: And Judge, I'm sorry, could you just read

1 that one more time?

2 THE COURT: If we find the Defendant not guilty, can he
3 be tried again on the charge? There's something that was
4 scratched out. I don't know if they were trying to spell
5 something, but that's scratched out. I can't tell what that
6 word is.

7 MS. WILSON: Okay.

8 THE COURT: All right. And I've marked this as Court's
9 Exhibit Number 1.

10 (COURT'S EXHIBIT NUMBER 1 IS
11 MARKED FOR IDENTIFICATION ONLY)

12 THE COURT: Ms. Wilson, you need any more time?

13 MS. WILSON: Oh, no, sir. Thank you.

14 THE COURT: Let's go ahead and bring in the jury.

15 REPORTER'S NOTE: (Jury enters courtroom at 4:37PM)

16 THE COURT: All right. Mr. Foreman, ladies and
17 gentlemen, I received a question from our bailiff that I
18 believe that you all had sent out. And the question was, if
19 we can -- if we find not guilty, can he be tried again on the
20 charge? The answer to that question is no. I'm going to ask
21 that you return back to the jury room and continue
22 deliberating. Thank you.

23 REPORTER'S NOTE: (Jury exits courtroom at 4:38PM)

24 THE COURT: Anything from the State?

25 MR. STANKO: Nothing, sir.

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1 THE COURT: Anything from the defense?

2 MS. WILSON: Nothing, Your Honor.

3 THE COURT: Thank you.

4 (COURT IS IN RECESS.)

5 THE COURT: I've marked this for the record as Court's
6 Exhibit 2.

7 (COURT'S EXHIBIT NUMBER 2 IS
8 MARKED FOR IDENTIFICATION ONLY)

9 THE COURT: For the record, there's some other stuff
10 written on the bottom that's scribbled out, but it looks like
11 it was essentially the same question maybe just worded
12 differently.

13 THE COURT: Anything else, Ms. Wilson?

14 MS. WILSON: Nothing, Your Honor.

15 THE COURT: All right, let's bring in the jury.

16 REPORTER'S NOTE: (Jury enters courtroom at 4:52PM)

17 THE COURT: All right, ladies and gentlemen. Mr.
18 Foreman, I received another question. I have marked this as
19 Court's Exhibit Number 2. The question is, can he appeal if
20 found guilty? The answer to that question is, yes. I'm going
21 to ask that you return to your jury room and continue to
22 deliberate. Thank you.

23 REPORTER'S NOTE: (Jury exits courtroom at 4:53PM)

24 THE COURT: Anything from the State?

25 MR. STANKO: No, sir.

1 THE COURT: Anything from the defense.

2 MS. WILSON: Nothing, Your Honor.

3 THE COURT: All right. We'll be at ease.

4 MS. WILSON: Thank you.

5 (COURT IS IN RECESS.)

6 THE COURT: The jury has a verdict. Anything from the
7 State? Anything from the defense prior?

8 MR. STANKO: No, sir.

9 MS. WILSON: No, sir, Your Honor.

10 THE COURT: All right. Let's go ahead and bring in the
11 jury.

12 REPORTER'S NOTE: (Jury enters courtroom at 5:03PM)

13 THE COURT: All right, ladies and gentlemen. Mr.
14 Foreman, I understand that we have a verdict, is that correct?

15 MR. FOREMAN: That is correct.

16 THE COURT: And is this a unanimous verdict?

17 MR. FOREMAN: It is.

18 THE COURT: If you'll get the verdict, please. You may
19 publish the verdict.

20 THE CLERK: Indictment Numbers 2022GS2604901 and
21 2022GS2604902, the State of South Carolina v. Charles William
22 Murphy, Jr. As to the charge of murder, we the jury,
23 unanimously find the Defendant guilty. As to the charge of
24 possession of a weapon during the commission of a violent
25 crime, we the jury, unanimously find the Defendant guilty.

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1 Signed by foreperson, Derek Daponte, dated January 15th, 2025.

2 Ladies and gentlemen of the jury, if this is your verdict,
3 please do signify by raising your right hand. Thank you.

4 THE COURT: Does the defense wish to poll the jury?

5 MS. WILSON: Yes, sir, Your Honor. Thank you.

6 THE COURT: All right.

7 THE CLERK: Please stand when I call your Juror Number.

8 I'm going to ask you two questions, answer them, and then
9 please be seated.

10 Juror Number 93, is this your verdict?

11 JUROR NO. 93: It is.

12 THE CLERK: Is this still your verdict?

13 JUROR NO. 93: Yes, it is.

14 THE CLERK: Juror Number 360. Is this your verdict?

15 JUROR NO. 360: Yes, ma'am.

16 THE CLERK: Is this still your verdict?

17 JUROR NO. 360: Yes, ma'am.

18 THE CLERK: Juror Number 299. Is this your verdict?

19 JUROR NO. 299: It is.

20 THE CLERK: Is this still your verdict?

21 JUROR NO. 299: It is.

22 THE CLERK: Juror Number 329. Is this your verdict?

23 JUROR NO. 329: Yes, ma'am.

24 THE CLERK: Is this still your verdict?

25 JUROR NO. 329: Yes, ma'am.

1 THE CLERK: Juror Number 260. Is this your verdict?
2 JUROR NO. 260: Yes, ma'am.
3 THE CLERK: Is this still your verdict?
4 JUROR NO. 260: Yes, ma'am.
5 THE CLERK: Juror Number 77. Is this your verdict?
6 JUROR NO. 77: Yes, ma'am.
7 THE CLERK: Is this still your verdict?
8 JUROR NO. 77: Yes, ma'am.
9 THE CLERK: Juror Number 279. Is this your verdict?
10 JUROR NO. 279: Yes.
11 THE CLERK: Is this still your verdict?
12 JUROR NO. 279: Yes.
13 THE CLERK: Juror Number 175. Is this your verdict?
14 JUROR NO. 175: Yes.
15 THE CLERK: Is this still your verdict?
16 JUROR NO. 175: Yes.
17 THE CLERK: Juror Number 48. Is this your verdict?
18 JUROR NO. 48: Yes, ma'am.
19 THE CLERK: Is this still your verdict?
20 JUROR NO. 48: Yes.
21 THE CLERK: Juror Number 7, is this your verdict?
22 JUROR NO. 7: Yes.
23 THE CLERK: Is this still your verdict?
24 JUROR NO. 7: Yes.
25 THE CLERK: Juror Number 82. Is this your verdict?

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1 JUROR NO. 82: Yes.

2 THE CLERK: Is this still your verdict?

3 JUROR NO. 82: Yes.

4 THE CLERK: Juror Number 296. Is this your verdict?

5 JUROR NO. 296: Yes.

6 THE CLERK: Is this still your verdict?

7 JUROR NO. 296: Yes.

8 MS. WILSON: Thank you.

9 THE COURT: All right. Ladies and gentlemen of the jury,
10 I want to thank you so much for your willingness to serve this
11 week. As I've stated multiple times, I noticed that you all
12 paid very close attention to the witnesses, to the attorneys
13 when they were addressing the witnesses, and also in their
14 opening and closing statement and even during my charge on the
15 law. So I just want to, again, thank you for your attention
16 and for your patience during the trial of this case. Your
17 term as a juror is now over.

18 I have mentioned multiple times that you are not to
19 discuss this with anything -- with anyone until I told you to
20 begin deliberating. Now is the time that if you wish to
21 discuss it with family members or anyone else outside of the
22 courtroom or in the courthouse, you may do so. But I'm going
23 to ask that you retire to your juror -- jury room. We will
24 have sentencing this afternoon. If you would like to stick
25 around for that, you can. You're not required to, but again,

1 thank you for your service and if you'll retire to your jury
2 room.

3 REPORTER'S NOTE: (Jury is released at 5:07PM)

4 THE COURT: All right. Anything from the defense?

5 MS. WILSON: Yes, sir, Your Honor. At this time, the
6 State would move for a judgment and arrest of verdict on the
7 basis that this verdict is contrary to the preponderance of
8 the evidence that was presented. Clearly, as the State even
9 admitted a highly circumstantial case, no direct evidence to
10 speak of, yet the jury has returned a verdict convicting my
11 client of murder and of having a weapon. None of which is in
12 evidence, none of which anyone testified as an eyewitness to
13 him possessing or a crime that he committed through any
14 eyewitness testimony. So, we are asking the Court to please
15 consider arresting the verdict in this case.

16 THE COURT: All right.

17 MS. WILSON: Thank you.

18 THE COURT: Anything from the State in response?

19 MR. STANKO: Your Honor, I would -- I would just point
20 out that the -- the jury instructions themselves indicate that
21 a -- a case can be -- can be tried and can be rendered a
22 verdict on entirely by circumstantial evidence. Obviously
23 we've seen that that's the case in this case. We would ask
24 that the motion be denied.

25 THE COURT: All right. Ms. Wilson, respectfully, I'm

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1 going to deny your motion.

2 MS. WILSON: Yes, sir.

3 THE COURT: The State is correct. A -- a case does not
4 require any form of direct evidence, and he can certainly be
5 convicted on circumstantial evidence and as to both charges
6 there was evidence presented, if believed, that could have a
7 trier of fact find that he was guilty of these charges. So
8 respectfully, I am going to deny your motions. That being
9 said, would 15 minutes be sufficient for the defense and for
10 the State to prepare for sentencing?

11 MS. WILSON: I think that's more than enough. Yes, sir.

12 THE COURT: All right.

13 MR. STANKO: Your Honor, I'll head downstairs, and we
14 will have -- we will -- Anna speak with the -- with the
15 victims to find out --

16 THE COURT: Okay.

17 MR. STANKO: -- if -- if any impact statements will come
18 in as well.

19 THE COURT: All right. And Ms. Wilson, do you know if
20 anyone is going to be speaking on behalf of your -- your
21 client?

22 MS. WILSON: No, sir.

23 THE COURT: And he certainly, I will give him the
24 opportunity to speak on his own behalf as well.

25 MS. WILSON: Yes, sir. Thank you.

1 THE COURT: All right. We'll -- it's 10 after -- we'll
2 come back right at 5:25.

3 MS. WILSON: Okay. Thank you, Your Honor.

4 MR. STANKO: Thank you.

5 (COURT IS IN RECESS.)

6 BAILLIF: All rise.

7 THE COURT: Thank you. You may be seated. Yes, sir.

8 MR. STANKO: Your Honor, there are a couple members of
9 the -- of the victim's family and friends who would like to be
10 heard by the Court.

11 THE COURT: Okay.

12 MR. STANKO: If -- if Your Honor is -- is willing to hear
13 from them.

14 THE COURT: I am.

15 MR. STANKO: Whoever would like to ---

16 MR. LISCHER: Do you just speak or say who I am or what
17 do I --

18 THE COURT: If you'll just state your name and spell your
19 last name for the record.

20 MR. LISCHER: Terry Lischer. L-I-S-C-H-E-R.

21 THE COURT: Okay.

22 MR. LISCHER: I was married to Teresa for 22 years, so
23 we're friends. I'm -- I'm here today to advocate for the
24 maximum sentence that's hopefully equal to life in prison
25 without the chance of parole. You know, if -- as for if --

1 get my thoughts here. This act was so heinous in nature, you
2 know, Teresa was an individual, she was a nurse. That's what
3 she did was help people, including this individual over here.
4 Her life was dedicated to that. His selfless act has
5 destroyed the lives of many. Teresa's children, her family,
6 her friends, their lives forever changed. Her -- our kids --
7 excuse me. Just get my composure.

8 THE COURT: Take your time.

9 MR. LISCHER: Our kids do not have a mother anymore. See
10 them? They're older so they don't -- she won't get to see
11 them get married, have children, be a grandparent herself.
12 She will be forever missed for holidays, birthdays, special
13 occasions. It's kind of really all I jotted down. My -- my
14 actual only hope is that there's a special place in hell for
15 an individual like that who committed this act. Thank you.

16 THE COURT: All right.

17 MS. WANDTKE: Do I say who I am or?

18 THE COURT: Yes, ma'am.

19 VICTIM'S ADVOCATE: State and spell your name?

20 MS. WANDTKE: Valery Wandtke. V-A-L-E-R-Y, W-A-N-D-T-K-
21 E. Words can't capture or express the devastating feelings
22 and surely lasting effects by the senseless, unnecessary and
23 cruel murder of Teresa. I called her Tee (phonetic). My name
24 is Valery, she called me Val. We met in the summer of 2005 as
25 cube mates working as RNs and utilization management at a

1 local insurance company. Our friendship was instant and soon
2 after we were sister like besties. We did and shared
3 everything together, family vacations and holidays.

4 All the happy good times, the tough bad times and the sad
5 ones too. Celebrations and simple hangout times with nothing
6 to do. She was beautiful in every way. One of the greatest
7 people I'll ever know. Truly one in a million. Always
8 positive, encouraging, and supportive. And the best friend a
9 person could have. She was a beautiful, attentive daughter
10 and sister just getting ready for her mom to come stay for the
11 summer, as she did every year after she moved to South
12 Carolina. Her family meant everything.

13 She was a great and loving mother, always involved with
14 her boys. Troy and Tim meant the world. Her tragic loss,
15 especially for them, will always be the worst. Tee loved the
16 Lord. She had the nine fruits of the spirit that came natural
17 to her as it was just how she was. She was a how I can affect
18 the world type person, not how the world affects me type. She
19 always found the good in people, how she could help and do
20 right. Tee loved life both when it was easy and hard.
21 Intelligent, and smart is the lefty she was. Always
22 responsible, she took care of business. She kept it all
23 together and got things done.

24 Her character was genuine, honest, strong, and loyal.
25 Her heart was so, so big, warm, loving and deep with a

1 lighthearted spirit. So caring at being sweet. She was
2 courageous for sure, a lover not a fighter, except when needed
3 is when she fought and beat breast cancer. She was an over 10
4 year survivor.

5 To tell you a few things Tee loved of this world. I can
6 say Tee loved music, all kinds and dancing too. We sure did a
7 lot wherever we were. We were Goo Goo girls together
8 following the Goo Goo Dolls wherever we saw them live more
9 times than I can count.

10 She loved children and to laugh, to have fun, to watch
11 hockey, especially when her boys played. And horses too. She
12 loved Christmas and snowmen and the joy of the season. Tee
13 loved the ocean, the beach and coffee too. The moon and the
14 stars. Dragonflies and daisies, just to name a few. She
15 loved lip gloss. Her style impeccable and always looked
16 great. She knew how to shop and always found the deals. She
17 loved manicures and pedicures. Hot pink for her toes was
18 always her color. Getting her hair done with Peter was always
19 so neat.

20 She loved breakfast, our sandwiches and coffee was a
21 must. Her food was Italian lasagna, her favorite, greens and
22 beans, calamari, the stuffed mushrooms and wine. Tee was an
23 animal lover, no doubt. Turtles and dogs were her favorite.
24 They always kept the (inaudible) in the house one at a time.
25 Manny was there, beloved pet. They had two. There was so --

1 there's so much more I could say, but maybe one of the most
2 important, and should I say evident things about Tee was how
3 she loved to help people. Those known or strangers alike. It
4 was always just a reaction. She was a wonderful, warm and
5 passionate nurse. It just came natural to her.

6 She loved every minute of it, especially working with the
7 kids. She sure had a gift. I was blessed and am grateful
8 beyond words to have her in my life. The heartbreak and the
9 hole always exists. Your Honor, I'm humbly asking you to
10 impose the maximum sentence possible for Murphy as he deserves
11 nothing less.

12 This was a totally selfish, heinous, and cruel act that
13 was totally senseless and unnecessary and he just let her lay
14 there. Excuse me. His violent, verbal, physical abuse and
15 behavior, has only escalated with every woman he's ever been
16 with. He schmoozed her and Tee fell for it. The only
17 difference is they got away and Tee paid with her life. She
18 pulled him out of the gutter and gave him a life, lovingly,
19 gave him every opportunity and chance to be a better man. She
20 lovingly supported him mentally and physically. Their
21 relationship changed to be -- their relationship seemed fine
22 in the beginning.

23 He had a great job but chose to quit and hid it from her
24 as long as he could. Their relationship changed to being only
25 friends after less than three years yet she still tried to

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1 help and support his effort to stop drinking. He deceived her
2 about that as well. She was afraid of him and was trying to
3 get him out of her house and life while his worsening violent
4 behavior and physical abuse became a way of life she
5 constantly worried about. The police were called on at least
6 three occasions. She tried to get him out of her house on
7 multiple occasions. Please consider that imposing the maximum
8 sentence may prevent this horrible act from happening against
9 someone else in the future. Thank you.

10 THE COURT: Thank you.

11 MR. LISCHER, JR: My name is Tim Lischer.

12 THE COURT: Yes sir.

13 MR. LISCHER, JR: That is L-I-S-C-H-E-R. I just want to
14 bring up two dates that will, I guess, dawn on me for the rest
15 of my life. One of them being Mother's Day and the other, her
16 birthday, which is [REDACTED] on my -- the day before the
17 [REDACTED] Every -- every -- since this happened, every time like
18 these dates approach, it's just a weight lifted it over -- or
19 on top of my head. I just -- just can't believe it. That's
20 all.

21 THE COURT: Okay.

22 MR. STANKO: Your Honor, you've been present for the --
23 for obviously the entire trial in this case. You saw the
24 brutality that -- that that shot wound up wrecking on this --
25 this victim. Considering he took a shotgun to the side of her

1 head. The only sentence that that would make sense in a case
2 like this is life without parole. That's what the State is
3 asking for.

4 THE COURT: All right. Ms. Wilson, mitigation.

5 MS. WILSON: Thank you, Your Honor. Your Honor, Mr.
6 Murphy is 59. He has a daughter, an adult daughter. He was
7 married as well. He has an ex-wife. He has brothers and a
8 sister and parents. I am not obviously going to try to rehash
9 what we've heard in the last two days in trial. I'm not going
10 to try to add to it. Clearly the Court understands my
11 client's position going into trial and as the Court instructed
12 the jury, he wore a cloak of innocence that has since been
13 ripped from him because the jury has determined that he is
14 responsible for the death of Ms. Lischer. With that being
15 said, we are -- have to turn our heads and our eyes to what
16 these charges carry. And 30 years is the mandatory minimum.
17 Cannot be a day less. And it's going to be a day for day
18 sentence.

19 Certainly, I appreciate and understand why the State
20 would request life which would be the maximum. Frankly for
21 someone who is 59, a 30-year day for day sentence is probably
22 equivocal to a life sentence. And that doesn't include the
23 additional five years that we're going to have to talk about
24 with the possession of a weapon during commission of a violent
25 crime for which he was also found guilty. He's been in jail

1 since he was arrested for this crime.

2 He's never made a bond, has been incarcerated almost
3 three years. And of course that is a drop in the bucket
4 compared to what we all know he is going to have to serve on
5 this sentence should he survive long enough to serve it. I'm
6 asking the Court, yes, for leniency and mercy. I don't know
7 that it's appropriate to never ask for that. I think it's
8 incumbent upon me as his attorney to request it, but I think
9 it's also important for the Court to consider mercy when
10 granting a sentence or imposing a sentence. And, you know
11 mercy is not something that he can earn or that he's entitled
12 to, it has to be given. And it can take a lot of different
13 forms. Prison for 30 years, 35 years isn't necessarily
14 merciful, but compared to a life sentence, you know, and the
15 potential that it holds, it could be considered a mercy. 35
16 years is nothing to sneeze at. It is not a small amount.

17 It is not something that he's ever going to be able to
18 get out from and go and live a life. He would literally have
19 to survive until he's 93, in prison. I'm asking the Court to
20 consider the minimum and in even in and of itself, considering
21 the minimum doesn't seem like I'm asking for much because the
22 reality is we know he can't get out for 30 years. Every day
23 of 30 years. It's not an 85 percent this is not a serve 45
24 percent good time credit, none of that every day of the next
25 30 years is what that murder charge requires. And so we are

1 asking the Court to consider the minimum as sufficient
2 punishment. We are asking the Court to impose the minimum and
3 -- and of course the additional five years, which would have
4 to follow.

5 THE COURT: Does your client wish to be heard?

6 MS. WILSON: No, sir. He does not.

7 THE COURT: Okay.

8 MS. WILSON: Thank you, Your Honor.

9 THE COURT: Mr. Stanko prior record.

10 MR. STANKO: Your Honor, he has none.

11 THE COURT: Okay. Ms. Wilson, do you know how many days
12 he has served?

13 MS. WILSON: To the day I do not, but I can tell you
14 shortly.

15 THE COURT: Okay.

16 THE COURT: All right. Mr. Murphy, I have a few things
17 to say to the family and then I'll speak with -- to you Mr.
18 Murphy, but to the family there is absolutely no sentence I
19 can give that would ever bring your mother, your friend, your
20 ex-wife back. But I hope that this week of trial and the
21 sentence that I'm about to impose will give you some form of
22 closure where you can move on with your life.

23 I know that sitting in limbo when you have a case pending
24 is hell on victims as well as hell on a Defendant and their
25 families. I have seen that firsthand. But I do hope that

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1 this gives you some form of closure and I hope that it will
2 show you that we do have a justice system.

3 All right. Mr. Murphy, I told the jury in this case that
4 I don't have any opinion on the facts. It's up to the jury to
5 determine the facts, but the jury believed the facts presented
6 by the State. And as such, I'm bound by those facts. And
7 those facts are heinous and brutal. A gunshot to the head,
8 and then somebody you supposedly loved left on the floor. I
9 can't think of much more brutal than that.

10 Ms. Wilson, you have admirably advocated for your client
11 and I can tell that you obviously advocated for him during
12 your representation. Mr. Murphy, you were before me last week
13 with the opportunity to plea and receive somewhere between 12
14 and 17 years where I negotiated 15. And I gave you an
15 opportunity to speak with your attorney then multiple times.

16 Mr. Murphy, I take no pleasure in ever sending anybody
17 away. You can ask anybody in this courthouse and they'll tell
18 you that, but I do have a job and my job, I'm bound to
19 sentence under the laws of this state. And after hearing the
20 facts throughout this week and after the jury convicted you on
21 those facts, as I said, it's just brutal. So for that, it's a
22 sentence to this court as to the murder that you receive life
23 imprisonment. As to the possession of a weapon during the
24 commission of a violent crime, you'll receive a sentence of
25 five years. You will be given credit for any time that you

1 have served.

2 MS. WILSON: Thank you --

3 THE COURT: Thank you.

4 MS. WILSON: -- Your Honor. That is 932 days.

5 THE COURT: 932. Thank you.

6 MS. WILSON: Yes, sir. Thank you, Your Honor.

7 THE COURT: Thank you.

8 Ms. Wilson, will you discuss with him right to appeal
9 things like that?

10 MS. WILSON: Yes, sir. And I did cover it, but I will go
11 back over it.

12 THE COURT: Thank you.

13 MS. WILSON: Your Honor, if I could just briefly, I got a
14 quick question.

15 THE COURT: Sure.

16 MS. WILSON: I guess it's actually not about our case.

17 THE COURT: No (inaudible).

18 MS. WILSON: It's okay. It's okay. It's about tomorrow
19 morning for that motion for the --

20 THE COURT: Out of state.

21 MS. WILSON: Yes. Do you still plan to do it?

22 THE COURT: I mean, it's up to you.

23 MS. WILSON: I'll -- I'll be here ready to go.

24 THE COURT: Okay. All right then move --

25 MS. WILSON: Thank you. All right. Thank you.

WITNESSES

James C Fletcher Horry County Police
Department

Jackson

DOCKET NO. 2022GS2604901

The State of South Carolina

County of Horry

HORRY COUNTY

2022 NOV 10 A 10:27

James D Stanko

22H03148

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

COURT OF GENERAL SESSIONS

November, 2022 TERM

DATE RECEIVED FROM
GRAND JURY

ARREST WARRANT NUMBER

2022A2610201233

CDR: 0116 16-3-10, 20

DOA: 6/29/2022

ACTION OF GRAND JURY
TROUBLE BILL

Randy Kind
Foreperson of Grand Jury
Date: NOV 09 2022

VERDICT

Charles William Murphy, Jr

W/M

Leste Rd

Myrtle Beach, SC 29588

DOB: 1968-

SSN: [REDACTED]

vs.

THE STATE

ATTORNEY: Kia T. Wilson

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

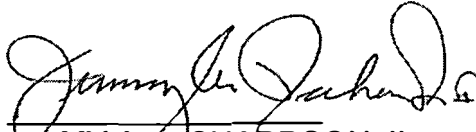
At a Court of General Sessions, convened on November 9, 2022, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-3-10, 20

That Charles William Murphy, Jr did in Horry County, on or about May 7, 2022, willfully, feloniously, and intentionally kill the victim, Teresa Lischer, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about May 7, 2022, in Horry County, in violation of Section 16-3-10, SC 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.


 JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

ORIGINAL

WITNESSES

James C Fletcher Horry County Police
Department

JACKSON

DOCKET NO. 2022GS2604902

The State of South Carolina

County of Horry

HORRY COUNTY

James D Stanko

22H03148

2022 NOV 10 A 10:21

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

COURT OF GENERAL SESSIONS

November, 2022 TERM

ARREST WARRANT NUMBER

2022DI2600406
CDR: 0549 16-23-490
DOA: 6/29/2022

THE STATE

vs.

Charles William Murphy Jr
W/M

Leste Rd
Myrtle Beach, SC 29588
DOB: 1968-
SSN:

ATTORNEY: Kia T. Wilson

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

Jimmy A. Richardson, II, Solicitor

ACTION OF GRAND JURY
TROVE BILL

Randy Kind

Foreperson of Grand Jury NOV 09 2022
Date:

VERDICT

Foreperson of Petit Jury
Date:

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

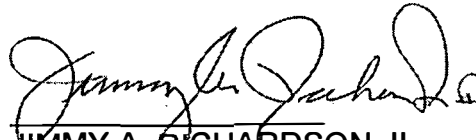
INDICTMENT

At a Court of General Sessions, convened on November 9, 2022, the Grand Jurors of Horry County present upon their oath:

**POSSESSION OF A WEAPON DURING THE COMMISSION
 OF A VIOLENT CRIME**
 CDR: 0549 16-23-490

That Charles William Murphy Jr did in Horry County, on or about May 7, 2022, possess a firearm during the commission of a violent crime, in violation of Section 16-23-490, SC 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.


 JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

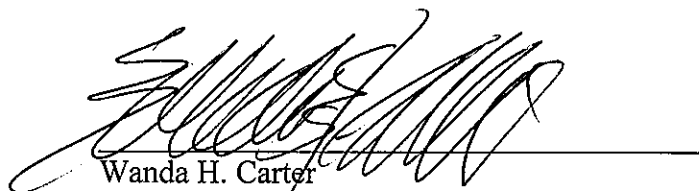
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Aug 24 2026

SC Court of Appeals



Wanda H. Carter
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of August, 2026.