



EPISODE 41: Who Killed Stephen Smith Part Eleven...The Voice We Have Not Heard Yet + The Colucci Case

Mandy Matney 00:01

I don't know who killed Stephen Smith but we are going to keep going until we do. My name is Manny Matney. This is True Sunlight a podcast exposing crime and corruption previously known as the Murdaugh Murders podcast. True Sunlight is a Luna Shark production written with journalists Liz Farrell. Well, hi! It has been a big week here at Luna Shark. On Tuesday, we published one of my top five favorite episodes ever of Cup of Justice. We interviewed Emmy award winning journalist and TV host Tamron Hall. Tamron was on The Today Show in my early days of journalism, and I always deeply admired how she handled stories, particularly I've always looked up to Tamron for the way that she covers true crime with empathy and compassion. And with the victims at the center of the story. Tamron's own sister was murdered years ago, and she knows what it's like to be in the victim's shoes. Tamron has a new book coming out called Watch Where They Hide the second book in our Jordan Manning series about a female journalist who digs and digs and doesn't stop. And how the crimes that she covers weigh heavy. Liz and I told Tamron this in the conversation. This was the first book we have read in a long time or maybe ever where we felt seen as female investigative reporters. It was comforting to see Jordan man in conflict with stories in the same way we are sometimes the conversation was raw and validating and inspiring. And shockingly, Tamron Hall was very familiar with our work too. It is wild how the world works sometimes. So y'all please give this episode of CO J a listen. I promise it's a good one. And speaking of books, we will be off to Tucson, Arizona this weekend for the Tucson Festival of Books and I hope to see some of your beautiful faces there. Also, we are going to be in LA, San Francisco, Napa Valley in Maui, Hawaii this spring and we would love to do a few fan events and book signings while I'm on the West Coast. We are still

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brainstorming ideas for fan meetups. If you live in those areas, we would love to hear from you all for event location suggestions, submit your ideas to [Luna shark media.com/new events](https://lunasharkmedia.com/new-events). We are also starting our university tour soon and we're looking to connect with colleges across the country and maybe the world that would like to have our team speak about journalism and justice. If you are connected to a university that you think would be a good fit. Please go to [lunasharkmedia.com/new events](https://lunasharkmedia.com/new-events) and fill out the form today and back at home in South Carolina. We are busy. I am proud to be speaking again at the victims matter rally on March 21. In front of the South Carolina State House and Columbia. The South Carolina Victims Assistance Network presents the victims matter rally each year to raise awareness about the challenges faced by victims of violent crime. It provides a platform for survivors to share their stories for advocates to speak out for change and for community members to come together in solidarity. You can listen to South Carolina Victims Assistance Network director Sarah Ford herself uncovered justice 69 Another one of my favorite episodes. So Liz, Beth Braden and I have been poring over every detail we can find and Stephen Smith case, every day we learn something new about this case and the people attached to it. Every week we hear new names that we hadn't heard before. I will tell you it feels like we are getting closer to the truth every day. But at the same time, every time I call Sandy with a question and not an answer. A little piece of my heart breaks for her. I know every time she opens up that box in her mind. She has to think about the worst time of her life when her son was killed and no one would tell her how or why. She is always willing to help however she can no matter how sad it makes her if she can keep hope alive for all of these years we can too. And we will. Sandy knows that hope and hard work are required for eventual answers and hopefully justice in this case and we are doing our best here at Luna

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Shark to get there. Please please please continue making noise about Stephen's case. Share these podcasts on social media. Share tips@sec.sled.gov everywhere you can tag and tweet other media to ask them to continue covering Stephen's story. Make it difficult for his killers and those in charge of his investigation to go anywhere without seeing his face. Pressure breaks pipes and we can always add more pressure. Stephen's story is just beginning. Remember that. That said, we have another South Carolina story we want to tell you about that is in immediate need of sunlight. The Colucci case just might be the craziest case. You have never heard of the case that is going to trial this spring, even though Sarah Lynn's death occurred the same year as Stephen Smith and even though someone was charged in her death eight years ago and tried for her death six years ago. So what happened? On May 20, 2015, 38-year old Sara Lynn Moore Colucci was found dead outside of the jewelry warehouse in Summerville, South Carolina that she owned with her husband whose stepfather was a well known and well respected jeweler, Sarah's husband, Michael Colucci, a man who ran with highly connected circles in Charleston, which reportedly includes members of law enforcement told police that his wife hung herself with a garden hose. But like Alex Murdaugh, the story that Michael Colucci told police about the circumstances surrounding his wife's death shifted several times and ultimately just didn't add up. In fact, Alex Murdaugh and Michael Colucci have a lot in common well Alex is a South Carolina native Michael moved to Charleston from New York City when he was five years old with his mother brother and stepfather and five step siblings despite that, like Alex he was well entrenched in the good ol boy system we so often warn the world about, in fact Alex and Michael those have enough connections among law enforcement in the courts that warranted the local solicitors offices and the sheriff's offices to recuse themselves in their cases leaving SLED

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to investigate in the AGs office to prosecute the cases. Both Alex and Michael have last names that mean a whole lot to them. Legacy, money and power. In fact, Michael even changed his last name to that of his stepfather when he was 18. Some say that was Michael adopting the credibility and the esteem of Evo Colucci credibility and esteem he had not earned on his own Alex and Michael share a similar past filled with financial chaos, allegations of drug use and tumultuous relationships. According to sources Michael was a man who was used to getting out of any kind of trouble he got into and it shouldn't shock you to hear that after he was charged with his wife's murder. He had the privilege, like Alex, of being represented by one of the most expensive attorneys in the state of South Carolina. In fact, if he is guilty of killing Sarah Lynn, Michael Colucci just might possess the how to get away with it playbook that elegant, his team so closely followed, or tried to. But there is one big difference between Michael Colucci and Alex Murdaugh. Michael Colucci is murder trial had a different outcome. Michael was charged with murder in May 2016, one year after his wife's death. Yep, SLED and the AGs office took an entire year to charge him just like they did with Alex. We are just now beginning our FOIA journey in this case and trying to get answers for our timelines. So some of the delay might had been because the recusals Kamen SLED was asked to take over the case two months after Sarah lens death. But the solicitor Scarlett Wilson did not recuse herself and tell SLED how to warrant for Michaels arrest. We'll get into these recusals later, but even then she didn't fully recuse herself, at least not according to the records that we have seen. She basically left it up to the Ag if he wanted her removed from the case and he took that option. Anyway, as we've said before, time delays only benefit the defendant and typically that is why they hired the big guns to keep those delays coming. In Alex's case he made a big gamble. He thought he caught led in the AG with a weak case by insisting that the



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case go to trial so quickly. And boy, was he wrong? Michael Colucci, represented by powerhouse attorney Andy savage. Yes. So that Andy savage who briefly represented Sandy Smith and 2021 before she fired him, Michael and Andy went to trial in November 2018. Andy did what dick and Jim could not he planted enough seeds of doubt during the eight days of testimony that resulted in a mistrial. And now nearly nine years after Sarah's death, her family has another chance at justice. The South Carolina Attorney General's Office Yep, the same one with big Creighton energy waters will be prosecuting the trial set in May. The AGs office told us that the trial is set for May 13. And Berkeley County which is the area just outside of Charleston, about an hour northeast of Moselle. Prosecutors Jewel Cozack and Kenley Abby, both of the Attorney General's office, will be prosecuting the case. And this is where we come in. We chose to cover this case for many reasons, but chiefly because this is a case where sunlight is not only needed, but could absolutely improve this family's chance at getting justice for Sarah Lynn. Like we did in the Murdaugh case, we need the AGs office and SLED to know that we are watching. We need them to give this case they're all if Michael Colucci killed Sarah, it's going to take a much better effort from the state this time around. By the way, real quick about the first time around the case was prosecuted by Megan Burchstead. She was the same prosecutor assigned to Paul Murdaugh's boat crash case. Megan left us highly unimpressed by not only how she handled that case, but by her performance in the courtroom. During the two hearings that were held in both she seemed to cede the floor to Dick Harpootlian, allowing him to call the shots at all times. She also failed to mention Mallory Beach's name, which will always stick with us. Megan no longer works for the AGs office. She left amid a shake up around the time that Alex Murdaugh was charged with murder. At a time when Attorney General Alan Wilson was trying to get to the bottom of the leaks to the



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media that seemed to be coming from law enforcement. She reportedly went to work for none other than Representative Todd Rutherford for less than a year. And now according to her LinkedIn page, she is a public defender for the Sixth Circuit in South Carolina. As far as her performance in the Colucci trial. We will talk about that and obviously a lot more in the coming weeks. But let's just say she seemed to give half an effort Big Creighton energy she was not. Anyway, like Murdaugh. This case is wild. Right out of the pages of a novel. It is twisted and deeply complicated. And there is a lot of heartbreak as the victim's family and those who love Sara Lynn continue to push for justice. Oh, and there's more. Two years after Sara Lynn was found dead, mother in law Doris was found shot to death. The family's jewelry shop in North Charleston EVO Michael's 81 year old stepfather told police that he killed his wife before he stood trial. Another thing we should mention, in 2007, Sarah Lynn's first husband, the father of her only daughter was found dead with multiple stab wounds. His death was ruled a suicide. So who was Michael Colucci? And how was he so connected to law enforcement that the AGs office and SLED ended up taking the case? How did Michael with a history of foreclosures, serious unpaid debt and evictions. How could he afford attorney Andy savage to not only try his case once but now twice. Remember Andy Savage was the attorney that Sandy Smith hired to represent her for a short while and 2021 before she fired him for speaking to the media about Stephen's case before he spoke with her. Andy Savage is in the Dick Harpootlian category of defense attorneys. He is old, he is seasoned, he is blunt, well connected, super expensive and unafraid of making enemies while going to bat for alleged killers. We're going to walk you through the entire case, including this spiderweb of connected cases and a litany of civil cases nearly nine years after Sarah lens death as the prosecution prepares for a second trial after spending the last week

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diving into this case and the evidence that was presented in the 2018 trial. The question isn't just who killed Sarah or how she died? Is whether it was murder, suicide or accident. How is it Michael has been free on bond for nearly a decade when the facts of the case called so much about him into question. Has his privilege intervened with justice? What role does Kerr eruption If Annie and askew justice system play in this case, while we are glad that the Attorney General's Office is retrying this case, in a world where we expect so little from our public officials, we want them to know that we are watching this time around, and so will the Luna Shark army. We plan on broadcasting this trial in May for Luna Shark Premium members and taking y'all through every step of our investigation leading up to trial. In the meantime, let's get back to Stephen.

Liz Farrell 15:34

Since last week, when we first introduced the CD of downloads from Stephen Smith's iPhone and iPad, we discovered that some of the photos on there actually do contain data such as the dates they were taken, and GPS locations of where they were taken. We've spent a lot of time over the past few days going photo by photo, and screenshot by screenshot to see what we could find out and reporter Beth Braden has spent a lot of time tracking down addresses that were new to us, as well as information about the people who may be connected to those addresses. We have more work to do there in terms of piecing together all that information through more research and interviews. But we just wanted to tell you about our progress there. Because as far as this stuff goes, it's moments like this that give you hope when you discover that there are other layers to the information that you have in front of you. So before we talk more about what we've been finding out on Stephen's phone and tablet, which we'll do in a future episode, we want



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to first talk to you about the importance of the phone itself and the confusion that surrounded it. To do that, we need to start with a man named Marc Bickhardt. At the time of Stephen's death he was 47-years old. And in the days and weeks after Stephen's death he claimed to be his boyfriend. Notice I said the word claimed right? Over the past two and a half years we have seen some people online state rather firmly that Marc was Stephen's boyfriend, giving it this sort of ominous characterization and pointing to Marc as a likely suspect, which makes sense at first. In July 2015 Stephen's own family who had never heard of or seen Marc before Stephen's death, wondered who this man was and what he might know about what happened to Stephen on the road that night. And Marc didn't do himself any favors in the drawing suspicions department. In fact, he became a nuisance and seemed to be milking the role of grieving boyfriend showing up at Stephen's wake and insinuating himself onto Stephen's father, Stephen's aunt and his twin sister who ultimately went to police for help because of Marc's verbal threats against her over the phone and on Facebook. Marc has a history with drugs and a criminal history. He described himself as a former gang banger to police and a background check shows that since Stephen's death, he's faced assault and harassment charges in other states. Marc obviously knew Stephen and considered himself to be in a relationship with him. But it does not appear that Stephen saw him in that same way. It's also not clear whether Marc had any interest in Stephen beyond just a romantic one. Meaning we don't know how Marc earned the money that he gave Stephen from time to time, but he had a history with a local escort service. So was he trying to coerce Stephen into the same kind of thing. He told law enforcement that he had moved to Hampton to be near Stephen, but that Stephen had asked him not to do that. So one thing that was apparent from Stephen's phone, Stephen's financial situation weighed heavily on him

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around the time of his death. He was researching quick ways to earn cash, like selling those weight loss body wraps on the internet that were popular at the time. He had several screenshots on his phone about the cost of college, screenshots of his tuition dues, and then memes about the absurd price of college courses, and even a couple of bank account statements. We aren't sure what that means, but it could explain why Stephen bothered with a man like big heart if he really needed money for things like a cell phone. So the big question about Marc is whether he should have been considered a suspect here. Law enforcement appears to have done a really sloppy job with Marc, at least according to the case file they released to the public. Investigators seemed really put off by him, which is so understandable. As you'll see, he is a confusing mess. And there's really no indication that they ever followed up with anything Marc was telling them about escort services, which we'll cover in a future episode. When you listen to his interview with investigators in its entirety, like we have, he really does seem to want to help them but he can't escape the trap that is his muddled mind. And again, we get why that would be annoying to investigators, he just doesn't think linearly. But again, there also seems to be a total lack of follow up. Is that because law enforcement knew that Marc was a dead end, or did they simply drop the ball? Regardless, we do not think Marc killed Stephen. And we did not get the picture that he knew who did, at least not from that interview. He also has no known connections to law enforcement that he could have exploited back then. It's important to note that at the time of Stephen's death, Marc was driving an old Lincoln sedan, Stephen was killed by an object either attached to or being held out from a high speed moving vehicle, which means that the vehicle had to be high enough to inflict that kind of injury. Anyway, two weeks before Stephen's death, Marc had moved from Beaufort to Hampton, which again, Stephen had warned him against doing. According to the

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Highway Patrol's interview with Marc and other reporting that we've done Marc's life seemed incredibly chaotic and transient. And again, he has a history of drug use, which he shares with investigators. And at the time of Stephen's death, he was on a very strong medication that affected his ability to stay away and be lucid. But to protect his privacy, we're going to bleep out the name of the medication throughout the interview. So when you hear the belief that's what it is. Now, Marc is an important player here when it comes to understanding the phone evidence in Stephen's case. According to Marc he is the reason that Stephen had an iPhone, which he had given to Stephen over a month before Stephen's death, we say more than a month because we could see in the data where Stephen went from primarily using his iPad to take photos to now using his iPhone. As far as the iPad goes, according to his twin sister in an interview with Highway Patrol, Stephen had had the iPad since his junior year in high school and had stopped using it as much when he got the iPhone. According to the data, we've since discovered from the CD of downloads, Stephen was using iPhone five SSI as early as June 5 2015. Prior to that, he was using a green Nokia phone, which we'll talk about in a bit. On the night of his death. It's that iPhone that law enforcement found in Stephen's shorts pocket. Two things to note about that iPhone. One is that it did have a flashlight on it according to online specs. This is important because there are some people out there who have conjectured that Stephen was found in the middle of the road because he was using the yellow lines to guide him in the dark. But like I said he had a flashlight on that phone. Additionally, the moon was out that night, on the morning of July 8, 2015, the moon rose at 12:41am in Warrentville, South Carolina. It was in its waning gibbous phase and at 54% illumination. We're not clear on what the cloud cover from that night was. But again, Stephen had a phone to call his sister for a ride and that phone had a flashlight on it.

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Okay, so back to the chaos of Marc Bickhardt. He showed up to Stephen's wake on July 11, 2015. And that's when Stephen's family learned about him. Here's Stephanie Smith's interview with Corporal Michael Duncan with the South Carolina Highway Patrol on July 17 2015, when she talks about this encounter, we've edited this interview just to include the parts about Marc.

Stephanie Smith 23:32

When he came to the white key pop them in aware that he asked my aunt he's like, is this Stephen Smith? You know, family and everything. And mom said, Yeah. And he was like, Well, I'm Stephen's boyfriend. And he didn't. He said he wasn't going into the building until his sponsor came. And what got me was my dad told me to take him in there, because who Stephen? And I said, brace yourself, it don't look like him. I said, you know, just go ahead and tell you that now. He's like, I'm fine. He stopped next door, called somebody and said, Yes, Stephen's did. And they hung up, didn't say nothing. Then we walked to the casket. And he looked, he's like, what was it? So they hit and run? And then he was like, No, he was beat to death. And I kind of looked at him, like, how would you know? And then he was like, was he sexually assaulted us? I don't know. You know, and then he left.

Corporal Michael Duncan 24:28

After the wake has Marc tried to contact you again?

Stephanie Smith 24:36

He did. The, um, I think the day of the funeral, or maybe the day before the funeral, he called me and I didn't want to talk to him, but my cousin and my aunt told me to talk to him. And my cousin was sitting there writing down everything he said, like important key points. And ever



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since that all of that change, but my mom has it in her truck. But other than that, he hasn't talked to me because he don't want to.

Liz Farrell 25:07

Stephanie told Corporal Duncan that things Marc had told her about his relationship with Stephen or that his knowledge of Stephen's life didn't make sense when compared to everything else she knew about her brother.

Stephanie Smith 25:19

Stephen's never had a relationship. That's one thing that got me when this guy said on his boyfriend because he's not Stephen's type. And because Stephen, like, skinny, we're kind of built light skinned guys. And you know, when this guy's like, I'm his boyfriend. I'm just like, No, you're more of a sugar daddy. And he got mad at me for saying that. But I was just, you know, explaining to him and he don't want to talk to me because everything he told me about Stephen, I'm sitting here calling him a liar.

Mandy Matney 25:49

I need to interject here and say that everything we have found on Stephen's phone backs up what Stephanie said about Stephen and his relationships. He talked to men on various apps. And he had a good amount of shirtless pics from guys he was connecting with, but we didn't see any couples photos. In fact, most of the pictures we saw of Stephen with other people were with his family or his girlfriends. One screenshot of a message on an app that I'm not familiar with, told me a lot about how 19 year old Stephen felt about relationships in the months leading up to his murder. This was on February 15, 2015. It was from Stephen set to a man we haven't yet identified.



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David Moses 26:42

Happy Valentine's Day to you. I like you a lot, a whole lot more than any guy I've talked to in a while. But I don't see you maintaining interest in me when I keep disappearing on you. I don't know why I do it. I'm just weird like that. But I'm trying to make it easier for you to back out. Now. This probably seems weird and random as hell. But sorry.

Mandy Matney 27:03

Like a lot of 19-year olds, Stephen appeared to keep emotional walls up when it came to serious relationships. Okay, back to the interview between Stephanie and Michael Duncan of the Highway Patrol.

Corporal Michael Duncan 27:16

Can you tell me some of the things that he told you about Stephen?

Stephanie Smith 27:20

He told me Stephen was in the escort service. And I know for a fact Stephen wasn't because he never left the house like that. And I think you got to be at least 21 I think. And he said he did it out in Charleston, and he was making about 3800 a night and stuff like that. And he said, him the Stephen met at a club. And I told him that was a lot because we only went to one club. And that was called panthenol in Charleston because it was 18 and older. And he didn't meet anybody there because I was stuck on him like Glenn, I wouldn't let him go anywhere. You sitting there saying that's how he met Stephen. And then he changed his stories that he met Stephen at a club that closed in Charleston when Stephen was like, 16. And I told him, that's impossible because Stephen didn't have a phone at 16. Stephen didn't have his license nor car. Marc said that. Him and Stephen were meeting up at places and stuff like that. And I told him I said, No, because I we we only had one



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car up until Stephen started college. And then that's when we got the yellow car. And then we got that SUV. Marc was saying that trying to remember if

Corporal Michael Duncan 28:36

Like I said, bad, bad good indifference. I mean, you know, doesn't know what somebody says doesn't make it true.

Stephanie Smith 28:46

He was just sitting there, you know, telling me how he knew Stephen and what Stephen was doing. He said, Did you know your brother smoked weed? I said, why would he smoked weed if he had to do a drug test for school? Because he had to do one constantly and all that and he was like, I don't know. And then he said he gave Stephen some money. And I know that was just \$200 She said he was paying the car insurance. And for all Stephen school stuff, and that's not true because it comes directly out my dad's account except that 200 For the scrubs. He told me Stephen was being harassed at school. Which I don't know if that's true or not, because do what he told me and my dad if something happened at school, no, we're

Corporal Michael Duncan 29:30

Were you close enough for him to tell you stuff about his sexual relationship with other guys. Are y'all that close enough where he would feel comfortable?

Stephanie Smith 29:43

That's why he never had a boyfriend because he had trust issues. Okay. But everything like Marc was saying, I'm sitting here like, that's not my brother. He was like, yeah, it is. And so, would you stop talking



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Corporal Michael Duncan 29:58

Do you get when did you talk? More about that.

Stephanie Smith 30:02

The night after the week, my aunt sent him to my house. And he talked to me and my dad for a little bit. And that's when he was telling us all of this. And he asked me if I wanted to see my brother like on his phone like proof for them together. And I shouldn't walk into that, because he showed him pictures that I didn't want to see. I've seen it's not like I haven't seen it before, but I thought he was talking about pictures of him too together, you know, that kind of stuff.

Mandy Matney 30:34

I want to point out that the photo that Marc showed to Stephanie was not one of the two of them together, but rather just a photo of Stephen,

Corporal Michael Duncan 30:43

prior to Marc ever coming over to yells house. Have you ever did you know about Marc?

Stephanie Smith 30:48

All I knew is that there was some guy paying for Stephen's phone in his phone bill and gave him \$200. Other than that Stephen didn't talk about him. So he wasn't important.

Liz Farrell 30:59

Three days before Stephanie spoke with Corporal Duncan, investigators were at Marcs house in Hampton, asking him questions about Stephen's death. We're going to play parts of this interview for you. It's a very frustrating interview because of how hung up investigators get on



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Marc's wonky memory several times Marc tells them just look at my phone records if you want to know dates, and times and text messages, because I can't remember. It's also very frustrating because Marc is sitting there with his phone, ostensibly the phone that has Stephen's text messages still on it. It's only been a week since Stephen's death. From our vantage point, it would seem that Marc could have referenced his own phone for those times and dates in the text messages, very critical information in understanding what happened on the night Stephen died. One more thing to note before we get into it, as we've told you, before, there was a warrant for Stephen's phone records. For unknown reasons, Highway Patrol appears to have waited until January 25 2016, to file it more than six months after Stephen's death. It's not clear if this is the only warrant investigators filed for Stephen's phone. This one was seeking records from June 9 2015 through July 9 2015 for a phone number that we believe corresponds with his iPhone, and we're still getting more information about that. Okay, here's the July 14 2015 interview with Marc Bickhardt. If you want to state your first first and last name format.

Marc Bickhardt 32:44

First name is more mIRC. middle name is Peter p e t e r last name is bitcore bi c k h AR di T.

Corporal Michael Duncan 32:53

All right. Let me kind of go back. You're familiar about the incident where Stephen Smith, not last Wednesday, is that correct? Yeah. All right. What I want you to do is is when was the last time you talked to Stephen that night? About what time not the textbook but what time last time you talked to him?



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Marc Bickhardt 33:11

You have to remember with all this, I took my son time, I can't remember if the call. I'm just asking for a roundabout. I can't remember if it came after the text or before the text because the last call I heard. I asked them on one of the calls or you're walking because he already told me it was out of gas. He was running out of gas, that one of the calls before and I says are you walking because I hear cars going by? And he his answer to me was no. And then the call dropped. And he I don't remember if he called me because we were back and forth. The calls get dropped.

Corporal Michael Duncan 33:45

And after after the call. Did you take some?

Marc Bickhardt 33:49

I mean, I don't remember. I mean, there were texts. I mean, we had so many texts back and forth that night on me worried about him him calling me, you know, phone service out there. And with this phone right now, we're having issues with our phones on half the times

Corporal Michael Duncan 34:04

I don't have service. Do you remember if it was daytime or nighttime when it was going out? This was at night?

Marc Bickhardt 34:07

This is 3am I believe the last text if my mind calls me correct, that I looked at it was 337. And you know, was he coming over here? He was supposed to be he was supposed to be on the way but from what I'm learning, he was headed home. But you know, I don't know.



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Corporal Michael Duncan 34:25

Okay, so, but as far as you know, he was coming over here.

Marc Bickhardt 34:29

That was what we were talking about. And that's what the taxes are saying.

Corporal Michael Duncan 34:31

Okay any other thing anything else other than pixels, about where he had been?

Marc Bickhardt 34:37

What Oh, you're that day before we left to go to Walter ball to go because my friends had to go to Gamestop to get a game. We went to Walmart from Walmart. We went to Arby's. Then my friends went to his cousin's house. Then my sugar dropped again. We went through the exit right when you come to from 57 to come here to Hampton. And there's a horn gas station I believe it is. We went back there I got \$4 went to gas. And my friend went in to get me a Hershey bar. And the girl African American Girl was was on was was on was pulling all the garbage and everything he may need to go to work home. Hey, I'm in an interview, I can't talk. Alright, you gotta go to work.

Mandy Matney 35:47

Like we told you, this guy is chaotic. The weird sounds you keep hearing appear to be texts and phone calls coming in from Marc cell phone. By the way, we briefly talked about Marc and an episode years ago. So some of this will sound familiar.



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Corporal Michael Duncan 36:04

So throughout the day, have you had you been talking with him at all?

Marc Bickhardt 36:09

We were mainly texting up until later on. I think I did talk to him at some point. I don't remember when I know we talked because he said he was. I know I call them a lot of times signals are not good. I don't remember when it timeframe. But I know we did talk and he said he was either a text or something. He said it was about an hour, hour and a half out. Okay.

Corporal Michael Duncan 36:32

So our conversation that we're having, what was conversation?

Marc Bickhardt 36:39

Yeah, we're talking about mainly was he going to come? I'm just normal boyfriend and boyfriend talk. I mean, we all love each other yada, yada, yada. I called him at one point. I know I left messages because I didn't get him that I was we were going to work tomorrow. And if I think I text him the same thing, because I didn't get him because I wasn't sure whether he was in school, whether there's a word a lot of times I like to text him to make sure he wasn't in school, because if he was he could get in trouble if his phone was on. So I tried to text him first. And honestly, the next day I was upset with him because I had later on that day I had a deep gut feeling something happened for the simple reason the phone wanted, it wouldn't even take it would go right to voicemail.

Mandy Matney 37:29

Marc tells the investigators that he and Stephen just had one argument in their relationship and it was over Craigslist. What Marc describes is



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again, chaotic. From what we can gather. Marc was no longer on Craigslist, or was still getting messages. He doesn't explicitly say this upset Stephen. Instead, he goes on to say something he repeats several times. And something that he clearly said to Stephanie when he saw her that he has pictures, not in a menacing way, not not blackmailing way, but in a way where it seems to be him trying to validate his relationship with Stephen. He says he has a lot of pictures of Stephen and that Stephen have a lot of pictures of him. As far as the downloads on the CD that we have gone through. There are no pictures that resemble Marc Burkhardt on there and we have searched through 1000s And for the record, we should note this. The photos on Stephen's phone were not explicit. They were mostly PG surprisingly PG actually considering he was a 19 year old but that said Marc wants to show the investigators these pictures he says he has of Stephen and he starts to search the disarray around him for his tablet.

Marc Bickhardt 38:55

These are mainly that he sent me these are mainly used to me but he has a lot of pictures of of me and I have a lot of pictures I had the phone that he has as my as all of my service.

Corporal Michael Duncan 39:14

Let me ask you this. So is a phone in your name?

Marc Bickhardt 39:19

Yeah, it's my it's the phone. I got him. You bought him the phone. The phone originally that's the car accident I was in. My phone was damaged. They took the phone they gave me a different phone and because he was getting very bad service and he's been harassed and



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this time they've been they've been messing with his logs on the car. They've been screwing with his battery.

Corporal Michael Duncan 39:41

And when you say who are you talking about weed?

Marc Bickhardt 39:43

I don't know the only one that he told me that he made it very clear to me. The guy with the tech to donate and I was looking for because I throw all my cases out on there's a there's you know I don't you guys probably don't know Somebody who's like, you know, Guns and Roses. You know, Guns and Roses got this gold tattoo. And then underneath they got the two cigarettes and it says Guns and Roses. Well, it doesn't say Guns and Roses, but it's got the two cigarettes. I had to remember that that too. And that's basically the tattoos that this guy's got. But no, and it's big. It's bigger, but I can't remember where he said it was on the body. He told me that night that it hurt his ankle that we were on Hilton Head Beach, he told me what that deal was.

Liz Farrell 40:29

So the only quote unquote date that Marc could say for Stephanie when she asked him to tell her exactly when he went out with Stephen was this trip to the beach. Hilton is about an hour and a half away from Hampton, and it's about 45 minutes away from Beaufort, where Marc said he lived prior to two weeks before this interview. On the CD of Stephen's downloads are two pictures of what appears to be a very sprained ankle. It's not clear if it's Stephen's ankle, but the photo was taken at his dad's house. That photo is taken on January 10 2015, six months before this interview. At times Marc appears to be plugging discordant facts he thinks he knows from the air around him and trying



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to make sense of them in the context of the questions he's being asked. One of the things he's brought up to investigators is that after Stephen's death, he started to get unknown phone calls from the Cayman Islands threatening him and that he continued to receive calls from Stephen's phone after Stephen's death. While trying to search for those calls. He finds a voicemail that he tells investigators is from Stephen, when they finally get the voicemail, the play, it's not Stephen, it's quite clearly a call from a professional sounding woman returning Marc's call and asking him to call her back. He tells investigators that the call came to him from Stephen's bone. When they questioned him more about that he asked them whether the name of the voicemail says it's from quote, boyfriends.

Marc Bickhardt 42:03

And they call them that was that originally it's comes up? Is that where it says boyfriend? All right. No, you gotta hit boyfriend that the boyfriend is the one. Not that one. Sorry.

Liz Farrell 42:16

He didn't say anything. So literally and with no apparent awareness of how dumb This is. Marc has investigators play a voicemail from Stephen, in which Stephen had ended the phone call before the voicemail kicked in.

Corporal Michael Duncan 42:29

Let me ask you this next question. When when the phone or when the phone call drop? And he was walking? Did you ever make a comment or ask him? Do you want me to come get you?



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Marc Bickhardt 42:39

I couldn't come get him. And that was what I was saying. I didn't have enough gas. And he didn't want me to come with the gas that was in the car. I didn't have gas. Okay.

Corporal Michael Duncan 42:51

After that, after you dropped the phone, the last text or the last phone call? What was the last thing I'll say?

Marc Bickhardt 42:59

The last thing he said is I'm on my way on the text. I'm not sure which one came on believe it said I'm 3040 minutes away.

Corporal Michael Duncan 43:08

Did you take some back and say anything?

Marc Bickhardt 43:10

I believe I did. But I don't. What did you say? I don't remember. That's what I'm telling you was already in my body at that point. It was impossible for me to go anywhere. And he knew that. But I'm saying to you it was the fact that no gas. The fact was kicking. He knew that. Wait a minute I want to get he was not normal.

Corporal Michael Duncan 43:35

When you say not normal? What do you mean by that?

Marc Bickhardt 43:37

He sounds like he was drunk.



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Mandy Matney 43:38

This is where we should note that Stephen's toxicology report showed that he had no drugs or alcohol in his system on the night that he died.

Marc Bickhardt 43:48

He doesn't take drugs. He doesn't drink other than smoke. We he sounded like he was on something. He played it off to me on the poll that I was talking to him a little bit earlier before. You know all this that he said to me and quote, I'm tired. I've been I've been at school and work and I'm tired. It's my license. I believe I said to him, it doesn't sound like tired. And he says Marc I'm just tired.

Mandy Matney 44:16

For the next several minutes Marc tells investigators about a yellow car with tinted windows that sometimes comes to the back of the property where he now lives. Corporal Duncan asked him what that has to do with this situation. And Marc says he doesn't know that if Stephen's car had tinted windows. That means he was here. Marc gets frustrated at the investigators and tells them that he will bend over backwards for them in terms of helping them but he says that he's not the one. Then Corporal Duncan tries to get back to the night of Stephen's death. And what Marc remembers about the calls and the texts.

Corporal Michael Duncan 44:58

Let me let me start off timeline here. All right, he died Wednesday morning. So Tuesday, Tuesday, let's say around six o'clock, then you take you talk to him around six o'clock to wait about takes our fault.



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Marc Bickhardt 45:15

We talked all the time. I mean, you're asking questions I don't. You gotta remember I did heavy drugs. And I'm lucky to remember some things. It's taking me time just to put a timeline together now. I mean, the drugs I've been made, but I'm lucky actually, I can't even if I don't put something by the door to go out the door to go do something I have to come back 20 times to get it. I mean, I'm putting it straight out to you straightforward. So you're asking me questions, the phone is going to be more answers that they that can give you then I can give you on when we text. We text I mean, I'm being straightforward with you. I'm not going to, I'm not going to tell you something and be caught in a lie. Because I don't remember when we talk when we didn't. We were talking and texting all the time, sir. So I don't I don't remember.

Liz Farrell 46:02

This is when Marc and investigators started to get into it. Marc began sharing with them this story again discordant details here, about a pastor who had told him and Stephen that they were going to rot in hell for being gay. When Marc picked up his deposits from his landlord. He talks about the time that he and Stephen went to the beach and they stopped at a gas station and without establishing that anyone had mouthed off to them or said anything, told investigators that Stephen told him not to engage them whoever them is because it's not worth it. Then Marc B is talking about a fire that happened at one of his previous residences. He talks about kids waking them up and smoke alarms not working wires connected to washing machines. An investigator who had not yet spoken during the interview finally does he tells Marc that he doesn't understand how he's able to remember all these details from months ago, but not details from a week ago, Marc again explains that his medication alters this memory. To us. It's clear that Marc is



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remembering old details and talking about them as though they're happening now. It's also clear that his brain just works differently. He's attached his memories to things like it was raining that Sunday when this happens. As you can imagine, this is not something that rural law enforcement officers have a whole lot of patience for. When Marc again reminds them of his medication issues. Corporal Duncan makes a face and Marc calls him out on it.

Marc Bickhardt 47:27

All right. Listen, if you're trying to bait Ron, the phone records is going to tell him to take the phone call, I'm not going to be ridiculed on the I'm not going to be ridiculed. I already got the mother telling me and make an accusation.

Corporal Michael Duncan 47:40

And nobody here has made no accusations. The problem I have with is you're not able to recall things that you say. And that in itself to me is a problem.

Marc Bickhardt 47:49

Okay. All right. All right, fine. I understand that.

Corporal Michael Duncan 47:53

But you're you're saying you're receiving the phone calls from people who are threatening you from the Cayman Islands. You're saying you're saying that you're receiving them from people around here?

Marc Bickhardt 48:03

I don't know that I say around here. I said that. They're saying I'm gonna die. They're unavailable numbers. How do I know? You see that the



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phone says the Cayman Islands. All right, but the ones that are unavailable until phone records are bald. I don't know where they're coming from.

Corporal Michael Duncan 48:19

I will say this. I don't have anything else from for you. All right. But I will say if you want to cooperate continue to cooperate.

Marc Bickhardt 48:27

I'm cooperating. You're not alone.

Corporal Michael Duncan 48:29

I'm not saying you're not cooperating see your your jump into accusation. Just because we're asking you questions.

Marc Bickhardt 48:35

I don't have that title. I like I don't have answers.

Corporal Michael Duncan 48:39

You do have answers. You. You say the phone's gonna answer now. Good with that. All right. But the problem is, is is somebody

Marc Bickhardt 48:49

You understand how many times we tax that math. Okay.

Corporal Michael Duncan 48:53

Let me ask you this. I can tell you right now, I can tell you what my wife or anybody what I takes a lot with my wife and my daughter. And I can pretty much tell you I can't tell you every word that they say. But I can give you the logistics of the conversation. I can give you that. But I



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That's all I'm asking. I'm not asking. And I've told you this from the beginning. I'm not asking for specifics. I'm just asking to be general. I come in here telling you Tom I'm saying I'm not asking.

Marc Bickhardt 49:18

The taxes are what we're going to do our pen Hey, come by. Or do you want me to meet you? One of the Texas and I don't remember exactly what whether it was Wednesday night, but I know Tuesday or Monday night. I did text him and he was coming from school or was supposed to be do you want do you want me to cook you something?

Corporal Michael Duncan 49:38

That's all basketball. One of the things I'm asking for on some of these taxes. Did he say anything while he was walking like there's substance?

Marc Bickhardt 49:45

They never...he never said he was walking that I said to you, I asked because I heard the tires. Are you walking his answer to me was not okay.

Corporal Michael Duncan 49:54

Did he ever say anything suspicious to what was happening to him that night?

Marc Bickhardt 49:58

Yes. He did say that he felt he was being followed.

Corporal Michael Duncan 50:05

Okay. And did he give you any indication? I'm not. Like I said, this is generic.



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Marc Bickhardt 50:10

I don't know, if you ask specific questions. I'm gonna give you what I know. I haven't asking you the same questions I'm asking you.

Corporal Michael Duncan 50:24

Going, alright. The thing, the thing, the thing I'm asking is, when he said that he felt like he's be abolished? Did he say, you know, there's a car following me or I was in a restaurant, or I was at the gas.

Marc Bickhardt 50:37

They said he was up there, but he was up at that blinking light up there. He said to me, his family said he was up at the Exxon. He said he was up. And I can't remember if you go out like you're going out to Waterworld, sir. There's a four way blinking light and there's a store right to the right. sort of scroll through. Mostly I don't know where he said he was out there. They said he got cigarettes the next time.

Corporal Michael Duncan 51:01

Now let me ask you this. Is that where he said he felt like he was being followed?

Marc Bickhardt 51:05

Yes. He said that he was being harassed at that store. He didn't say he said there was a couple of guys in the pickup truck. If I recall correctly, you said they will they will read next.

Corp. Duncan 51:20

But I never gave you a description of the pickup. He may or may not.



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Marc Bickhardt 51:24

He said it just had it was big. And it was told he didn't give me a description with a mud tires. But the last time we talked that night, before the phone went down. And I said to him, are you working or not? I called them back. What was that before? I know at one point, I heard mud tires. I heard big mud tires, big mud tires.

Corporal Michael Duncan 51:49

And I. In other words, when you say you hear hear in the background here what it is or what you're trying to say like

Marc Bickhardt 51:56

Yeah, I hear the monitors like they're coming towards him or coming going past him. Because they sounded loud that they were getting louder. And that I believe was the last time I talked to him.

Corporal Michael Duncan 52:06

So you asked him what was going on? What are you doing? What he was doing?

Marc Bickhardt 52:10

At one point? Yes, I did. And he said he was coming to me.

Corporal Michael Duncan 52:13

You didn't ask him?

Marc Bickhardt 52:19

I was what's going on, which is first I heard a semi. Then I heard the mud tires. Right after all that he at one time. The phone went on me.



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Corporal Michael Duncan 52:27

So he was on speakerphone? I don't think so. So you can hear you can hear more. Tell us? I don't know what he did. Now I'm asking you. Can you tell us where he on the phone? We're walking down the hallway?

Marc Bickhardt 52:36

I guess I mean, if I don't know, because I know if I'm walking you could hear a lot on the phone. It depends on how we have the phone starting

Corporal Michael Duncan 52:44

Yeah, but I was thinking about how can you?

Marc Bickhardt 52:48

I don't know. I guess it's on speakerphone. But I know I can i You could hear certain things when I'm walking.

Mandy Matney 52:52

The investigator appears to believe he is caught Marc and a lie. Because he doesn't understand how Marc could hear something in the background of wherever Stephen was at the time of this call. Unless Stephen had him on speakerphone, which has nothing to do with anything. Obviously speakerphone would allow anyone with Stephen to hear Marc on the phone. But it has nothing to do with Marc's perception of what he's hearing on his end.

Marc Bickhardt 53:21

I know that by the sound of them. Maybe you know what the big truck with big tires. You could hear your and how about the semi semi you could hear it was a semi my uncle drove semis. If you give me a minute I'm trying to put that was that was a little bit before. Um, and the call before that I heard a lot of dogs in the background like barking. And I



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don't I don't know why I don't know where he was at that point. But um, then that's why I went out to the scene. You know what I'm saying?

Liz Farrell 54:14

So this dogs barking detail is something that did not resonate with us in 2019 or even in, let's say, early 2021. In re listening to Marc's interview with investigators, obviously it's something that sticks out now. What Marc seems to be saying here is that in a call with Stephen prior to his last call with Stephen when it cut out he heard a lot of dogs barking wherever Stephen was, and he does not know where Stephen was. In his last call with Stephen which he had earlier said was around three in the morning. He says he heard mud tires and a semi truck drive by but also that Stephen had told him he was not walking and as he's telling investigators this a call comes in from He says the Cayman Islands. He answers it on speakerphone and it's actually a call from Lexington Law Firm. He tells a woman he's already told her he doesn't have any money for whatever service they've previously offered to provide for him. We looked up Lexington Law Firm and it looks like a national law firm that works on bankruptcies. It's not clear if these are the threatening Cayman Island calls that Marc says he had been receiving since Stephen's death. After this, the investigators talked to him about what he knows about the escort service that he alleges Stephen had been working for which again, we'll talk more about in a future episode. We want to note that nothing on the CD of downloads points to Stephen working for an escort agency or engaging in sex work. As they wind up the interview, Marc tells them he's willing to do whatever they need, including a lie detector test. He tells them to set it up and he'll do it. He also offers up his help and getting information from Verizon. Again, this is just one week after Stephen's death.



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Marc Bickhardt 56:05

What do you need from Verizon?

Corporal Michael Duncan 56:07

Oh, I don't need it. I've already got it. I've already got everything I need. I mean, we got a search search warrant for now.

Marc Bickhardt 56:13

All right, so you don't have...so you know, that's my phone. Yeah. Okay. Okay. I am you want to start? You want to start satisfied? Nope. I'm telling you. What's it. You want to search the car search the car right now? I have no issue what whatever. And like I said, Right, I'm not the one you're looking for.

Corporal Michael Duncan 56:27

Right now you're the closest thing that we get information.

Liz Farrell 56:30

It's not clear why Corporal Duncan says they already have a search warrant for Stephen's phone when the only one and the case file is dated January 25 2016. Again, more than six months after Stephen's death and this interview, but it is clear that Marc is making it easier for law enforcement by reminding them that the phone is in his name. Which brings us back to the Nokia phone. Let's go back to the July 17 2015 interview with Stephanie Smith. In this interview, she tells Corporal Duncan about this other phone when he asked her about what forms of communication Stephen was using when he was talking to people online.



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Stephanie Smith 57:10

He used his tablet the most and because he he just recently got that cell phone because my dad bought him a phone just like this. And he was texting a bunch of people. And that's when Marc bought him this phone and said he would pay for it. So this the phone that he had disappeared. I haven't found it. You know, it's gone. You got

Corporal Michael Duncan 57:32

You got off the phone that he had there.

Stephanie Smith 57:35

Because he said he wasn't gonna give it to my dad until he texted everybody and told them he had a new number. Yeah, because that phone was off. And he told me, he was waiting on my dad to turn it back on so he can text all these people. But the phone disappeared. And then he stayed with his cell phone a little bit.

Mandy Matney 57:59

Carefully, Duncan confirms with her that if he were chatting with guys online, he would most likely be doing it on his tablet. But Stephanie also tells him that Stephen wasn't using his tablet as much and that it didn't have a lock on it. For that reason. Duncan does not ask any additional questions about the phone Stephen was using before the iPhone. And here is by far the most frustrating part about this case. We see it clearly. Now there were and still so many breadcrumbs to explore in Stephen's case, just from the photos in the phone alone. Did they ever access his social media accounts? What about Snapchat? Worth Grindr account? What about his haywire texts? The only technology related warrant we saw in Stephen's entire 2015 case file was for his iPhone. And they didn't file that until January 2016. Why did it take them so long? To simply file



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a warrant? Why wouldn't they try other options? And what about other people's devices? If Marc Picard had nothing to do with this? Why didn't the highway patrol at least follow up with him to rule him out there is no record of highway patrol looking through Picard's phone even after he offered it. And by all accounts, an older guy with issues and a criminal history who claims he was the boyfriend of the victim, you would think they would at least want to rule him out or even get some more insight about his Craigslist claims. But they did it. In fact, we found notes were big Hart called Highway Patrol several times and they didn't appear to call him back to our knowledge of the case file. There is no record of highway patrol ever getting data on who Stephen communicated with in the hours leading up to his murder. Maybe he called someone for help. Maybe he texted someone about someone following him. Maybe He pulled over to meet someone and something went wrong. Highway Patrol never figured that out. And it could have provided the bedrock for the investigation. We are hoping, wishing and praying that SLED does what Highway Patrol couldn't. We hope that they use the evidence to solve this case. We hope that they actually follow through with the leads that highway patrol discarded. We hope that they continue to question every name that comes up until someone says something. It has been almost a year since SLED announced that they will be focusing their efforts on to Stephen's case, where are they fled needs to do something to show that they are working on this case, and that they are determined to solve it. They owe that much to Sandy Smith and her family. One last thing before we go, we're going to get into more of the finer details about what we are finding on the CD of downloads from Stephen's iPhone and tablet. This was one special find that we wanted to share with you. It's something that stunned both of us. For five years now. We have been working on the murder case. And through that Stephen's case it was five years ago

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that we met Sandy for the first time. It was five years ago that we first saw the crime scene photos and we read Stephen's autopsy report and listen to all of the interviews. We have heard so many voices talk about Stephen, but we have never heard Stephen's voice. Until now, on the CD of downloads, there was video taken on May 1 2015, just two months before Stephen died on it. You can hear him talking to his cats. Stephen, if you didn't know really loved cats. And just like the kennel video of Paul Murdaugh when he says it's a chicken Stephen is putting on a special voice that he talks to his cat with meaning he's not talking in his regular voice Stephen appears to be studying. According to data from the video, he is at his father's house and it is about 8am The video starts by him whistling to his cat who comes running to him. The cat jumps off and then Stephen whistles for her to come back to him again to show that she does in fact respond to his whistle calls.

Stephen Smith 1:02:21

My baby. Checking up on me. See! I'm not lying. She does it.

Mandy Matney 1:02:39

If you were a friend of Stephen Smith, or if you knew him or had any photos, videos or saved Snapchats, basically any memory of him, we ask that you email them to me at mandy@lunasharkmedia.com or you can text them to 240-606-3338 so that at least his family can have them. Also, if you know someone who knew Stephen, we ask that you pass on this request to them in case they don't listen to our show. The more information we can crowdsource from people, the better our chances are of getting answers about what happened to Stephen. But even more than that, the better we can help keep his memory alive for those who loved him most in this world. Stay tuned, stay pesky, stay in the sunlight. True Sunlight is a Luna Shark production created by me



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Mandy Matney and co-hosted by journalist Liz Farrell. Learn more about our mission and membership at lunasharkmedia.com. Interruptions provided by Luna and Joe Pesky.

TRUE
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