

## [Transcript] Dateline NBC / Talking Dateline: The Clearing

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Hi everybody. I'm Josh Manquitz along with Dennis Murphy. Josh, how are you bud? I'm good. Great to see you. Good to see you. We are talking Dateline. So this is going to be a discussion about the episode that you should have just listened to called The Clearing. And if you haven't just heard it, it is the podcast episode right below this one. So go there, listen to that, and then come back here. Dennis, I loved this episode. I'm glad you did. I think you're a man of great judgment, Josh. I always appreciate your value. How long did it take you to do this? Start to finish? I think we were doing it for about three months. We had shooting in Columbus, Ohio, and we had some stuff to do in Las Vegas where Matt Moore was, the guy who was accused of this crime. It was an interesting thing. I think, Josh, sometimes people don't understand how we get stories, and it's kind of interesting that the unseen iceberg of our lives is all of the producers that carry us forward. Right. Research stories, get it to the 10-yard line, and then invite us in to do the story. And in this case, the producer, Dorothy Nielsen, you know, I think I get an interesting one for you. It's about a woman who went missing and was found hanged in woods nearby her house, but was it a hanging or was it a staged suicide, and in fact, a murder? So what made it interesting was that we had a booking. We had this guy who was accused of this crime who's going to talk to us. And, Josh, you know there are two certainties in life. One is that the sun will rise in the east, and if it's on dateline and a woman is missing, the husband did it. Right. That's one of the great things about this episode. Absolutely. It stood conventional wisdom right on its head because the guy who was accused of trial and the jury walked him. He was out of there. So let me ask you this. Frequently, when I am trying to book defendants, or in this case, people who were defendants, and either it's a hung jury or the case has been dropped, or in this case, they were acquitted, their attorneys always say to them the same thing, which is, look, you beat the odds once before. Most people who get hauled into court on murder charges get convicted. You were not. Why do you want to tempt fate again? Even though you can't be charged with murder again, you talking to dateline is guaranteed to make prosecutors think maybe we can get another bite of this apple, and they talk these guys out of it. I've had that happen a bunch of times. How did you get Matt Moore? And that makes good sense. If I had been in this guy's situation, I would have grabbed that not guilty ballot, gone out the front door and headed to deepest darkest Idaho and never been seen again. So I think this guy got out there and he thought he'd been colossally screwed over by the criminal justice system, and especially the court of public opinion, as I call it. I mean, in social media land, this guy was public enemy number one. The gossip mill had met and convened and found him guilty. I think he wanted to crawl out from under that. He wanted to reclaim his name, even though he had the ballot from the jury that he was not guilty. He even wrote a Kindle book, an e-book, which was probably also against his attorney's advice. I think if there's one takeaway that loyal viewers of dateline should know by now is that you do not talk to police if you're charged. And I don't care whether you sit next to the chief of detectives in church on Sunday and your softball team plays their team, you do not talk. Matt Moore walked into a disastrous police interview willingly. When I was watching your story, I wrote down, this is why you don't talk to police without your

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attorney. I bet you were yelling at the screen, man. Don't do this. I was. I was. And then he consents to a lie detector test, and it's not even a lie detector test. It's something that comes out of a box of cereal. You know, it's called a stress voice analyst test. It feels very much like voodoo science. And he fails it. So he's gone to a police interview room. He's confronted. Give it up. You killed her. We know you did it now's the time. So he's had an absolute disastrous round of talking to police. And now here at the end of it, you were mentioned, why doesn't he disappear? Why is he still talking? I don't know. There's something in there that wants to be heard and get the story out against all legal advice. One of the things I liked so much was that at the beginning of this, the first hour, you only see Matt in the police body cam video, which is great because you sort of see it all experientially as it's happening when you see him on the body cam video. My first thought is, oh, man, I hope it's not Matt. One, because then there's not going to be any mystery to this. And secondly, he seems like a nice guy, kind of a hapless guy. I hope it isn't him. And I thought only showing him in the body cam video for the first half of this, for the first hour was great and really worked. And then later you go to him and I'm like, okay, I'm watching him very carefully. Like all dateline viewers, I'm looking at the way he's sitting and I'm looking at his background and I'm thinking either he's acquitted or also possible, you interviewed him while he was out of custody. You know, he might have been out on bail for some period of time pending trial. That's always when you want to get somebody when the trial hasn't happened yet and they can talk to you freely because once people are locked up, it's pretty hard to disguise the fact that they're locked up. We were conscious of that when we put him in the chair. As we say, we're doing an interview and this is after the verdict. He is a free guy. We said, if we have him talk about his backstory, the early time of the marriage, if he's not in a green tank with a ugly polo shirt on, they're going to know that he's out and about in the free world. He's roaming the country. And we have to really counter game that now because people are so aware of the way we do things. So we didn't do it. We didn't try and do a fake out of whether he was out or not and just went with it. You know, what's interesting, I think about that cop video, which really begins this thing. It's document number one. Here comes Officer Hollis. He's got a body cam and he's rolling.

Takes you a minute one and you're starting to hear this story. And the prosecution, the cops, the prosecutors in trial later said, that's all you need. Look how guilty this guy is. I said, what? I'm looking at a guy who's coming up from, he's a little hungover. He looks like a medicated bear, wild mountain dean, but he seems to be okay to me. He's saying to cops, go through the house, go through my car. I don't need a search warrant. And they looked at that very same document and that was where this case took off and said, just look at that guy. Everything about him is wrong. I'm with you on that. I didn't think he looks guilty in that opening video at all.

And I actually thought, you know, in the interrogation videos, he's actually kind of holding his own. He is. He's taking the shots and standing. Yeah. I did pay attention to the cop saying that he says I loved her instead of I love her, suggesting that he knows that she's no longer with us.

Those little nooks and crannies thoughts fill out a whole case against a guy.

That's what made me think this might come up at trial.

And he said, Josh, if you remember, I don't know what you, he says, I didn't do it.

They hadn't asked him if he did do it. I didn't say what it was, but he says, I didn't do it.

Again, he's, he's blurted out something. He's volunteered to the cops. He doesn't have to be

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in that room. He could say, my, my attorneys outside were done here. When I was Long Island correspondent for channel two in New York, which was roughly 100 years ago, I think, the second grand administration, I think it was. Yes. We were, many of us thought that the car might replace the horse. It was a very exciting time in America. I covered the disappearance of a woman named Lisa Solomon, who had vanished, I think on Christmas night and her husband said that they'd had a fight and she walked out of the house and she never came back. And so now it's like a day or two later. And we're all interviewing him on his front lawn. And eventually it was my turn. And so I step up there and I interview him and he says to me, look, I've called in all my friends. As I recall, half of them were bikers and half were psychics. Good group of friends to have, if you're looking for somebody. And he said, and we're going to get to the bottom of it. We're going to find out who did this. Right. And I remember thinking, yeah, well, how do you know anything's been done? I mean, what's been done? What do you mean? Who did this? And my interview, unlike other interviews from other TV stations, let me just point out, my interview was used at trial because exactly for that, because of the way he talked about her and the way he suggested that he knew that some crime had been committed when in fact no crime was in fact alleged. Subsequently, Lisa Solomon was found. She was no longer alive and he's locked up right now. We were looking at the transcripts of this, Josh, of what everybody had told us. There was a phrase that kept coming up in it. I really was kind of haunted by it. I mean, here we are meant to be dealing with laws and rules and forensics and people kept saying to us, you know, it just didn't feel right. It didn't feel right in my stomach what this guy was telling me. And that's pretty much what they went to trial with. I mean, that became the driving force. Something's not right about it. I just think there's got to be more than something doesn't feel right. There does. I mean, prosecutors have ethical obligations to not bring cases unless they have a more than reasonable certainty, as you know, that the person's going to be convicted. You can't just say, let's let a jury decide. It doesn't feel right. They got to have more than that. But we didn't quite know how to handle for a long time the forensics on this thing that could because this case became dueling experts. We've seen experts all our lives, Josh, right? People are paying us \$34,000 to take the stand and tell the jury what they know. And in this case, you had a couple of them. And it was a very difficult kind of science. I mean, the forensics of the the neck bone, the anatomy of the neck bone, and people don't really know what's happened. We don't have in our common experience. So you had two theories about why this woman was dead. Was was it a hands-on manually straddling? Did that account for the broken bones in her neck? Or was it the ligature, you know, the thing that she was hanging from that had somehow slipped and cracked her bones after four months in the clearing? And we thought, how are we going to get people through this very dense technical testimony? First of all, I thought you did a great job with that, you and Dorothy, because I was pretty interested in the expert testimony by the time it ran. That woman, Diane, the defense expert, that woman is a reasonable doubt factory. People don't get indicted for murder because they got a set of good facts. But she was able to sort this thing out and say, look, jurors, you're being asked to decide whether this is a murder, a sage suicide or a homicide. She said, that's not the question. The question is this guy sitting on the bench next to me. Is it his hands that caused her death? And the whole argument in the court was sort of derailed by murder versus suicide. And in the end,

the prosecution had no and I mean no evidence to say that his hands were on her and caused this thing. You know what? I think she's the better storyteller. I've often thought, Josh, it doesn't matter how good your facts are. If you have a spellbinding storyteller in front of the jury, he or she has better odds of winning in the prosecution. Whatever they paid her was worth it. I quote this all the time on Twitter. It's Racehorse Haynes, the great defense attorney from Texas, who famously said, what's money when you're looking at 25 to life in the crossbar hotel? And I would say Matt got his money's worth. You're talking about those old Houston, Texas lawyers back in the day and they would go to J.C. Pennies and buy a suit to argue before the jury and have a wonderful Italian silk suit to wear to the country club on Saturday night. They wanted to be the man of the people. And it's part of that business of being storytellers. You have to get their attention. You have to make them think about your guy. Yeah, I agree that the talent in the courtroom frequently surpasses the evidence that is or is not introduced. And, you know, we've seen that again and again and again with different attorneys. Diane Menashi is an absolute star. The prosecution in this case never came clean about what their theory of the crime was. Was she killed in the woods and was she strung up as a state suicide? Was she killed in her house and through some machinations unknown or her body brought in the dark, passed all of the eyes that were out there walking their dogs and watching and somehow he butted her into the woods? And she said, jurors, I just looked at the clock. It's 105 and jury summations when we finally found out their theory of the crime. She said, if that isn't reasonable doubt, I don't know what it is. Good point, Diane. You know, they had not told them their story of what had happened. Yeah, I agree. And prosecutors are not required to provide a motive, but juries like to hear them. I just can't see him doing this. Some of them thought he wasn't the brightest blade in the back. And how did this shmo figure this thing out and to find a LG brand little teeny tiny phone card shorter to be the news is not a John Wayne kind of hanging tree news. This is a thing you use to charge your phone. They said that's what supported her for four months, this teeny tiny cord. And that didn't seem to make any sense either. But it did. It worked. You know, it felt as if suicide had been a factor in Emily's life. It surrounded her. And so to sort of suggest that her suicide was, you know, came out of the blue. I mean, it was unquestionable that it's a thing that had that she had thought about many times. I don't mean actually doing it. But the issue of suicide was clearly something that was part of her consciousness. She'd lost her husband from 10 years before with a gunshot wound. Matt's son, who was mentally ill, he committed suicide by hanging in the woods in that same town. Her parents had died in a violent car wreck. She was surrounded by death. I think that's right. I think there's so little that is known about suicide and about depression. In fact, interviewing someone, when police interview a friend of someone who either killed themselves or it was murder, and they say, did they seem sad? Did they seem depressed? And the person said, no, no, no, not at all. They didn't seem at all depressed. And that is frequently taken by law enforcement as evidence of clearly this was murder and not suicide. In fact, of course, people who are severely depressed in a lot of cases are really good at hiding that, particularly from the people who are closest to them, who you would think are the ones who would recognize it, but they don't always recognize it. And I think that that maybe played a little bit in this, too. And Emily Noble was a neat, it was the squared off bed sheets, not a drop on the floor. I could see a person like that getting up, making her bed,

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and then going out to the woods and killing herself. I don't think those are inconsistent facts. Prosecutor thought that was absurd. Why would anybody do that? But that whole bias of, you know, she was looking, she had the rest of her life ahead of her and her friends could not see her ever, ever doing it. That really did drive the investigation when they talked to some of the friends that said she was not suicidal. I don't think anybody must know what suicidal is. As always, if you or someone you know is in crisis, call the suicide and crisis lifeline at 988 on your phone or visit [988 lifeline.org](https://www.988lifeline.org) for more resources.

Maybe you need sleep, but right before bed, your thoughts start racing. Or you need to set more boundaries with a loved one. But as soon as you're face to face with them, you over commit. Or you want to speak up more at work. But when you have the chance, you second guess yourself and lose confidence. Therapy can help you figure out what's holding you back, so you can start doing more of the things that make you happy. And better help makes it easy to get started. Just fill out a brief questionnaire to get matched with the licensed therapist based on your needs and preferences and connect by phone, video, or chat from wherever you are. Switch therapists any time and use flexible week to week scheduling to book appointments. Work for yourself instead of against yourself with better help. Visit [betterhelp.com](https://www.betterhelp.com) slash NVC Dateline today to get 10% off your first month. That's better help. It was the night of the awful discovery. The apartment was dark. The faint coppery scent of blood hung in the air. Remember telling the boys don't touch anything. We don't know what's happened

here. I'm Keith Morrison, and this is Murder in Apartment 12, our new podcast from Dateline. It's a story about a local beauty queen who'd been keeping secrets. It's about gossip, public opinion, and a tortured search for a killer. I think they've got the wrong guy.

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You know, social media in this, while this was unfolding before Matt was charged, was uniformly against him. It reminded me a little bit of, you know, Keith's case in Idaho, with those kids that were killed in the house, in which social media, I'm not going to say it propelled a prosecution, but it was a factor in all of it. And in some cases, slowed down law enforcement and accused people who had absolutely nothing to do with the crime. And in some cases,

I think seriously damaged some people. This felt like some version of the same thing, with everyone online yammering that this guy's a crook, this guy's a killer.

You know, we need to proceed and lock him up. I'm wondering whether that spurred the prosecution on. I asked that question, Josh, directly of the prosecutor from the courtroom, and I said, look, did the court of public opinion conclusion that this guy was a killer? Did that blow back into your decision to move forward with the case? They denied it. They said it was strictly based on the forensics, the examination of the bones. But this guy was toast by two days in. The woman had been missing two days. And on the Facebook pages, they decided that this guy was guilty. Somehow we're to come out that if he'd flunked a lie detector test, and he wasn't searching. Where are you, dude? If this is the love of your life, how come you're not out there elbow to elbow with us as we're going through the woods? Yeah. Yeah. He said he didn't do that because Facebook had already rallied against him. And if he was going to go into the mob, that was not the way to be. So he just took a pass on that, too. Another error that he made, in addition to talking to

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police before he talked to an attorney, he should have been seen with the searchers.

In your interview with Matt, first of all, any preconditions? Was there anything he said I don't want to talk about? No. I think it was, let's go. As far as I know, there was nothing off the table. He seemed so much more cheerful than I expected him to be. I mean, he smiled much more than I expected him to, given that... That's exactly what surprised me when I met this guy. We'd seen him on the officer cam at the doorstep. And then when I met him out in Las Vegas, where he lives, we did the interview, he's engaging. He's good. He's totally socially appropriate. He's... There's nothing off about him. He's certainly not the guy in the doorway that the cop met. But it is disarming. I guess I just thought that his demeanor during your interview would be more serious in that this is him sort of trying to reestablish his position in the world through this interview and the e-book he wrote as, I am not a killer. I'm a good guy.

I actually suffered a loss. My wife killed herself. I didn't do it. I don't know if I'd be smiling when I told that story. He's a guy that likes to keep a room happy. He's a pleaser. He says that. That was his dynamic with Emily. She would kind of become operatic and he would keep things light and spray some lithium around the room in his conversation and everything would be okay. And that's how he gets through life. And I had to ask him. I said, look, you know, did you do it? The whole world wants to know, did you do it? I know you got a ticket that you didn't do it from the county courthouse. And he said, why would you ask me that? If I were there, wouldn't you think there would have been something to convict me? Why would you ask me that? Why do you think we're here? The response should be, dude, I love my wife. She was the spark of my life. Why would I kill her? And that comes down about paragraph three after. But I thought that was odd. Yeah. Aren't we here to ask you that? I mean, aren't you here to answer that, to refute that? Come on. You know, when I'm watching your story, I was thinking to myself, either this is a small town department that doesn't get a lot of murders and did not want to come off him as a suspect once they sort of got that scent, or they were right. And at the end, that's the question you're left with. I don't know, Josh, what happened in the woods that night? I don't know. And neither does the best friend, Celeste, who started off on Emily's side and was her. And then she sort of met the new husband. He'd been there a couple of years. She liked him okay. But she came around to thinking he was guilty. And what she told me was, I would like to know what happened. It's still the mystery of my life. She thinks he did it. But it can't be proved. So this is it. There's no wrongful death suit coming from this. He was acquitted and there is no other legal tail behind Matt. He is free to lead the rest of his life.

The judge had an interesting, I thought, farewell to Matt. The jury had come back. The court was breaking up. And he said, you know, I don't think that the quest for justice for Emily should result in a quest of injustice for you. You know, the flip side of trying to help her is not to get you hung up for this thing. I asked Diane Manashi, the lawyer later, I said, look, is it possible that Emily was in fact killed, that she was a victim of a homicide? She said, sure, could happen, but it's not my guy. It's not my guy and they never proved that it was him. So it is still a big mystery what happened to Emily Noble, at least in my mind. Yeah. And clearly in the minds of the jury and very possibly in the minds of the Dateline audience now. Dennis, thanks so much.

You

Dateline Thursday, she predicted her own death. She said, if I die, please hand this letter to the police. You'd think that it's game over, but that wouldn't be Dateline Thursday 10

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