

**STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON**

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

**COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT**

Indictment Nos. 2022-GS-15-00592, -593,  
-594, and -595

**MOTION TO STRIKE NOTICE OF  
ALIBI DEFENSE**

Defendant Richard Alexander Murdaugh, through undersigned counsel, hereby moves to strike the State's demand for notice of alibi defense because the State has not provided the time, date and place at which the alleged offense occurred as required under Rule 5(e)(1). Rule 5(e)(1) provides:

Upon written request of the prosecution stating **the time, date and place** at which the alleged offense occurred, the defendant shall serve within ten days, or at such time as the court may direct, upon the prosecution a written notice of his intention to offer an alibi defense.

On September 8, 2022, the State filed and served a motion for reciprocal discovery and disclosure of evidence (Motion), which is attached hereto as **Exhibit A**. In the request for the Defendant to provide notice of an alibi defense, the State has failed to provide the time that it alleges the murders took place. The motion merely states:

Pursuant to Rule 5(e) of the South Carolina Rules of Criminal Procedure, if the Defendant intends to rely upon the defense of alibi, please give Notice within ten (10) days of the date of this request of the intent to rely on alibi and give the specific place or places the Defendant claims to have been at the time of the alleged offense and the names and address of the witnesses upon he intends to rely to establish such alibi.

Id. at ¶ 3.

The undersigned informed the State that its demand of notice of alibi defense failed to comply with the specificity requirements of Rule 5(e)(1) in a correspondence dated September 19, 2022,

attached hereto as **Exhibit B**. The State has not served an amended discovery request which sets forth the time, date and place of the offense as required.

The State has not produced any evidence in discovery setting forth the time of the murders, except for the death certificates of Maggie and Paul. The State failed to identify the time it contends the murders occurred in their motion. Furthermore, the State failed to provide a specific time of the murders in response to counsel's letter dated September 19, 2022. As a result, one must conclude that the State cannot establish through forensic evidence or otherwise the time the murders occurred.

For the reasons stated, the State's request for notice of alibi defense must be stricken.

Respectfully submitted,



Richard A. Harpootlian, SC Bar No. 2725  
Phillip D. Barber, SC Bar No. 103421  
RICHARD A. HARPOOTLIAN, P.A.  
1410 Laurel Street (29201)  
Post Office Box 1090  
Columbia, South Carolina 29202  
(803) 252-4848  
rah@harpootlianlaw.com  
pdb@harpootlianlaw.com

James M. Griffin, SC Bar No. 9995  
Margaret N. Fox, SC Bar No. 76228  
GRIFFIN DAVIS LLC  
4408 Forest Drive (29206)  
Post Office Box 999  
Columbia, South Carolina 29202  
(803) 744-0800  
jgriffin@griffindavislaw.com  
mfox@griffindavislaw.com

Attorneys for Richard Alexander Murdaugh

October 18, 2022  
Columbia, South Carolina.

# **EXHIBIT A**

**(State's Motion for Reciprocal Discovery  
and Disclosure of Evidence)**

**RECEIVED**

**STATE GRAND JURY OF SOUTH CAROLINA**

SEP 12 2022

STATE OF SOUTH CAROLINA

v.

RICHARD ALEXANDER MURDAUGH

Defendant.

Case No.: 2022-GS-15-00592, 593, 594, 595  
Richard A. Harpootlian, P.A.  
Counsel

**MOTION FOR RECIPROCAL  
DISCOVERY AND DISCLOSURE OF  
EVIDENCE**

COMES NOW THE STATE OF SOUTH CAROLINA, through its undersigned attorney, and moves this Honorable Court for an Order requiring DEFENDANT RICHARD ALEXANDER MURDAUGH, to provide the following to the State:

1. Pursuant to Rule 5(b)(1)(A) of the South Carolina Rules of Criminal Procedure, any and all books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody, or control of the Defendant and which the Defendant intends to introduce as evidence in chief at the trial.

2. Pursuant to Rule 5(b)(1)(B) of the South Carolina Rules of Criminal Procedure, any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or report relates to his testimony.

3. Pursuant to Rule 5(e) of the South Carolina Rules of Criminal Procedure, if the Defendant intends to rely on the defense of alibi, please give Notice within ten (10) days of the date of this request of the Intent to rely on alibi and give the specific place or places the Defendant claims to have been at the time of the alleged offense and the names and

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COLLETON CO GS, REBECCA H. HILL

addresses of the witnesses upon he intends to rely to establish such alibi.

4. Pursuant to Rule 5(f) of the South Carolina Rules of Criminal Procedure, if the Defendant intends to rely on the defenses of insanity, mental illness, entrapment, or duress, please give notice within (10) days of the date of this request of the intent to rely on the particular defense(s).

5. Pursuant to *State v. Cole*, 304 S.C. 47, 403 S.E.2d 117 (1991), if the Defendant intends to rely on the defense of necessity, please give notice within (10) days of the date of this request of the intent to rely on the particular defense.

PLEASE TAKE NOTICE THAT Rule 5(c) of the South Carolina Rules of Criminal Procedure imposes a continuing duty to disclose additional evidence, material or witnesses, and provide for suppression of the evidence or the imposition of other remedies in event of non-disclosure.

Respectfully submitted,

ALAN WILSON  
Attorney General



By: \_\_\_\_\_  
S. Creighton Waters  
Chief Attorney

Post Office Box 11549  
Columbia, South Carolina 29211  
Telephone: 803-734-3970

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ATTORNEY FOR THE  
STATE OF SOUTH CAROLINA


Columbia, South Carolina  
September 8, 2022

**CERTIFICATE OF SERVICE**

I, Carly Jewell, hereby certify that I have, this 8<sup>th</sup> Day of September, 2022, served a **MOTION FOR RECIPROCAL DISCOVERY** on counsel for the Defendant by depositing a copy in the United States mail, first class postage prepaid, addressed to:

Richard Harpootlian, Esquire  
1410 Laurel Street  
Columbia, SC 29201

James Griffin, Esquire  
4408 Forest Drive, Suite 300  
Columbia, SC 29206

A handwritten signature in black ink, reading "Carly Jewell", written over a horizontal line.

Carly Jewell  
Paralegal  
State Grand Jury

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COLLETON CO GS, REBECCA H. HILL

# **EXHIBIT B**

(Letter from J. Griffin and C. Waters,  
September 19, 2022)

September 19, 2022

**VIA ELECTRONIC and U.S. MAIL**

Creighton Waters  
Office of The Attorney General  
Rembert C. Dennis Building  
1000 Assembly Street, Room 519  
Columbia, South Carolina 29201

**Re: State v. Richard Alexander Murdaugh  
Indictment Nos. 2022-GS-15-00592-595**

Dear Creighton

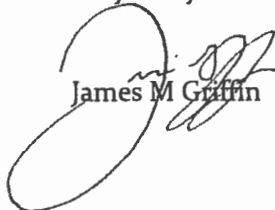
I am hereby responding to the State's reciprocal discovery request for a Notice of Alibi defense pursuant to Rule 5(e), SCRCrimP. As we discussed Friday, the State has not provided the time, date and place at which the alleged offense occurred. This specificity is required under Rule 5(e)(1) before the Defendant is obligated to respond.

Therefore, we will not be responding to the Notice of Alibi request until the State provides the time, date, and place at which the alleged offense occurred. Once the State has complied with the specificity requirement of Rule 5(e)(1), we will respond within ten (10) days as provided in the Rule.

If you contend that we are nevertheless obligated to provide a Notice of Alibi defense even though the State's request fails to identify the time, date and place at which the alleged offense occurred, please advise us immediately so that we can bring this matter to the attention of the Court through a formal motion.

With best regards, I am

Very Truly Yours,

  
James M. Griffin

cc: Donald Zelenka  
Richard A Harpootlian  
Phil Barber  
Maggie Fox

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COLLETON CO. SS, REBECCA H. HILL



STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

) IN THE COURT OF GENERAL SESSIONS  
) FOURTEENTH JUDICIAL CIRCUIT  
)

The State of South Carolina,  
Plaintiffs,

vs.

Richard Alexander Murdaugh,  
Defendant.

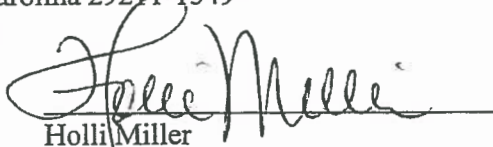
Indictment Nos. 2022-GS-15-00592, -593,  
-594, and -595

**CERTIFICATE OF SERVICE**

I, Holli Miller, paralegal to the attorney for the Defendant, Richard A. Harpootlian, P.A., with offices located at 1410 Laurel Street, Columbia, South Carolina 29201, hereby certify that on October 18, 2022, I did serve by placing in the U.S. mail, first class postage affixed thereto (with a courtesy copy sent electronically), the following document to the below mentioned person:

Document: Defendant's Motion to Strike Notice of Alibi Defense

Served: Creighton Waters, Esquire  
Office of The Attorney General  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia South Carolina 29211-1549  
cwaters@scag.gov

  
Holli Miller

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COLLETON CO. SS. REBECCA H. HILL