
Supreme Court of Kentucky

No. 2025-SC-0440-MR

BROOKS HOUCK

Appellant

v.

On direct appeal from
Nelson Circuit Court, No. 23-CR-0309

COMMONWEALTH OF KENTUCKY

Appellee

BRIEF FOR THE COMMONWEALTH OF KENTUCKY

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Certificate of Service

I certify that on May 6, 2026, I electronically filed this brief in the Office of the Clerk of the Kentucky Supreme Court and that I served a copy of this brief on: Hon. Charles C. Simms III, Chief Circuit Judge, Nelson County Justice Center, 200 Nelson County Plaza, Bardstown, KY 40004 (by U.S. mail); Hon. Michael D. Risley, Hon. Jennifer Henry Jackson, & Hon. Jordan Butler, Stites & Harbison, PLLC, 400 West Market Street, Suite 1800, Louisville, KY 40202-3352 (Counsel for Appellee) (by U.S. mail); Hon. Kyle Williamson, Nelson County Commonwealth's Attorney (by email); and Hon. Shane Young, Special Prosecutor (by email). I further certify that the record was returned to the clerk of this Court.

/s/ Shawn D. Chapman

INTRODUCTION

On July 3, 2015, Crystal Rogers disappeared. She has never been found and is, no doubt, dead. A loving mother of five doesn't just walk away and vanish. But that is what Brooks Houck would have this Court believe happened. That's because he killed Crystal. Make no mistake, Brooks Houck, whether he did it himself or through others, killed Crystal, the mother of his child and four others. Worse still, he disappeared her body, leaving her family in unsettled agony for almost a decade. The Commonwealth finally got the small comfort of earthly justice for Crystal and her family when it prosecuted Houck for her murder and a jury found him guilty.

Houck appeals his conviction. This Court should reject his claims and affirm.

STATEMENT CONCERNING ORAL ARGUMENT

The Commonwealth disagrees with Houck that the legal issues in this case warrant oral argument. Even so, the Commonwealth also requests oral argument because the record is extensive and includes a ten-day trial.

STATEMENT CONCERNING CITATIONS TO THE RECORD

The Commonwealth generally cites the video record as “VR.[date], [time].” When the date or time stamp is not legible, the video citation will be to the video filename and the counter-time: e.g., “2025-06-27_12.59.32.242, 41:05-44:00.” Citations to the written record will appear as “TR.[page number].” Trial exhibits are generally cited as “Com.Ex.[number]” or “Def.Ex.[number].” Many exhibits, especially video and audio recordings were played into the trial record; although some of those exhibits are more audible when played directly, the Commonwealth generally cites the certified video record for quotations and specific facts, after citing the exhibit, for citation consistency and to reduce the already large number of record cites. And Houck’s brief is cited as “Br.[page number].”

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COUNTERSTATEMENT OF THE CASE¹

Crystal Rogers was the “amazing mother” of five children and was with them “all the time.” VR.6/25/26, 11:36:55-11:37:06, 1:02:30-36; VR.6/27/25, 8:45:50-56; VR.6/26/25, 3:23:20-32. On July 3, 2015, she disappeared and was never seen again.

Crystal and Houck.

Crystal became involved with Brooks Houck. VR.6/25/26, 11:38:26-54, 1:03:28. Houck built and rented homes. VR.6/26/25, 3:23:50-24:03. Crystal ran Houck’s rental business. VR.6/26/25, 3:19:37-58.

Crystal eventually became pregnant with her fifth child, Eli, and moved in with Houck. VR.6/25/26, 11:38:30-54. At first, Houck was nice to Crystal’s other children. VR.6/25/26, 11:38:54-39:21. When Eli was born, things “got rough” and “deteriorated.” VR.6/25/26, 11:39:30-40:34.

Houck rarely went out publicly with Crystal. VR.6/25/26, 1:20:25-35. His mother, Rosemary, didn’t like Crystal—didn’t like her hair or her having four children with other men. VR.6/25/26, 1:20:50-21:16. Houck once remarked, “Momma don’t like that.” VR.6/25/26, 1:21:09-11.

Crystal worried that Houck would end things, so she prepared for that possibility. VR.6/26/25, 3:28:13-50. They fought and argued. VR.6/27/25,

¹ The Commonwealth doesn’t accept Houck’s statement of the case.

8:46:48-47:45. When asked why he didn't leave Crystal, Houck answered, "Because I won't lose Eli." VR.6/27/25, 8:47:02-45, 8:54:07. Another time, when a friend said it would be "hard to get a child away from the mother" if they broke up, Houck said he "ha[d] enough money to do it" and "would always be in Eli's life, no matter what." VR.6/25/25, 1:12:30-55, 1:15:40.

July 3, 2015—Crystal disappears.

Friday, July 3 was rainy. VR.6/25/26, 1:34:30. Around midday, Crystal's friend, Kristina Holley, visited her, and they discussed going for pizza that night. VR.6/25/25, 1:04:39-06:25, 1:07:15-11:08, 1:22:45-23:48. Crystal later texted that she couldn't go because she had a child-free date night with Houck but might be available Sunday. VR.6/25/25, 1:07:15-11:08, 1:22:45-23:48; VR 6/30/25, 9:45:20; Com.Ex.4.

Crystal went to Walmart that afternoon. VR.6/25/25, 1:31:28, 1:37:28, 3:29:55-32:50; Com.Ex.18. There, she spoke with her cousin, Amanda Greenwell, about her "surprise date night"; Crystal didn't know where they were going but "was excited about it." VR.6/25/25, 1:31:28-34:30. Crystal left Walmart around 4:39 p.m. VR.6/25/25, 3:32:40; Com.Ex.18.

After Walmart, Crystal left two of her children, Trenton and Tori, with their father. VR.6/25/25, 3:35:35-36:08. Her other daughters, Kyleigh and Ashley, were with relatives that night. VR.6/25/25, 11:41:45-42:00, 2:40. That left Eli, who was always with Crystal. VR.6/25/25, 11:49:10-20, 1:02:35-48.

July 3 was the last time anyone saw Crystal. VR.6/26/25, 10:57:50. State and federal law enforcement agencies found no evidence of her after that day. VR.6/26/25, 10:55:45-57:30. She was placed on missing-persons databases, including NCIC and VICAP, with no results. VR.6/26/25, 10:55:45-57:30.

Houck was indifferent. He didn't report Crystal as missing. VR.6/25/25, 2:05:00-15. He blew off attempts to contact him. On July 4, Crystal's sister called, but Houck didn't answer. VR.6/30/25, 9:59:26-55; Com.Ex.56. Crystal's daughter, Tori, texted around 9:16 p.m. asking if he was "with mom"—no response. VR.6/30/25, 10:02:14; Com.Ex.56. Another daughter, Ashley, called twice that night—no answer. VR.6/30/25, 10:02:30; Com.Ex.56.

Houck answered one call that day—from Rosemary. VR.6/30/25, 10:02:00; Com.Ex.56.

Most tellingly, Houck ignored Kyleigh. She stayed with her grandmother on July 3 and 4. On July 4, she called Crystal and texted, "Hope y'all had fun last night." VR.6/25/25, 11:42:26-43:40; Com.Ex.1. She also texted about visiting a friend. VR.6/25/25, 11:42-43; Com.Ex.1. Crystal never answered. VR.6/25/25, 11:44:28, 11:46:20. So Kyleigh called and texted Houck; he never responded. VR.6/25/25, 11:46:18; VR.6/30/25, 10:01:05-02:00; Com.Ex.56.

Kyleigh still visited the friend that evening. VR.6/25/25, 11:46:55; Com.Exs.1, 56. That night, she went home for a dress for Sunday church. VR.6/25/25, 11:47:10-30. The house was dark, with no lights on. VR.6/25/25,

11:47:38-50. Kyleigh opened the door to Crystal and Houck's room, and Houck jumped out of bed. *Id.*, 11:47:50-48:00. They went to the living room, and Kyleigh asked where Crystal was. VR.6/25/25, 11:48:00-15. Houck said she was with Sabrina (a cousin). VR.6/25/25, 11:48:05. Kyleigh didn't question that because Crystal and Sabrina were close. VR.6/25/25, 11:48:20-30. Without seeing Eli, she got the dress and left. VR.6/25/25, 11:48:30-50.

Houck lied to Kyleigh about Crystal's whereabouts. In fact, he texted Sabrina the next day, asking if she'd seen Crystal, VR.6/30/25, 10:04:05-05:00; Com.Ex.56. She had not. Com.Ex.56; VR.6/26/25, 1:28:27-29:44; 6/30/25, 10:04:20-25.

Houck's phone activity showed utter indifference. He made three calls and sent one text to Crystal after she disappeared. VR.6/26/25, 2:03:31; 6/30/25, 10:05:00-06:50; Com.Ex.57. On July 4, he called her at 9:06 a.m. and around noon. VR.6/30/25, 10:05:53-06:30; Com. Ex 57. He called her on July 5, at 6:41 a.m., and finally texted at 4:33 p.m., saying everyone was "worried" and asking her to call. VR.6/30/25, 10:06:36-07:10; Com.Ex.57.

July 5—Crystal reported missing.

Houck still didn't report Crystal missing. Crystal's mother, Sherry Ballard, had tried contacting Crystal and Houck, with no luck. VR.6/25/25, 2:03:10. Houck saw Sherry at a gas station on Sunday, July 5, and she asked if he'd seen Crystal. VR.6/26/25, 10:20:55-23:17. He said he hadn't. VR.6/26/25, 10:21:40.

She said she was going to the police. VR.6/26/25, 10:23:06-17. She reported Crystal missing that afternoon. VR.6/25/25, 1:48:08-30. This was around the time Houck finally texted Crystal.

Family friends found Crystal's car around 5:00 p.m. on the westbound side of the Bluegrass Parkway, near mile marker 14, outside Bardstown, with a flat tire. VR.6/25/25, 1:48:30, 1:51:44-54:45. Crystal's purse and cellphone were inside, and the keys were in the ignition. VR.6/25/25, 1:55:12; Com.Ex.9. Her purse contained her ID, EBT and credit cards, a few dollars and change, and Walmart receipts. VR.6/25/25, 3:29:20, Com.Exs.15-17.

Crystal didn't walk away—she had made plans. Richie Riggs, a neighbor and Houck's real-estate agent, had post-July 4 plans with Crystal to move items from a house Houck bought. VR.6/26/25, 3:20:15-45, 3:25:18-33. Another neighbor made plans with Crystal to borrow a baby swing. VR.6/27/25, 2:48:00-50:20. And Crystal intended to help her cousin plan an August birthday party. VR.6/25/25, 1:32:05.

Houck also made plans—to cut Crystal out of his rental business. Shortly before she disappeared, he met with CPA Brooks Wicker to discuss taking over the business's bookkeeping and tax work, which he claimed his mother did. VR.7/1/25, 1:33:31-59, 1:35:05-30.

July 5: First Police Interview.

Police thought Houck was the last person to see Crystal. VR.6/25/25, 2:36:15. Detective Jon Snow talked with Houck on July 5, around 8:00 p.m. VR.6/25/25, 2:06:15. Snow said police wanted to “build a timeline.” VR.6/25/25, 2:36:15. He asked if Crystal had ever moved out in the four years they lived together. VR.6/25/25, 2:38:05. Houck’s response: “The reason why I didn’t get alarmed just immediately, she’s done this about four or five times, it just has never went this period of time.” VR.6/25/25, 2:38:05. He claimed that she’d previously stayed with relatives. VR.6/25/25, 2:38:05-39:30. He acknowledged their relationship had been “rocky” and “strained,” partly because Crystal thought he treated Eli better than her other children. VR.6/25/25, 2:39:35.

Houck claimed July 3 was the “same as always.” VR.6/25/25, 2:45:13. He claimed he got up around 6:30 a.m. while Crystal stayed in bed, and he went to work and didn’t see her until around 5:00 p.m. VR.6/25/25, 2:47:54, 2:49:24. He claimed she wasn’t home when he got there, so he drove a tractor for gas to not waste time. VR.6/25/25, 2:49:24-50:48, 2:53:00.

When asked about their plans that night, Houck claimed Crystal suggested taking Eli to his family farm to feed cows. VR.6/25/25, 2:53:22, 3:22:55. He claimed they left home around 7:30 p.m., arrived around 7:45, stayed until 11:00, and returned home around 11:30. VR.6/25/25, 2:06:34-07:10, 2:56:12-40, 2:59:38-55.

Houck claimed he went to bed by midnight, but Crystal and Eli stayed up. VR.6/25/25, 3:00:10-56. When asked what happened when they got home, Houck said that Crystal “usually” played games on her phone. VR.6/25/25, 2:59:55-3:00:32, 3:21:44. Eli didn’t go to bed with him and would stay up if anyone else was up. VR.6/25/25, 3:01:23, 3:21:50.

Houck claimed he awoke on Saturday “about 6:45.” VR.6/25/25, 3:02:31. Eli was in the bed; Crystal wasn’t there. VR.6/25/25, 3:02:47-59. Houck claimed he immediately wondered where Crystal was and called and texted her,² but she didn’t reply. VR.6/25/25, 3:03:00. The call went straight to voicemail, so he thought Crystal had turned off her phone. VR.6/25/25, 3:03:17.

Houck said Crystal had received no calls Friday on the way home, VR.6/25/25, 3:11:50, and he didn’t mention a call he received, VR.6/25/25, 3:22:44. Police later discovered that Houck had answered a call just after midnight from Steve Lawson. VR.6/25/25, 3:22:25, 3:22:48.

July 6: Snow continues investigating.

On July 6, Snow examined Crystal’s phone, which wouldn’t power on. VR.6/25/25, 3:27:26-50. An expert testified that it lost power and shut off at 9:23:10 p.m. on July 3, turned on again at 11:57:25 p.m., and was manually shut

² He didn’t call until after 9:00 a.m. and texted the next day. VR.6/30/25, 10:05:53-07:10; Com. Ex 57.

down 14 seconds later. VR.7/1/25, 10:03:30-05:45, 10:08:32-09:22, 10:11:27-13:49; Com.Ex.79. No games were played on it after midnight because the phone was off then. VR.7/1/25, 10:23:30-45. It stayed off until July 6, VR.7/1/25, 10:13:49, when in police custody.

Police had found it with a charger, however. VR.6/25/25, 3:28:00-05. And the car's only problem was the flat. VR.6/25/25, 3:28:05-15.

Snow began vetting Houck's story. VR.6/25/25, 3:33:30. He had deputies review local security video. VR.6/25/25, 3:30:00.

At some point, Kevin Terrell told police he may have seen Crystal beside a broken-down vehicle on KY 49 in Bardstown on Sunday afternoon. VR.6/25/25, 3:36:08, 3:38:35; 6/26/25, 12:02:30-03:35.

On July 6, Houck bought a digital recorder, requesting "the best." VR.6/26/25, 2:28:38-30:54; Com.Ex.33-34. During the transaction, Houck kept forcing Eli's head down, which the store manager found "odd." VR.6/26/25, 2:29:00-42. But surveillance cameras caught Houck's face. Com.Ex.33.

Police collected security-camera videos showing Bardstown generally on July 3. VR.6/25/25, 4:02:48; Com.Ex.22. They showed consistently rainy weather that evening. VR.6/25/25, 4:02:40-05:30. They also showed Houck's vehicle moving around town that day. VR.6/25/25, 4:05:45-07:30; Com.Ex.23.

One video showed Houck's truck traveling north on KY 49 from his family farm's direction around 4:00 p.m. VR.6/25/25, 4:08:15-09:15; 6/26/25,

1:58:05. The farm is reached from Bardstown by traveling south on KY 49, turning right onto 46 and then left onto Paschal Ballard Lane. VR.6/25/25, 2:53:58, 4:08:53. That lane goes past the farm, but Houck's family were the only residents on it in 2015. VR.6/26/25, 8:52:05. During his first interview and in his later written statement, Houck never said he'd been to the farm earlier that day. VR.6/25/25, 4:08:59-09:10; 6/26/25 1:57:23-58:04.

Videos from a gas station, storage facility, and church showed Houck's truck leaving and returning home around 5:30 to 5:45 p.m., proving Houck was gone 15 minutes. VR.6/30/25, 2:47:20-49:45; Com.Ex.72. Phone records showed Houck's phone at home during this trip. VR.7/1/25, 8:32:22-57. Houck never mentioned this trip in his later statement.

Later videos showed Houck's truck leaving his neighborhood, passing the church, gas station, storage facility, and other locations en route to the farm around 7:00 p.m. VR.6/25/25, 4:09:27-10:57. Video from Lawrence Ballard's house near the corner of KY 46 and Paschal Ballard Lane showed Houck's truck around 7:05. VR.6/25/25, 4:10:52.

Videos from Ballard's house, the church, and the rest showed Houck's truck returning home from the farm just after midnight. VR.6/25/25, 4:12:25-14:40. Video from Ballard's house showed a vehicle turning onto Paschal Ballard Lane toward the farm, the road's only residence, around 3:30 a.m. on July 4.

VR.6/25/25, 3:26:35-28:30; Com.Ex.73. The unidentified vehicle left the farm 13 minutes later. VR.6/25/25, 3:28:00; Com.Ex.73.

Thompson Hill Road dump.

Lon Spalding saw “very strange” activity near his Cox’s Creek home on Thompson Hill Road in the early morning hours of July 4. VR.7/1/25, 10:31:00-38:59. Spalding’s neighbor ran an illegal dump on the property across the road. VR.7/1/25, 10:32:00-33:40. But the night of July 3-4, someone began digging and burying things on the other side of the road, which they’d never done before. VR.7/1/25, 10:34:15-35:10. They used a bulldozer-like “highlift” to dig a 10-foot squarish hole and buried things in the early morning hours. VR.7/1/25, 10:35:10-36:34. About a week later, the operation moved back across the road. VR.7/1/25, 10:36:34.

July 7: Second Interview

On July 7, KSP interviewed Houck. VR.6/26/25, 8:32:05; Com.Ex.24. During that interview, detectives asked Houck, “What’s the worst thing that ever happened to you?” VR.6/26/25, 8:35:16. Houck was silent for 20 seconds before responding, “I guess I’m more of a positive thinker. I always focus my efforts and energies on the good stuff in life, and I don’t dwell on—I don’t really dwell on the bad stuff. You ask me that again. No one specific thing draws out to me. Everybody has ups or peaks and troughs, and like I’m kind of consistent, right in the middle, moving forward.” VR.6/26/25, 8:35:36.

When asked about his last time seeing Crystal “that day,” he gave a compressed account of his day: going to work, getting off around 5:00 p.m., Crystal showing a property, and taking his tractor for fuel. VR.6/26/25, 8:36:40-37:55. He said Crystal got home around 5:30, but they couldn’t leave because Kyleigh was waiting for her grandmother. VR.6/26/25, 8:38:15-39:01. He claimed again that they left for the farm around 7:30, VR.6/26/25, 8:39:01, and spent three-and-a-half hours walking the farm and feeding cows, VR.6/26/25, 8:39:01-41:30, 8:48:05. Houck claimed that night had been clear and they had “no issues” seeing. VR.6/26/25, 8:44:44. He said they left around 11:30 p.m. and were home by midnight. VR.6/26/25, 8:44:00, 8:44:56-45:30.

Again, he said that when they got home, he went to bed and Crystal stayed up. VR.6/26/25, 8:45:35. This time, however, he was sure Crystal stayed “in the living room” with Eli “playing games on her phone.” VR.6/26/25, 8:46:10-41. He said that when he woke up, Crystal and her car were gone, and Eli was in the bed. VR.6/26/25, 8:47:01.

July 8: Third Interview and Written Statement.

Snow reviewed “call detail records” for Houck’s and Crystal’s phones on July 8. VR.6/26/25, 8:53:43. They showed information like the numbers, dates, and times of calls and texts. VR.6/26/25, 8:54:05.

Snow noticed a call to Houck’s phone just after midnight on July 4. VR.6/26/25, 8:54:38. He didn’t know who it was from but found out later.

VR.6/26/25, 8:54:57. Houck hadn't mentioned it before. VR.6/26/25, 8:54:57-55:25.

Snow interviewed Houck again on July 8. VR.6/26/25, 8:55:27; Com.Ex.26.

Early on, Snow mentioned the then-unverified tip about a woman matching Crystal's appearance on KY 49 on July 5. VR.6/26/25, 9:02:16, 9:56:39; *see also* VR.6/30/25, 3:53:34-54:24. Houck paid attention, asking whether they knew the tipster's identity and saying it was "promising." VR.6/26/25, 9:02:26-37. This was the Kevin Terrell tip. VR.6/26/25, 9:56:23; 12:03:35. Later, Snow noted the importance of "validating or invalidating" that tip. VR.6/26/25, 10:24:49-25:00.

Snow asked Houck to "write a statement" and to "be as detailed as possible" about "Friday morning until Sunday," including the jobs he worked on Friday and the type of work. VR.6/26/25, 9:04:16-05:21. Snow also asked Houck for specifics about the farm on July 3. VR.6/26/25, 9:06:14. When Snow noted that spending so long with a young child in rainy weather seemed unusual, Houck responded, "I understand what you're saying." VR.6/26/25, 9:05:33-06:13.

Snow took Houck's phone for downloading, leaving Houck to write his statement. VR.6/26/25, 9:07:55. Curiously, Houck began reading his statement aloud. VR.6/26/25, 9:09:07. When Snow reviewed the interview recording, he noticed Houck adjusting something in his pocket later found to be an audio recorder. VR.6/26/25, 8:57:50-58:05.

The statement began with Houck's describing paying his phone bill around 4:00 p.m., going to Buzick's Lumber around 4:30, and then arriving home around 5:00. Com.Ex.27, at 1 (App'x Tab 1). It then described taking the tractor for gas and Crystal's arriving home at 5:30. *Id.* at 1. It did not mention Houck's 15-minute trip in his truck around 5:30 that was caught on video. VR.6/30/25, 2:47:20-49:45; Com.Ex.72. The statement said that Houck, Crystal, Eli, and Kyleigh were home from 5:30 to 7:30, and that he, Crystal, and Eli went to the farm from 7:30 to 11:30. *Id.* at 2.

Houck's statement listed about 20 workers and their work on construction jobs, *id.* at 2-3, and subdivisions where work was being done, *id.* at 3-4. It also listed work Houck did, including mowing vacant lots, keeping curbs and gutters clear, hauling trash, and managing an HOA. *Id.* at 3-4. He listed getting addresses for streetlight-bulb replacements to "Peggy Smith" at "Salt River" and organizing a utility layout for Horizon Engineers. *Id.* at 4.

The statement included a vacant-properties list, noting that evictions were forthcoming and listing "warrant for possession" and "forcible detainer." *Id.* at 5. It also listed making deposits at several banks. *Id.* at 6. Houck signed and dated the statement in the middle of page 6. To that point, his focus had been on his activities during the day. He had mentioned the farm only once, referencing hauling trash there. *Id.* at 4.

After his signature, Houck described what they did at the farm that night. *Id.* at 6-8. They arrived around 7:30 p.m. and went to get cow feed. *Id.* at 6. The feed was low, so they left to get more from Tractor Supply. *Id.* at 7. Because it was “close to closing time,” they weren’t sure they would get there in time, so they turned around at the KY-49/46 intersection, not far from Paschal Ballard Lane. *Id.*

Surveillance video from Lawrence Ballard’s house confirmed Houck’s truck leaving around 7:50 p.m. and returning minutes later. VR.6/26/25, 10:54:28-55:10. But Houck’s explanation defied reality. Tractor Supply was only 15 minutes away. VR.6/26/25, 10:55:23. And it didn’t close until 9:00, meaning they had nearly an hour left. VR.6/26/25, 1:56:48-57:20.

He wrote that when they returned to the farm, they fed cows in the back lot and walked to the end of the gravel road past the farm’s three lots. Com.Ex.27, at 7-8. It was getting dark when the cows finished eating, so they walked back up the gravel road and started a fire. *Id.* at 8.

After Houck finished the statement, Snow asked whether he had been “working on new construction on Friday”; Houck said, “Yes.” VR.6/26/25, 9:19:14. He agreed that the houses listed were the ones he was working on and that he would have spoken to the listed workers. VR.6/26/25, 9:19:26-43. He explained that he grouped the work by subdivision, listing the work for each property, and that his phone would verify his location. VR.6/26/25, 9:20:00-50.

When asked about walking the farm that night, Houck said that they walked about a mile down the road, well past a turnaround near the barn. VR.6/26/25, 9:35:48-38:54, 9:57:15-58:33; Com.Ex.28.

Houck said that after returning from the farm, he “went to bed immediately.” VR.6/26/25, 10:05:28. He claimed Crystal and Eli stayed up, and that Eli wouldn’t go to bed if anyone is up. VR.6/26/25, 10:05:30-06:14. He again said Crystal stayed up “on her phone playing.” VR.6/26/25, 10:06:50-07:01.

Houck said that Crystal wasn’t there when he awoke, though Eli was. VR.6/26/25, 10:10:39-11:19. When pressed about his indifference to Crystal’s not being home, Houck said it wasn’t uncommon for Crystal, her sister, and a cousin to stay out all night at “fantasy parties.” VR.6/26/25, 10:13:05. He offered this suggestion for Crystal’s absence because he “want[ed] to get everything cleared up as quickly as [he] c[ould].” VR.6/26/25, 10:13:20.

Although Crystal had been missing only four days, Houck slipped and essentially admitted knowing she was dead: “What I’ve got to be faced with now is, as good a mother as Crystal has been, now, nobody is going to love you like a mother, now Eli is in an atmosphere where I’ve got all the hope in the world, *but now, I’m a single parent.*” VR.6/26/25, 10:15:54 (emphasis added). Later, he tried walking that back, saying he’d be a single parent only if Crystal wasn’t “brought back safely.” VR.6/26/25, 1:54:37.

Houck claimed that he went about his business on July 4. He took Eli to the farm again. VR.6/26/25, 10:12:13, 10:16:11. That night, they went to Fabian Ballard's house for fireworks. VR.6/26/25, 10:19:58-20:54.

Houck also claimed that when he returned home on July 4, his neighbor, Richie Riggs, came over. VR.6/26/25, 10:23:24-23:52. But Riggs had been away at the lake. VR.6/26/25, 3:21:10-23:15; 3:25:00.

When Snow raised the midnight phone call, Houck claimed not to remember it and asked Snow to call the number. VR.6/26/25, 10:08:20-55. It belonged to Steve Lawson, one of Houck's workers. VR.6/26/25, 10:31:31-32:25.

With Snow in the room, Houck called Steve about the midnight call. VR.6/26/25, 10:32:25-34:36. Houck first asked Steve about working the upcoming week. VR.6/26/25, 10:32:50. Steve answered unresponsively (and prematurely), launching into having not moved and saying he was still "looking for a place," which was why he got "numbers" from Houck. VR.6/26/25, 10:32:53, 11:50:10. Houck then asked about the late-night call, claiming not to remember. VR.6/26/25, 10:33:39. Steve continued the ready-to-go answer he'd opened with: he'd called about rental-house numbers and Houck had told him Crystal handles that and would contact him. VR.6/26/25, 10:34:00. Houck had answered Steve's call while supposedly in the truck with Crystal, but he hadn't handed her the phone. VR.6/26/25, 10:34:46-36:03.

Later in the interview, Houck got a call from his brother, Nick, a police officer. VR.6/26/25, 10:38:00, 10:38:20, 10:41:50. After hanging up, Houck said, “He thinks y’all are going to fuck us is what he thinks.” VR.6/26/25, 10:38:15. The interview ended soon after. VR.6/26/25, 10:42:23.

July 9: Houck goes on *Nancy Grace*.

Houck appeared on *Nancy Grace* the next day. VR.6/26/25, 10:42:35; Com.Ex.29. He recapped his story: Crystal showed a rental property, went to Walmart, and dropped two children with their father; then, they ate at the house before going to the farm. VR.6/26/25, 10:43:50-44:53. When asked whether Crystal cooked, Houck said no, “it wasn’t any big fancy special deal or anything like that,” and they weren’t “gonna kill a lot of time” because they had plans at the farm. VR.6/26/25, 10:44:53.

He twice claimed that when he went to bed around midnight, Crystal “was playing games on her phone.” VR.6/26/25, 10:45:11-14, 10:45:40-53. He again said Eli was up and would not go to bed if the lights were on and anyone was up. VR.6/26/25, 10:45:15-40.

July 8 and 9: Snow keeps investigating.

Security footage showed Houck’s truck and Nick’s cruiser going to the family farm shortly after Houck’s July 8 interview. VR.6/26/25, 10:51:29-53:26; Com.Ex.32.

Although he wasn't suspicious of Nick on July 8, VR.6/26/25, 10:42:25, Snow tried to interview him on July 9, VR.6/26/25, 10:46:47. That day, police took Nick's police cruiser for forensics testing but found nothing of evidentiary value. VR.6/26/25, 10:46:59-10:47:45. They did, however, find a moving blanket in the trunk, Com.Exs.30-31, which became important later.

The week after Crystal disappeared, Nick and Rosemary Houck began going to Houck's house "almost every day." VR.6/27/25, 2:52:09-35. The neighbor seeing this was good friends with Crystal, VR.6/27/25, 2:48:17-49:15, but had never seen Nick or Rosemary at the house, VR.6/27/25, 2:52:20. One day, Nick and Rosemary pulled into the driveway and later turned their cars so the trunks faced the house. VR.6/27/25, 2:53:06-54:00. Nick carried four white bags to their cars. VR.6/27/25, 2:54:00. That same week, Rosemary inexplicably dug up flowers Crystal had planted beside the house. VR.6/27/25, 2:54:25.

Houck gets his windows tinted.

The week before Crystal disappeared, Houck contacted two window-tinting services. VR.6/26/25, 4:29:00-33:23, 4:36:02-37:50; VR.6/30/25, 9:47:42-49:55; Com.Ex.53. The day before Crystal disappeared, Steve and his wife also called both services. Com.Ex.53. Houck was in a hurry to get his vehicle tinted, VR.6/26/25, 4:32:04, and got it done on July 2 despite the business being booked, VR.6/26/25, 4:32:09. Houck got illegally dark "limo tint" and investigated getting it removed just months later. VR.6/26/25, 4:33:00-44.

Crystal's car was on the Bluegrass Parkway Friday night.

Witnesses saw Crystal's car on the Bluegrass Parkway after 10:00 p.m. on July 3—when she was supposedly with Houck at the farm. One witness saw the car after leaving work at 10:00 while driving home, VR.6/27/25, 2:57:00-59:28, 3:01:05, 3:10:07, and again on Sunday, surrounded by police, VR.6/27/25, 2:59:33-31:05. Another saw a car he was “100% sure” was Crystal's on the parkway shoulder after leaving work around 10:15 that night, VR.6/30/25, 10:17:53-:21:35, and again the next morning, around 7:00, VR.6/30/25, 10:18:55-19:15.

A Hardin County deputy coroner saw Crystal's car on the parkway on July 4. VR.6/30/25, 4:35:34-36:33. Right behind it was a Chevy Silverado pickup truck with a dual-wheeled trailer for hauling cars, also with a flat tire. VR.6/30/25, 4:36:33-50.

The Terrell tip falls through.

After Houck's third interview, police found the woman Terrell reported seeing on KY 49 on July 5. VR.6/26/25, 10:49:59. Terrell had been mistaken. *Id.*

Houck's audio recorders.

Police found two digital recorders in Rosemary's house at the farm. VR.6/30/25, 8:33:20-38:18, 8:42:08-46:48. The Houcks had recorded their interactions with police, the grand jury, and, inadvertently, each other. VR.6/25/25, 3:50:00-29; VR.7/1/25, 11:03:04-18, 11:07:14-28.

Houck recorded his July 8 interview with Snow, as his actions suggested. VR.6/30/25, 2:52:50-53:25. But he recorded other matters. *See* Com.Ex.59 (seven snippets).

He recorded Snow on July 7 telling him about the Terrell tip that Snow would mention again on July 8. VR.6/30/25, 2:50:05, 2:52:07; VR.6/26/25, 9:56:23. That tip had been “kept ... from everyone” because it had not yet been confirmed. VR.6/30/25, 2:52:11.

Houck recorded a July 9 conversation between himself and Rosemary after Nick’s cruiser was seized. VR.6/30/25, 2:53:25-48. They said:

Houck: So they took his car from him?

Rosemary: You know that blanket in the trunk? He was worried about that at first. Does it have anything on it?

Houck: Huh-uh [negative].

Rosemary: Okay. What about that thing from yesterday?

Houck: Don’t matter

VR.6/30/25, 2:54:08-29; Com.Ex.59. Police had seized a blanket from Nick’s cruiser. VR.6/30/25, 2:55:07; Com.Ex.30-31. They also joked about Houck’s tinted windows:

Rosemary: I wish my windows were black.

Houck: [laughing] Blacked out. [laughing]

VR.7/1/25, 11:00:06-22.

And Houck told Rosemary: “You know, a bad tip’s jacked them all up.” VR.7/1/25, 11:01:41-48. He was referring to the then-unresolved Terrell tip. VR.7/1/25, 11:01:56-02:19. But Houck was not told the tip was bad until July 13, VR.6/26/25, 10:50:21, so he had only one way to know it was “bad” on July 9.

The recordings included Rosemary’s then-boyfriend leaving the grand jury, saying: “I didn’t screw up, boss.” VR.7/1/25, 11:02:32-57.

The recorders caught Houck and Rhonda McElroy, his sister, just before her grand-jury testimony. VR.6/30/25, 2:58:02-38. They discussed operating the recorder; McElroy worried about getting caught; Houck pushed her to record anyway, saying, “we need to hear it”; and Houck wanted a copy. VR.7/1/25, 11:03:31-07:06.

McElroy recorded her grand-jury testimony. VR.7/1/25, 11:03:04-18. Nick recorded his. VR.7/1/25, 11:07:14-28. But grand-jury proceedings are secret, and witnesses’ recording them was unlawful even then.³ VR.7/1/25, 11:09:03-20; RCr 5.54(1).

Houck recorded a meeting with an attorney where he described Nick’s grand-jury testimony: “My brother is a patrolman, police officer for the city of Bardstown here. He has also been subpoenaed to the grand jury. He did talk. He

³ The General Assembly has since criminalized it with 2026 House Bill 305, the Crystal Rogers Act.

did exactly what you're saying. He had five answers, and it was: I don't know, your guess is as good as mine, and I can't remember. The jury was extremely upset over his responses." VR.7/1/25, 11:07:28-08:15.

Houck's statement falls apart.

The police investigation ultimately disproved much of Houck's written statement. For example, he claimed to have worked on evictions and forcible detainers on July 3. Com.Ex.27, at 5. But the circuit clerk had no eviction or forcible-detainer filings or any contact with Houck that day because her office was closed. VR.6/26/25, 2:34:05-39:27, 2:43:58-45:18; Com.Ex.35.

Houck also listed Steve Auberry doing trim work on July 3. Com.Ex.27, at 2. But Auberry did no work for Houck that day. VR.6/26/25, 2:46:38-48:50.

Houck listed getting information to "Peggy Smith" at Salt River Electric for streetlight work. Com.Ex.27, at 4. According to Peggy Parent, Salt River was the local electric company. VR.6/26/25, 2:50:35-51:41. She was the only Peggy there. VR.6/26/25, 2:52:25-53:00. She had no contact with Houck on July 3 because Salt River was closed. VR.6/26/25, 2:53:20-56:25.

Houck also claimed he'd mowed vacant lots and cleaned trash at a subdivision and worked with the HOA to keep residents happy. Com.Ex.27, at 3-4. But on July 3, Houck's properties were non-compliant with the HOA's grass-mowing and other rules. VR.6/26/25, 3:00:43-3:16:00. The HOA texted Houck

on July 3 that he needed to get his properties “cut ASAP to avoid a bill.” VR.6/26/25, 3:12:58-15:12; Com.Ex.37.

Houck referenced “haul[ing] trash to landfill.” Com.Ex.27, at 4. But the landfill’s manager testified that Houck brought nothing in on July 3, which landfill records confirmed. VR.6/26/25, 3:31:35-39:25; Com.Ex.38.

Houck claimed “Mike at Buzick’s” worked for him on July 3. Com.Ex.27, at 2. But that person, Mike Powers, didn’t work that day. VR.6/26/25, 3:55:08-59:35.

Houck also listed preparing utility information for “Prin. Eng. Robin Mills” “at Horizon Engineers.” Com.Ex.27, at 4. But Mills wasn’t at work and had no dealings with Houck on July 3. VR.6/27/25, 8:32:30-40:15.

Danny Singleton

Singleton worked for Houck for 15 years. VR.6/26/25, 4:01:00-55. Unlike Houck’s other employees, he rode in Houck’s truck around jobs. VR.7/1/25, 1:04:45-05:08. Before Crystal disappeared, Rosemary asked him about “Crystal and wanting to find somebody to help get rid of her.” VR.6/26/25, 4:01:55-03:25. She “didn’t ask [him] to do it, but she asked [him] if [he] knowed any way of getting it done.” VR.6/26/25, 4:03:25-35, 4:26:40-55. He responded: “Around this town, you got the right kind of money, you could probably get anything done.” VR.6/26/25, 4:03:35-42.

Phone evidence connects Steve to Crystal's car.

LMPD Detective Tim O'Daniel used cell-phone records to evaluate where Steve's phone was on July 3 and 4. VR.6/27/25, 11:03:00-36:50; Com.Ex.46.

Steve's phone was in Bardstown around 11:00 p.m. VR.6/27/25, 11:19:40. It moved east to west shortly before midnight until 12:29 a.m. VR.6/27/25, 11:20:35-24:27. Steve made the 13-second 12:07 a.m. call to Houck during this time, and that call hit a southwest (and Bluegrass Parkway) facing cell-tower antenna. VR.6/27/25, 11:23:43. Meanwhile, Houck's phone was nearby on Loretto Road (KY 49) at 12:06 and then just north, near the My Old Kentucky Home campground at 12:08. VR.6/27/25, 11:24:45.

At 12:18 a.m., Lawson's phone pinged the north-facing sector of a cell tower just south of the Bluegrass Parkway/US 31-E intersection. VR.6/27/25, 11:25:34, 11:29:07. The phone then moved west, hitting two other towers near the parkway. VR.6/27/25, 11:26:15. Crystal's car was found between these two towers. VR.6/27/25, 11:29:13; *e.g.*, Com.Ex.46, at 15, 20, 21. AT&T's records showed that both towers were located just north of the parkway but didn't show the direction the relevant antennas pointed. VR.6/27/25, 11:27:05. O'Daniel used a database to determine that the relevant antennas faced north but testified that they could be hit from the south through bleed-over. VR.6/27/25, 11:28:22-30:31; 2025-06-27_12.59.32.242, 41:05-44:00.

When asked whether a phone on the parkway could hit a north-facing antenna from the south, O'Daniel said: "Yes, it is somewhat possible." VR.6/27/25, 11:30:31. He noted that various factors, like topography, affect cell-phone signals and that there is bleed-over. VR.6/27/25, 11:31:17. O'Daniel again agreed it was possible for Steve's phone to have been traveling east to west on the parkway when it contacted the last two towers. VR.6/27/25, 11:31:27.

Steve's phone then moved west to east, returning to Bardstown from 12:25 to 12:31 a.m., and hit the Bluegrass Parkway/31-E tower at 12:43. VR.6/27/25, 11:32:16-33:13. From 3:12 to 5:24 a.m., Steve's phone moved north from Bardstown to near Cox's Creek.⁴ VR.6/27/25, 11:33:28-34:42. Over the next six hours, it returned to Bardstown, then Cox's Creek, and finally Bardstown again. VR.6/27/25, 11:33:54-36:30.

O'Daniel also reviewed law-enforcement records. VR.6/27/25, 1:11:17. Based on his review of those and the phone records, he opined that Steve's phone was "in the general area of the Bluegrass Parkway" and "near Crystal Rogers's car." VR.6/27/25, 1:11:30-12:05.

⁴ As noted above, Lon Spalding saw unusual burying activity near Cox's Creek on Thompson Hill Road in July 4's early morning hours. VR.7/1/25, 10:31:00-38:59

Phone evidence disproves Houck's story.

O'Daniel tracked Houck's phone with "very accurate" Google data. VR.6/27/25, 11:38:08-39:29, 11:44:08-50; Com.Ex.47. Houck's phone was at the farm from 9:29 a.m. until around 4:00 p.m. on July 3. VR.6/27/25, 11:47:05-48:17. It then left the farm, heading north and was home from 4:43 to 7:05 p.m. VR.6/27/25, 11:48:17-59. The phone returned to the farm, where, with one exception, it stayed from 7:24 to 11:57 p.m. VR.6/27/25, 11:48:59-52:48. Houck's phone left the farm for a few minutes just before 8:00, VR.6/27/25, 1:01:05-58, coinciding with the alleged Tractor Supply trip. Otherwise, the phone stayed within an approximately 1,000-foot radius circle, no farther than a turnaround just beyond the barn, Com.Ex.47, at 13, VR.6/27/25, 1:02:00-03:47, meaning the phone did not move the mile down the road that Houck claimed they walked in his July 8 interview.

The phone left the farm at 11:58 p.m., traveled north via KY 49, and arrived at Houck's home at 12:19 a.m. VR.6/27/25, 1:04:12-05:57. The phone was on KY 49 just north of the parkway at 12:06 a.m. VR.6/27/25, 1:06:50. Steve's call to Houck was at 12:07. VR.6/27/25, 1:06:54. At 12:08, Houck's phone deviated from 49 to the My Old Kentucky Home campground, VR.6/27/25, 1:05:57-07:05, not far from where Steve's phone was at the time, VR.6/27/25, 11:23:43.

Phone evidence of the Lawson-Houck conspiracy.

Houck called and texted Steve and Tammy Lawson (Steve's then wife), and vice versa, many times from May 12 to July 8, 2015, but those communications ended on July 8. VR.6/30/25, 9:52:10-53:30; Com.Ex.54. Phone records showed numerous calls between Steve and Tammy and Joey Lawson (Steve's son) between 11:06 p.m., July 3, and 12:43 a.m., July 4, and a call between Steve and Tammy around 1:00 a.m. VR.6/30/25, 9:53:32-58:12; Com.Ex.55. Importantly, Steve's 12:07 a.m. call to Houck came only a minute after a three-minute call from Joey to Steve and was followed by a call from Steve to Joey 35 minutes later. VR.6/30/25, 9:56:15-57:48; Com.Ex.55.

Nick Houck's odd behavior.

On July 3, Nick lived with Amber Bowman on Houck and Crystal's street but was moving to a new house. VR.6/25/25, 3:20:07; VR.6/30/25, 8:51:13. Nick and Amber planned to move that Friday and had to be out by Monday. VR.6/30/25, 8:52:08-53:00. But Friday morning, Nick said he had to help Houck at a rental property, leaving Amber to move by herself and causing an argument because their new house needed repairs, like a bathroom floor. VR.6/30/25, 8:53:00-27. When Amber went to the new house that afternoon, Nick wasn't there; Amber didn't see him the rest of the day. VR.6/30/25, 8:53:42-55:29. She tried calling Nick several times, but the calls went to voicemail. VR.6/30/25, 8:55:29, 8:57:25-59:20; Com.Ex.52. Nick never came home that night and was

still gone Saturday morning, which was not normal. VR.6/30/25, 8:56:07-57:10. Amber tried calling him again that morning but got no answer. VR.6/30/25, 8:56:07-57. She called Nick 15 times on July 3 and 4. Com.Ex.52.

Phone records showed Nick's phone as "call forwarding not reachable," meaning calls went directly to voicemail and it wouldn't receive calls, from 11:00 p.m., July 2, to 1:47 p.m., July 4. VR.6/27/25, 1:08:17-10:20. The phone couldn't get a signal or was turned off then. VR.6/27/25, 1:10:50.

At one point, Amber drove to see if Nick had gone to the new house after helping Houck, but his car wasn't there. VR.6/30/25, 8:56:07-57. When she went to the new house on Saturday, Nick's phone was there. VR.6/30/25, 9:00:13-38. Nick didn't normally let his phone run down, nor did he usually turn it off for 24 hours. VR.6/30/25, 9:00:39-01:00, 9:23:24-35.

Nick turned up when Amber returned to the old house for another load. VR.6/30/25, 9:01:00. He claimed he had been "working at the house," which she thought meant the new house. VR.6/30/25, 9:01:18-40. He gave no other reason for his absence. VR.6/30/25, 9:24:18. But no work had been done at the new house. VR.6/30/25, 9:01:42.

Nick was close with his grandmother, Anna Whitesides. VR.6/30/25, 4:28:50-59. In 2015, he had a key to her house and access to a spare key to her white Buick. VR.6/30/25, 4:29:28-55. On July 4, Whitesides was with her daughter, Francie Holt. VR.6/30/25, 4:29:55-30:55. When they returned to Whitesides'

home, her key didn't work, so she stayed with Holt. VR.6/30/25, 4:30:55-31:23. Holt tried calling Nick, who didn't answer. VR.6/30/25, 4:31:23-40. She also went by his house, likely after fireworks, but he wasn't there. VR.6/30/25, 4:31:40-58.

Heather Snellen

Snellen previously dated Steve. VR.6/27/25, 8:58:26-59. They bought a Chrysler 300, which she kept when they broke up. VR.6/27/25, 8:59:10-58. Steve took the car from her in early 2015. VR.6/27/25, 9:00:18. On July 3, she found and re-took it around 10:00 p.m. and drove it to a house on Boston Road. VR.6/27/25, 9:03:15-04:59. The car was missing again on Sunday morning. VR.6/27/25, 9:05:50.

Once, after reconnecting with Steve in 2017, Snellen overheard Joey and Steve talking "about moving a body at the Houck farm" "with a skidsteer." VR.6/27/25, 9:06:40-56, 9:13:44-14:15, 9:22:20-40.⁵

Charlie Girdley

In 2015, Girdley worked for Houck and knew Joey and Steve. VR.6/30/25, 10:32:44-35:40. Around July 4, Joey talked to Girdley about

⁵ The court admonished the jury not to consider this part of Snellen's testimony against Houck.

Crystal's car, saying "he would bury it with a skidsteer and nobody'd ever find it."⁶ VR.6/30/25, 10:37:44-38:03. He talked with Steve at a jobsite at some point: "Steve had come up to me and said something about, Brooks wanted to get rid of his old lady and he wasn't the man for the job, that I was." VR.6/30/25, 10:38:11-42, 12:04:49-05:18.

Girdley worked July 3 and went to a "pre-party" that afternoon and then a bar with Joey, who was driving a Chrysler 300. VR.6/30/25, 10:38:42-39:43. After the bar but before dark, they met Houck to get paid; Houck gave Joey a set of keys; and Joey said he had to work on Crystal's car. VR.6/30/25, 10:39:27-40:43. This likely coincided with Houck's leaving his house in his truck for 15 minutes around 5:00 p.m. VR.6/30/25, 2:47:20-49:45; Com.Ex.72

Girdley and Joey returned to the bar, then went to Girdley's house, picked up Steve on Thompson Hill Road, and went back to the bar. VR.6/30/25, 10:40:43-10:41:30. Girdley saw Crystal's car when they picked up Steve. VR.6/30/25, 1:19:08-21:37. At some point, Joey told Girdley that "he'd shave her head and pull her teeth, and the hogs would do the rest." VR.6/30/25, 10:41:50.

⁶ "Skidsteer" is another term for a "Bobcat." VR.6/30/25, 10:35:20. Joey and Steve did skidsteer work on Houck's properties. VR.6/30/25, 10:35:15-40; VR.7/1/25, 1:11:49.

Later, Girdley left the bar and returned to the pre-party. VR.6/30/25, 10:41:25. That night, Joey contacted him, possibly on his daughter's phone, saying that his car had broken down on the Bluegrass Parkway and asking for a truck and trailer to move it; Girdley said that he'd been drinking and couldn't help. VR.6/30/25, 10:42:09-42:36, 1:24:55. Girdley later clarified that Joey never said it was *his* car, just that he'd asked for a truck and trailer to move *a* car. VR.6/30/25, 11:42:10.

The white Buick.

Two witnesses saw a white Buick near the Houck farm overnight on July 3. They had been coon hunting nearby, and the weather was rainy and nasty. VR.6/30/25 1:58:30-2:00:08, 2:30:27-31:35. On a logging road, they came upon a small white four-door Buick with gray interior. VR.6/30/25 2:01:48-02:18, 2:02:35, 2:31:45. It had no mud on it and had Nelson County plates. VR.6/30/25, 2:02:25, 2:32:10-33:40. After hearing about Crystal, the “random,” “odd” car in the woods stood out, so they told Casey Ballard about it. VR.6/30/25, 2:05:20-40, 2:33:43-34:28. They didn't know whose car it was or its connection to Crystal—just that the farm they were on adjoined the Houck farm. VR.6/30/25, 2:05:41-55.

On April 28, 2016, Tommy Ballard, Crystal's father, posted on Facebook looking for information about a “white Buick” involved in Crystal's disappearance. VR.6/30/25, 3:05:16-07:14; Com.Ex.60. The coon hunters' tip had lain

dormant with police. VR.6/30/25, 3:04:44. But Ballard’s post worked quickly, and he called the police on May 1 with information. VR.6/30/25, 3:06:55. With that information, police obtained a search warrant for a white Buick belonging to Whitesides and served it on May 4. VR.6/30/25, 3:07:14-45. But the Buick was gone: Whitesides had sold it in Louisville two days before (and only two days after Tommy’s post). VR.6/30/25, 3:07:45-11:20; Com.Ex.61.

Police recovered the Buick and processed it. VR.6/30/25, 3:11:40. It was a white four-door Buick with gray interior and Nelson County plates. Com.Ex.62-68.

In the trunk, police found a “head hair with Caucasian characteristics” that was “microscopically compared with,” and “determined to be similar in color and limited microscopic characteristics” to, Crystal’s hair. VR.6/30/25, 3:17:28-18:29; Com.Ex.69, at 2. Police also excluded it as a match for Whitesides’ hair. VR.6/30/25, 3:17:28-18:29. The hair was insufficient for DNA testing. VR.6/30/25, 4:09:50.

With Nick, Whitesides had first tried selling the Buick elsewhere. VR.6/30/25 3:19:28-21:59, 3:22:00; Com.Ex.70. But they made an “odd request”: they were “not going to give [the dealership] access to” the car before the sale, didn’t want the dealership “in the car, in the trunk, under the hood,” and “didn’t give [them] keys to do an appraisal.” VR.6/30/25, 4:24:52-25:18.

Police later had a trained cadaver dog sniff the car. VR.6/30/25, 3:22:35-24:40; VR.7/1/25, 8:44:40-45:43, 8:55:05-21. They did so through a blind search, with the dog being released into an impound lot containing the Buick and 10 to 15 other cars, with no information about what was being sought. VR.6/30/25, 3:23:36-24:40; VR.7/1/25, 8:57:10-59:59, 9:35:48. The dog gave his “trained final alert” for human remains (different from his live-human alert) on the Buick’s right rear, “where he had the strongest scent of human remains.” VR.7/1/25, 9:02:43-04:08, 9:32:05-53, 9:33:38-35:24.

Rebecca Greer

Greer is Steve’s ex-wife, and her daughter, Elizabeth, dated Joey and has a child with him. VR.7/1/25, 12:45:22-48:05. Once, at Elizabeth’s house, she overheard Joey say “that there was \$50,000 collected for moving the car but it didn’t need to be discussed any further.” VR.7/1/25, 12:49:00-50. A few months later, she confronted Joey, asking: “Did you tell Elizabeth that y’all got \$50,000 for moving a car?” VR.7/1/25, 12:50:31-39. He answered, “Yeah, but if you wanna know any details, you need to ask Steve.” VR.7/1/25, 12:50:39-45.

When Greer was first around Steve in 2015, “he had money all the time.” VR.7/1/25, 12:56:36. And Steve had money all the time the first few weeks they dated (in 2017) but then was broke. VR.7/1/25 12:56:10-23.

She also once saw Joey and Steve physically fight, and Joey said, “you keep on and I’m gonna let everybody know about this car and all your involvement,”

and “kept saying he was gonna let it [be] known about this car and just how involved he was.” VR.7/1/25, 12:58:15-35.

Stacy Cranmer

Cranmer worked for Houck and knew the Lawsons. VR.7/1/25, 1:00:29-1:01:00. The week before July 4, she talked with Steve after he rode around with Houck for about 45 minutes, which was unusual because Houck didn’t drive workers around, except for Singleton. VR.7/1/25, 1:03:13-05:08. After Steve left Houck’s truck, Cranmer asked him if she was in trouble over a job. VR.7/1/25, 1:05:08-06:08. He said, “No, ... that’s not what we were talking about.” VR.7/1/25, 1:05:59-06:08. “He said, we were talking about—he said they were talking about a girl that they—that he had to take care of.” VR.7/1/25, 1:06:08-21. Cranmer pushed for more information, and Steve said, “she wasn’t doing very well, ... she’s got five kids.” VR.7/1/25, 1:06:27. He said the woman “was on drugs, meth,” and when Cranmer asked about putting her in rehab, he said, “I wish that was the case.” VR.7/1/25, 1:06:52-07:07.

Steve was “bragging” with these statements. VR.7/1/25, 1:07:07. Cranmer was worried enough that she tried calling police the night Crystal was reported missing, VR.7/1/25, 1:07:28-08:56; VR.6/25/25, 3:25:15 (voicemail for Snow); Com.Ex.14. She later recorded Steve for the FBI, though by then, he’d had his own FBI encounter and claimed he had been talking about Joey’s girlfriend. VR.7/1/25, 1:09:03-58.

Barbara Coulter⁷

Coulter is Steve’s mother and Joey’s grandmother. VR.7/1/25, 1:24:45-25:02. In 2022, Joey told her that “Stevie had killed Crystal.” VR.7/1/25, 1:25:51-26:00.

Indictment and Trial

On September 20, 2023, more than eight years after Crystal disappeared, a grand jury indicted Houck for her murder and tampering with physical evidence. TR.1.

Houck was tried with co-defendant Joey Lawson. After a ten-day trial, the jury found Houck guilty as charged and fixed his sentence at life in prison, which the trial court imposed. TR.902-03, 906, 1018-19.

ARGUMENT

I. The trial court rightly denied Houck’s murder directed-verdict motion.

Houck claims the trial court erred by denying his murder directed-verdict motion because the Commonwealth didn’t prove corpus delicti. (Br.25-30.) He also claims, for the first time, that the Commonwealth failed to prove his involvement as a principal *or* accomplice. (Br. 30-40.) He is wrong.

⁷ The court also limited the jury’s consideration of Coulter’s testimony.

A. Standard of Review

For the trial court to deny Houck’s directed-verdict motion, the evidence only had to be “sufficient to induce a reasonable juror to believe beyond a reasonable doubt that the defendant is guilty.” *Commonwealth v. Benham*, 816 S.W.2d 186, 187 (Ky. 1991). The court had to “draw all fair and reasonable inferences” in the Commonwealth’s favor, “assume that the evidence for the Commonwealth is true,” and “reserv[e] to the jury questions as to the credibility and weight to be given to such testimony.” *Id.*

Circumstantial proof suffices. As with other proof, a “[c]onviction can be premised on circumstantial evidence.” *Graves v. Commonwealth*, 17 S.W.3d 858, 862 (Ky. 2000). “[D]irect proof of guilt is not necessary.” *Southworth v. Commonwealth*, 435 S.W.3d 32, 42 (Ky. 2014).

The appellate-review standard “is perhaps even more deferential than that used by the trial court.” *Riggle v. Commonwealth*, 686 S.W.3d 105, 118 (Ky. 2023). Thus, “a directed-verdict decision will be reversed only ‘if under the evidence as a whole, it would be *clearly* unreasonable for a jury to find guilt.’” *Southworth*, 435 S.W.3d at 42 (citation omitted).

B. The Commonwealth proved corpus delicti.

Houck argues that the proof was only circumstantial and the Commonwealth failed to prove corpus delicti—that a crime even occurred. Br.25-30. The proof, though circumstantial, shows that Crystal was murdered.

Houck downplays that a murder conviction may be supported entirely by circumstantial proof—even without a body. *Warmke v. Commonwealth*, 180 S.W.2d 872, 873 (Ky. 1944); *see also Polly v. Commonwealth*, 2023-SC-0125-MR, 2024 WL 3929734, at *5 (Ky. Aug. 22, 2024) (nonbinding).

“[T]he law does not subscribe to the rigid formula that the body must be found or seen after death.” *Warmke*, 180 S.W.2d at 873. Kentucky has long recognized “that circumstantial evidence is competent to establish the fact that the person charged to have been murdered is dead.” *Johnson v. Commonwealth*, 81 Ky. 325, 327 (Ky. 1883). Indeed, “[t]he competency of circumstantial evidence to establish the fact of death is acknowledged universally, and ... its conclusiveness is for the jury and not for the determination of the court.” *Id.* at 328. And “circumstantial evidence is admissible to [prove] the corpus delicti, and the accused may be found guilty solely upon it, equally in murder and other crimes.” *Laughlin v. Commonwealth*, 37 S.W. 590, 592 (Ky. 1896).

To show corpus delicti and sustain a murder conviction, “there must be proof of a death and proof that such death was caused by the criminal agency of the accused.” *Warmke*, 180 S.W.2d at 872. The Commonwealth proved both that Crystal is dead and that Houck caused her death.

Even Houck’s counsel acknowledged in his directed-verdict motion that the proof showed Crystal is dead: “You can say there is circumstantial evidence that she’s not alive, you can draw that conclusion.” VR.7/1/25, 2:07:37.

That concession resolves Houck’s claim that the Commonwealth didn’t prove Crystal’s death. Br.26-29. A defendant’s “express representation to the trial court that the evidence ... was sufficient, waived his right to claim on appeal that it was not.” *Quisenberry v. Commonwealth*, 336 S.W.3d 19, 38 (Ky. 2011). So that claim is “not subject to appellate review.” *Id.*

Even then, the proof showed that Crystal was dead. For one thing, a cadaver dog alerted on the Buick, where a hair like Crystal’s was found.⁸ VR.6/30/25, 3:17:28-18:29, VR.7/1/25, 9:32-35:24.

Plus, Crystal disappeared over a decade ago, leaving behind five children who meant the world to her. *E.g.*, VR.6/25/26, 10:55:45-57:20, 10:57:50, 11:36:55-37:06, 1:02:25-36. That is evidence of “death and criminal agency.” *Phillips v. Commonwealth*, 2004-SC-000936-MR, 2006 WL 3386575, at *5 (Ky. Nov. 22, 2006) (nonbinding). In *Phillips*, the Commonwealth had direct proof of “neither ... body nor any other physical evidence of death or injury,” *id.* at *4, and the “evidence included [the victim’s] leaving her children and disappearing without a trace,” *id.* at *5. That was especially important in *Phillips* because it is nearly impossible to disappear in the modern world: “The unlikelihood of such a voluntary disappearance is circumstantial evidence entitled to weight equal to that

⁸ For its directed-verdict argument, the Commonwealth incorporates its counterstatement of the case. Still, select citations to evidence showing Houck’s guilt are included here to assist the Court and comply with RAP 32(B)(4).

of bloodstains and concealment of evidence.” *Id.* at *5 n.16 (citation omitted). The victim’s “disappearance without a trace [i]s strong circumstantial evidence of her death by criminal agency given her habits, disposition, and personal relationships.” *Id.* In *Phillips*, those included being “a good mother, which would suggest that she would be unlikely to abandon her children.” *Id.*

This case mirrors *Phillips*. Crystal also was a good mother and altogether unlikely to abandon her children. *E.g.*, VR.6/25/26, 11:36:55-37:06, 1:02:25-36; VR.6/27/25, 8:45:50. That she completely and suddenly disappeared is strong proof that she was killed “equal to that of bloodstains and concealment of evidence.” *Phillips*, 2006 WL 3386575, at *5 n.16 (citation omitted).

The similarity to *Phillips* doesn’t end there. Among the proof showing “death and criminal agency” in *Phillips* were the defendant’s “inconsistent statements to law enforcement personnel concerning [his wife’s] whereabouts.” 2006 WL 3386575, at *5. *Phillips* approvingly noted that “[s]imilar circumstantial evidence supported a murder conviction despite the lack of a body or other physical evidence in *Hurley [v. State]*, 483 A.2d 1298 (Md. App. 1984).” *Id.* at *5 n.17. That proof included the defendant’s “own inconsistent statements concerning his wife’s disappearance, *i.e.* his inability to account for his activities for several hours the night she disappeared.” *Id.* (citation omitted).

Much of the proof here detailed Houck’s inconsistent, and often-impossible, claims about what he and Crystal did July 3. For example, many of his

written statement's claims about what he did that day were disproven, *see, e.g.*, VR.6/27/25, 11:47:05-48:59 (phone data showing Houck at farm all day); VR.6/26/25, 2:53:20-56:25 (no July 3 business with electric company), as was his impossible claim that Crystal was on her phone playing games at home that night, *see* VR.7/1/25, 10:23:30-45 (phone off then). The discrepancies and false claims in Houck's police statements echo the proof in *Phillips* and *Hurley*.

Phillips also noted proof that the defendant tried evading law enforcement by fleeing to another state and using a false name. *Id.* at *5. This case doesn't present exactly those circumstances, but it does present an attempt to evade law-enforcement detection. Joey, Steve, and Houck conspired to move and dispose of Crystal's car and were foiled only by the flat tire. *See, e.g.*, VR.6/27/25, 11:03:00-36:50, 1:11:30-12:05 (expert testimony about Steve's location); VR.6/30/25, 10:37:44-38:03 (Joey would bury car), 10:39:27-40:43 (Houck giving Joey keys), VR.6/30/25, 1:19:08-21:37 (Crystal's car seen when Steve picked up); VR.7/1/25, 12:49:00-50 (Lawsons paid \$50,000 to move car), 1:03:13-08:56 (Steve bragging about Houck conversation about "taking care" of woman). And they tried enlisting others to move the stranded car. *E.g.*, VR.6/30/25, 10:42:09-42:36 (Joey seeking help with Crystal's car), 4:35:34-37:08 (truck and trailer seen with Crystal's car).

Houck argues that without a body, the Commonwealth must produce “a confession, an eyewitness to violence toward the alleged victim, [or] a crime scene.” Br.28. Not so.

Houck relies on *Phillips*, for example, for his confession requirement. But that gets it backward—the *Phillips* confession needed corroborating to avoid a directed verdict. 2006 WL 3386575, at *5; accord RCr 9.60 (requiring corroboration of confession). The other corroborating proof was like the proof here: the sudden disappearance of a loving mother followed by a cover-up by the defendant, who gave inconsistent, false statements to police. That proof, not the confession, sufficed in *Phillips* to leap the directed-verdict hurdle. So it suffices here, without a confession.

Even then, still other proof—e.g., Rosemary’s asking about getting rid of Crystal, VR.6/26/25, 4:01:55-03:25; Houck’s statement about getting rid of Crystal, VR.6/30/25, 10:38:11; Steve’s statements about “tak[ing] care” of a woman, VR.7/1/25, 1:06:08-21; and Houck’s foreknowledge about the Terrell tip’s mistakenness, VR.7/1/25, 11:01:41-48—was as good as a confession accompanying Crystal’s disappearance.

Setting aside that the Buick itself was a crime scene, no crime scene or murder weapon is required. Circumstantial proof—like Crystal’s sudden disappearance, leaving behind five children—substitutes for direct proof of death and

is “entitled to weight equal to that of bloodstains and concealment of evidence.” *Phillips*, 2006 WL 3386575, at *5 n.16 (citation omitted).

Perhaps anticipating this argument, Houck pivots, noting that investigators undertook extraordinary, but unsuccessful, steps to find physical evidence. Br.29. But because of the “very nature of crimes,” direct proof “is not always possible.” *Johnson*, 81 Ky. at 327. For that reason—because “[h]e who meditates and perpetrates crime courts secrecy that punishment may not follow”—other circumstantial evidence may “establish the fact of death as of any other fact necessary to the development of truth.” *Id.*

Requiring direct proof would only encourage killers to hide their crimes. “To hold that the murderer could escape by simply placing the body of his victim beyond recognition, or in removing that part of it which would have afforded evidence that death had been produced by violent or criminal means, would be placing a premium upon the capacity of the criminal to destroy the remains of his victim.” *Laughlin*, 37 S.W. at 592. Thus, circumstantial proof stands in the same position as eyewitness testimony or physical evidence: “Circumstances may often be so clearly proved, so closely connected with it, or leading to one result in conclusion, that the mind may be as well convinced as if it were proved by eyewitnesses.” *Id.*

Houck also claims the Commonwealth failed to prove Crystal’s death from another person’s criminal agency. Br.29-30. Like death, this too can be

proved circumstantially. Although Crystal disappeared in the night, she didn't do so in her sleep from natural causes. Her sudden disappearance with little trace and the many other circumstances described above are proof of her death by criminal agency as much as her death itself. *See Phillips*, 2006 WL 3386575, at *5 n.16.

C. Houck's principal-accomplice directed-verdict claim is not preserved for review, properly made, or correct.

Houck claims that the Commonwealth failed to prove *his* criminal agency, as principal *or* accomplice. Br.31-39. He also suggests that the jury instructions erroneously combined principal and accomplice theories and created a unanimous-verdict danger.⁹ Br.30-31. Houck confuses a possible instructional problem with a directed-verdict issue. His directed-verdict claim is neither preserved nor a proper directed-verdict claim, and it's wrong.

1. Houck didn't preserve this claim.

Directed-verdict preservation requires defendants to "identify the particular charge" and "the particular elements of that charge the Commonwealth failed to prove." *Ray v. Commonwealth*, 611 S.W.3d 250, 266 (Ky. 2020).

⁹ This is only a directed-verdict claim, as shown, for example, by the main heading of the section containing it, Br.25, and Houck's request for a judgment of acquittal, Br.39-40.

Houck cannot raise new directed-verdict grounds on appeal. “The failure to identify a particular ground in a motion for directed verdict forecloses appellate review of the trial court’s denial of the motion except to the extent that palpable error is shown.” *Murphy v. Commonwealth*, 509 S.W.3d 34, 42 (Ky. 2017).

Although Houck argued *corpus delicti* to the trial court, he failed to raise the claim he now makes (Br.31-39) that the Commonwealth failed to prove that he acted as a principal or accomplice in Crystal’s murder. The closest he came in his written motion was a paragraph about “criminal agency” and mental-state proof. TR.852. But it, like the rest of the motion, focused on criminal agency as part of *corpus delicti*, without addressing Houck’s purported nonparticipation.

Houck’s oral motion likewise focused on *corpus delicti*. VR.7/1/25, 2:00:25-09:30. Houck argued that “you have to have a body, or—and/or—you have to have a crime scene, and/or you have to have a confession—none are present in this case.” *Id.*, 2:06:53.

In short, Houck did not raise the issue he now raises as part of his directed-verdict motions. And make no mistake—it’s a separate issue offered only as an alternative “if the Commonwealth ... established both essential elements of the *corpus delicti*.” Br.30.

Thus, this part of Houck’s claim is unpreserved. The Court should refuse to review it because he “failed to request palpable error review,” which is

unavailable unless requested and briefed. *Murphy*, 509 S.W.3d at 42 (citation omitted).

Even if the Court were to review this claimed error, it could grant relief only for “manifest injustice,” meaning a “probability of a different result or error so fundamental as to threaten ... due process of law.” *Martin v. Commonwealth*, 207 S.W.3d 1, 3 (Ky. 2006). To find that, the Court would have to “plumb the depths” of the ten-day trial “to determine whether the defect ... was shocking or jurisprudentially intolerable.” *Id.* at 4.

Allowing the jury to decide whether Houck was the principal or an accomplice—whether he killed Crystal or solicited, commanded, or assisted the killer—was neither shocking nor jurisprudentially intolerable.

2. Houck’s principal-accomplice claim is not a proper directed-verdict claim.

Houck’s claim that the Commonwealth had to offer proof of both principal and accomplice liability to survive his directed-verdict motion misunderstands the interaction between liability theories and directed verdicts.

A directed verdict is required only “when, looking at the evidence as a whole, it would be clearly unreasonable for a jury to find the defendant guilty, *under any possible theory*, of any of the crimes charged in the indictment.” *Johnson v. Commonwealth*, 694 S.W.3d 232, 254 (Ky. 2023) (emphasis added) (citation omitted); see *Nichols v. Commonwealth*, 657 S.W.2d 932, 933 (Ky. 1983) (similar). When

the proof is “sufficient under at least one theory,” the defendant is “not entitled to a directed verdict.” *Acosta v. Commonwealth*, 391 S.W.3d 809, 820 (Ky. 2013), *overruled on other grounds by Ray*, 611 S.W.3d at 265 & n.27; *accord Davis v. Commonwealth*, 620 S.W.3d 16, 24-25 (Ky. 2021).

That’s because a “directed-verdict question is not controlled by the law as described in the jury instructions, but by the statutes creating the offense.” *Smith v. Commonwealth*, 636 S.W.3d 421, 434 (Ky. 2021) (citation omitted). So in deciding a directed-verdict motion, “the trial court must compare the proof presented at trial with the statutory elements of the alleged offense.” *Id.* And no matter what’s “presented in the jury instructions, the proof need only satisfy one of the alternatives to survive a directed-verdict motion.” *Acosta*, 391 S.W.3d at 817.

Houck mistakenly focuses on the jury instructions. Br.23-24, 30-31, 37-38. But jury-instruction and directed-verdict issues “are distinct for purposes of appeal.” *Stieritz v. Commonwealth*, 671 S.W.3d 353, 359 (Ky. 2023) (citation omitted).

Although Houck objected to the instructions at trial, he does not directly raise an instructional claim now—and cannot backdoor one through his directed-verdict claim. The Court faced a similar problem in *Holland v. Commonwealth*, concluding that it “ha[d] no further need to discuss the directed verdict aspect of Appellant’s argument,” and instead addressing an also-raised “instructional error.” 466 S.W.3d 493, 498 (Ky. 2015). Here, the Court should similarly

dismiss the directed-verdict aspect of Houck's argument. But with no separately raised instructional error, that should be the end of it.

Houck's reliance on cases like *Futrell v. Commonwealth*, 471 S.W.3d 258 (Ky. 2015), *cited at* Br.37, illustrates his confusion. Both *Futrell* defendants "claimed that the Commonwealth failed to prove any theory of the crime thereby entitling them to a directed verdict." *Id.* at 270. The Court rejected that claim. Because "either Appellant could have been found guilty as the principal, neither was entitled to a directed verdict." *Id.* at 271. Houck cites page 280 of *Futrell*, but that concerns jury-instruction and unanimous-verdict problems, not a directed-verdict claim. Even if Houck made a jury-instructions claim, he could at most get a reversal and retrial, 471 S.W.3d at 281, not the requested acquittal, Br.39-40.

3. The Commonwealth offered sufficient proof of Houck's principal liability.

Houck casts this argument as distinct from his corpus delicti argument, but he largely repeats it, claiming again that with no body or crime scene, the Commonwealth didn't prove he murdered Crystal. Br.31-36. Houck would again have this Court ignore substantial circumstantial proof.

Houck emphasizes that the Commonwealth's proof consists partly of the contrast between his written statement about July 3 and the testimony disproving it. He claims this proof was less than that in *Ramsammy v. State*, where the defendant's "contradictory, outrageous, and endlessly changing" statements were

insufficient to support a murder conviction. 43 So. 3d 100, 105, 108-09 (Fla. Dist. App. 2010), *cited at* Br.35.

Ramsammy is neither binding nor persuasive. Houck ignores that *this* Court has held that a defendant’s “inconsistent statements to law enforcement” are the type of circumstantial proof supporting a murder conviction when no body is found. *Phillips*, 2006 WL 3386575, at *5. Houck’s statements were not just inconsistent—they were demonstrably false. And in Kentucky, lying to police shows consciousness of guilt. *Adkins v. Commonwealth*, 96 S.W.3d 779, 793 (Ky. 2003); *see Debruler v. Commonwealth*, 231 S.W.3d 752, 761 (Ky. 2007) (defendant “lied to detectives about where he had been”).

Still, unlike in *Ramsammy*, the evidence was more than just Houck’s own statements. For example, the Commonwealth offered proof of Houck’s planning with Steve before Crystal disappeared, VR.7/1/25, 1:03:13-08:56; Houck’s saying he wanted to get rid of Crystal, VR.6/30/25, 10:38:11; Houck’s giving Joey the keys to Crystal’s car, VR.6/30/25, 10:39:27-40:43; the Lawsons’ getting \$50,000 to move the car, VR.7/1/25, 12:49:00-50; Houck’s grandmother’s Buick being sold just after a request for information about it went out, VR.6/30/25, 3:07:54-11:20; and the Buick’s having hair like Crystal’s and the scent of human remains, VR.6/30/25, 3:17:28-18:29, VR.7/1/25, 9:32-35:24. The Commonwealth offered not just a few circumstances suggesting Houck’s involvement, but a veritable web of them with Houck at the center.

Houck also complains that the “best the Commonwealth could do” to prove that Steve was on the Bluegrass Parkway was testimony that it “was ‘some-what possible,’” that it failed to connect Houck to the Buick seen on the farm on July 3 or the Buick to a crime, and that the cadaver dog had not been “prove[d]” to be tracking Crystal’s remains. Br.35. These also miss the mark.

They omit crucial context, attacking the Commonwealth’s case through cherry-picking. For example, the cell-phone expert testified that Lawson’s phone was “in the general area of the Bluegrass Parkway” and “near Crystal Rogers’s car.” VR.6/27/25, 1:11:30-12:05.

Houck’s Buick connection flows from many facts, including that it was seen under unusual circumstances near the farm that night, VR.6/30/25 2:01:48-05:30, 2:31:45-34:38; it belonged to his grandmother, who tried to sell it with Nick under suspicious circumstances, VR.6/30/25, 3:07:54-11:20, 4:24:52-25:20; Nick’s access to the car and the July 4 problem with his grandmother’s keys, VR.6/30/25, 4:29:28-31:58; and Nick’s July 3 disappearance to help Houck when he should have been moving, VR.6/30/25, 8:53:00-9:01:40. These weren’t just coincidences. They were a trail of facts leading straight back to Houck’s role in Crystal’s disappearance.

And the point about the cadaver dog is that it hit on the scent of human remains, VR.7/1/25, 9:32:00-35:24; Br.16, on a car just like the one seen at the farm, VR.6/30/25 2:01:48-05:30, 2:31:45-34:28, and in which a hair like Crystal’s

was found, VR.6/30/25, 3:17:28-18:29. A jury could connect these dots right back to Crystal’s body in the trunk.

Houck would require direct proof of every fact. But “direct proof ... is not necessary.” *Southworth*, 435 S.W.3d at 42. Still, quoting *Southworth*, 435 S.W.3d at 45, Houck complains that inferences cannot be “drawn from other inferences *ad infinitum*.” Br.35. But *Southworth* condemned only “inferences that build upon inferences in an unreasonable manner,” while “embrac[ing]” inferences based in “common sense and experience,” “reason and logic,” and “the evidence.” 435 S.W.3d at 46.

Houck’s attack on this proof would require this Court to weigh the evidence and decide witness credibility. He would have this Court disregard O’Daniel’s testimony about Steve’s location because he failed to give the jury scientific certainty. But expert witnesses don’t need “scientific certainty.” *Hyman & Armstrong, P.S.C. v. Gunderson*, 279 S.W.3d 93, 104 (Ky. 2008). And “the validity or strength of an expert’s scientific conclusions ... is a matter for the jury.” *Commonwealth v. Campbell*, — S.W.3d —, 2025 WL 2087474, at *6 (Ky. App. July 25, 2025) (nonfinal) (citation omitted), *disc. rev. sought*, 2025-SC-0358.

In deciding directed-verdict questions, courts “must assume that the evidence for the Commonwealth is true” and “reserv[e] to the jury questions as to the credibility and weight to be given to such testimony.” *Benham*, 816 S.W.2d at 187. It was the jury’s job to assess O’Daniel’s testimony, to assess testimony

about the Buick and the dog's human-remains alert, and to connect all this proof together.

Thus, when the jury heard that Crystal and Houck had been on the farm near where a white Buick was seen the night Crystal disappeared, that Houck's grandmother owned a white Buick that his brother could access, that the Buick was sold mere days after public inquiries about a car like it, and that the recovered Buick contained a hair like Crystal's and the scent of human remains, the jury could reasonably conclude that Houck directly caused Crystal's death. And that's before considering the many other facts—like Houck's lies about what happened that night, *e.g.*, VR.6/27/25, 11:47:05-48:59; VR.6/26/25, 2:53:20-56:25; VR.6/26/25, 3:31:35-39:25; his non-responsiveness to calls from Crystal's family, *e.g.*, Com.Ex.56; his involvement in grand-jury recording, *e.g.*, VR.7/1/25, 11:03:31-07:06; and his foreknowledge about the Terrell tip's incorrectness, VR.7/1/25, 11:01:41-48; VR.6/26/25, 10:49:59—all pointing to Houck's involvement in Crystal's death.

4. The Commonwealth offered sufficient proof of Houck's accomplice liability.

Because proof sufficed to show that Houck was a principal, whether it sufficed for accomplice liability is moot. Sufficient proof of any theory overcomes a directed-verdict claim.

Still, Houck’s claim fails because there was enough proof that Houck was an accomplice. Accomplice liability arises when the person: “(a) Solicits, commands, or engages in a conspiracy ... to commit the offense; or (b) Aids, counsels, or attempts to aid ... in planning or committing the offense” KRS 502.020(1).¹⁰

Again, ample proof showed that Houck conspired with the Lawsons. *E.g.*, VR.6/30/25, 10:39:27-40:43; VR.7/1/25, 12:49:00-50, 1:03:13-08:56. That meets the requirements of KRS 502.020(2). Proof also showed Houck’s involvement with the Lawsons’ moving the car. *E.g.*, VR.6/27/25, 11:23:43. That too satisfies KRS 502.020. And the Commonwealth showed his participation in his family’s later cover-up, including recording grand-jury testimony, VR.7/1/25, 11:03:31-07:06, from which a jury could infer his earlier involvement, even as a mere accomplice.

II. The Commonwealth proved that Houck tampered with physical evidence.

A. Houck did not preserve this issue.

Houck wrongly claims he preserved this issue through his written and oral directed-verdict motions. Br.40 n.9. To preserve it, he had to “identify the

¹⁰ KRS 502.020(2), governing result crimes, might also apply, but the analysis is generally the same (e.g., both allow liability for conspiracy). The two subsections’ mental-state differences are “not relevant here.” Br.36.

particular charge” and “the particular elements of that the Commonwealth failed to prove.” *Ray*, 611 S.W.3d at 266. A general directed-verdict motion fails. *Baker v. Commonwealth*, 545 S.W.3d 267, 277 (Ky. 2018).

Neither Houck’s written nor oral motion mentioned the tampering-with-physical-evidence charge. TR.847-54; VR.7/1/25, 2:00:25-09:35. Thus, this directed-verdict claim is not preserved. Because Houck has not requested palpable-error review, the Court should decline to review it. *Murphy*, 509 S.W.3d at 42. Even if the Court reviews this claim, relief is available only for “manifest injustice.” *Martin*, 207 S.W.3d at 3. Houck cannot show that.

Houck’s claim, much like his principal-accomplice claim above, is couched more as a jury-instruction error than evidentiary-insufficiency problem. *See* Br.40 & n.10. Again, a directed-verdict claim is not a jury-instruction claim.

B. Houck’s jury-instructions and directed-verdict claims as to his tampering conviction fail.

Again, Houck couches this claim partly as involving jury instructions, while framing it as a directed-verdict claim. Br.40. However made, it fails.

Houck claims that the jury’s tampering verdict is inconsistent with the complicity-to-tampering instruction. Br.40 & n.10. But there’s no inconsistency. Houck incorrectly assumes the instruction means the jury found him guilty of tampering as a principal. Although Instruction No. 5 outlined complicity to tampering, TR.900-01, the verdict simply found Houck “guilty of Tampering with

Physical Evidence under Instruction No. 5,” TR.903. That’s enough because “[c]omplicity is not a separate offense. It is rather an alternative theory of the charged offense.” *Futrell*, 471 S.W.3d at 277.

Houck’s directed-verdict claim also fails. He claims “[t]here was a total lack of evidence presented [he] did anything regarding Crystal’s car.” Br.40. He acknowledges proof “that Steve and Joey Lawson were paid to move the car” but claims no proof showed that *he* paid them. Br.41. Again, he would have the Commonwealth directly prove every fact, but courts have never required that. The jury heard proof of numerous facts from which it could infer that Houck conspired or assisted in disposing of Crystal’s car. *See, e.g.*, VR.6/27/25, 11:03:00-36:50, 1:11:30-12:05 (expert testimony about Steve’s location); 11:23:43 (12:07 call to Houck); VR.6/30/25, 10:39:27-40:43 (Houck’s giving Joey keys), 1:19:08-21:37 (car seen when Steve picked up); VR.7/1/25, 12:49:00-50 (Lawsons paid \$50,000 to move car).

III. No error occurred during jury selection.

Houck argues that the circuit court abused its discretion by not striking jurors 16, 48, 77, and 100 for cause, meaning he lacked peremptory strikes for jurors 4 and 50, who served on the jury. Br.42-47. Houck didn’t preserve this argument, but even if he did, the court acted within its discretion.

A. Houck failed to preserve this issue.

Kentucky law has strict requirements for preserving the denial of a motion to strike a juror for cause. The defendant “must identify on his strike sheet any additional jurors he would have struck” with additional peremptory strikes. *Gabbard v. Commonwealth*, 297 S.W.3d 844, 854 (Ky. 2009); *see also Floyd v. Neal*, 590 S.W.3d 245, 250 (Ky. 2019) (defendant must “clearly write **on her strike sheet** the juror she would have used a peremptory strike on”). This rule enables an appellate court to trace the denial of a for-cause motion to a juror who would not have sat on the jury. *See Floyd*, 590 S.W.3d at 251. Just as important, “the number of jurors a litigant identifies on h[is] strike sheet must be the same number of jurors the litigant originally moved to strike for cause.” *Id.* Finally, the litigant must make his “would-be peremptory strikes known before the jury is empaneled.” *Id.* at 252.

Every designation required by *Gabbard* and later cases must “appear clearly on the party’s strike sheet.” *Ward v. Commonwealth*, 587 S.W.3d 312, 327 (Ky. 2019) Any failure to do so makes any error unpreserved. *Floyd*, 590 S.W.3d at 250-51; *accord Hurt v. Commonwealth*, 409 S.W.3d 327, 330 (Ky. 2013) (collecting

cases). *Gabbard* requires “strict compliance,” *id.* at 249, and “precise preservation,” *Ward*, 587 S.W.3d at 327. Houck wasn’t even close.¹¹

Below is the operative part of his strike sheet:¹²

The image shows a handwritten document on a grid background. At the top right, there is a signature that appears to be 'JGH'. The main text is written in cursive and includes the following phrases: '* A counsel ~~was~~ have struck', '#s 100, 41, 48, 77, 72 + 16 had our', 'cause motions been granted, would have struck', and '#s 67, 120, 50, 90, 4'. There is another signature on the left side of the text.

It has a host of problems.

For starters, *Gabbard*’s touchstone requirement is clarity, but the strike sheet is far from clear. It first says defense counsel “have struck #’s 100, 41, 48, 77, 72 + 16.” It is hard to make sense of this statement. Houck’s brief says that it identifies jurors whom counsel peremptorily struck because for-cause motions were denied, Br.42, but that’s not what the strike sheet says. In any event, Houck did not move to strike Juror 41¹³ or 72. VR.6/24/25, 12:21:11-22:55, 3:34:44-3:37:55, 10:11:30-55. Although Houck moved to strike Juror 100, *id.*, 12:27:29-30:36, that juror was not drawn from the box, TR.895. Juror 72 also was not

¹¹ Although *Gabbard* violators can request palpable-error review, Houck has not requested it, and the Court has refused to undertake such review sua sponte. *See Hurt*, 409 S.W.3d at 330.

¹² The strike sheets are in an envelope with the certified record, as noted at TR.895.

¹³ Houck didn’t join Joey’s attempted for-cause motion as to Juror 41. VR.6/24/25, 3:35:05-38:24.

drawn. *Id.* So of the six jurors that Houck said he used peremptory strikes on after losing a for-cause motion, only three (16, 48, and 77) qualify.

Houck’s strike-sheet confusion doesn’t stop there. The sheet also says that “had our cause motions been granted,” counsel “would have struck #’s 67, 120, 50, 90, 4.” But Houck, in fact, peremptorily struck Jurors 90 and 120. TR.895. Thus, of the five jurors Houck identified as ones he would have peremptorily struck, only three are possibilities. And of those three, only two (4 and 50) served on the jury.¹⁴

Under no circumstances can these strike-sheet errors qualify as strict compliance with *Gabbard*. The point of *Gabbard* is to ensure that an appellate court can easily trace the denial of a for-cause motion to a juror who would not have sat on the jury if the motion been granted. That is impossible here, so “it is impossible to determine whether [Houck’s] substantive rights were violated.” *Floyd*, 590 S.W.3d at 251.

These many errors aside, Houck’s strike sheet does not specifically connect a for-cause denial to a juror who sat on the jury. A defendant’s strike sheet cannot “generally” list the jurors he would have peremptorily struck. *Mulazim v. Commonwealth*, 2020-SC-0087, 2021 WL 1681267, at *8 (Ky. Apr. 29, 2021)

¹⁴ Juror 67 was an alternate. VR.7/07/25, 4:59:53-05:00:35; VR.7/08/25, 8:14:18-15:14, 8:31:34-35:03; see *Grubb v. Norton Hosps., Inc.*, 401 S.W.3d 483, 488 (Ky. 2013) (lacking peremptory strike for alternate is not reversible error).

(nonbinding). The sheet must “specify or link one of these different jurors with the juror not struck for cause.” *Id.* The defendant must “identify a different juror upon which he would have otherwise used *that* peremptory strike.” *Exantus v. Commonwealth*, 612 S.W.3d 871, 891 (Ky. 2020) (emphasis added). Instead, Houck’s sheet “only generally listed [five] different jurors he would have peremptorily struck” without “specify[ing] or link[ing] one of these different jurors with the juror not struck for cause.” *Mulazim*, 2021 WL 1681267, at *8. Houck thus failed to specifically connect a denied for-cause motion to a juror who sat on the jury. *See id.*

Also “a one-to-one ratio . . . of for cause strikes and would-be peremptory strikes is necessary.” *Floyd*, 590 S.W.3d at 251; *accord Mulazim v. Commonwealth*, 600 S.W.3d 183, 195 n.4 (Ky. 2020). Houck’s strike sheet fails this rule. He listed six lost for-cause motions yet identified five jurors he would have peremptorily struck. TR.895.

Houck’s brief mentions none of these errors. Worse still, it perpetuates them. For example, Houck argues that he was forced to use peremptory strikes on Jurors 16, 48, 77, and 100. Br.42. But Juror 100 was never drawn from the box, TR.895, so not even Houck’s brief overcomes his mistakes.

Houck’s lax preservation approach would undermine the tracing requirement animating *Gabbard*. Even if the court had struck Jurors 16, 48, and 77 for cause, Houck’s strike sheet does not specify that he would have used his

additional peremptory strikes to remove a juror who sat on the jury. Of the five jurors Houck would have liked to peremptorily strike, only two sat on the jury (4 and 50), and Houck peremptorily struck two others (90 and 120). Houck might have peremptorily struck Jurors 4 and 50 if he had not been confused about needing peremptory strikes for 90 and 120. Or he might have used peremptory strikes on Jurors 4 and 50 if he hadn't been concerned about striking 72 and 100, neither of whom was drawn from the box. TR.895. Moreover, the defense received an extra, 14th strike. All this makes it "impossible to determine whether [Houck's] substantive rights were violated." *Floyd*, 590 S.W.3d at 251.

In addition to correctly listing matters on his strike sheet, Houck had to make his "would-be peremptory strikes . . . known to the court prior to the jury being empaneled." *See id.* at 252. This requirement is separate noting the would-be strikes on the strike sheet, *id.*, which may not come to the trial court's attention before the jury is empaneled. Houck didn't meet it. Upon completing his strike sheet, Houck's counsel did not alert the circuit court on the record of Houck's would-be peremptory strikes. VR.6/24/25, 4:34:30-42:40. This is another reason Houck didn't preserve this issue.

B. The court did not abuse its discretion in denying the for-cause strikes.

Even if Houck preserved this issue, the circuit court acted within its discretion. Trial courts have "broad discretion" whether to strike jurors for cause.

Mabe v. Commonwealth, 884 S.W.2d 668, 670 (Ky. 1994). The standard is whether “there is reasonable ground to believe that a prospective juror cannot render a fair and impartial verdict on the evidence.” RCr 9.36(1). A potential juror’s pre-trial exposure to a case via media reports is not a “per se” disqualifier. *Hubers v. Commonwealth*, 617 S.W.3d 750, 762 (Ky. 2020) (citation omitted). To merit disqualification, “media reports must engender a predisposition or bias that cannot be put aside.” *Id.* (citation omitted). “Mere exposure to information about a case is not enough to constitute implied bias.” *Id.* at 764. The exposure must “actually bias[] the juror.” *Id.* (citation omitted).

Judged by this high standard, Houck shows nothing approaching abuse of discretion.¹⁵ He objects to four jurors (16, 48, 77, and 100) who knew various bits of information about Steve’s trial, which concluded several weeks earlier. But mere knowledge of Steve’s trial and conviction “does not automatically equate to bias.” *Id.* And no evidence suggests that any identified juror was actually biased.

¹⁵ Even if Houck shows an abuse of discretion as to one juror, that error was cured by the circuit court’s giving the defense an extra peremptory strike. *See Dunlap v. Commonwealth*, 435 S.W.3d 537, 582 (Ky. 2013), *abrogated on other grounds by Abbott, Inc. v. Guirguis*, 626 S.W.3d 475 (Ky. 2021). The court gave the defense 14 strikes, VR.6/24/25, 3:27:29-44, not the 13 allowed under RCr 9.40, *Mulazim*, 600 S.W.3d at 196-97.

Juror 16 heard about the case on NPR while driving to work. VR.6/24/25, 12:15:43-45. He knew that Houck was “alleged” to have participated in Crystal’s disappearance and had been “charged.” *Id.*, 12:15:49-16:11. He also knew from being in the jury pool for the month that an “accomplice” had been “tried and convicted.” *Id.*, 12:16:30-44. But Juror 16 didn’t know who that person was. *Id.*, 12:16:43-45. He didn’t know “anything about the case” and knew “nothing” about the evidence from the trial. *Id.*, 12:16:45-50. He “undoubtedly” could decide this case based solely on the evidence presented. *Id.*, 12:16:51-17:00. And he was “certain” he “could put [the other trial] out of the back of [his] mind.” *Id.*, 12:17:02-20. To quote Juror 16, the other trial “should have no bearing, just the facts presented here.” *Id.*, 12:17:23-26.

Before trial, Juror 48 saw local reporting about Crystal’s case on TV and online. *Id.*, 12:17:54-18:05. From that, he knew *a* Lawson had been convicted of conspiracy to commit murder and tampering with evidence but knew nothing about that trial’s evidence. *Id.*, 12:18:05-33. Juror 48, however, confirmed he could “set all that aside” and “make [his] decision based solely on the evidence presented in the courtroom.” *Id.*, 12:18:51-19:01. He stated without reservation that he was “completely open” about what he would do as a juror and said: “Whatever evidence is presented to me in the courtroom and that evidence only is what I would determine.” *Id.* at 12:20:34-44.

Juror 77 heard about the case on the “local news.” *Id.* at 11:31:01-28. She “th[ought] someone was found guilty maybe a week or two ago.” *Id.*, 11:31:33-42, 3:29:25-36. She didn’t know that person’s name, *id.*, 11:31:45, didn’t know what the person was found guilty of, *id.*, 3:29:35-53, and knew nothing else about the case, *id.*, 11:31:51-53. She twice confirmed that she could decide based solely on what she would hear in the courtroom. *Id.*, 11:32:01-08, 3:30:18-27. She also averred that anything she’d heard about the prior case would have no influence in this case. *Id.*, 3:30:27-33. She similarly stated there was not “any chance in [her] mind” her knowledge might affect how she approached this case. *Id.*, 3:30:02-11.

It is unclear why Houck objects to the denial of his for-cause motion as to Juror 100. She was not drawn from the box for voir dire, TR.895, so Houck could not have peremptorily struck her. In any event, there is no evidence that she was biased. She saw a WBKO reporter’s social-media post about the prior trial, and from that learned that the defendant was found guilty. *Id.*, 12:27:49-28:32. She knew nothing else—not the charges in the other trial or the evidence presented. *Id.*, 12:28:27-40. She confirmed she knew nothing else about the case, *id.*, 12:28:41-45, and hadn’t talked to anyone about it, *id.*, 12:28:47-49. She also stated she could decide this case based solely on the courtroom evidence presented, *id.*, 12:28:49-56, and confirmed that the prior trial would not influence her, *id.* at 12:28:57-29:04. She repeated that knowing something about the other trial would not play a part in her decision here. *Id.*, 12:29:34-47. She also

volunteered that she did not “read into [the prior conviction] anything.” *Id.*, 12:29:49-50.

The circuit court did not abuse its ample discretion by denying for-cause motions as to these jurors. Although the jurors knew varying details about Steve’s trial, none knew anything about the evidence presented there. And they all stated without reservation—more than once and without equivocating—that they could set aside their prior knowledge and hear Houck’s case based solely on the evidence presented. On these facts, the court acted within its discretion by denying Houck’s for-cause motions. *See King v. Commonwealth*, 276 S.W.3d 270, 278 (Ky. 2009) (juror who read about case in newspaper but “clearly indicated that this would not affect his ability to render a fair and impartial opinion” and “could set aside any preconceived notions” wasn’t disqualified).

This Court’s *Hubers* decision supports this conclusion. There, a juror knew far more extrajudicial information than the objected-to jurors here. In *Hubers*, jurors knew that the *same defendant* had been convicted of the *same crime*. 617 S.W.3d at 764-67, 769-71. Even on those facts, this Court found no abuse of discretion. It reasoned: “While [a juror] did provide some responses that were equivocal, *e.g.*, saying his knowledge of the prior conviction would not impact him, but also that it might be in the back of his mind, the clear majority of his responses indicated that he could disregard his prior knowledge, listen to the evidence presented and be a fair and impartial juror.” *Id.* at 766. These statements

“clearly demonstrated the ability to put his knowledge of the prior conviction out of his mind, render a fair and impartial decision, and follow the instructions of the court.” *Id.* at 767. That’s even more true here.

Houck’s favored caselaw dictates no different result. He first cites *Ordway v. Commonwealth*’s statement that when the juror’s impartiality “cannot be resolved with certainty, ... the questionable juror should be excused.” 391 S.W.3d 762, 780 (Ky. 2013). But *Hubers* rejected an argument based on this passage, reasoning: “Even if [the juror] could be deemed a close call, the trial court is afforded great deference in evaluating a juror’s ability to be fair and impartial because the trial court is in the best position to evaluate a juror’s demeanor and answers during voir dire.” *Hubers*, 617 S.W.3d at 766 (cleaned up). Thus, *Ordway* doesn’t help Houck.

Houck also cites *Marshall v. United States*, 360 U.S. 310 (1959) (per curiam). *Marshall* dealt not with pretrial publicity but jurors’ seeing newspaper articles *during trial* discussing evidence of the defendant’s prior crimes the trial court had excluded as prejudicial. *Id.* at 311-12. *Marshall* has no bearing here. Houck does not suggest that the jury, once seated, learned new information from outside the courtroom.

IV. The trial judge correctly refused to recuse.

Houck next argues that the judge should have recused over a family-court order issued six years earlier. Br.47-48. This argument is meritless.

A year after Crystal disappeared, Houck began dating Crystal Maupin. TR.178. Maupin had a child from a previous relationship. She and the child's father signed an agreed order that their "child shall have no contact with ... Brooks Houck." *Id.* In 2017, Maupin asked to modify the agreement to allow contact between the child and Houck. *Id.* The judge, who later presided over Houck's criminal trial, *granted* Maupin's motion, allowing Houck contact with the child despite the father's objections. TR.177-85. The order noted that Houck and Maupin had "been in a relationship for about one year" and lived together, making it "difficult for [Maupin] to exercise meaningful time-sharing." TR.184. The judge found "no evidence of Brooks ever harming any child." *Id.*

Although the judge allowed him to interact with Maupin's child, Houck now claims the ruling shows he "had lost the presumption of innocence in [the judge's] eyes." Br.48. Houck emphasizes one sentence from the nine-page order stating the judge was "astonished that [Maupin] would want a relationship with a man who is the prime suspect in the disappearance and presumed death of his previous girlfriend." TR.183, *cited at* Br.2. That lone statement does not require recusal.

The burden of proof for recusing "a trial judge is an onerous one. There must be a showing of facts 'of a character calculated seriously to impair the judge's impartiality and sway his judgment.'" *Stopher v. Commonwealth*, 57 S.W.3d 787, 794-95 (Ky. 2001) (citation omitted). A judge must recuse if his "impartiality

might reasonably be questioned.” *Abbott, Inc. v. Guirguis*, 626 S.W.3d 475, 482 (Ky. 2021). That can occur when the judge “has a personal bias or prejudice concerning a party ... or personal knowledge of the facts that are in dispute in the proceeding.” SCR 4.300 (Rule 2.11(A)(1)); accord KRS 26A.015(2)(a) (similar).

Judges do not show personal bias or prejudice merely by making statements critical of parties in judicial proceedings. Thus, “a judge’s critical, disapproving, or even hostile comments directed to a litigant during a trial ordinarily do not support a bias or partiality challenge.” *Marchese v. Aebersold*, 530 S.W.3d 441, 446 (Ky. 2017) (cleaned up). Obviously, judges can go too far. But critical statements during judicial proceedings cross the line only “if they reveal such a high degree of favoritism or antagonism as to make fair judgment impossible.” *Id.* (cleaned up).

Understood in context, the judge’s prior statement does not make fair judgment impossible. The statement does not say that Houck is guilty of Crystal’s murder. It simply acknowledged Houck as the “prime suspect.” TR.183. It was relevant to the child-custody issue because Maupin “admitted that when her relationship with Brooks began there was so much harassment that it was not in [her child’s] best interests to be exposed to that chaotic situation.” TR.182. Plus, the judge didn’t hold Houck’s prime-suspect status against Maupin—or Houck, even. Instead, the judge granted Maupin’s motion, allowed Houck around the child, and rejected any contention that Houck had harmed a child. TR.236. So

contrary to Houck's contention, the prior order shows the judge was willing to give Houck a fair shake despite his being a "prime suspect" in Crystal's disappearance. As the judge summed up, "there is absolutely no language in the [prior] order, including the *one* sentence that Brooks relies upon, where this judge rendered any opinion whatsoever about Brooks' guilt or innocence as to Rogers' disappearance and presumed death." R.237-38.

Houck also suggests the judge's awareness of information from the custody proceeding required his recusal. Br.47. But "[r]ecusal is appropriate only when the information is obtained from an extrajudicial source." *Alred v. Judicial Conduct Com'n*, 395 S.W.3d 417, 443 n.92 (Ky. 2012) (citation omitted). The judge here learned the information from a judicial hearing, TR.178, 235, not independent research, *see Marchese*, 530 S.W.3d at 444-45 (researching criminal record); *Alred*, 395 S.W.3d at 443 n.92 (investigating crime and reporting results to police). In short, the judge's presiding over another proceeding in which Houck was discussed cannot require recusal.

V. The trial court correctly tried Houck and Joey together.

Houck claims the trial court erred in trying him with Joey because testimony admitted against Joey could not properly be used against him, and its admission in a joint trial prejudiced him. Br.48-53.

Houck didn't preserve this claim as now framed. Houck's opposition to joinder mentioned none of the witnesses Houck now complains about. TR.303-

25. Rather, it relied on the inadmissibility of Steve’s and Joey’s statements as part of plea negotiations, TR.305-14, and the fact that limiting their testimony at a joint trial would create evidentiary and Sixth Amendment issues, TR.315-25. Yet Houck claims it preserved his present claim. *See* Br.48 n.14.

Houck cannot raise a brand-new issue on appeal. This Court “is without authority to review issues not raised in or decided by the trial court.” *Young v. Commonwealth*, 718 S.W.3d 698, 711 (Ky. 2025) (citation omitted). Worse still, Houck neither requested nor briefed palpable error on this issue, making it unreviewable.

Still, the Court should reject Houck’s joinder claim if reached. Multiple defendants may be tried together. RCr 6.20, 9.12. Indeed, our law has “a long-recognized preference ... for jointly trying defendants who are, or could have been, jointly indicted.” *Darcy v. Commonwealth*, 441 S.W.3d 77, 79 (Ky. 2014). “To warrant severance, a joint trial must be so prejudicial as to be ‘unnecessarily or unreasonably hurtful.’” *Sexton v. Commonwealth*, 647 S.W.3d 227, 230 (Ky. 2022) (citation omitted).

This Court reviews a separate-trial denial “for abuse of discretion, and the burden is on the appellant to show that the denial was in fact unfairly prejudicial.” *Peacher v. Commonwealth*, 391 S.W.3d 821, 834 (Ky. 2013) (citation omitted). The decision “will not be disturbed unless clear abuse and prejudice are shown.” *Schambon v. Commonwealth*, 821 S.W.2d 804, 809 (Ky. 1991). Houck shows neither.

Houck argues that “the most prejudicial evidence” related to Joey, not him, and that being tried alongside that proof prejudiced him. Br.49. But Houck invokes a criterion for joining charges, not defendants. When considering joining multiple charges against one defendant, courts consider “the extent to which evidence of the two offenses would be mutually admissible at separate trials,” with mutual inadmissibility disfavoring joinder. *Peacher*, 391 S.W.3d at 839.

But the considerations are different when joining multiple *defendants*, especially when they participated in the same criminal transaction. “[T]he mere fact that evidence competent as to one defendant but incompetent as to the other may be introduced is not alone sufficient to establish such prejudice as to require ... separate trials.” *Commonwealth v. Rogers*, 698 S.W.2d 839, 840 (Ky. 1985) (citation omitted). To justify separate trials, Houck had to show “some additional factor,” such as that he and Joey “have antagonistic defenses, or that the evidence as to one defendant tends directly to incriminate the other, *e.g.*, one defendant’s admissions directly implicate the other.” *Id.* (citation omitted). Houck “must show that antagonism prevented a jury from being able to separate and treat distinctively evidence that is relevant to each particular defendant at trial and that the antagonism between codefendants will mislead or confuse the jury.” *Gill v. Commonwealth*, 7 S.W.3d 365, 369 (Ky. 1999) (citation omitted). Even then, “antagonistic defenses, including defendants casting blame on each other, standing

alone, are not unfairly prejudicial and do not invariably mandate separate trials.” *Paulley v. Commonwealth*, 323 S.W.3d 715, 728 (Ky. 2010).

Regardless, Houck shows no additional factor, like extreme antagonism. His defense was that he wasn’t involved in Crystal’s disappearance. Joey mostly hoped the jury would overlook him. *See* VR.7/7/25, 9:20:20-23:15. Both relied largely on the proof’s circumstantial nature. And the complained-of evidence against Joey did not directly implicate Houck. Indeed, as discussed below, the court instructed the jury *not* to consider two of the witnesses’ testimony against Houck.

But ultimately, Houck and Joey were alleged to have participated together in Crystal’s murder and disappearance. “That different defendants alleged to have been involved in the same transaction have conflicting versions of what took place, or the extent to which they participated in it, vel non, is a reason for rather than against a joint trial.” *Ratliff v. Commonwealth*, 194 S.W.3d 258, 265 (Ky. 2006) (citation omitted). And that evidence may be admissible against one defendant but not the other “is not alone sufficient to establish such prejudice as to require the granting of separate trials.” *Rogers*, 698 S.W.2d at 840. Thus, the trial court did not abuse its discretion in trying Houck with Joey.

Even then, none of the witnesses required separate trials.

A. Rebecca Greer

Houck complains that Greer testified that Joey told her daughter about moving a car for \$50,000, and that Joey acknowledged the conversation. Br.49. He also complains that Greer testified about the fight between the Lawsons and Joey's threat to reveal Steve's involvement with "this car." Br.50.

By raising this in his joinder claim, Houck confuses evidentiary admissibility with whether he was properly tried with Joey. To the extent that Greer's testimony was admissible against Houck, it cannot support his misjoinder claim, even as he makes it. At the same time, he has not separately challenged her testimony's admissibility, having assumed its inadmissibility against him while making his misjoinder claim. Again, he cannot backdoor one claim through another.

Regardless, the trial court properly admitted this testimony. TR.888-91. The statement about being paid to move the car was one against interest under KRE 804(b)(3). Houck complains that it lacked reliability, but the trial court found otherwise, noting corroborating evidence, including a witness's seeing Houck give Joey the keys to Crystal's car; witnesses' seeing Crystal's car on the parkway the night she disappeared; and telephone calls among the Lawsons the night Crystal disappeared. TR.890; *see also* VR.7/1/25, 1:58:05-59:20 (Steve's having money when Greer first dated him). That proof suggested Joey's participation in a scheme to hide Crystal's car—the same scheme his statement related to. It showed sufficient reliability to admit Joey's statement as against penal interest.

See TR.891. According to the statement, somebody paid Joey and Steve, and it was reasonable to think Houck was the most likely candidate. Thus, the statement was properly admitted.

Greer’s testimony about the fight was also appropriate.¹⁶ Greer saw the fight, so that wasn’t hearsay. And Joey’s threat was admissible as state of mind under KRE 803(3) because it showed his motivation and intent to harm, if necessary, his father, whom he was fighting. *See Sloss v. Commonwealth*, 709 S.W.3d 102, 131-32 (Ky. 2024) (demonstrating “then-present intention concerning a future event”). That mental state was relevant to show generally the conspiracy to move the car—and the continuing cover-up.

Houck also complains that the prosecutor mentioned Greer’s statement during closing, saying an expert used it to conclude that Steve had been on the parkway the night Crystal disappeared. Br.50-51. It’s unclear how this was an evidentiary problem because it was part of closing argument, not testimony. And Houck did not object. Even then, it was about Joey, not Houck, since it referred to “the defendant’s statement that they got paid \$50,000.” VR.7/7/25, 4:44:35.

¹⁶ Houck objected to this testimony, Br.49, but only as beyond the scope of re-direct, VR.7/1/25, 12:55:20. He now suggests it was inadmissible hearsay, Br.50, but that claim is not preserved and isn’t even the issue being raised on appeal (misjoinder).

B. Heather Snellen

Snellen was not a problem because the court admonished the jury twice not to consider her testimony about the Lawson conversation against Houck.

Houck wrongly claims the court admonished the jury once, ten days after Snellen testified. Br.52. It first admonished the jury, three trial days after she testified, that her testimony “about overhearing a conversation between Steve Lawson and Joey Lawson shall not be considered as evidence about Brooks Houck” and could “only be considered against Joseph Lawson.” VR.7/2/25, 8:29:35. It admonished the jury again, in broader terms, in jury instructions to “not consider as evidence against [Houck] any statements that were allegedly made to Heather Snellen by Joseph Lawson and/or Stephen Lawson.” VR.7/7/25, 9:18:25; TR.901.

Appellate courts “presume that the jury followed the trial court’s admonition and instruction.” *Helton v. Commonwealth*, 595 S.W.3d 128, 140 (Ky. 2020). Relevant here, the presumption is overcome only “when an overwhelming probability exists that the jury is incapable of following the admonition *and* a strong likelihood exists that the impermissible evidence would be devastating to the defendant.” *Sherroan v. Commonwealth*, 142 S.W.3d 7, 17 (Ky. 2004). Houck offers no reason the jury would not have followed this admonition other than that it came late and the testimony “would be devastating to” him, without arguing why. Br.52-53.

Even if Houck were right about the admonition's timing, that would be no reason for the jury to disregard it. Indeed, the trial court "has discretion as to the timing of the admonition itself," and may give it when evidence is introduced *or* during jury instructions. *St. Clair v. Commonwealth*, 140 S.W.3d 510, 559 (Ky. 2004). Here, it gave the admonition during trial *and* jury instructions. Even then, the court delayed giving an admonition so Houck could brief the matter. VR.6/27/25, 11:00:29-02:08, 3:11:25.

And this type of admonition is expressly provided for by KRE 105(a). Houck presents no reason the jury would not follow that admonition. *Cf. Peacher*, 391 S.W.3d at 839 (resolving charge-joinder mutual-inadmissibility problem by "admonish[ing] the jury to compartmentalize the evidence").

And there is no reason to think that Snellen's testimony, about a conversation between the Lawsons, would have devastated Houck. Snellen was one of more than forty prosecution witnesses. The case against Houck was a circumstantial death by a thousand cuts, and Snellen's testimony was not essential.

That the testimony related to Joey, not Houck, does not render the joint trial erroneous. "The fact that evidence may pertain to one defendant but not the other is insufficient to establish the kind of prejudice needed for separate trials." *Humphrey v. Commonwealth*, 836 S.W.2d 865, 868-69 (Ky. 1992).

C. Barbara Coulter

Houck claims prejudice from Coulter’s testimony that Joey told her Steve killed Crystal. Br.53. As with Snellen, Coulter was not a problem because the jury was admonished twice not to consider her testimony against Houck.

Shortly after Coulter testified about Joey’s statement, the court admonished the jury that her testimony “can only be used against Joey Lawson” and “not ... against Brooks Houck.” VR.7/1/25, 1:26:56. The court admonished the jury again in jury instructions: “You shall not consider as evidence against this Defendant any statements that were allegedly made to Barbara Coulter by Joseph Lawson and/or Stephen Lawson.” VR.7/7/25, 9:18:34; TR.901.

Houck claims that the admonitions were “of little use” because the court allowed evidence that shouldn’t have been admitted. Br.53. If that were true, admonitions would never suffice. The whole point of admonitions is to cure the effect of inadmissible evidence or, as here, to limit using otherwise admissible evidence. The admonition-efficacy presumption should stand here.

VI. The trial court properly allowed Stacy Cranmer to testify.

Houck claims the trial court wrongly allowed Cranmer to testify that shortly before Crystal disappeared, “she heard Steve talking about a ‘girl who he had to take care of.’” Br.57 (quoting VR.7/1/25, 1:06:18-1:07:07).

That’s not exactly what Cranmer said. She said, “He said, *we* were talking about—he said *they* were talking about a girl that *they*—that he had to take care

of.” VR.7/1/25, 1:06:08-21 (emphasis added). Steve was referring to a conversation he’d just had with Houck. He then told Cranmer that the woman “was on drugs,” and dismissed the rehab option, saying, “I wish that was the case.” *Id.*, 1:06:52-07:07.

The trial court correctly allowed this testimony as evidence of Steve’s state of mind under KRE 803(3), because it showed his intent or plan to “take care” of a woman. TR.844. Houck claims the statement wasn’t relevant to state of mind because it was ambiguous and didn’t mention Crystal, Br.55, but a jury could reasonably conclude, with all the other proof, that Steve was referring to Crystal, who had five children and was dating Houck. Even then, Houck’s argument goes to evidentiary weight, not relevancy or admissibility.

The court also found the statement was against Steve’s interest under KRE 804(b)(3). TR.845. Houck complains that the statement was ambiguous and that Steve likely wouldn’t have made it at work to a coworker. Br.54. But that doesn’t undermine the statement’s admissibility as one against interest. And it was less ambiguous—and more sinister—than Houck lets on, especially since Steve followed it with the rehab dismissal and was “bragging” when making the statements, which so worried Cranmer that she tried reporting them to police. VR.7/1/25, 1:07:07-08:56.

True, for a statement against interest to be admissible, “corroborating circumstances” must “clearly indicate” its trustworthiness. KRE 804(b)(3). But this

trial was filled with such circumstances, including Steve’s presence on the parkway the night Crystal disappeared and the phone calls among Houck and the Lawsons as they carried out the “take care” plan that Steve reported discussing with Houck. Deciding that Steve’s statements were admissible under KRE 804(b)(3) fell squarely within the trial court’s discretion.

Steve’s statement reported a conversation by “we” about “they.” Houck doesn’t complain about that aspect of the statement, even saying “it was not a statement by Brooks.” Br.56. But Steve at least impliedly repeated Houck’s side of the conversation. If treated as another layer of hearsay, Houck’s statements would be admissible against him. KRE 801A(b)(1).

Even then, Houck’s implied statement—commanding or requesting Steve to “take care” of the woman—would have been a non-hearsay verbal act. *Daugherty v. Commonwealth*, 467 S.W.3d 222, 229-30 (Ky. 2015). That buttresses the state-of-mind exception here because if Steve “was given a command,” it was relevant to “state of mind”—“why [h]e acted as [h]e did.” *Id.* at 230.

VII. The trial court committed no error when replaying testimony during deliberations.

Houck claims the trial court erred by not admonishing the jury when replaying Girdley’s testimony and by not playing it all. Br.56. No law requires an admonition or replaying the entire testimony. The law requires only that information requested by the jury during deliberations “be given ... in open court in

the presence of the defendant ... and the entire jury, and in the presence of or after reasonable notice to counsel for the parties.” RCr 9.74. That happened here.

The trial court has discretion as “to how much testimony to read or replay to the jury.” *Harris v. Commonwealth*, 134 S.W.3d 603, 610 (Ky. 2004). It “is only required to provide the jury with the requested portion of the testimony and has a duty to ensure that the trial is not unnecessarily prolonged.” *Id.* Replaying “only the portion of the testimony that the jurors requested” is “no abuse of discretion.” *Id.* Here, the jury advised it didn’t need to see any more testimony. VR 7/8/25, 10:47:56-58:44.

VIII. O’Daniel did not improperly bolster statements in the law-enforcement file.

Houck claims O’Daniel improperly bolstered the law-enforcement materials and witness statements he relied on to form his expert opinion about the location of Steve’s phone the night Crystal disappeared. Br.57. He claims this violated *Moss v. Commonwealth*, 949 S.W.2d 579 (Ky. 1997).

This wasn’t a *Moss* error. That occurs when a witness “characterize[s] the testimony of another witness ... as lying,” *Moss*, 949 S.W.2d at 583, or otherwise “vouch[es] for the truthfulness of another witness,” *Stephens v. Commonwealth*, 680 S.W.3d 887, 900 (Ky. 2023). O’Daniel was not commenting on another witness at all, much less another witness’s truthfulness. He just explained his opinion’s basis. Although the informational basis for an opinion “need not be admissible

in evidence,” KRE 703(a), it may be disclosed to the jury, KRE 703(b). Identifying the information does not improperly bolster it.

Even if this was error, Houck admits it wasn’t preserved for review. Br.57 n.20. This Court has repeatedly rejected such errors as not amounting to palpable error. Indeed, until last month, this Court had “not yet found” a *Moss* violation to be palpable error. *Barrett v. Commonwealth*, 677 S.W.3d 326, 341 (Ky. 2023). Now, it has finally found a palpable *Moss* error, but only because the “case rested” on the characterized-as-untruthful witness. *Jones v. Commonwealth*, 2024-SC-0423, — S.W.3d —, slip op. at 11 (Ky. Apr. 23, 2026) (non-final). Although O’Daniel’s testimony was important, this case didn’t rest on his reference to police records or witness statements, so there was no manifest injustice.

IX. There was no cumulative error.

Houck’s cumulative-error claim fails. That doctrine aggregates multiple harmless errors into reversible error “if their cumulative effect is to render the trial fundamentally unfair.” *Brown v. Commonwealth*, 313 S.W.3d 577, 631 (Ky. 2010). Houck fails to show any error, much less cumulative error.

CONCLUSION

This Court should affirm.

Respectfully submitted,

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WORD-COUNT CERTIFICATE

This document complies with the 17,500-word limit of RAP 31(G)(3)(a) because, excluding the parts of the document exempted by RAP 15(d) and RAP 31(G)(5), this document contains 17,459 words.

/s/ Shawn D. Chapman
Deputy Solicitor General

APPENDIX

| Description | Tab No. |
|--|----------------|
| Commonwealth's Exhibit 27 (Houck Statement)..... | 1 |

TAB 1

N1507-158

7-8-15

Brooks Houck

Friday - Around (I need to look at phone to see who I talked with) I address subs in that order

Approx 4:00 pm -> Bluegrass cellular pay Bill - All phones

Approx 4:30 pm -> Buzicks Lumber and Home Center

- went to Back room to meet Troy Runner however he was not there... so I saw David Whitney to drop off a large stack of Invoices that I needed some clarification on. My Bill is due on the 10th so I wanted him to have a few days to go over it and get it back to me.

Not sure time earlier -> Paid day on Friday for Danny Single for

Approx 5:00 -> Arrived home

5:30 pm -> Drove 140 IH Farmall Tractor to circle (K) to fill it up with fuel.

Approx 5:30 pm -> Drove 140 IH Farmall Tractor back home and it is full of fuel.

5:30 - Crystal is home

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BH

Page

(2)

5:30 - Crystal, Kyleigh, Eli, & myself
 -7:30 are at the House (113 Glenview Dr)
 Bardstown

7:30 - West to Farm on Paschal Ballard Lane.

11:30 - Proceeded home with Crystal, Eli, and myself.

7:30 Crystal, Eli, and myself, → left Kyleigh behind at our home on 113 Glenview Dr. Bardstown Ky 40004.

Apr 8:00 - Grandmother or Mamaw Kathy came to pick Kyleigh up to take with her.

New Construction (Day Time hours)

- Danny Nalley - Framing House
- Charlie Girdley - Framing House
- Mike at Bazicks - Don't know last name
- Big Boy who helps Charlie Girdley
- Kenny Girdley & wife - soffitt, Decks, Insulation
- Marti' Javier & Miguel - Shingles
- Steve & Trenessa Auberry (Ky Home Siding)
 → All Trim on Exterior of Houses
- George McDonald - Brick, Block, Mason work,
- Donnie Jury - HVAC
- Steve Fenley - Bardstown Overhead Doors
- Bobby Golf - Drywall
- Joanie Smith - Paint

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(3A)

(3)

- Paul Noel Jr. - Interior Trim + Hardwood
- Dereck Thomas - Tile, Grout
- Mike Thomas - Carpet
- Tyler Thomas - Backerboard + Grout
- Tim Graves - Springfield Custom Cabinets
- Ritchie Riggs - Realtor + Manager
- Troy Runner - Salesman @ Buricks
- David Whitney - Senior Manager @ Buricks
- Danny Singleton - Concrete porch caps

Locations (Woodlawn Springs)

- ① 211 South Howard - Framing
- ② 201 South Howard - Excavating Basement footer
- ③ 108 North Howard - Ready for Drywall
- ④ 109 North Howard - Footer
- ⑤ 110 North Howard - Rough Fins Ready + Brick
- ⑥ 114 North Howard - Tile, Paint, + Trim
- ⑦ 116 North Howard - Light fixtures, cabinets
- ⑧ 123 North Howard - Brick, Rough Fins, Drywall
- ⑨ 118 North Howard - Complete, punch out list.

- Mow all Vacant lots + keep trash cleaned up

- Keep curb + Gutter free of mud and all metal grates free of Debris so it does not impede water flow and have off site Erosion.

(BA)

(7)

(Copperfields Subdivision)

- ① - 160 Redwood Dr - Trim + Hardwood, Paint
- ② - 102 Camellia Dr - Trim + Hardwood, Paint
- ③ - 100 Camellia Dr - Trim + Hardwood, Paint
- ④ - 100 Linden Dr - Trim + Hardwood, Paint
- ⑤ - 101 Linden Dr - Trim + Hardwood, Paint
- ⑥ - 103 Linden Dr - Trim + Hardwood, Paint
- ⑦ - 105 Linden Dr - Trim + Hardwood, Paint
- ⑧ - 135 Tulip Dr - Trim + Hardwood, Paint

- Mow all Lots & haul Trash to Land Fill.
- haul all high Density to Farm to barn (Land Fill charges more money on high Density items). → Burn at Farm
- Manage Home Owners Association & keep Approx 200 Residents Happy. (Good Luck).
- Get Addresses for Salt River to change (Bulbs) in Street lights.
→ Give that information to Peggy Smith at Salt River so she can put in a work order.
- Prepare Development to start on Phase IV in the Front of Copperfields Subdivision for a total of 49 Additional Lots.
- Organize utility layout for Engineers, at Horizon Engineers (Pon. Eng. Robin Mills).

(BIA)

(5)

Rental Division

Crystal Rogers - Manager

Vacant Houses

- 107 Watts 3 BR 2 Bath
- 103 Clay ct. 3 BR 2 Bath
- 115 Gandy Ave 3 BR 2 Bath
- 1024 Woodside Dr. 3 BR 2 Bath
- 112 Fox Ridge Dr. 3 BR 2 Bath
- 432 Camptown 3 BR 2 Bath
- 104 Cecil Ct. 3 BR 1 Bath
- 142 Caldwell Ave 3 BR 1 Bath
- 173 Parcell Ave 3 BR 1 Bath

- A couple Euchs are coming up but do not know Address

- Set out & Warrant for Possession

- Forceable Detainer,

- Add in KY Standard - Phone # 507-2899

- All paperwork including: - Leases)

- Hold Harmless Agreement
- Liability Exposure
- Environmental Clause(s)
- Hold Deposit Forms
- Account Documentation
- Income statement
- Balance Sheet(s)
- Promissory Notes
- Accts Receivable

(BIA)

(6)

Each ^{or when necessary} Evening, Crystal would touch base with me and keep me in the loop if something need my attention. Otherwise she would handle it.

Deposits into Financial Institutions

- KHB - New LNB -

- LNB -

- W/Muir -

- TCBT

- SSB

We do business with all these banks because they want to spread their risk and diversify rather than concentrate.

~~7/8/2015~~

~~Brooks Houch~~

*List as much detail on farm as possible.

Arrive around 7:30 to farm with Crystal and Eli. We got out of truck to get feed for cows. Noticed we had enough for now but we were getting low. So we got back in truck and was going to go to Tractor Supply to buy more feed. However, after

We drove back out of farm we noticed it was getting close to closing time for them at Tractor Supply. We were not sure if they would still be open by the time we got there so we turned around at the intersection of 49 & HW 46. This intersection is about 200-500 ft from Paschal Ballard Lane. We drove back down Paschal Ballard Lane to Family Farm. We (Crystal, Eli, & myself) got out of truck) got a bucket of Sweet Feed and hollered for the cows. They were in the very back lot (Field #3). We walked into Lot #1 and then into Lot #2 and then into Lot #3. The Donkey always sees us first. He yelped back and then all the cows raised their head and saw us. We shook bucket and they knew it was time to eat. We looked at cows and calves and Bull. All looked good. The calves are growing good, but the herd needs Fly & Insect Spray. We walked them back up to Field #1, Dumped Feed in trough & they ate it till it was gone. We watched them while they ate and then the cows

Wandered off. It was getting dark by this point (Not sure what time it was) → just getting dark. Then went back to Barn to drop off bucket and walked to the end of the gravel road that passes by the outside of all three Fields, and the ponds on the Farm. We enjoy walking and Eli loves to be outside. Out there it is Country Not city where we live and work everyday. We go out there to get away. We hear animals, & crickets rather than neighbors and vehicles, low music and people. Out there is a different world only 15-20 mins away. Also, High Density Material we burn rather than take to dump because it is too expensive to take that type of material to Land Fill. Eli loves to roast hot dogs & Marshmallows. (We didn't have any that night but still lit a fire to burn up all that High Density material so we could get rid of some of it. I do not want it to get stacked up as high as the moon.

~~7/8/15~~ Brooks Hawk