

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

COLLETON COUNTY
Court of General Sessions
The Honorable Clifton B. Newman, Circuit Court Judge

Case No. _____

Richard Alexander Murdaugh..... Petitioner,

v.

The Honorable Clifton B. Newman, in his capacity as a Circuit Court Judge,
and the State of South Carolina Respondents.

PETITION FOR A WRIT OF PROHIBITION
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT
(Expedited Consideration Requested)

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INTRODUCTION

Pursuant to Rule 245(b) of the South Carolina Appellate Court Rules, Petitioner Richard Alexander Murdaugh hereby petitions for a Writ of Prohibition to issue in the original jurisdiction of the Supreme Court, prohibiting the Honorable Clifton Newman, Circuit Judge, from adjudicating Mr. Murdaugh's pending motion for a new trial or presiding over future trials of indictments against him. Judge Newman presided over a six-week trial in which Mr. Murdaugh was convicted of the murders of his wife Maggie and son Paul. The basis for Mr. Murdaugh's motion for a new trial is that the Colleton County Clerk of Court engaged in deliberate jury tampering during the trial to advance her own personal interests.

The basis for this Petition is that Judge Newman has personal knowledge about the Clerk of Court's conduct which will undoubtedly be disputed at an evidentiary hearing on the motion for a new trial. Further, after the jury returned guilty verdicts, Judge Newman made numerous statements in violation of the Code of Judicial Conduct that require his disqualification from presiding over further proceedings in this matter. These statements include congratulating the jury for returning the correct verdict, statements at sentencing evidencing personal bias, and statements in public interviews after the trial (including an interview on a nationally broadcast news program) in which Judge Newman stated his personal opinions regarding Mr. Murdaugh's guilt, legal issues on appeal, and strategic choices by Mr. Murdaugh's counsel during trial.

Mr. Murdaugh's right to have his cause heard by an impartial judge will be violated if Judge Newman proceeds to hear his motion for a new trial. Ordinary appellate proceedings will not be able to remedy the violation after it occurs. Thus, Mr. Murdaugh's only recourse to preserve his rights is an extraordinary writ of prohibition from this Court to prevent the violation from occurring. *See Ex parte Jones*, 160 S.C. 63, 158 S.E. 134, 137 (1931) (holding the writ of prohibition "is primarily a preventive process, and is only incidentally remedial").

STATEMENT OF THE CASE

Mr. Murdaugh is a disgraced former attorney and drug addict. Once a prominent member of the Bar, Mr. Murdaugh is charged with stealing millions from his clients and others who trusted him, and he gave millions to violent drug dealers who fed his voracious opioid addiction. His law firm confronted him about his thievery on September 3, 2021. He resigned from the firm and, after a failed suicide attempt assisted by his drug dealer, entered drug rehabilitation. He was arrested immediately upon leaving a rehabilitation facility and has been incarcerated ever since.

Three months earlier, on June 7, 2021, Mr. Murdaugh's wife, Maggie Murdaugh, and younger son, Paul Murdaugh, were brutally murdered at approximately 9 p.m. at the dog kennels on their rural family property in Colleton County, commonly called Moselle. Paul was shot at close range in the chest with 12-gauge buckshot, then again with duck shot while the muzzle was pressed against his skull, ejecting his brain from his skull entirely. Maggie was shot several times with a different long gun, an AR-style .300-caliber assault rifle commonly referred to as a "Blackout" after the name of its ammunition, then finished with a point-blank shot to the back of the head.

Mr. Murdaugh was indicted for the murders on July 14, 2022. The State alleged Mr. Murdaugh was confronted at his law firm earlier that day about missing attorney's fees, and that he came home and decided to kill his wife and son that night to temporarily distract the bookkeepers from investigating those fees and to reduce his financial exposure in a negligent entrustment suit filed over two years earlier regarding a boat which Paul allegedly operated while intoxicated, resulting in the horrible death of a young woman, Mallory Beach. To prove that alleged motive, the State was allowed to present weeks of testimony about Mr. Murdaugh's many financial crimes, which were otherwise unconnected to the murders.

Mr. Murdaugh vehemently denies murdering his family. There is no direct evidence of Mr. Murdaugh's guilt. There were no witnesses to the crime, no videos or photos of the crime occurring, no recovered murder weapons, no blood or DNA evidence establishing guilt. There is only circumstantial evidence, much of which is inconsistent with him being guilty.

No murder weapons were recovered. The Blackout cartridge cases recovered matched extractor marks but not firing pin impressions on cartridge cases recovered from the family firing range, and so the matches are unreliable. No human blood or significant amounts of gunshot residue were found on Mr. Murdaugh or his clothing, despite him having only about 11 minutes to clean himself thoroughly, according to the prosecution's theory,¹ before driving from Moselle to his mother's house and despite him supposedly having been standing almost in contact with Paul's head when it exploded in blood and gore. There was a water hose at the kennels, but it remained coiled on a wall mount in the exact manner seen in Paul's video taken only minutes before the murders. That the murders were close in time and place but used different long guns suggests multiple shooters.

¹ Originally the State was going to argue the T-shirt Mr. Murdaugh was wearing that night was stained with blood in a high-velocity impact spatter pattern that could only come from being next to someone being shot. That evidence was leaked to the public a few weeks before the indictments were returned, apparently by the Attorney General's office given that the leak occurred months after SLED began working with an external blood spatter expert but less than a week after the first meeting in which SLED disclosed that work to prosecutors. However, it turned out the evidence was fabricated, and the State was unable to present it to the jury. In closing arguments, prosecutor Johnny Meadors explained:

And, you know, they're putting these law enforcement on trial, talking about blood evidence, talking about other things that were presented to the grand jury, which you -- that blood evidence was investigated, and the State didn't offer it. That's what you do when you're a prosecution. Didn't try to offer it.

Trial Tr. 5841:11–17 (Exhibit A).

Unidentified male DNA was discovered on Maggie. Maggie's cell phone was taken from her when she was murdered and was later thrown unto the side of Moselle Road about half a mile from where her body lay. No explanation was offered as to why Mr. Murdaugh would take Maggie's phone, for which he had the passcode, but not Paul's, for which he did not have the passcode, or why he would throw it unto the side of the road near his home. GPS data from Mr. Murdaugh's car shows that if he did throw it, he must have done so while his car was travelling approximately 40 miles per hour yet without the phone recording any event associated with physical movement. It is unlikely the phone could be thrown from a car moving at 40 miles per hour without causing the phone to record any event, given that merely picking the phone up or rotating it 90 degrees causes a recorded "screen on" event. Mr. Murdaugh called his wife several times after she was murdered, and the last event ever recorded on her phone before it was recovered, other than missed calls and messages, was a physical rotation during one of Mr. Murdaugh's calls, suggesting the phone was thrown in response to his incoming call. Moreover, the State's expert admitted that if her phone and Mr. Murdaugh's phone were at some point moving together on the same person he would expect at least to see "step" data on both phones in about the same time spans, but that there was nothing indicating their phones were moving together.

While driving to and from his mother's house, Mr. Murdaugh had multiple telephone calls with several people, who found his affect completely normal. Everyone who knew them testified Alex, Maggie, and Paul had a normal, loving relationship. The motive the State alleged was implausible and was nearly abandoned by the State in closing arguments after it served its purpose of justifying weeks of testimony about Mr. Murdaugh's financial crimes:

Mr. Griffin goes does that [motive] make sense? It did in his mind. His world is collapsing; his world is coming down. This was the only way he could save – it's the only way – it's the only way he could save Alex. But if you don't, if that motive -- well, I don't know, is that enough? Is that enough? We don't have to prove

motive. We're certainly there. That's one explanation. But if he's down there and he's angry -- this don't sound like a real jovial --

Bubba [a dog], don't let me forget about, about Bubba. Bubba, come here. Maybe he just got angry. Maybe he got angry at Paul. Maybe he got angry. You know, we started all of this with the boat case, and maybe he just lost it. Maybe he just lost it. Maybe he wanted it to look like a suicide, and then Maggie came and he had to shoot her. I don't know. Only one person knows. And that's why we've got the motive. That's why we say he did it. But we don't even have to have motive. Just angry. He did it.

Trial Tr. 5824:6–24. In posttrial interviews, discussed at length below, Judge Newman admitted his decision to let the State present weeks of testimony on Mr. Murdaugh's financial crimes was "pretty controversial." Cleveland State Interview Tr. 41:20 (**Exhibit B**).

The evidence presented at trial would appear to present a Gordian knot requiring extensive deliberation to untangle. But the case was submitted to the jury at about 3:45 pm on March 2, 2023, and a verdict was returned early that evening. Jurors' television interviews indicate the actual deliberations took less than one hour. On the last day of closing arguments, the same day the verdict was returned, one juror wore a suit coat for the first time during the six weeks of trial, which was obviously not his as it was many sizes too large, and he recorded an appearance on national television that very night.

When the jury returned its verdict that evening, Judge Newman congratulated them on reaching what he saw to be the correct verdict. Trial Tr. 5877:16–23 ("[T]he verdict that you have reached is supported by . . . all of the evidence pointing to only one conclusion, and that's the conclusion that you all have reached. So, I applaud you all for, as a group and as a unit and individually, evaluating the evidence and coming to a proper conclusion . . .").

Mr. Murdaugh was sentenced the next day. When sentencing Mr. Murdaugh, Judge Newman repeatedly expressed disdain for Mr. Murdaugh's denial of murdering his own family. *E.g.*, Trial Tr. 5886:11–13; 5888:8–15; 5891:6–9; 5891:20–5892:1. Mr. Murdaugh filed a notice

of appeal on March 9. Nineteen days later, on March 28, Judge Newman gave a lengthy public interview about the trial at his *alma mater*, the Cleveland State University College of Law. In the interview, he expressed opinions about defense counsel's decision to seek a jury view of the murder scene. Cleveland State Tr. 24:4–6 (“And it ended up, I thought, being helpful to the prosecution and not to the defense, though requested by the defense.”). He expressed personal opinions regarding Mr. Murdaugh’s guilt. Cleveland State Tr. 33:13–15 (“[B]ut he committed an unforgivable, unimaginable crime. And there's no way that he'll be able to sleep peacefully.”). He also explained his reasoning for his decision to allow weeks of testimony on admitted financial crimes unrelated to the murders, which he knew to be a central issue in the then-pending appeal. Cleveland State Tr. 41:19–7. Later, on or shortly before June 21, 2023, Judge Newman gave another interview on the *Today* show, a national broadcast, again expressing his persona opinions regarding Mr. Murdaugh’s guilt. *Today* show Tr. 3:12–19 (“I cannot imagine him having a peaceful night knowing what he did. I’m sure if he had an opportunity to -- to do it over again, he’d never do it.”) (**Exhibit C**).

On August 1, 2023, the Colleton County Clerk of Court, Rebecca Hill, published a book, “Behind the Doors of Justice,” about Mr. Murdaugh’s trial. The book was a final straw that led to some jurors coming forward to describe Ms. Hill’s jury tampering. In brief, jurors stated that after the State rested and the defense began it case, Ms. Hill entered the jury rooms often, telling jurors not to let the defense “throw you all off,” or “distract you or mislead you,” and telling them “not to be fooled” by Mr. Murdaugh’s testimony in his own defense. Def.’s Mot. for a New Trial, *State v. Murdaugh*, Indictment Nos. 2022-GS-15-592 *et seq.* (Ct. Gen. Sess. Oct. 27, 2023) (**Exhibit D**). She had multiple private conversations with the jury foreperson (a court-appointed foreperson who replaced the jury’s elected foreperson). *Id.* She fabricated a Facebook post in an attempt to remove

a juror she thought might vote not guilty (who was removed on the last day of trial for a different reason). *Id.* Judge Newman even stated on the record in in camera proceedings, “Oh boy. I’m not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me.” Trial Tr. 5562:18–19. After Judge Newman made that comment, Ms. Hill interrogated the juror again about her views on the evidence presented and the views of other jurors. Ex. D. When the jury began deliberations that evening, Ms. Hill told them that “this shouldn’t take us long,” and that if they deliberated past 11 p.m., they would be taken directly to a hotel even though none were prepared to stay overnight. *Id.* She told the jury they would not be allowed to take smoke breaks as they had previously been allowed to do during the six-week trial. *Id.* There were six smokers on the jury. *Id.* She told jurors that after the trial they would be famous and predicted that the media would request interviews with them. *Id.* She even handed out reporters’ business cards to jurors during the trial, and she traveled with jurors to New York City when they appeared on the *Today* show. *Id.*

On September 5, 2023, Mr. Murdaugh filed a motion to suspend his appeal and for leave to file a motion for a new trial based on the evidence of Ms. Hill’s jury tampering, attaching his proposed motion for a new trial as an exhibit with supporting affidavits and documents. On October 17, 2023, the Court of Appeals granted the motion. Order, *State v. Murdaugh*, Appellate Case No. 2023-000392 (Ct. App. Oct. 17, 2023). Mr. Murdaugh filed his motion for a new trial with the Colleton Count Court of General Sessions on October 27. Ex. D. Judge Newman is currently assigned to decide the motion.

LEGAL STANDARD

The Supreme Court may issue writs of prohibition in its original jurisdiction. S.C. Const. art. V, § 5. A party may seek issuance of an extraordinary writ in the original jurisdiction of the Court by petition. Rule 245(b), SCACR.

“The ancient prerogative writ of prohibition has been recognized and employed in the common-law system of jurisprudence for more than seven centuries, and like all prerogative writs should be used with forbearance and caution, and only in cases of necessity.” *Ex parte Jones*, 160 S.C. 63, 158 S.E. at 137. “It is primarily a preventive process, and is only incidentally remedial.” *Id.* (emphasis added). The writ “will be granted only to prevent an encroachment, excess, usurpation, or improper assumption of jurisdiction on the part of an inferior court or tribunal, or to prevent some great outrage upon the settled principles of law and procedure” *State Bd. of Bank Control v. Sease*, 188 S.C. 133, 198 S.E. 602, 603 (1938) (internal quotation marks omitted). But “writ may not be invoked to perform the office of an appeal.” *Id.* “[I]f the inferior court or tribunal has jurisdiction of the person and subject-matter of the controversy, the writ will not lie to correct errors and irregularities in procedure, or to prevent an erroneous decision or an enforcement of an erroneous judgment” *Id.* If “the court in which the original action is brought has jurisdiction and the usual remedies provided by law are adequate and complete, the writ should not issue.” *Woodworth v. Gallman*, 195 S.C. 157, 10 S.E.2d 316, 319 (1940)

ARGUMENT

I. THE CODE OF JUDICIAL CONDUCT REQUIRES JUDGE NEWMAN TO DISQUALIFY HIMSELF FROM HEARING MR. MURDAUGH’S MOTION FOR A NEW TRIAL.

A. Judge Newman has personal knowledge about the Clerk of Court’s alleged misconduct.

“A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances where . . . the judge has personal knowledge of disputed evidentiary facts concerning the proceeding.” Canon 3(E)(1)(b), CJC, Rule 501, SCACR. The gravamen of the motion for a new trial is that Colleton County Clerk of Court Rebecca Hill’s interactions with members of the jury were improper and material to the merits of the evidence presented at trial. The motion does not suggest that Judge

Newman did anything improper during the trial as the presiding judge. However, Ms. Hill actions make Judge Newman a material witness regarding *her* conduct.

For example, *in camera* testimony, statements made in open court and excerpts from Ms. Hill's book indicate that Ms. Hill told Judge Newman about a Facebook post purportedly made by Juror #785's ex-husband claiming that this juror discussed her opinions about the evidence to the ex-husband. Ms. Hill at some point claimed the post had been deleted and as evidence she provided an unrelated "apology" post by a person coincidentally having the same name as Juror #785's ex-husband. It turns out that that no such Facebook post was made by anyone associated with Juror #785, and that it never existed at all. Ex. D at 3–5.

Statements made by Judge Newman during an *in camera* hearing involving Juror #785 indicate that Judge Newman and his law clerk had multiple conversations about Juror #785 with the Clerk of Court that are not reflected on the record. Trial Tr. 5533:5–5535:15. Judge Newman also stated on the record on the evening of February 28, 2023, that "I'm not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me." Trial Tr. 5562:18–19. At one point, Judge Newman indicated that he wanted to speak with the Clerk of Court about her knowledge of the Facebook posts. Trial Tr. 5536:1-10 ("Of course, the clerk, you know, I would want to hear directly from her because when she had indicated that she read a Facebook post over the weekend referencing this, this is Friday and she just mentioned it today."). Judge Newman's personal knowledge of her actions about Juror #785 is relevant to the Clerk's credibility if she disputes the representations made by other jurors that she engaged in inappropriate communication with them. As a result, Judge Newman must be disqualified under Canon 3(E)(1)(b), CJC, Rule 501, SCACR; Affidavit of Dr. Gregory B. Adams, ¶7(C)

(hereinafter “Adams Aff. ¶___”) (**Exhibit E**). Mr. Murdaugh raised this issue with Judge Newman via letter. Ltr. from R. Harpoontian to C. Newman, Oct. 18, 2023 (**Exhibit F**).

The State responded with a letter asserting Judge Newman’s knowledge of these facts is not critical or unobtainable by other means and therefore he need not recuse himself. Ltr. from C. Waters to C. Newman, Oct. 25, 2023 (**Exhibit G**). The cases cited therein for support are inapposite. *State v. Talbert*, 41 S.C. 526, 19 S.E. 852 (1894), is a Nineteenth Century case in which a trial court’s decision to disallow testimony from a judge about a warrant issued against the defendant was affirmed because the judge’s testimony was irrelevant. *In re Whetstone*, 354 S.C. 213, 580 S.E.2d 447 (2003), concerns an attempt to subpoena the trial judge to testify regarding an ineffective assistance of counsel claim in postconviction relief proceedings. The prudential consideration against allowing trial judges to be called to testify about trial counsel’s effectiveness at every postconviction relief hearing is obvious. Here, the issue is much more unique. A clerk of court is accused of bringing fabricated evidence to the judge in an attempt to influence the jury’s verdict to achieve personal fame and money in a high-publicity case.

But the issue is not whether Mr. Murdaugh may call Judge Newman to testify at an evidentiary hearing. The standard for quashing a subpoena to a judge is not the standard for the judge’s recusal. It could be the case that the information the judge possesses is readily obtainable from other sources. But that would not change his knowledge of disputed evidentiary facts. For example, no one would question the need for a judge to recuse himself from presiding over the prosecution of a crime he personally witnessed, even if there were many other witnesses and the crime were caught on video so that his testimony would be unnecessary.

Here, Judge Newman has personal knowledge of Ms. Hill’s representations to him about a Facebook post she said was by the ex-husband of a juror who was discussing the evidence with

him during trial. Judge Newman asked her to produce the post; she told him it was deleted and replaced with a post apologizing for it, which she did produce. Mr. Murdaugh alleges the first post never existed and that she knew the purported replacement post was not by the ex-husband of a juror. Ms. Hill presumably will not admit that.² The facts Judge Newman has knowledge of therefore are “disputed.” They are “evidentiary” facts because they are evidence regarding Ms. Hill’s attempts to influence the jury’s verdict. Judge Newman therefore has personal knowledge of “disputed evidentiary facts.” It is his personal knowledge of these facts that disqualifies him from impartially weighing evidence probative of them. Adams Aff. ¶ 7(C).

B. Judge Newman’s comments to the jury after the verdict was returned violated Canon 3 of the Code of Judicial Conduct.

“A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.” Canon 3(B)(10), CJC, Rule 501, SCACR. Despite this rule, at sentencing Judge Newman told the jury,

I will make no comment now as to the extent of the overwhelming nature of the evidence, but certainly the verdict that you have reached is supported by the evidence, circumstantial evidence, direct evidence, all of the evidence pointing to only one conclusion, and that’s the conclusion that you all have reached. So, I applaud you all for, as a group and as a unit and individually, evaluating the evidence and coming to a proper conclusion

Trial Tr. 5877:16–23. To “applaud” the jury for coming to the “proper conclusion” in its verdict is a commendation for reaching the right decision in violation of Canon 3(B)(10). Adams Aff.

² Ms. Hill certainly will be a witness, and she will be asked about bringing the Facebook issue to the attention of Judge Newman. If she testifies falsely about that, Judge Newman might know it. If that happens, what then? Would he simply announce that her testimony is incorrect? Would he make a finding of fact based on personal knowledge that contradicts sworn testimony in the record? Such questions are why judges having personal knowledge of disputed evidentiary facts must disqualify themselves.

¶7(A)(ii). The Supreme Court of New Jersey found a judge violated the canon against commanding the jury for its verdict when he merely told the jury that “Your verdict has been adequately and amply supported by the evidence.” *In re Mathesius*, 910 A.2d 594, 600 (N.J. 2006). Judge Newman’s comment “applaud[ing]” the jury for coming to a “proper conclusion,” the “only one conclusion” that “all of the evidence point[ed] to” is, in contrast, a much more egregious flouting of the well-known rule against commanding or criticizing the jury for its verdict.

Further, Judge Newman’s use of the word “overwhelming” to describe the evidence when applauding the jury for coming to the only conclusion that “all of the evidence point[ed] to,” was no accident. As the Court is aware, “overwhelming” is a term of art in reviewing criminal proceedings. *Smalls v. State*, 422 S.C. 174, 188, 810 S.E.2d 836, 843 (2018). Trial errors may be deemed harmless if the evidence is otherwise “overwhelming.” *State v. Reyes*, 432 S.C. 394, 406, 853 S.E.2d 334, 340 (2020). Likewise, deficient performance by trial counsel is usually not deemed prejudicial if the evidence is “overwhelming.” *Smalls*, 422 S.C. at 188, 810 S.E.2d at 843.

By commanding the jury for coming to the only conclusion permitted by the “overwhelming” evidence, Judge Newman was placing into the record his opinion that if his decision to allow weeks of testimony on financial crimes unrelated to the murders, which he admits was “pretty controversial” (Cleveland State Interview Tr. 41:20), is error, it should not result in a new trial. Likewise, in his opinion any issues raised in post-conviction review proceedings should not result in a new trial. Judge Newman broke a binding rule of conduct to opine on the record that any errors discovered in the trial proceedings, whether on direct appeal or collateral review, should not result in a new trial. That shows bias against granting a new trial even if warranted.

C. Judge Newman’s statements at Mr. Murdaugh’s sentencing show personal bias in violation of Canon 3 of the Code of Judicial Conduct.

“A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice” Canon 3(B)(5), CJC, Rule 501, SCACR. The commentary to the Canon states, “A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.” *Id.*

Mr. Murdaugh denies murdering his family but does not deny that the jury returned a guilty verdict and that it would be appropriate for the sentencing judge to comment with disapproval on the commission of such a horrible crime. *See, e.g., United States v. Guglielmi*, 615 F. Supp. 1506, 1512 (W.D.N.C. 1985) (“Personal bias [a grounds for disqualification] is to be distinguished from ‘judicial’ bias, and does not include views based upon matters arising during the course of the litigation or upon general attitudes common to the public generally.”). But Judge Newman’s comments at sentencing show personal bias regarding Mr. Murdaugh and his family that is well beyond the “general attitudes common to the public generally” about murder. Judge Newman’s comments take personal offense that Mr. Murdaugh denied he committed the murders—which is Mr. Murdaugh legal right. *State v. Rivera*, 402 S.C. 225, 241–42, 741 S.E.2d 694, 702–03 (2013) (“The right of a criminally accused to testify or not to testify is fundamental.”); *see also Rock v. Arkansas*, 483 U.S. 44, 52 (1987) (“[F]undamental to a personal defense ... is an accused’s right to present his own version of the events in his own words.”). The Court’s outrage that Mr. Murdaugh presumed to defend himself is a manifestation of personal bias against Mr. Murdaugh arising from other acts that occurred years before the murders, and from the prominence and privilege Mr. Murdaugh’s family enjoyed and which Mr. Murdaugh abused.

For example, Judge Newman stated at sentencing,

And you've engaged in such duplicitous conduct here in the courtroom, here on the witness stand.

...

But amazingly, to have you come and testify that it was just another ordinary day, that my wife and son and I were out just enjoying life, not credible. Not believable. You can convince yourself about it, but obviously you have the inability to convince anyone else about that. So, if you made any such arguments as a lawyer, you would lose every case like that

Trial Tr. 5886:11–13, 5891:20–5892:1. On the witness stand, Mr. Murdaugh admitted all his financial crimes but denied murdering his family. Judge Newman's comments do not express the outrage “common to the public generally” for which Mr. Murdaugh was convicted—murder—but his personal outrage at how Mr. Murdaugh practiced law for many years, viewing Mr. Murdaugh's denial of murdering his family as a continuation of that dishonest conduct.

That outrage could be judicial bias, not personal bias, because it was perhaps based on facts Judge Newman learned through his participation in criminal proceedings against Mr. Murdaugh—details of how Mr. Murdaugh lied to and stole from people who trusted him. But what was unquestionably personal was the outrage extending beyond Mr. Murdaugh's own conduct to the supposed conduct of Mr. Murdaugh's ancestors.

Even during this trial, the law enforcement has been maligned for the past five or six weeks by one who had access to the wheels of justice to be able to deflect the investigation.

Trial Tr. 5891:6–9. Mr. Murdaugh did lie about being at the kennels shortly before the murders, which could be called a “deflection” of the investigation (albeit a very ineffectual one),³ but that had nothing to do with being “one who had access to the wheels of justice.” It was a statement given to investigators.

³ Mr. Murdaugh also briefly lied about his attempted assisted suicide attempt because he did not want his son Buster to know he attempted suicide. Trial Tr. 5079.

Judge Newman's comment about being "one who had access to the wheels of justice to deflect the investigation" does not refer to him as a criminal suspect who failed to tell investigators the truth when interviewed. Nor does it refer to Mr. Murdaugh's sporadic service as a part-time unpaid assistant solicitor, in which he first chaired a single trial and second chaired four trials with his father over a 23-year period. *See* Trial Tr. 4814–17. It refers to Mr. Murdaugh's family as a symbol of corruption in the Lowcountry, and specifically to his father, grandfather, and great-grandfather serving as the Solicitor in the 14th Judicial Circuit for 86 years.

Judge Newman elaborated on that theme in his sentencing comments:

And this case qualifies under our Death Penalty Statute based on the statutory aggravating circumstances of two or more people being murdered by the defendant, by one act, or pursuant to one scheme or course of conduct. I don't question at all the decision of the State not to pursue the death penalty, but as I sit here in this courtroom and look around the many portraits of judges and other court officials and reflect on the fact that over the past century, your family, including you, have been prosecuting people here in this courtroom, and many have received the death penalty, probably for lesser conduct.

Trial Tr. 5887:5–15. What Mr. Murdaugh's grandfather or great-grandfather did in a courtroom before Mr. Murdaugh was born has no relevance to any issue in sentencing. Judge Newman's discussion of Mr. Murdaugh's ancestors *sua sponte* is evidence of personal bias. His *sua sponte* discussion of the death penalty is also evidence of personal bias. Judge Newman expressed his opinion that the death penalty would be desirable in this case, reasoning that Mr. Murdaugh should get the death penalty because his family sought it for others who were less deserving of it than him.

Judge Newman's comment that "law enforcement has been maligned for the past five or six weeks"—referring to the length of the trial—is further evidence of personal bias against Mr. Murdaugh and against his counsel. Defense lawyers have a duty to challenge the quality of the investigation that generates evidence against their clients:

As a defense attorney you have a duty to question and challenge the state's evidence You have a duty to investigate these matters and use the means at your disposal to conduct that investigation. You have a duty to test the state's evidence.

State v. Petway, 2017-Ohio-7954, ¶ 21 (O'Toole, J., dissenting) (internal quotation marks omitted).

In this case, the lead investigator admitted under cross-examination that he provided false testimony to the Colleton County grand jury to obtain indictments. Trial Tr. 3695:1–3697:15. Mr. Murdaugh's lawyers worked many hours, after midnight and on holidays, to prove the State fabricated evidence that Mr. Murdaugh's T-shirt was stained with human blood in a pattern unique to gunshots. That effort was successful—the State conceded the point and did not attempt to introduce the fabricated evidence. Trial Tr. 5841:11–17. The State's expert admitted GPS data on Maggie Murdaugh's phone for the night of the murders—which would have conclusively proven whether Mr. Murdaugh ever had possession of her phone after her murder—was overwritten and lost because it was left powered on for a week in SLED's forensic laboratory while not secured in a Faraday bag or box. *See* Trial Tr. 1364–65. There are many other examples. That Judge Newman would state on the record that these efforts were objectionable “maligning” of law enforcement rather than defense attorneys doing their job is evidence of personal bias.

D. Judge Newman's extra-judicial statements after Mr. Murdaugh's trial violated Canon 3 of the Code of Judicial Conduct.

“A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing” Canon 3(B)(9), CJC, Rule 501, SCACR. The commentary to that section provides, “The requirement that judges abstain from public comment regarding a pending or impending proceeding continues during any appellate process and until final disposition.” *Id.* During the pendency of this case, Judge Newman nonetheless gave public interviews in which he expressed

his personal opinions regarding Mr. Murdaugh’s guilt, legal issues on appeal, and strategic choices by Mr. Murdaugh’s counsel during trial in violation of Canon 3(B)(9). Adams Aff. ¶ 7(A)(i), (B).

It is almost unheard of for a judge to give interviews about a pending case, even cases in other jurisdictions. *See In re Boston’s Children First*, 244 F.3d 164, 169 (1st Cir. 2001), as amended on denial of reh’g and reh’g en banc (Mar. 2, 2001) (“Judges are generally loath to discuss pending proceedings with the media . . .”). When it does occur, it is almost universally found to be misconduct. *See, e.g., United States v. Microsoft Corp.*, 253 F.3d 34, 113 (D.C. Cir. 2001) (holding a judge’s press interviews about the case before him violated the rule prohibiting public comment about pending cases); *In re Int’l Bus. Machines Corp.*, 45 F.3d 641, 645 (2d Cir. 1995) (granting writ of mandamus directing the trial judge to recuse himself because of newspaper interviews he had given); *Broadman v. Comm’n on Jud. Performance*, 959 P.2d 715, 725 (Cal. 1998), as modified (Sept. 2, 1998) (holding a judge violated canons of the Code of Judicial Conduct by publicly commenting in Time magazine and another magazine on two criminal cases that were pending either in his court or in the court of appeals); *In re Inquiry of Broadbelt*, 683 A.2d 543, 548 (N.J. 1996) (holding a judge violated a canon of the Code of Judicial Conduct prohibiting judges from making public comments about pending or impending proceeding in any court, by appearing on television to comment on cases pending in other jurisdictions). But Judge Newman did exactly that about Mr. Murdaugh’s case on multiple occasions. Judge Newman even went on a major national broadcast, the *Today* show, to proclaim Mr. Murdaugh’s guilt before Mr. Murdaugh’s direct appeal was even briefed and before he had a chance to move for a new trial.

Shortly after Mr. Murdaugh filed a notice of appeal, Judge Newman gave an extended interview about Mr. Murdaugh’s case at his *alma mater*, the Cleveland State College of Law. The interview was held in a law school moot courtroom and was open to the public. More than 300

people attended. It was streamed live on the internet and the recording is still available.

<https://csuohio.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=2d7f75e9-ca3d-463a-95da-afc01554535>. During the interview, Judge Newman expressed his personal opinions regarding Mr. Murdaugh's guilt:

[I]n my mind, no doubt he loved his family. I don't believe that that he hated his wife. And certainly I do not believe that he did not love his son, but he committed an unforgivable, unimaginable crime. And there's no way that he'll be able to sleep peacefully.

Cleveland State Tr. 33:10–15. Judge Newman also commented on choices made by defense counsel. Cleveland State Tr. 24:1–9 (commenting that defense-requested site visit was more helpful to the prosecution than the defense); Cleveland State Tr. 41:19–42:7 (commenting that defense counsel “opened the door to many other things by the manner in which they presented the evidence”). He explained his reasoning for his decision to allow weeks of testimony on admitted financial crimes unrelated to the murders, which he knew to be a central issue in the then-pending appeal:

Hello, Judge Newman. One of the most kind of contentious things that happened in the trial was your decision to allow the financial crimes to come out as inadmissible prior bad act. How did you come to that decision and what was your rationale for allowing those to come in?

Yeah, a lot of it is it was a pretty controversial decision. And and as will be the subject of an appeal and, you know, no case is final until there's a final ruling on the appellate issues. So I think the record speaks for itself.

Initially, the ruling was going to be limited to things occurring within the *res gestae* of the moment of the day of the murders. And the lawyers I ruled opened the door to many other things by the manner in which they presented the evidence. Then, of course, once the defendant takes the stand and testifies, then almost everything is fair game at that point.

Cleveland State Tr. 41:19–42:7.

The “pretty controversial decision” was this. Before trial, the State moved in limine for a ruling allowing it to introduce evidence of Mr. Murdaugh's financial crimes in support of its theory

of motive. Judge Newman declined to rule on the motion. His ruling on the admissibility of prior bad acts was revealed during trial following the examination of Will Loving, a 25-year-old construction worker who was friends with Paul Murdaugh. On cross-examination, defense counsel asked Mr. Loving about his observations of the relationship between Alex, Maggie, and Paul:

Q. And did you spend a lot of time with Paul around his dad and his mom?

A. Yes, sir, I did.

Q. And how would you describe Paul's relationship with his father?

A. It was an awesome relationship.

Q. What do you mean by awesome?

A. It just kind of seemed like Paul was the apple of his eye.

Q. Okay, and from your observations, would you tell the jury what you observed of Alex's relationship with Maggie?

A. I thought they had an awesome relationship as well through everything that I can see. You know, they were always laughing and everybody got along and it was -- nothing was out of the ordinary at all.

Trial Tr. 1503:15–1504:4. Similar questions were asked of other another friend of Paul's. Judge Newman ruled those questions solicited character evidence that “opened the door” to allowing the State to present weeks of testimony about unrelated financial crimes to rebut that character evidence. Trial Tr. 1514–16.

Whether Judge Newman's ruling constitutes error is an issue for the Court of Appeals based upon the trial record. Of importance here is that Judge Newman loses the appearance of impartiality when he attempts to influence that proceeding by extra-judicial public comments. “[O]ther courts have agreed that under some circumstances a judge's defense of her own orders, prior to the resolution of appeal, may create the appearance of partiality.” *In re Boston's Children First*, 244 F.3d at 170; *see also Broadman*, 959 P.2d 715 (Cal. 1998) (“By making public comments in an attempt to justify and defend his decisions while those decisions were pending on appeal,

petitioner adopted the role of an advocate. Such actions would appear to an objective observer to be ‘prejudicial to public esteem for the judicial office.’”).

Later, on or shortly before June 21, 2023, Judge Newman gave an interview on the *Today* Show again expressing his personal opinions regarding Mr. Murdaugh’s guilt:

CRAIG MELVIN: Do -- do you think that he’ll been haunted by his -- his wife and -- and son?

JUDGE CLIFTON NEWMAN: Oh, I think so, it has to be. I -- I cannot imagine him having a peaceful night knowing what he did. I’m sure if he had an opportunity to -- to do it over again, he’d never do it.

Today show Tr. 3:12–19.

Judge Newman gave yet another interview for a podcast hosted by the dean of his former law school. In that podcast interview he discussed Mr. Murdaugh’s family, speculating that Mr. Murdaugh’s family may have been disappointed Mr. Murdaugh never became the 14th Circuit Solicitor. Podcast Tr. 15:3–20 (**Exhibit H**). He also commented on Mr. Murdaugh’s credibility and culpability during sentencing: “And looking him in the eyes at that moment with really, you know, great empathy for him, I -- he gave himself a way out by saying it wasn’t me –.” Podcast Tr. 21:2–5.

In another high-profile case, the U.S. Court of Appeals for the D.C. Circuit held the trial judge “breached his ethical duty . . . each time he spoke to a reporter about the merits of the case.”

Microsoft Corp., 253 F.3d at 112. It further explained,

It is clear that the District Judge was not discussing purely procedural matters, which are a permissible subject of public comment under one of the Canon’s three narrowly drawn exceptions. He disclosed his views on the factual and legal matters at the heart of the case. His opinions about the credibility of witnesses, the validity of legal theories, the culpability of the defendant, the choice of remedy, and so forth all dealt with the merits of the action.

United States v. Microsoft Corp., 253 F.3d 34, 112 (D.C. Cir. 2001). Judge Newman’s extrajudicial comments likewise are about the “merits of the case.” His comments express views on the

credibility of witnesses (Mr. Murdaugh) and the validity of legal theories (his “pretty controversial decision” regarding evidence of financial crimes). And he comments extensively about the “culpability of the defendant.”

It is categorically inappropriate for a judge to give interviews about a case pending before him, which includes a case on direct appeal that may, as here, appear before him again for further judgment. This categorical rule was explained eloquently by Judge Harry Edwards of the D.C. Circuit:

The Code of Conduct for United States Judges, states that “[a] judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge’s direction and control.” The Canon allows a judge to “explain[] for public information the procedures of the court,” however, the Canon is clear in indicating that *a judge never may discuss the merits of a pending case in a non-judicial forum, especially when he has reason to know that the parties to the litigation may appear before him again for further judgment in the case.* Indeed, in my view, this principle is so straight-forward and unequivocal under the Code of Conduct that *its breach will almost always give rise to a legitimate claim for disqualification under section 455(a).*

The integrity of the judicial process would be seriously doubted if judges were free to air their views on pending cases outside of the appropriate judicial forum. *Whenever such an occurrence arises, a judge should recuse himself to protect the sanctity of the judicial process.* It does not matter whether the judge intends to act with bias or otherwise to prejudice the defendant. What matters is that there has been a breach of a code of conduct by an officer of the court such that the integrity of the process has been called into question. That is enough to warrant recusal.

In re Barry, 946 F.2d 913, 917–18 (D.C. Cir. 1991) (Edwards, J., dissenting) (emphasis in original) (footnotes and citations omitted). Judge Newman is not free to express his views on the merits of Mr. Murdaugh’s case outside of judicial proceedings. Because he did so, his recusal is required “to protect the sanctity of the judicial process.” *See also* Adams Aff. ¶ 7(A).

Although it is ordinarily inappropriate for a litigant to speculate about a judge’s subjective motives, here fairness requires Mr. Murdaugh to note that Judge Newman had good reason to believe his role in the murder trial was complete with the conclusion of the trial. Judge Newman

is retiring at the end of this year. He knew the direct appeal would not even be briefed before he left the office. In March and July, when he gave interviews, no one expected the suspension of the appeal for a trial-court evidentiary proceeding only a few months after the verdict. But as Thurgood Marshall often said, “Rules is rules,” even in circumstances where it seems they do not matter. *See* Spencer R. Crew, Thurgood Marshall: A Life in American History 156 (2019). Sometimes the unexpected happens. The rules governing judicial conduct codified in the Canons evolved over hundreds of years and reflect the accumulated experience of many generations of judges. Judge Newman’s public statements about this matter should have adhered to the Canons even after it seemed his role in this matter had ended. As Judge Edwards explained, Judge Newman’s intent in giving interviews is not relevant. All that matters “is that there has been a breach of a code of conduct by an officer of the court such that the integrity of the process has been called into question. That is enough to warrant recusal.” *In re Barry*, 946 F.2d at 918 (Edwards, J., dissenting).

E. Judge Newman is required to disqualify himself from hearing Mr. Murdaugh’s motion for a new trial.

“A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances where: (a) the judge has a personal bias or prejudice concerning a party or a party’s lawyer,” Canon 3(E)(1)(a), CJC, Rule 501, SCACR. This Canon is universal in American jurisdictions. It calls for an objective inquiry: “The question is not whether the judge is impartial in fact. It is simply whether another, not knowing whether or not the judge is actually impartial, might reasonably question his impartiality, on the basis of all of the circumstances.” *Rice v. McKenzie*, 581 F.2d 1114, 1116 (4th Cir. 1978).

For the reasons set forth above, Judge Newman's expressions of personal bias during trial after the verdict was returned and his posttrial extrajudicial statements could cause a reasonable person to question his impartiality regarding Mr. Murdaugh. Judge Newman, after all, went on national television and said, "I cannot imagine him having a peaceful night knowing what he did." A reasonable person watching that could question whether he can impartially decide whether Mr. Murdaugh should get a new trial. Adams Aff. ¶ 7(A), (B).

II. MR. MURDAUGH HAS A RIGHT TO HAVE HIS CAUSE HEARD BY A JUDGE WHO IS NOT REQUIRED TO DISQUALIFY HIMSELF.

"A criminal defendant has a due process right to have his case heard by a fair and impartial judge." *State v. Langford*, 400 S.C. 421, 437, 735 S.E.2d 471, 479 (2012); *see also Schweiker v. McClure*, 456 U.S. 188, 195 (1982) ("[D]ue process demands impartiality on the part of those who function in judicial or quasi-judicial capacities."). A judge required to disqualify himself is not impartial. *See* Canon 3(B)(9), CJC, Rule 501, SCACR (disqualification required where a judge's impartiality might reasonably be questioned).

III. MR. MURDAUGH HAS NO EFFECTIVE LEGAL REMEDY TO VINDICATE HIS RIGHT OTHER THAN AN EXTRAORDINARY WRIT FROM THIS COURT.

A. If Judge Newman hears the motion for a new trial, his decision cannot be meaningfully reviewed for bias on appeal.

The usual remedy for an error by a trial judge is an appeal from a final order or judgment. Where bias is alleged, the appellant must show that the alleged bias is personal as distinguished from judicial, that it stems from extrajudicial sources, and that it results "in a decision on the merits based on considerations other than what the judge learned from his participation in the case."

Mallett v. Mallett, 323 S.C. 141, 146, 473 S.E.2d 804, 808 (Ct. App. 1996).

Here, an appeal cannot protect Mr. Murdaugh's right to have his motion for a new trial heard by an impartial judge. Mr. Murdaugh's motion for a new trial will not be decided on legal

argument. Everyone presumably will agree that Ms. Hill's alleged conduct, if proven, is cause for a mistrial. The dispute will be what in fact happened. The presiding judge will decide that as the factfinder. There will be witnesses supporting Mr. Murdaugh's position (jurors who have provided affidavits to the defense) and at least one witness contradicting them (Ms. Hill) almost certainly joined by other witnesses. The dispositive factual findings will be based on weighing the relative credibility of witnesses. Those findings will be unreviewable on appeal:

The credibility of newly-discovered evidence offered in support of a motion for a new trial is a matter for determination by the circuit judge to whom it is offered. In him, not this court, resides the power to weigh such evidence; and his judgment thereabout will not be disturbed except for error of law or abuse of discretion.

State v. Mercer, 381 S.C. 149, 167, 672 S.E.2d 556, 565 (2009) (quoting *State v. Mayfield*, 235 S.C. 11, 34–35, 109 S.E.2d 716, 729 (1959)).

Even if the standard of review did not forbid appellate review of credibility determinations, it is impossible to show that a judge's credibility determination stems from extrajudicial sources or that it results “in a decision on the merits based on considerations other than what the judge learned from his participation in the case.” *Cf. Mallett*, 323 S.C. at 146, 473 S.E.2d at 808. Determining credibility is a subjective process that is impossible to review but easily biased. *See* 81 Am. Jur. 2d Witnesses § 917 (“Witness credibility is a subjective, amorphous quality, often defined as much by the preconceptions of the persons who perceive the witness as by the witness’s personal characteristics.”). If the factfinder is a judge who has denounced Mr. Murdaugh on national television, the decision on the motion for a new trial will be unreviewable and forever suspect. The bell cannot be un-rung on appeal. Mr. Murdaugh’s right to an impartial judge can only be preserved by prevention, not remediation, which is available only from this Court. *Cf. Ex parte Jones*, 160 S.C. 63, 158 S.E. at 137 (noting writs of prohibition are preventive, not remedial).

B. Only this Court has authority to determine whether a judge has violated the Code of Judicial Conduct.

Only this Court can determine that a judge has violated the Code of Judicial Conduct. Rule 27(e), RJDE, Rule 502, SCACR. Technically, Mr. Murdaugh must argue Judge Newman has engaged in “misconduct,” because this Court defines “misconduct” as “conduct by a judge constituting grounds for discipline,” which includes “violat[ing] . . . the Code of Judicial Conduct,” which, as explained above, Judge Newman did violate. Rules 2(t) & 7(a), RJDE, Rule 502, SCACR. Rule 502 of the South Carolina Appellate Court Rules provides a process for investigating and adjudicating complaints of judicial misconduct. But Mr. Murdaugh has no interest in any disciplinary action against Judge Newman. Mr. Murdaugh recognizes that Judge Newman is a distinguished and honorable jurist of outstanding character.

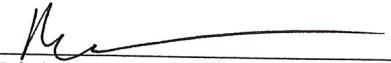
Mr. Murdaugh simply argues Judge Newman has violated certain rules governing judicial conduct, and consequently those rules and his own legal rights require Judge Newman’s disqualification from hearing his motion for a new trial. No court except this Court can prevent a circuit judge from hearing a particular cause on the basis of violations of the Code of Judicial Conduct. Thus, Mr. Murdaugh cannot vindicate his right to have his motion decided by a judge who has not violated the Code of Judicial Conduct regarding his case by any means except by process in the original jurisdiction of this Court.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Court to issue a Writ of Prohibition in its original jurisdiction prohibiting the Honorable Clifton Newman, Circuit Court

Judge, from adjudicating Petitioner's motion for a new trial or presiding over future trials of indictments against Petitioner.⁴

Respectfully submitted,


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November 1, 2023
Columbia, South Carolina.

⁴ The grounds Mr. Murdaugh asserts for disqualifying Judge Newman from presiding over future trials are identical to the asserted grounds for disqualifying him from hearing the motion for a new trial, except that Judge Newman does not have personal knowledge of disputed facts regarding Mr. Murdaugh's financial crimes.

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EXHIBIT A

(Trial Transcript Excerpts)

1 2:51:21 p.m.

2 Q So, that's two days after Maggie Murdaugh was
3 murdered.

4 A Yes, sir.

5 Q And it took eight days to extract her phone.

6 A Yes, sir.

7 Q If it had been extracted in six days, would we have
8 this data for the night of the murder?

9 A It's possible. It appears it may be, yes, sir.

10 Q The -- those -- that latitude and longitude of the
11 oldest entry, do you know where that is?

12 A No, sir. I would have to plot it to know for sure.

13 Q Would you disagree with me if I said that that's a
14 SLED building, given the date?

15 A No, sir. I would -- I would say that most of these
16 are probably the SLED annex building in Columbia.

17 Q Okay, and it is. Yesterday you were asked some
18 questions about a Faraday bag, and there was some
19 discussion that often there's no real point if it's already
20 in airplane mode. But you said that one difference between
21 removing the SIM card or airplane mode and a Faraday bag
22 is that the Faraday would block GPS signals. Is that
23 correct?

24 A Yes, sir.

25 Q If this phone would have been placed in a Faraday bag

1 until whatever the GrayKey issues were could have been
2 resolved, would it have preserved GPS data?

3 A It should have. As long as the Faraday was not
4 defective and sealed properly, then it should have locked
5 GPS.

6 Q And then we would presumably have GPS data going back
7 to 6/7 or before.

8 A Yes, sir. I would imagine so in that timeframe, yes,
9 sir.

10 MR. BARBER: Beg the Court's indulgence.

11 (Break in proceedings.)

12 MR. BARBER: I apologize, Your Honor. Almost done. I
13 don't think I have offered this into evidence. I
14 apologize, Your Honor. I would offer this as Defendant's
15 Exhibit 45.

16 MR. CONRAD: Was that what he was just looking at?

17 MR. BARBER: Yes.

18 MR. CONRAD: No objection from the State.

19 THE COURT: Admitted without objection.

20 (DATABASE FROM M. MURDAUGH'S PHONE MARKED AS
21 DEFENDANT'S EXHIBIT NUMBER 45 WAS RECEIVED INTO EVIDENCE.)

22 Q One, I guess, final question. I said something we
23 would come back to, if I can. It's one of State's
24 exhibits. Do you have 284 up there?

25 A I have 283. Yes, sir, I have 284.

1 Q Okay. So, you sighted it in on March 6th?

2 A Yes, sir.

3 Q Okay. I'll take that back. When was the last time
4 you saw Paul in person?

5 A It would have been the weekend previous, or two
6 weekends previous to when everything happened. It was
7 Memorial weekend.

8 Q You saw him Memorial Day weekend?

9 A Yes, sir.

10 Q And where did you see him?

11 A We all stayed at the Edisto Beach house.

12 Q And when you say we all, who are you referring to?

13 A Me, myself, and three or four other buddies, along
14 with Alex, Maggie, and I believe that was it.

15 Q And did you spend a lot of time with Paul around his
16 dad and his mom?

17 A Yes, sir, I did.

18 Q And how would you describe Paul's relationship with
19 his father?

20 A It was an awesome relationship.

21 Q What do you mean by awesome?

22 A It just kind of seemed like Paul was the apple of his
23 eye.

24 Q Okay, and from your observations, would you tell the
25 jury what you observed of Alex's relationship with Maggie?

1 A I thought they had an awesome relationship as well
2 through everything that I can see. You know, they were
3 always laughing and everybody got along and it was --
4 nothing was out of the ordinary at all.

5 Q Did Maggie and Alex open their home up to Paul and
6 Buster's friends?

7 A Yes, they did.

8 Q How many people stayed at the Edisto Beach house that
9 Memorial Day weekend?

10 A I'm not 100 percent positive. At least three or four
11 friends.

12 Q And where did y'all stay?

13 A All in the bedrooms. I think somebody might have been
14 on the couch on the porch outside, maybe the couch inside
15 as well.

16 Q Okay. So, was Buster there?

17 A I believe Buster was there, but I'm not 100 percent
18 sure.

19 Q Did he have any of his friends there?

20 A Yet again, I'm not sure.

21 Q You mentioned that when you got a phone call from
22 Paul's cousin, I believe after midnight on June 7th or the
23 early morning of June the 8th, you learned what happened
24 and your immediate reaction was to hightail it out of
25 there?

1 THE COURT: First I want to address the ruling
2 yesterday overruling the objection by the defense to the
3 State's question of the witness on redirect as to whether
4 he was aware of certain things that had occurred earlier on
5 June 7th involving Mr. Murdaugh, or Murdaugh.

6 In the questioning, cross-examination of the witness
7 by Mr. Griffin, the witness was asked whether he could
8 think of any reason -- the gist of it, if he can think of
9 any reason possible why Mr. Murdaugh would commit the
10 crimes he is accused of committing. That, in effect,
11 turned the cross-examination of that witness from dealing
12 with the specific issues in the case to having that witness
13 testify as a character witness for Mr. Murdaugh. Among his
14 other areas in inquiry was his being a loving father, great
15 provider, financially secure, things of that nature, all
16 indicating an opinion by that witness as to the good
17 character of the defendant, either through direct
18 statements or circumstantially through the evidence that
19 was adduced from that witness. In the Court's view, that
20 opened the door for the State to respond by asking
21 questions as the State did, hence the Court overruled the
22 objection.

23 In addition to all of that, the objection was totally
24 inappropriate. As the Court laid out and reviewed with the
25 parties early in the trial, that objection should be made

1 and the legal basis stated. An objection of -- totally
2 inappropriate is, in the words of Judge Joe Anderson, in
3 effect, no objection at all. That's not a legal basis for
4 an objection. But that summarizes the basis for the
5 Court's ruling on that issue as to those questions
6 yesterday.

7 And that character type evidence was not only sought
8 by -- from Mr. Gibson, but also -- is it Loving? But also
9 Mr. Loving. And none of that really implicated rule 404 --
10 404B. Number one, it opened the door. Number two, it's
11 404A type reputation questioning that the State had a right
12 to respond to per the rule. And thirdly, it addressed an
13 issue raised in the case by the defense.

14 The defense in the case has primarily been the
15 defendant has such a great character that he could not
16 possibly have committed these offenses; that's been a
17 general thread from opening statement throughout. In
18 addition, the, the defense introduced through that witness,
19 which was also introduced through other testimony in the
20 case by the defendant, that the boating case was a reason
21 for the murders to have occurred, and by the defense
22 inquiring of the witness yesterday as to his knowledge and
23 belief concerning -- or his knowledge concerning the
24 boating case. That likewise opened the door for the State
25 to address that issue, and that is the basis for the

1 Court's ruling as to opening the door, introducing the
2 boating case, and reputation type evidence that the State
3 had a right to respond under Rule 403.

4 Yet to be addressed by the Court is Rule 404 issues,
5 and those issues will, to some degree, have to be addressed
6 *in camera*, and I'm wondering if the State has other
7 witnesses to testify as to other things, since we have the
8 jury here ready to go, prior to addressing other of
9 those -- any other --

10 MR. WATERS: Well, we do have a -- first of all, we do
11 have a Snapchat custodian who has flown in that we need to
12 get in so that person can make a flight. Based on how
13 things ended yesterday, I do -- I was prepared this
14 morning, we were planning on going forward with some of the
15 witnesses from the law firm, and that's going to -- there's
16 certainly stuff beyond 404, but that's also going to put
17 some of the 404 issues squarely into play. So, that's kind
18 of where we were planning to go this morning, Your Honor,
19 with the testimony that we have. I can certainly get some
20 more forensic people rolling. And I apologize if I sort of
21 misread what we needed to be ready to do, but that's kind
22 of what we focused on last night and are ready to address
23 this morning.

24 THE COURT: Yeah. Well, the Court didn't have a lot
25 of time to do jury planning issues and it might have, you

1 Q Can you identify any weapons found in the house at
2 Moselle that were loaded with buckshot and birdshot?

3 A No, sir.

4 Q Now, when you told Alex that there were multiple
5 weapons loaded with that same load, buckshot and birdshot,
6 was that an investigative tool, or were you just under the
7 misimpression that that was the case?

8 A Investigative tool.

9 Q So, you lied to him?

10 A I'm allowed to use trickery to illicit a response.

11 Q I understand. So, you were trying to trick him. You
12 agree?

13 A I'm allowed to use trickery to illicit a response,
14 yes.

15 Q And you're allowed to do it and you did it.

16 A Yes.

17 Q But you also testified under oath in front of the
18 State Grand jury. You said basically the same thing, that
19 there were four shotguns on the Moselle property and they
20 were loaded with buckshot and turkey load.

21 A Yes.

22 Q Now, were you mistaken then or were you trying to
23 trick the State Grand Jury?

24 A No. I was not trying to trick the State -- or trick
25 the State Grand Jury.

1 Q You were mistaken.

2 A No.

3 Q Well, did you not --

4 A The shotguns that we recovered from the house had two
5 different loads in them. They weren't
6 Winchester-Winchester, or Federal-Federal. They had
7 different loads in them. So, when I tell the State Grand
8 Jury there's different loads in the shotguns, there were
9 different loads in the shotgun.

10 Q So, you're saying you weren't telling them it was
11 buckshot and turkey key load, but you were telling them it
12 was just different brand names of the -- of something.

13 A I may have used buckshot and turkey load or birdshot,
14 but they were two different loads.

15 Q Well, I think we've established that you did not find
16 -- SLED did not find any weapons at the house with buckshot
17 and turkey load loaded in them, right?

18 A That is correct.

19 Q I'm going to show you page 48, line 7 through 14 of
20 your Statewide Grand Jury testimony. Agent Owen, do you
21 recognize that to be a copy of your State Grand Jury
22 testimony?

23 A Yes, I do.

24 Q And what date was that given?

25 A Tuesday, November 16, 2021.

1 Q All right, and if you'll go to the page I had open,
2 and I tell you I'm going to read the question. If you'll
3 read the response. It says at line 7:

4 All right, and were all of them to your
5 recollection loaded that -- like that?

6 And your answer was?

7 A They were -- they were located loaded in a
8 similar fashion, yes.

9 Q Question: In a similar fashion?

10 A Yes, sir.

11 Q Question: With one turkey load and one buckshot load.

12 A Response: Yes, sir.

13 Q All right. Thank you. And that was not accurate,
14 correct?

15 A Correct.

16 Q And people do make mistakes, do they not?

17 A Yes, they do make mistakes.

18 Q And people make mistakes about time frequently. Is
19 that right?

20 A I would believe that would be the most mistakes made
21 is time.

22 Q Okay, and here you were asked to identify
23 inconsistencies with Alex's statements to you, and the one
24 that you pointed out was times. Do you recall that?

25 A Well, the inconsistencies is they kept changing.

1 involved. So, yeah, we dealt with a lot of law enforcement
2 in the civil practice.

3 Q And then you also mentioned that you were a prosecutor
4 as well, correct?

5 A I was a volunteer assistant solicitor.

6 Q Did your -- did you or your family or your law firm
7 ever have events or parties or social affairs in which the
8 law enforcement community in this area was invited?

9 A Sure. We -- the law firm itself didn't really sponsor
10 things like that, but there would be occasions where one of
11 us in the law firm -- and certainly we all had a lot of
12 friends in law enforcement, and they were always invited.

13 Q And that -- it's a simple point. You had a lot of
14 friends in law enforcement; your family and you had a long
15 association with the law enforcement community in this
16 circuit. Is that correct?

17 A Association being friendships and working
18 relationships? Absolutely.

19 Q All right. Well, let's talk about being a prosecutor.
20 When did you become an assistant solicitor?

21 A I believe that I became an assistant solicitor when I
22 moved from Beaufort to Hampton. So, that would have been
23 September, sometime around September 1998. Might have been
24 a little bit after that, but sometime.

25 Q Did you get a badge when you became an assistant

1 solicitor?

2 A At some point I did, yes, sir.

3 Q And who gave you that badge?

4 A My father.

5 Q Mr. Randolph?

6 A Yes, sir.

7 Q And over the years, did you prosecute criminal cases
8 much as what's going on here today?

9 A Yes, sir, at times I did.

10 Q And --

11 A I believe that I prosecuted in -- from 1998 to 2001, I
12 believe that I --

13 Q 2001? Keep going. I'm sorry.

14 A I mean 2021, I'm sorry, until 2021. From 1998 to
15 2021, I believe I was involved in five jury -- I believe, I
16 believe there were five trials.

17 Q Five trials.

18 A Is the best that I can remember and all with my -- all
19 with my dad. That was really the purpose of me being
20 assistant solicitor was getting to spend time with him, do
21 things with him.

22 Q Sure, and you -- five jury trials over all that time,
23 you had a badge that entire time. Is that correct?

24 A I had a badge for a big part of that time, yes, sir.

25 Q You actually had two badges, right?

1 A I had one badge but my, my -- when my granddad became
2 an assistant solicitor for my dad when my dad became the
3 solicitor, he had an assistant solicitor's badge. When he
4 passed away, I had his badge and that was one of -- at some
5 point in time, you were asking somebody about two badges
6 and that was the other badge.

7 Q Okay. You said you did five criminal jury trials as a
8 prosecutor, correct?

9 A Assisted in those or was doing them, yes, sir.

10 Q Okay.

11 A I believe I was actually the lead lawyer in one of
12 them. I helped my dad in the other four.

13 Q Still a part of preparing the case?

14 A Yes, sir.

15 Q Still part, part of gathering the evidence and putting
16 it together for trial?

17 A In, in a criminal case, we didn't do much gathering of
18 the evidence. We took what law enforcement had gathered,
19 but...

20 Q But putting it, putting it together for
21 the criminal trial, correct?

22 A Yes, sir.

23 Q Presenting evidence in court.

24 A Yes, sir.

25 Q Giving jury argument.

1 A I didn't -- I, I did the closing argument in one of
2 them, yes, sir.

3 Q Did you ever have any cases that you prosecuted that
4 went short of a jury trial, either pled out or dismissed
5 for some reason?

6 A You know, I'm sure that at some point over -- between
7 1998 and 2021 that I took some plea. But as we sit here
8 today, I can't specifically remember that, and I don't ever
9 remember working a case up for trial that didn't go to
10 trial. But I'm sure at some point in time I was involved
11 in some level on a -- on a guilty plea or guilty pleas.

12 Q You'd agree with me that the civil system and the
13 criminal system have a lot of differences, correct?

14 A A lot of differences and a lot of similarities, I
15 agree with --

16 Q And a lot of similarities. That's where I was going
17 next. Fundamentally, it's about analyzing the evidence,
18 preparing for trial, presenting that case, and making the
19 argument to the jury, correct?

20 A That's, that's a big part of it.

21 Q And would you agree with me that as cases go on or as
22 you are preparing for trial, that you analyze the evidence
23 that's been gathered by law enforcement and present the
24 evidence that, that supports your case, correct? That's
25 just part of it.

1 just -- you know, I wasn't supposed to be there and then I
2 was.

3 Q When you say I wasn't supposed to be there, what do
4 you mean by that?

5 A I intended for him to -- I, I intended to be gone. I
6 intended for him to shoot me, and I intended to be gone.
7 And, and the one thing, the main -- my main concern at that
8 point was that I did not want Buster -- I did not want
9 Buster knowing that I had tried to do that. That was my
10 motivation in telling that story.

11 Q Did you eventually voluntarily convey to Agent Kelly
12 and others that that was a fabrication?

13 A I did. I did after, I don't know, a few days in, in
14 detox when I finally got over those initial -- just where I
15 could function, I think I told you first. Then I think I
16 told Buster. Then I think I told Randy and John, and y'all
17 arranged either the next day or two days later to come, and
18 we called Ryan Kelly.

19 Q Alex, you've lied to your family over many years, have
20 you not?

21 A I lied to my family about my addiction.

22 Q And you hid from them you were stealing client money,
23 did you not?

24 A Oh, I never -- they, they didn't know anything about
25 that.

1 about, you know, a particular juror that I've seen. And,
2 you know -- then again, we have not just, you know, one
3 source but now two, and I think that makes a difference,
4 Your Honor.

5 THE COURT: The email information that the clerk
6 showed me at lunch, did she take it back or do you still
7 have it or --

8 MR. HARPOOTLIAN: You mean the --

9 THE COURT: No, the other.

10 LAW CLERK: That might be on the desk.

11 THE COURT: Did you give it back to Becky or did I
12 keep it?

13 LAW CLERK: I think it's outside.

14 THE COURT: Okay. She -- after I showed you all this
15 email, we came back here, and the clerk came in and asked
16 whether we had heard the same thing about a juror, about
17 the juror, and we were in the midst of trying to figure out
18 who the juror was that this pertained to since it did not
19 indicate a juror number. It just said someone who worked
20 at the monkey farm. So, the clerk then said that she was
21 reading her Facebook messages over the weekend.

22 Gabby, help me out with the fact. Did she say over
23 the weekend?

24 LAW CLERK: She said on Friday she was going through
25 her timeline on Facebook and saw the post from this man who

1 was supposed to be the ex-husband.

2 THE COURT: Yeah. Timothy Stone, the ex-husband of
3 this juror, and he -- his post was that she was discussing
4 the case with various people. I think that's what Becky
5 said.

6 LAW CLERK: Correct.

7 THE COURT: We asked Becky to -- the clerk, to make a
8 copy, or get a copy of the Facebook that she was
9 referring -- the post that she was referring to. She came
10 back a little while later and said that it had been deleted
11 by this Timothy Stone, and that she brought -- printed out
12 what remains on his post, which is him stating that he --
13 he posted an ugly post yesterday which he deleted. He
14 says:

15 I kind of in a round about way directed it
16 towards a certain person, and I would like to
17 apologize to everyone who read it. That was ugly
18 for me to do that. And, yes, I let Satan control
19 me and I broke down and started drinking, and
20 when I was drunk, I made that post, and I'm
21 sorry.

22 So --

23 MR. MEADORS: That's a post that sounds like Mr.
24 Harpoontlian.

25 MR. HARPOOTLIAN: I was about to say I got one just

1 like that.

2 THE COURT: So, this person is apparently this lady's
3 ex-husband. And then the other comments --

4 MR. HARPOOTLIAN: And he's deranged.

5 THE COURT: -- saying we'll pray for you and all that.
6 But the clerk said that she read the post where he was
7 discussing that his ex-wife, the juror, has been discussing
8 the case. Now, I -- it was just very curious. We were
9 talking about the email, and the clerk came in and was
10 talking about a the Facebook post, and they both -- and she
11 said the juror works at the monkey farm. I was here trying
12 to figure out what juror works at the monkey farm, and this
13 juror number 785 works with at Genesis General -- Alfa
14 Genesis, Yemassee, South Carolina, which is the monkey
15 farm. So, we looked that up and that's the monkey farm.

16 MR. HARPOOTLIAN: You can't make this stuff up.

17 MR. WATERS: I don't know what a monkey farm is, Your
18 Honor, but --

19 THE COURT: Yeah. Well, apparently it's designated as
20 a premiere primate research institute.

21 MR. HARPOOTLIAN: So, she works at the monkey farm.

22 THE COURT: Yeah.

23 MR. HARPOOTLIAN: Her ex-husband was taken over by
24 Satan at some point yesterday. I mean, this -- you can't
25 make this stuff up.

1 THE COURT: And the clerk -- the clerk said the juror
2 that they were posting about was a juror, [REDACTED], who
3 works at the monkey farm, and this email referenced the
4 juror who works at the monkey farm.

5 MR. GRIFFIN: Maybe just bring her in in the morning?

6 THE COURT: Yeah, or today. Of course, the clerk, you
7 know, I would want to hear directly from her because when
8 she had indicated that she read a Facebook post over the
9 weekend referencing this, this is Friday and she just
10 mentioned it today?

11 LAW CLERK: Correct. Yes, sir.

12 THE COURT: So, today is --

13 LAW CLERK: Today is Tuesday.

14 MR. HARPOOTLIAN: We can do it tonight. Is she still
15 here?

16 THE COURT: Yeah. All the jurors are still here. But
17 the -- this particular juror -- I mean, her name [REDACTED]
18 [REDACTED], who -- she wants to be anonymous. She says that her
19 coworker works with [REDACTED] -- this lady, [REDACTED],
20 works with [REDACTED] tenant, who is her coworker. Her
21 coworker is [REDACTED] tenant. That the -- [REDACTED]
22 apparently had to bring the tenant a refrigerator over the
23 weekend and told the -- her coworker that [REDACTED] spoke
24 to her about the case, and that's what she told her.

25 MR. HARPOOTLIAN: Well, she may have said not that

1 she told me that. I have, like I said, I have three
2 restraining orders against him. I wouldn't have anything
3 to do with him if I didn't have a child with him, but I
4 haven't seen him since 2014 when we got a divorce. I have
5 talked to him within the last year because I got a call at
6 work that my son was in jail and needed a ride home. And I
7 did call his father and ask him to go get him, which he did
8 not do. But other than that, I have not seen him, talked
9 to him, or anything else since 2014 other than getting
10 restraining orders in Colleton County, one in Orangeburg
11 County, and I have one in Berkeley County.

12 THE COURT: Wow.

13 JUROR: But Ms. Becky said she had went to look for
14 the post again and that it had been deleted, and I don't
15 know who she talked to or anything else, but she said
16 apparently --

17 THE COURT: When did she tell you that?

18 JUROR: It was after you let us go on that last break.
19 I was very upset, and she came down and talked to me and
20 said that apparently -- I don't know who talked to him, but
21 said that he was drunk and he removed the post.

22 THE COURT: So, has she discussed the case with any of
23 -- any of the jurors? Has the clerk discussed anything
24 about the case with anyone on that jury?

25 JUROR: Not that I'm aware of.

1 JUROR: They are going to bring me back to my car,
2 right?

3 THE COURT: They didn't leave you, did they?

4 JUROR: Yes.

5 THE COURT: Oh, they did?

6 LAW CLERK: No. I'll go get her to a bailiff, and
7 they'll go get her. I'll go down there to a bailiff --

8 JUROR: They left.

9 LAW CLERK: -- and make sure they get her home.

10 (Break in proceedings.)

11 JUROR: Y'all have a good night.

12 THE COURT: Okay.

13 MR. GRIFFIN: Bye.

14 (Juror 785 exited the room.)

15 THE COURT: Well.

16 MR. WATERS: I got a name now.

17 THE COURT: A name, [REDACTED], Bee Street.

18 Oh boy. I'm not too pleased about the clerk interrogating
19 a juror as opposed to coming to me and bringing it to me.

20 MR. GRIFFIN: I was surprised to hear that.

21 THE COURT: Yeah.

22 THE COURT: So.

23 (Break in proceedings.)

24 THE COURT: All right. We can go and talk jury
25 charges.

1 there. It could be inferred with two guns, malice
2 aforethought.

3 And we don't have premeditation in this state. We
4 don't have to prove premeditation. We don't have to prove
5 motive. I think it's been proven. His world was
6 collapsing. Mr. Griffin goes does that make sense? It
7 did in his mind. His world is collapsing; his world is
8 coming down. This was the only way he could save -- it's
9 the only way -- it's the only way he could save Alex. But
10 if you don't, if that motive -- well, I don't know, is
11 that enough? Is that enough? We don't have to prove
12 motive. We're certainly there. That's one explanation.
13 But if he's down there and he's angry -- this don't sound
14 like a real jovial --

15 Bubba, don't let me forget about, about Bubba.
16 Bubba, come here. Maybe he just got angry. Maybe he got
17 angry at Paul. Maybe he got angry. You know, we started
18 all of this with the boat case, and maybe he just lost it.
19 Maybe he just lost it. Maybe he wanted it to look like a
20 suicide, and then Maggie came and he had to shoot her. I
21 don't know. Only one person knows. And that's why we've
22 got the motive. That's why we say he did it. But we
23 don't even have to have motive. Just angry. He did it.
24 Nobody else could have done it; nobody else did do it.
25 I will get to that, and that's how we prove beyond, I want

1 Think about it. Well, it's just Rogan's word. Does that
2 make any sense? No, sir, I can handle that. He made a
3 mistake like Shelley did, like Blanca and the clothes.
4 No, sir. I can handle that, though. But when the video
5 comes out, he's stuck. He's stuck.

6 I'm going to try and wrap up. Yesterday morning at
7 2:53 in the morning -- I don't sleep much during trials,
8 but I kind of woke up, and what he did when he took the
9 stand was corroborated that he's a liar. He corroborated
10 the fact that he doesn't tell the truth, the one thing
11 that was more important than anything. And, you know,
12 they're putting these law enforcement on trial, talking
13 about blood evidence, talking about other things that were
14 presented to the grand jury, which you -- that blood
15 evidence was investigated, and the State didn't offer it.
16 That's what you do when you're a prosecution. Didn't try
17 to offer it. Now they're trying to put us on trial for
18 doing our job. Think about that. Blame everybody else.
19 Look, they've looked into this and it didn't turn out to
20 be, so now we're going to blame them. We didn't try to
21 present it. Isn't that ironic? They're now jamming us
22 for doing our job. Jamming us for doing our job. All the
23 evidence of the guns -- and I'm going to get to that in a
24 minute -- the timeline, the credible timeline, his lies,
25 all of that, the gunshot residue, all of that is

1 THE COURT: Madame Forelady and members of the jury,
2 I want to thank you on behalf of the citizens of the State
3 of South Carolina and your fellow citizens of Colleton
4 County. You did not volunteer for this service. You were
5 called upon by being summoned to appear, and providence
6 have brought you to this moment in time and these weeks in
7 time. I know that all of you have been here at a great
8 sacrifice, and particularly the juror whose job was on the
9 line until a miracle happened, I guess, that allowed him
10 to be able to stay rather than leave after two or three
11 weeks. But I want to thank each one of you all
12 individually and collectively.

13 It's not often that you're called upon to sit in
14 judgment of the actions of your fellow man, but you all
15 responded and you gave due consideration to the evidence.
16 I will make no comment now as to the extent of the
17 overwhelming nature of the evidence, but certainly the
18 verdict that you have reached is supported by the
19 evidence, circumstantial evidence, direct evidence, all of
20 the evidence pointing to only one conclusion, and that's
21 the conclusion that you all have reached. So, I applaud
22 you all for, as a group and as a unit and individually,
23 evaluating the evidence and coming to a proper conclusion
24 as you see -- as you saw the law, as you saw the facts.

25 Now that you've served, for the next year you're not

1 I will not make any comment with regard to any other
2 pending matter as I have been assigned those cases as
3 well.

4 It's also particularly troubling, Mr. Murdaugh,
5 because as a member of the legal community, and a well
6 known member of the legal community, you've practiced law
7 before me and we've seen each other at various occasions
8 throughout the years. And it was especially heartbreakng
9 for me to see you, to go in the media from being a
10 grieving father who lost a wife and a son to being the
11 person indicted and convicted of killing them. And you've
12 engaged in such duplicitous conduct here in the courtroom,
13 here on the witness stand, and as was established by the
14 testimony throughout the time leading from the time of the
15 indictment and prior to the indictment throughout the
16 trial to this moment in time.

17 Certainly you have no obligation to say anything
18 other than saying not guilty, and obviously, as appeals
19 are probably expected or absolutely expected, I would not
20 expect a confession of any kind. In fact, as I presided
21 over murder cases over the past twenty-two years, I have
22 yet to find a defendant who could go there, who could go
23 back to that moment in time when they decided to pull the
24 trigger or to otherwise murder someone. I have not been
25 able to get anyone, any defendant, even those who have

1 and lie throughout your testimony. And perhaps with all
2 of the people here, they for the most part all believe, or
3 80 or 90 percent -- 99 percent believe that you continued
4 to lie now with your statement of denial to the Court.
5 Perhaps you believe that it does not matter, that there is
6 nothing that could mitigate a sentence, given the crimes
7 that were committed.

8 You know, a notice of alibi was filed in this case by
9 counsel in November and we conducted a hearing, a pretrial
10 hearing in which you claimed to have been some place else
11 at the time the crime was committed. And then after all
12 of the witnesses placed you at the scene of the crime, at
13 the last minute, the last minutes or days you switched
14 courses and admitted to being there. And then that
15 necessitated more lies, and you continued to lie. I said
16 where will it end. It's already ended for many who have
17 heard you and conclude that it will never end, but within
18 your own soul, you have to deal with that.

19 And I know you have to see Paul and Maggie during the
20 nighttime when you're attempting to go to sleep. I'm sure
21 they come and visit you. I'm sure.

22 THE DEFENDANT: All day and every night.

23 THE COURT: I'm sure. And they will continue to do
24 so and reflect on the last time they looked you in the
25 eyes, and you looked the jury in the eyes. I don't know

1 quite a sacrifice, but there are other victims whose cases
2 deserve to be heard.

3 And this case has jumped some of those other cases,
4 perhaps jumped it because of the -- this case resulting in
5 an assault on the integrity of the judicial system in our
6 state and law enforcement in our state. Even during this
7 trial, the law enforcement has been maligned for the past
8 five or six weeks by one who had access to the wheels of
9 justice to be able to deflect the investigation. And as
10 the evidence has pointed out in this case, the looming
11 storm that Mr. Waters talked about, I can just imagine on
12 that day, June 7th, when a lawyer is confronted and
13 confesses to having stolen over a half a million dollars
14 from a client, and he has a tiger like Mark Tinsley on his
15 tail pursuing discovery in the case involving the death of
16 Mallory Beach, and having a father for the most part on
17 his death bed, I can imagine -- I really can't imagine. I
18 know there had to have been quite a bit going through your
19 mind on that day.

20 But amazingly, to have you come and testify that it
21 was just another ordinary day, that my wife and son and I
22 were out just enjoying life, not credible. Not
23 believable. You can convince yourself about it, but
24 obviously you have the inability to convince anyone else
25 about that. So, if you made any such arguments as a

1 lawyer, you would lose every case like that, cases you
2 will have -- never have the opportunity to argue anymore
3 except perhaps your own as you sit in the Department of
4 Corrections.

5 Anything further?

6 MR. HARPOOTLIAN: No, sir.

7 SENTENCE OF THE COURT

8 THE COURT: All right, Mr. Murdaugh, I sentence you
9 to the State Department of Corrections on each of the
10 murder indictments. In the murder of your wife, Maggie
11 Murdaugh, I sentence you for a term of the rest of your
12 natural life. For the murder of Paul Murdaugh, whom you
13 probably loved so much, I sentence you to prison for
14 murdering him for the rest of your natural life. Those
15 sentences will run consecutively. Under the statute
16 involving possession of a weapon during a violent crime,
17 there is no sentence where a life sentence is imposed on
18 the other indictments. That is the sentence of the Court,
19 and you are remanded to the State Department of
20 Corrections, and officers may carry forth on the --

21 MR. HARPOOTLIAN: Your Honor --

22 THE COURT: Yes, sir.

23 MR. HARPOOTLIAN: May we approach?

24 THE COURT: Yes.

25 (A bench conference was held.)

EXHIBIT B

(Cleveland State Interview Transcript)

CSULAW Grad Judge Clifton Newman, '76, speaks to CSU College of Law. March 28, 2023.

<https://csuohio.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=2d7f75e9-ca3d-463a-95da-afcf01554535>

DEAN FISHER: Well, you-all got quiet quick. That's the power of a judge, right? And two judges to speak of. Welcome everyone, this is a great moment in the history of our law school because we have, I think it's fair to say, the best-known judge in the world right now with us.

You know, all too often we begin our programs -- much too often, I should say, with a moment of silence because of all the tragedies that are occurring almost every day. And we just had one in Nashville. Six people died, including three nine-year olds. So if we could just have a quick moment of silence in honor of these six innocent people.

(Moment of silence).

Thank you. First person I want to introduce today is the person who's going to give our official welcome, that is Dr. Laura Bloomberg

who is the eighth president of Cleveland State University.

Dr. Bloomberg is a nationally-recognized leader in public and global policy. She was provost and senior vice president for academic affairs before being appointed president of our university. She previously served eight years as dean and as associate dean of the Hubert Humphrey School of Public Affairs at the University of Minnesota and she has a 24 academic year -- academic year history and career at the University of Minnesota.

It's my honor to introduce to you president Laura Bloomberg.

DR. BLOOMBERG: Thank you, Dean Fisher, and welcome all of you from across the campus, students here at the law school, community partners, I love to see this room filled. I think that it is in many ways both a metaphor and the reality at the law school sits at the edge of our campus and I hope it feels like a welcoming beacon to the community for events like this.

Judge Newman, I am so delighted that you're here. I'm pretty glad to Judge Sheehan is here too. Both of you are remarkable jurists. Is

1 that good off for you, Brendan?

2 JUDGE SHEEHAN: Yeah.

3 DR. BLOOMBERG: I think everyone in
4 this room is familiar with the most recent trial
5 over which Judge Newman presided. I had the
6 opportunity to talk to him last night though and
7 it's remarkable to think that he has presided over
8 hundreds of trials. And he is known -- anybody who
9 watched any part of the news about Alex Murdaugh
10 trial heard something about the remarkable poise
11 and talent with which this judge presided over that
12 trial.

13 And I'm imagining -- and I imagine that
14 happening over hundreds of trials. And it makes me
15 burst with pride thinking that this alum of this
16 law school lives the motto of this school "learn
17 law, live justice". And it makes me so proud. I
18 want to just say something because I'm certain the
19 conversation is going to focus on this trial, so
20 I'm not going to say anything about this trial.

21 But I want to tell you just a little
22 that I've learned about the judge. Judge Newman
23 attended a segregated high school. And we talked
24 about this last night he played the part of an
25 attorney in the Briggs v. -- a reenactment of the

4

Briggs v. Elliott case, which is a precursor to Brown v. Board of Education. And I said, did you know you wanted to be a lawyer at that point? And he said, well, it put the idea in my head, which also has me thinking that all of us have the potential to put the ideas in the heads of young people that they can do something great in the world.

The judge found his way to Cleveland State University and has an undergraduate and, of course, a JD from this institution. He met his remarkable wife, who is here in the front row, Pat, here at Cleveland State. Stand up, Pat. No, Pat -- Pat, you guys stand up, turn around and wave. You guys do this. Pat, you will also want to know is a Glenville High School graduate, right, so there you go. And you can ask her later the story about how they met here on campus.

So for me personally, Judge Newman, and on behalf of an exceptionally proud alma mater of yours, I welcome you.

JUDGE NEWMAN: Thank you.

DEAN FISHER: Well, we have two judges with us. Thank you, president Bloomberg. The second best-known judge in the world is Brendan

1 Sheehan. Judge Sheehan is a member of our hall of
2 fame. He's also been an alumni of the year of our
3 alumni association. He is the administrative and
4 presiding judge of the Cuyahoga County Court of
5 Common Pleas. And with him today somewhere, but I
6 don't see her, is his wife --

7 JUDGE SHEEHAN: The smarter judge.

8 DEAN FISHER: Where is she?

9 PRESIDENT BLOOMBERG: Up here.

10 Dean Fisher: Upstairs?

11 JUDGE SHEEHAN: Upstairs.

12 DEAN FISHER: Judge Michelle Sheehan.
13 And I want to know -- known for the record that
14 Judge Michelle Sheehan was inducted into the hall
15 of fame a year earlier. She is on the Court of
16 Appeals.

17 JUDGE SHEEHAN: Great.

18 DEAN FISHER: Judge Sheehan is the
19 presiding judge of really the Common Pleas Court,
20 which has four different divisions. So all four
21 divisions have to agree on one judge, which is not
22 easy. That's is the general division, the probate
23 division, domestic relations and juvenile.

24 He's been on the Common Pleas bench
25 since 2009. As president Bloomberg indicated, he

6

1 received his law degree from our law school in
2 1994. And he has a master's in judicial studies
3 from the University of Reno, Nevada.

4 Prior to assuming the bench, Judge
5 Sheehan practiced as a civil and criminal litigator
6 for 14 years. And he served as a law clerk for
7 another member of our hall of fame, who is here
8 today, Federal Judge Don Nugent is here. Judge,
9 raise your hand, please.

10 JUDGE SHEEHAN: Oh, welcome.

11 DEAN FISHER: And Judge Sheehan was
12 also a county prosecutor for Cuyahoga County in the
13 major trial unit, so a very distinguished judge.

14 JUDGE SHEEHAN: Thanks.

15 DEAN FISHER: And now a little bit more
16 information about the most famous judge in the
17 world.

18 JUDGE SHEEHAN: There you go.

19 DEAN FISHER: As you know, of course,
20 because that's why you're here, he presided over
21 the recent trial and sentencing of former
22 South Carolina attorney and now convicted murderer,
23 Alex Murdaugh. Here, national plaudits, for his
24 even-handed demeanor throughout the trial and his
25 incisive comments during the sentencing.

1 He was valedictorian of his high school
2 class. He was president of the student body here
3 at Cleveland State. So he's been a leader for a
4 long time. He also comes from a family from rural
5 South Carolina. In fact, he was the first person
6 in his family to be born in a hospital. He has
7 served as a defense attorney, a civil practitioner
8 and a prosecutor, but also practiced law here in
9 Cleveland, Ohio, from 1976 to 1982.

10 And in the year 2000, 23 years ago, the
11 state legislature which is how judges are appointed
12 in South Carolina, elected him to the Circuit
13 Court. And so for 23 years, he has been a
14 distinguished jurist and perhaps the most-known
15 judge in South Carolina. Why? Because it's not
16 easy to get cases assigned by the chief justice of
17 South Carolina, like the Murdaugh trial, like other
18 trials he's also handled. And perhaps we'll hear
19 about some of those other trials as well.

20 So now I want to leave it to Judge
21 Brendan Sheehan to interview and ask questions of
22 Judge Newman. And after about 30 minutes or so,
23 you'll be able to ask your questions as well.
24 Ladies and gentlemen, Judge Brendan Sheehan and
25 Judge Clifton Newman.

JUDGE SHEEHAN: First of all, I just want you to know that I have 30 minutes and I'm on the clock and Michelle has a card for me for when to stop talking. First of all, good afternoon, and I want to thank president Bloomberg and Dean Fisher for inviting me to join you here today. I was so honored when they called me and asked me to moderate today's discussion here with Judge Newman.

Judge, you and I met about 12 years ago in the campus of Ole Miss. We were taking a class at the National Judicial Conference on Fourth Amendment. And we bonded when we both realized we were Cleveland Marshall graduates. And it's just especially meaningful that we're both here now at this law school for this discussion.

And I think Dean Fisher said it great, I feel like I'm sitting next to the most popular judge in America right now. So, Judge, it's an honor. I know all of us are familiar with the Murdaugh trial and I want to start this conversation by just saying, you showed the world an example of what the judiciary at its best can be through your calm and your deliberate demeanor throughout this lengthy and complex case. And I just think that all of us should give him a round

1 of applause for that.

2 So, Judge, I have to ask: President
3 Bloomberg mentioned your career in high school
4 wanting to be a lawyer, what -- what was your path
5 to the bench in South Carolina, if you could tell
6 everyone?

7 JUDGE NEWMAN: Well, first, hello and
8 thank you. Is this on for me -- there we go.
9 Hello and thank you very much for the invitation.
10 It's an honor to have the pleasure of being here
11 today. As I look across the audience many friends,
12 and some family, folks, I've known a long time and
13 many of whom I haven't seen in a long time.

14 Cleveland State is -- has a special
15 place in my heart and when I was contacted by the
16 dean to come here today, I did not hesitate to say
17 yes. So thank you-all for inviting me and thank
18 you-all for taking your time to -- to come to be
19 with us. My path to the bench; is what you want to
20 know?

21 JUDGE SHEEHAN: Sure.

22 JUDGE NEWMAN: Well, my path to the
23 bench, oh, it's a long story, a 71-year-old path at
24 this point in time in my life. And I, you know,
25 became a judge 23 years ago. Here at Cleveland

10

1 State undergrad school I was pretty active in
2 student body matters, student government, Kappa
3 Alpha Psi fraternity and -- and had the opportunity
4 to go to law school and -- through the Legal
5 Careers Opportunity Program.

6 After practicing here for a period of
7 time, returned to South Carolina and as a
8 prosecutor and civil lawyer for 23 years and then
9 an opportunity came to apply to run for -- to
10 become a judge. We have a legislative screening
11 process in which the legislature elects judges.
12 And I've been elected and re-elected without
13 opposition in 2003 -- 2000/2003/2009/2015 and most
14 recently in 2021, all without opposition. So for
15 those judges who have to campaign, I feel for you.

16 JUDGE SHEEHAN: That's true. Judge,
17 you -- you met your wife we heard here in
18 Cleveland. Can you tell us briefly, since we know
19 that Pat was at the whole entire trial, front row,
20 can you tell us how you met Pat and was it a
21 Cleveland Marshall/Cleveland State merger? How did
22 it happen?

23 JUDGE NEWMAN: Well, it was a cold
24 January day here in Cleveland, snowing and almost
25 blizzard-like conditions. And I had a car, a 1963

1 Pontiac, and she didn't. And her friends didn't.
2 And they asked me to give them a ride home to
3 Glenville and even though I lived in Mount Pleasant
4 and I gave her a ride home, along with her friends.
5 Dropped everyone else off first and then took her
6 back to Saint Claire and 110th Street and we had an
7 opportunity to get to know each other.

8 And the end of that week, on Friday
9 night, we found ourselves at Shaker Square watching
10 the movie Love Story and -- and the rest --

11 JUDGE SHEEHAN: He's won the heart of
12 everyone here.

13 JUDGE NEWMAN: -- and the rest is
14 history.

15 JUDGE SHEEHAN: That's great. And --
16 and you have children. How many children do you
17 have?

18 JUDGE NEWMAN: I have four children.
19 We recently lost our son, youngest. We -- my
20 oldest is a mathematician, who was born here in
21 Cleveland. Has his master's from Chapel Hill,
22 undergrad from Northwestern.

23 The next person, Jocelyn, is a circuit
24 judge. She was elected six years ago to the bench.
25 And she is currently presiding over a murder trial

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1 in South Carolina, the Greenville, South Carolina
2 area.

3 A daughter, who is a civil engineer,
4 who lives in Atlanta.

5 And my youngest, who is a lawyer and
6 youngest city council person ever elected to city
7 council in Columbia, South Carolina.

8 JUDGE SHEEHAN: That's amazing. So,
9 Judge, you -- so judges run in your family then; is
10 that correct?

11 JUDGE NEWMAN: Well, the two of us, I
12 guess, it runs in our family.

13 JUDGE SHEEHAN: So tell us a bit after
14 you graduated from Cleveland State, you then went
15 to Cleveland Marshall at the time and graduated
16 from Cleveland Marshall. You hung up your shingle
17 and practiced law here in Cleveland for a little
18 bit. Tell us about that practice. What did you do
19 and what kind of cases? Besides beating Judge
20 Nugent in a trial.

21 JUDGE NEWMAN: Well, I did have a
22 successful career as a litigator here. I formed a
23 partnership with Michael Belcher, Belcher & Newman
24 and we had a perfect record. We did not lose a
25 criminal trial. Of course, we pled everyone guilty

1 who they were obviously guilty, that was a guilty
2 plea, but the trials that we had, we were good --
3 good guy/bad guy. I played the role of the good
4 guy and he was the bad guy and we were successful.

5 I pretty much built a career around the
6 court system. I worked at Legal Aid Society while
7 in law school as a legal intern and could represent
8 people in consumer debt cases, uncontested divorces
9 and the like. After becoming a lawyer, I received
10 appointments from the Probate Court and -- and
11 those \$150 appointments from the Criminal Courts
12 for handling guilty pleas. And appointments from
13 the Bankruptcy Court and had family and friends and
14 just basically developed a law practice, which
15 was -- which we were proud of for the period of
16 time that we were here together.

17 JUDGE SHEEHAN: That's great. So what
18 you took you back then to South Carolina? You're
19 practicing law here in Cleveland, what -- what made
20 you made you go back to South Carolina?

21 JUDGE NEWMAN: The day after becoming
22 -- or the month of the year after becoming a
23 lawyer, I -- I bought a house on 87th Street off
24 from Cedar. And the -- and the schools in the --
25 around the area, you know, were -- you know, the

14

1 schools were not that great. And then a bussing
2 decision came out by Judge Batista ordering bussing
3 of the students to the west side from the east side
4 and vice versa. Pat and I didn't want our child
5 bussed and we weren't comfortable with the
6 environment surrounding the neighborhood we were
7 living in and rather than joining our friends in
8 Warrensville and other areas that were an option
9 for perhaps to move in, we decided to leave town
10 altogether and go back to my home state of
11 South Carolina, which I thought would be a great
12 place to raise a family and that's why we left.

13 JUDGE SHEEHAN: Well, you spent two
14 decades in South Carolina then practicing law.
15 What kind of law did you practice in South Carolina
16 before becoming a judge?

17 JUDGE NEWMAN: I started as a criminal
18 defense lawyer in South Carolina and -- and won a
19 rather big case there as a criminal defense
20 attorney. And the prosecutor on the other side
21 then decide to offer me a job to join forces with
22 him rather than being --

23 JUDGE SHEEHAN: He recognized talent.

24 JUDGE NEWMAN: -- and, yeah, so that was
25 the year after I returned back to South Carolina.

1 And, of course, always good to have the type of job
2 where you have insurance, government-provided
3 insurance. So I practiced law and also, you know,
4 at that time we only had three weeks of court,
5 criminal court per year, so it was considered a
6 part-time job. And I had a full-time practice in
7 criminal prosecution and I did that for 17 years
8 until becoming a judge.

9 JUDGE SHEEHAN: I'd like to read a
10 quote here, this is from the Index Journal in
11 Greenwood, South Carolina. And I think it
12 demonstrates your professionalism and your demeanor
13 as an attorney. Listen to this: "There was a
14 disruption in a courtroom involving a defendant who
15 is on trial -- are you recalling this case as I
16 keep going here?

17 JUDGE NEWMAN: Yes, I do.

18 JUDGE SHEEHAN: "This disruption was a
19 man on trial for the murder, while he was on trial
20 he made a weapon out of a toothbrush and a razor,
21 he slashed his attorney in the face, stabbed a
22 deputy and Judge Newman was the prosecutor on that
23 trial. He successfully argued against a mistrial
24 on that case". How did you do that?

25 JUDGE NEWMAN: Yeah, the other part of

16

1 it is that he slashed his attorney, stabbed a
2 deputy and -- and was headed to -- toward me, who
3 was -- who was cross-examining a witness at the
4 time. And fortunately there was another deputy,
5 who -- who kicked him in the face and knocked him
6 back and we were able to -- they were then able to
7 subdue him.

8 Of course that -- ambulances were
9 called to treat the lawyer, who had been slashed,
10 and that made it difficult to proceed with the
11 court trial for that day. But I argued to the
12 judge that, Judge, you cannot allow a defendant to
13 take over the courtroom. You cannot allow a
14 defendant to create a mistrial through their bad
15 conduct.

16 So it became an issue for the jury and
17 we had to bring the jurors in one-by-one and pose a
18 question to them "now despite what you have seen,
19 can you still be fair and impartial to this
20 defendant?" And all except two -- we had 14, and
21 all except two said that they could be fair and
22 impartial. You know, they gave the right answer,
23 so the trial continued.

24 JUDGE SHEEHAN: You know, just a side
25 note, I mentioned this to him last night and he --

1 Pat, his wife, asked "how was your day today?"

2 "Oh, it was fine, no biggie".

3 JUDGE NEWMAN: Yeah, you know, well,
4 things happen in court.

5 JUDGE SHEEHAN: Just crazy. So, Judge,
6 we know the Murdaugh trial. Before the Murdaugh
7 trial, you've handled a lot of high-profile cases
8 in South Carolina. Can you just give the audience
9 a couple of those cases, so they your -- what kind
10 of trials you've handled before this one?

11 JUDGE NEWMAN: Well, most recently I
12 presided over the police shooting case in
13 Charleston where a -- Walter Scott was shot in the
14 back by Michael Slager while running away in
15 North Charleston. And -- so that was a pretty-high
16 profile case, police shooting case, which ended in
17 a hung jury of all things. He later pled guilty in
18 Federal Court and received a 20-year sentence.

19 Last year I presided over a trial
20 called "the fake Uber trial" where a couple of
21 years ago a woman called for an Uber and a car
22 showed up that she thought was her Uber driver and
23 she got in the back of the car and -- and she was
24 being kidnapped without knowing it. And it wasn't
25 an Uber driver, someone pretending to be. She was

18

1 savagely killed, body mutilated. And the defendant
2 was apprehended the next day and put on trial and
3 he was convicted. The -- that spurred a lot of
4 public interest regarding the safety of people
5 ordering Uber --

6 JUDGE SHEEHAN: Yeah.

7 JUDGE NEWMAN: -- Ubers and requiring
8 identification of the drivers and a lot of other
9 things. And some national legislation came out of
10 it changing law and policy regarding Ubers and
11 other-type drivers.

12 JUDGE SHEEHAN: Interesting. You know,
13 in Ohio we randomly cases get assigned to judges.
14 So when someone is charged with a case and it
15 randomly gets assigned to that judge in Common
16 Pleas Court 34 judges, one of 34 could get a case.
17 How did the Murdaugh trial get assigned to you and
18 how does that process work in South Carolina?

19 JUDGE NEWMAN: Our chief justice of the
20 Supreme Court has discretionary authority to assign
21 judges in complex cases, high-profile cases, cases
22 where many of the local judges might have conflicts
23 of interests due to relationships with the families
24 or knowledge of the defendant, such that they
25 cannot be fair and impartial.

1 So I was tapped to take on this case,
2 it was -- came at a time where the integrity of the
3 judiciary was being threatened and the trust of
4 lawyers was at a -- you know, was being threatened
5 as well. So the chief called and said, will I take
6 it, I'm putting you on it. And I said, okay, bring
7 it on.

8 JUDGE SHEEHAN: Bring it on. Did you
9 know or did you think the Murdaugh trial would be
10 so captivating to people beyond of South Carolina
11 or did you not anticipate that or did you know?

12 JUDGE NEWMAN: I honestly did not
13 anticipate that. You know, I've done many cases,
14 certainly that was -- it was an important case, but
15 all cases are. Any case where you have a murder --
16 someone murdered or savagely beaten, it's
17 important. Important for the communities and
18 important for certainly the victims and families.
19 And -- and this was another example of that.

20 It had the added notoriety because it
21 involved a lawyer. A lawyer who had been accused
22 of stealing money from clients, over -- over
23 \$8 million from any number of clients. A lawyer
24 who admittedly was strung out on drugs and more
25 than anything else, a man who's accused of killing

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1 his wife and his son.

2 JUDGE SHEEHAN: Hmm.

3 JUDGE NEWMAN: And despite that types
4 -- those types of facts that would certainly make
5 folks interested, I believe that when I decided to
6 make the entire process open to the public and open
7 to the media and broadcast wherever they needed to
8 be or it would be broadcast, that opened it -- made
9 it available to everyone nationwide and worldwide.

10 Of course, I could not -- I wasn't
11 experiencing any of that, I was simply a judge in a
12 trial doing my job, as I've done repeatedly over
13 the years. And the interest and notoriety that was
14 taking place all around was not -- had no affect on
15 me because I was engaged in the process of what I
16 had to do.

17 JUDGE SHEEHAN: Well, I know we saw
18 from the courtroom, that courtroom held 250 people
19 audience-wise. And -- and that -- the well of that
20 courtroom was so small. The way you handled the
21 media and how -- what was -- how did you, as
22 presiding over this and in pretrial dealings with
23 this, how did you handle that? And did you have
24 any assistance or was there any plans in place for
25 that?

1 JUDGE NEWMAN: Yes. Well, having dealt
2 with other high-profile cases, I know that the
3 media will not be satisfied unless they are able to
4 have access to -- to public information. But it
5 took a lot of planning to ensure that the presence
6 of the media did not have any impact on the
7 proceedings.

8 Jurors -- the cameras were hidden to
9 the extent they could be, they were all directed
10 away from the jury. Jurors cannot be photographed
11 at any time. They cannot have any -- any equipment
12 that made any type noise. And we had a pretty
13 tight reign on the media and I pointed a media
14 liaison person and who was experienced in media in
15 many matters, challenging earlier decisions. And
16 -- and I said, well, you come and help us rather
17 than spending your time complaining about things.
18 So he volunteered to be a media liaison and
19 problems for the media -- or with the media, would
20 be addressed to him and then he can come talk to me
21 about it.

22 JUDGE SHEEHAN: Great. I mean, it was
23 just the masterful on how you were able to -- the
24 sensitive evidence and the photographs, how it was
25 able to be away from the media. And I -- it was

22

1 amazing how you did that and I just give you -- I
2 mean, that just tells you a plan and publicity was
3 key to --

4 JUDGE NEWMAN: Well, yeah, in any case
5 where you have gruesome photographs and horrific
6 pictures and all, the judge has to make a decision
7 as to whether exposing the jury to those type --
8 that type evidence would affect their ability to be
9 fair and impartial. And the parties agreed not --
10 just because of the gruesome nature of the
11 photographs, maybe affecting the jury, but also
12 violating the privacy rights of the victim and the
13 victim's family. They have victim's rights and
14 have a right to not have their family members
15 mutilated bodies exposed to a jury or on -- on
16 national television.

17 JUDGE SHEEHAN: Wow. You know -- I've
18 -- I've got a few questions here, but one -- one
19 thing that I really want to ask, you know, in Ohio
20 we do jury views usually in the beginning of a
21 trial. In this case, there was a jury view done at
22 the end of the trial. Is there a reason for that?
23 Or is there any explanation or is this how things
24 are done in South Carolina or...

25 JUDGE NEWMAN: Well, when lawyers asked

1 for a view -- a jury view, it's always
2 discretionary with the judge. And it's usually
3 upon motion, motion of the parties to have the jury
4 go out and check out the scene. It's not something
5 done that often. I think I've probably had five
6 jury views in 22 years. The lawyers in this case
7 at the outset indicated that they might want to
8 have a jury view, but they made no formal motion.
9 As the anticipated three-week trial entered six
10 weeks --

11 JUDGE SHEEHAN: Yeah.

12 JUDGE NEWMAN: -- entered into six
13 weeks, I'm like I sure hope they don't ask to go
14 out to that scene --

15 JUDGE SHEEHAN: Oops.

16 JUDGE NEWMAN: -- but at the end of the
17 trial they requested it and -- and I agreed. We
18 had all law enforcement go out and secure the scene
19 to ensure that was -- there was no media there
20 while the jurors would be there. The jurors were
21 given strict instructions not to discuss the case
22 with each other. And if they had any questions to
23 ask me and I was there -- Pat was there as well.

24 JUDGE SHEEHAN: All right.

25 JUDGE NEWMAN: They couldn't ask her,

24

1 but they could ask me if they had any questions and
2 they -- and they did. They wanted to see this
3 evidence referred to or locations referred to and
4 that location and I -- I -- it ended up I thought
5 being helpful to the prosecution and not to the
6 defense, though requested by the defense. But
7 under normal circumstances, it's -- I don't know a
8 best time for a jury to be taken to the -- to a
9 view --

10 JUDGE SHEEHAN: Yeah.

11 JUDGE NEWMAN: -- there are some who
12 says, well, how can a jury -- and what kind of
13 disruption would that cause to take the jury to
14 this location of a murder? I mean, such as taking
15 a jury some place out here in Auklet Avenue or to a
16 house in a neighborhood, what kind of disruption
17 that might be. But this murder scene was a remote
18 area, remote, remote area and it was easy for law
19 enforcement to secure the scene and for the jurors
20 to go out and -- and reflect on what they had been
21 told through the testimony and shown through the
22 testimony through pictures and videos to kind of
23 look it at for themselves.

24 JUDGE SHEEHAN: Interesting. Judge,
25 speaking of the jurors, I mean, I can't even

1 imagine picking a jury panel for this. How -- how
2 many perspective jurors did you have and -- and how
3 long did it take you to select this jury? And how
4 many alternates did you have?

5 JUDGE NEWMAN: We summoned 750 citizens
6 to come to serve on the jury duty to -- we
7 anticipated it would be very difficult since the
8 defendant came from a prominent family, very
9 well-known for generations. And so we -- we -- we
10 needed enough to get 12 jurors. And the parties
11 agreed to have six alternates, so that's 18 jurors.

12 We did not have lawyer-involved voir
13 dire in South Carolina. The judge qualifies the
14 jury. The judge asks the questions. The lawyers
15 don't question the jurors. And, of course, I had
16 that experience of participating in voir dire
17 during my years of practice here in Cleveland, but
18 there the judges handle all of that.

19 The lawyers can submit to questions and
20 we sent out a questionnaire to all the jurors,
21 placed them under oath in answering those questions
22 to help -- and the lawyers formulated the
23 questionnaire to be sent to the jurors, so that
24 they could spend time doing some research on the
25 perspective jurors.

26

1 But because we have no lawyer-involved
2 voir dire, we selected a jury in three days out of
3 -- out of those 750 people who came.

4 JUDGE SHEEHAN: Wow. And did you get
5 through all six alternate jurors?

6 JUDGE NEWMAN: Well, during the course
7 of the trial, we had a few jurors got -- well,
8 tested positive for COVID. We had to address that
9 issue and brought in a doctor to test all of the
10 jurors and other court staff regarding COVID.

11 We had one juror who called and said he
12 was at the emergency room and -- and didn't tell us
13 what his problem was, but -- so we picked an
14 alternate. Of course, he showed up the next day as
15 if he would just continue on with the trial. So we
16 had to let him go. And during the process we -- we
17 ended up with one alternate. We -- we used five of
18 the six alternates.

19 JUDGE SHEEHAN: Wow.

20 JUDGE NEWMAN: But my experience with
21 jurors is that once they start hearing a case and
22 start serving, they get committed to the case.
23 They -- their sense of public responsibility and
24 their investment in it, they hate to get off a jury
25 once they've gotten on it and spent a lot of time

1 listening to the case.

2 JUDGE SHEEHAN: We'll ask -- somebody
3 will ask about the eggs and the juror who wanted to
4 get her eggs after she was excused later on that.
5 There's a good story about that, correct?

6 JUDGE NEWMAN: Oh, yeah.

7 JUDGE SHEEHAN: The jury deliberated
8 for just three hours. Did that surprise you before
9 they reached their verdict?

10 JUDGE NEWMAN: Well, nothing surprises
11 me when it comes to court and cases really, you
12 just never know. These are people, they're
13 strangers to me, strangers to each other. And --
14 and they're sitting -- it could be 12 of you on
15 that jury and how would I know what you're
16 thinking --

17 JUDGE SHEEHAN: Yeah.

18 JUDGE NEWMAN: -- you're just listening
19 and digesting it all. But my experience is when
20 jurors have sat and listened to something for six
21 weeks, over 800 exhibits presented, when they go
22 back to deliberate, they don't want to look at
23 those 800 exhibits. They don't want to spend their
24 time combing through everything that they have
25 laborious sat there and listened to for that period

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1 of time. And, you know, it took them about three
2 hours and that's about normal, as far as I'm
3 concerned.

4 JUDGE SHEEHAN: Well, here I have to
5 ask, I -- I watched the sentencing and this was a
6 person who practiced law in front of you. Did that
7 make it any more difficult for you as the judge
8 sentencing him after you knew him and he practiced
9 in front of you?

10 JUDGE NEWMAN: Well, being from a small
11 rural community and being in a -- from a relatively
12 small state, I -- I've had to handle cases where I
13 knew the person who was accused or -- or knew the
14 victims. And, you know, judges have to make an
15 individual determination as to where -- whether
16 they can be fair and impartial --

17 JUDGE SHEEHAN: Yeah.

18 JUDGE NEWMAN: -- but my test is not
19 whether I know the person or knew of the person, it
20 has to be whether my knowledge of them would affect
21 my ability to be fair and impartial. And -- and we
22 weren't personal friends or -- but since he was
23 from a popular firm and a popular lawyer, all
24 judges -- every judge in the state either knew him
25 or knew of him. And it -- when it came to

1 sentencing, the fact that I -- I knew him, of
2 course, when you go through a trial, a murder trial
3 or a long trial, you always know the defendant by
4 the time you get to the end. That's someone who's
5 been there with you for a long period of time, so
6 whether you knew them beforehand or not, by the
7 time you get to that point, you sort of know that
8 person. But it did not affect me as far as
9 rendering the sentence that I did --

10 JUDGE SHEEHAN: Let's talk about that
11 sentence. I mean, that was -- usually there's
12 usually 30 days before you have a sentencing
13 hearing and a pre-sentence investigation. Tell us
14 what -- what happened at that sentencing and how
15 did that all come about? Because the verdict was
16 this day and the next day was the sentencing, so
17 tell us how that happened.

18 JUDGE NEWMAN: The verdict was Thursday
19 night around 7:00 PM and, you know, we were all
20 pretty exhausted by that time, so I'm anticipating
21 that the lawyers would want some time to prepare
22 for sentencing. And -- and I was prepared to wait
23 for whatever period of time it would have taken
24 to -- for a pre-sentence investigation and report
25 to be provided to me.

30

1 So when I asked the lawyers "how long
2 would it take, when would you-all be ready?" And
3 they said 9:30 tomorrow morning. So we -- we have
4 no mandatory requirement of getting a pre-sentence
5 investigation. Of course, I didn't think I really
6 needed one, but I was giving them that opportunity
7 to -- to --t o present whatever mitigation evidence
8 they wanted.

9 And they said they'd be ready the next
10 morning. Of course, they all were working out of
11 town from their home location and had been away
12 from home for six weeks and I think they all were
13 ready to kind of get the case over with. So -- so
14 they said they would be ready at 9:30 the next
15 morning. And 9:30 the next morning I'm then
16 prepared to hear what the lawyers have to tell me
17 and whatever person they have to say something,
18 including family members, friends, whatever and
19 they told me nothing, they had nothing to say,
20 nothing to present. So I'm left at a situation,
21 okay, well, what do you have to say asking the
22 defendant.

23 JUDGE SHEEHAN: But did you have notes
24 or anything prepared for this at this time?

25 JUDGE NEWMAN: No.

1 JUDGE SHEEHAN: Nothing? All right.
2 So the prosecution presents nothing. The defense
3 offers nothing. So what do you do?

4 JUDGE NEWMAN: Well, I'll take it all
5 the way back to law school and I could go through a
6 semester and end up with a page-and-a-half of
7 notes. I've never been a great note-taker. I've
8 just been engaged in everything at the moment in
9 trying to perform without having to do something
10 scripted, like your questions are scripted right
11 there.

12 JUDGE SHEEHAN: All scripted. I only
13 have 30 minutes here, come on.

14 JUDGE NEWMAN: I have my notes, I try
15 not to be scripted. So, no, I -- I'm just focused
16 in the moment and trying to absorb everything
17 that's involved in this case and this process. And
18 trying to make the proper determination at a given
19 point in time.

20 So here we are and he's standing before
21 me to be sentenced for having been convicted of a
22 double murder and -- and basically he told me he
23 had nothing to say either, other than "it wasn't
24 me".

25 JUDGE SHEEHAN: Boy, your comments were

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1 just so appropriate at that time. And I just think
2 that the community, the world watched that and just
3 thought, wow, this judge has it together. And I
4 was just amazed that -- I mean, I know that
5 everyone has heard what you said, but I mean, just
6 in -- in the one comments referring to the shooting
7 deaths, "within your own soul, you have to deal
8 with that and I know that you have to see Paul and
9 Maggie during nighttime when you're attempting to
10 go to sleep and I'm sure they'll come and visit
11 you." And he responds "all day and every night".
12 And then you say "and they will continue to do so
13 and reflect on the last time they looked in your
14 eyes". And I was just like, wow, and then you went
15 right to the sentencing. And it was just amazing
16 the way you handled it, was just unbelievable and
17 -- go ahead.

18 JUDGE NEWMAN: Yeah, well, the -- a
19 person who kills another person, I'm told that the
20 person who is killed will haunt, will come back.
21 And -- and they'll never be able to get over the
22 moment and time they took that person's life. Now,
23 whether that's a spiritual belief or -- or just my
24 view of the world, it's also the subject of a
25 barbershop conversation one day when -- when a

1 customer was arguing to the barber saying that if
2 you kill a man, he will haunt you, he'll come back
3 and you'll never be able to get that person out of
4 your mind. So -- and we don't have any convicted
5 murders here; do we?

6 JUDGE SHEEHAN: I don't think so.

7 JUDGE NEWMAN: So we don't have the
8 actual experience of knowing whether that's true or
9 not. But I posed that question to him and -- and
10 in my mind, no doubt he loved his family, I don't
11 believe that -- that he hated his wife. And
12 certainly I did not believe that he did not love
13 his son, but he committed an unforgivable,
14 unimaginable crime and there's no way that he'll be
15 able to sleep peacefully given those facts.

16 JUDGE SHEEHAN: There's certainly going
17 to be a movie and a miniseries about this and I was
18 joking with the judge and his wife, who do you
19 think will play you? And I was thinking Morgan
20 Freeman, right? And he looked at me and said, no,
21 he's too old. And his wife said more maybe Denzel
22 Washington and he was more into that. Who do you
23 think would play you in a movie?

24 JUDGE NEWMAN: Oh, boy, and Judge
25 Nugent said I should play myself.

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1 JUDGE SHEEHAN: There you go, right?

2 There you go.

3 JUDGE NEWMAN: I don't know. This
4 story is being -- is continuing to be written. I
5 would never -- never would have thought that I
6 would be involved in a case that would have
7 gathered -- garnered so much notoriety that it
8 would be something that would be talked about
9 nationwide. I've received letters from all over
10 the world about this case. It's really been truly
11 amazing.

12 So I don't know what the future holds
13 as far as movies or anything else. I do know that
14 we have mandatory retirement in South Carolina at
15 the age of 72 and I turn 72 in November. So I'll
16 be looking for something else to do.

17 JUDGE SHEEHAN: I love it. Well, and
18 listen, this is the part where we open it up to the
19 audience. I'm sure a lot of you have questions,
20 but I just want to remind everyone that the case is
21 still on appeal and there's some additional
22 criminal matters that the judge will have to
23 handle. So he may be restrained from answering
24 some of those comments or some of those questions.
25 But I want to remind everybody that Pat is here and

1 she can answer them if he can't. So talk to Pat at
2 the end.

3 So with that, I'm going to open it up.
4 But, Judge, are you ready for this?

5 JUDGE NEWMAN: Sure.

6 UNKNOWN SPEAKER: Honorable Newman,
7 thank you for coming here. Out of all that you've
8 been through and all your years, what did you learn
9 from that case?

10 JUDGE NEWMAN: Well, that humanity is
11 -- is a difficult thing and the mysteries of human
12 life, it's hard to -- to predict what a human might
13 do, particularly when they are involved with drugs.
14 That's just a sad reality that we all have to deal
15 with and not that I learned that from this -- from
16 that case, but something that sticks with me.

17 UNKNOWN SPEAKER: Hi. So I just wanted
18 to know about your time in law school and overall
19 how you decided to be a judge and that experience?

20 JUDGE NEWMAN: Well, when I was in law
21 school here at Cleveland State this building did
22 not exist. We had classes over on 23rd and
23 Chester, there's a building over there and that --
24 that was law school for me. And it's a challenging
25 experience. One, I can never get a questioned

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1 answered properly, whenever the professor asked a
2 question and I attempted to answer, it never was
3 quite right, there was always something wrong with
4 my answer. So I'll always remember that from law
5 school.

6 I -- I want to mention while I have
7 this moment in answering that question, that the
8 other person here who knows perhaps more about this
9 law school and Cleveland State than me, is my
10 brother who is here. Lloyd, if you would stand.

11 JUDGE SHEEHAN: All right. That's
12 great.

13 JUDGE NEWMAN: And Lloyd doesn't look
14 like a lawyer or anything like that, but he was a
15 custodian here at Cleveland State for 44 years.

16 JUDGE SHEEHAN: Wow, that's awesome.

17 JUDGE NEWMAN: And retired last year
18 and he knows every nook and cranny about all these
19 buildings.

20 JUDGE SHEEHAN: I love it.

21 UNKNOWN SPEAKER: Thank you so much for
22 your fantastic talk. This is actually an
23 interesting follow-up to that question. As law
24 students, are there experiences that you had that
25 helped prepare you, I guess, for the role that you

1 have now that we might be able to take advantage
2 of?

3 JUDGE NEWMAN: Well, I wrote down what
4 the president mentioned, president Bloomberg says
5 that the motto of the school is "learn law, live
6 justice", I mean, those are powerful words. And I
7 didn't know that was the -- the motto, but that's a
8 motto I've lived by. I learned the law and lived
9 justice.

10 And the thing that -- that's -- I
11 always endeavor to do and -- and that was taught to
12 me in law school and immediately after law school
13 is that after you learn the law and all the
14 technology -- technical aspects of it, then you
15 have to be able to translate all of that into
16 everyday language when you're dealing with -- with
17 people, when you're dealing with the jury, you
18 can't just go there and start telling the jury
19 about res ipsa loquitur and all of that; they
20 wouldn't know what you're talking about.

21 So you have to be able to translate it
22 all into everyday meaning and everyday language.
23 And so whenever I am addressing anyone in court in
24 a jury, lawyers, otherwise, and -- and some folks
25 picked upon -- picked up on this from this trial is

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1 that I endeavor to explain everything so that
2 everyone can understand what I'm talking about.
3 Not in any technical legal terms, even though it's
4 grounded in the law, but to be able to communicate
5 it through everyday language.

6 JUDGE SHEEHAN: That's great.

7 UNKNOWN SPEAKER: Hi, I have a question
8 for our Court TV Facebook group, we know that the
9 Murdaughs --

10 JUDGE NEWMAN: A question from who?

11 UNKNOWN SPEAKER: From our Facebook
12 group.

13 JUDGE NEWMAN: Facebook group, okay.

14 JUDGE SHEEHAN: You had one of those
15 when you went to school here; didn't you?

16 JUDGE NEWMAN: No.

17 UNKNOWN SPEAKER: The Murdaughs have a
18 long legal history/dynasty in South Carolina and
19 the grandfather's portrait had to be removed from
20 courtroom before the trial. Will that ever be
21 rehung or is he going to forever part of the sins
22 of the son?

23 JUDGE SHEEHAN: Good question.

24 JUDGE NEWMAN: Oh, typically the clerk
25 of court is in charge of the courtroom and what's

1 in the courtroom and courtroom decorations and all
2 that. But it has become subject to some recent
3 controversies, particularly throughout the South,
4 where portraits of -- of people are hung throughout
5 the courtroom. And in the state of Virginia, the
6 portraits -- there's a black defendant and a white
7 victim and all and this judge, who was white, the
8 defendant challenged the layout of the courtroom as
9 depriving him as of his right to a fair trial. He
10 said this aura of superiority reflected in all
11 these portraits hung around the courtroom, deprived
12 him of his right to a fair trial.

13 And the judge ordered them removed,
14 that was two or three years ago. And -- and, you
15 know, I was impressed by his rationale because we
16 have the same thing in South Carolina. So we come
17 to this particular case where the defendant's
18 grandfather's portrait is there hanging for
19 everyone to see, including jurors. It -- it would
20 affect the state's right to a fair trial. I
21 ordered it removed, I think it's since been put
22 back by the clerk.

23 JUDGE NEWMAN: We have a real quick --
24 yes, sir?

25 UNKNOWN SPEAKER: I don't have a

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1 question. I have a comment.

2 JUDGE NEWMAN: Yes, sir.

3 UNKNOWN SPEAKER: Because I am with
4 these two young gentlemen sitting next to me
5 matriculated through law school with you, Chester.
6 And I just wanted you to know that we're not
7 surprised at the excellence in which you have
8 achieved and we are very proud of you.

9 JUDGE NEWMAN: Thank you.

10 JUDGE SHEEHAN: That's awesome.

11 JUDGE NEWMAN: Because it's been
12 50 years now -- let's see, 1976, 47 years ago these
13 faces have changed.

14 UNKNOWN SPEAKER: Bill Smith.

15 Judge Newman: That's Farris Davis
16 right there.

17 JUDGE SHEEHAN: Oh, yeah. Wow.

18 JUDGE NEWMAN: And Bill, my kappa
19 brother, okay.

20 JUDGE SHEEHAN: You got a question?
21 They're you go.

22 UNKNOWN SPEAKER: Honorable Newman, you
23 have a plethora of education, experience and
24 knowledge. Do you ever aspire to write a book
25 because our young generation needs you?

1 JUDGE NEWMAN: My understanding is that
2 people who aspire to write books, really don't
3 write the books. They get a -- they get a literary
4 agent and they talk into the mike quite a bit and
5 somebody else writes the book. And maybe they add
6 it to; I don't know. I have no idea. You know,
7 all of this is relatively new to me and -- and so
8 we'll -- we'll take it as it comes.

9 JUDGE SHEEHAN: Great.

10 UNKNOWN SPEAKER: Hello, Judge
11 Newman --

12 JUDGE NEWMAN: Hi.

13 UNKNOWN SPEAKER: -- one of the most
14 kind of contentious things that happened in the
15 trial was your decision to allow the financial
16 crimes to come out, as like an admissible prior bad
17 act. How did you come to that decision and what
18 was your rationale for allowing those to come in?

19 JUDGE NEWMAN: Yeah, a lot of these --
20 it was a pretty controversial decision and it will
21 be the subject of an appeal. And, you know, no
22 case is final until there's a final ruling on the
23 appellate issues. So I think the record speaks for
24 itself. Initially the ruling was going to be
25 limited to things occurring within the res justi of

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1 the moment of -- the of day of the murders. And
2 the lawyers I ruled open to door to many other
3 things by the -- by the manner in which they
4 presented the evidence. And then, of course, once
5 a defendant takes a stand and testifies, then
6 almost everything is fair game at that point. So
7 we'll see what goes with that.

8 UNKNOWN SPEAKER: Thank you. Judge
9 Newman and Mrs. Newman, thank you for being here,
10 it's an honor. Two quick questions. The earlier
11 case that you had involving the police-involved
12 shooting, was that a special appointment from the
13 Supreme Court Chief Justice? And then also I'll,
14 just kind of a follow-up on this, the distinguished
15 alumnus of yours beat me to it, but I'm going --
16 I'm sure you went to school with just a whose-who
17 and I was just wondering if you could recall some
18 of those whose-whos.

19 JUDGE NEWMAN: Well, all of us
20 whose-who that I recall and Ferris Williams and I
21 have a whole lot of dealings with -- and, boy, they
22 don't look the same. All those whose-who. Yeah --
23 and I was in a police shooting in Charleston area,
24 the most -- most of the judges had to deal with --
25 the police department, quite extensively dealing

1 with issuing search warrants and -- and -- even
2 maybe just knowing them being in the community and
3 many of them did not feel comfortable dealing with
4 such a case knowing that the police departments
5 would be under such a microscope. And -- and they
6 called on me and said, hey, would you do it? And
7 -- and I never say no, I can't do a case if I'm
8 called upon to do it. And so that was another
9 appointment by the chief justice.

10 UNKNOWN SPEAKER: We have a question up
11 top.

12 JUDGE NEWMAN: I can say this about
13 that case because it was in the city of
14 Charleston -- Charleston County, the
15 African-American population is one-third of the
16 general population. And my goal was to ensure that
17 we had a jury that reflected the community.

18 So I had sheriff's department and
19 bailiff serve -- personally serve every perspective
20 juror to make sure they show up because, you know,
21 with the transient nature of people moving and, you
22 know, reports of that, I couldn't find this juror
23 -- I had them look for these jurors and we came up
24 with a one-third African-American jury pool in that
25 case. The jury pool, but once they got there, many

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1 people said I can't afford to be off from work and
2 I have this issue and that issue and so forth, I
3 can't serve. Basically excuses for getting out of
4 jury duty, some legitimate and some not. But by
5 the time we got through the end of the process and
6 the strikes, they ended up with one
7 African-American person on that jury. And a white
8 police officer had never been convicted of killing
9 a black person in South Carolina, and for the most
10 part in the United States in recent history.

11 So I was most concerned about whether
12 or not we'd have a fair and impartial trial in that
13 case. And the best think I could do was appoint
14 that black guy as the foreperson of the jury, so
15 that if there's another not guilty verdict there,
16 he had to sign that verdict form. And the jury
17 ended up being a hung jury and I don't want to say
18 because he wouldn't sign the form, but for whatever
19 reason, it was a hung jury and he later pled guilty
20 in Federal Court.

21 JUDGE SHEEHAN: Great.

22 UNKNOWN SPEAKER: Good afternoon,
23 Honorable Judge Newman. Thank you for being here.
24 My name is Assura Akcuma and I'm a 1L here at
25 Cleveland State University, College of Law. And I

1 am currently interested in intellectual property,
2 but have a long-term goal of becoming a judge. So
3 I just wanted to ask you: If you always wanted to
4 be a judge? And if not, how you ended
5 transitioning from being a prosecutor to now
6 becoming a judge and loving what you're doing?
7 Thank you.

8 JUDGE NEWMAN: All right. Well, when I
9 was here at Cleveland State, I said I wanted to be
10 an international lawyer. Now, whatever that was I
11 don't know, but it -- but it sounded pretty good.
12 I wanted to be an international lawyer. So quite
13 often what you want to be when you're in law
14 school it doesn't -- won't necessarily indicate
15 what you will be because quite often opportunities
16 will dictate the path of your legal career.

17 As it relates to why I wanted to become
18 a judge, you know, I practiced for 23 years before
19 seeking to become a judge. And it -- I continually
20 went to court, "Your Honor, may it please the
21 Court", may it please the Court, Your Honor" and
22 whether -- you know, big in the court, I'd rather
23 them ask me. Rather than it please the Court, I'd
24 rather be the Court. So that's why -- that's one
25 of the main reasons.

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1 JUDGE SHEEHAN: Great.

2 UNKNOWN SPEAKER: Your Honor, we talked
3 about the young folks and I think for the
4 edification of all of the students here and some of
5 the lawyers, what do you do and what did you do to
6 successfully handle the stress? You don't look
7 your age at all. You look like you just got out of
8 law school a couple of years ago. How do you
9 handle the stress of this career?

10 JUDGE NEWMAN: Well, it's difficult,
11 obviously, and I think they've done studies on it
12 all as to whether or not judges and others exposed
13 to horrific things, whether they take it home with
14 them. And, you know, I can't say that I don't
15 take -- I'm sure Pat will say that, you know, you
16 take it home with you. It's very difficult to
17 shake it off. And -- but when I think about the
18 fact that the -- trying to remain calm among all of
19 the things that's swirling around me in a case like
20 that, that brought me back to my Cleveland State
21 days pledging to a fraternity. And I should
22 probably have Nate Martin get up and recite
23 "Invictus" to us. You know, what's the part in
24 "Invictus"?

25 UNKNOWN SPEAKER: (Inaudible speaking).

1 JUDGE SHEEHAN: Wow. That's great.

2 JUDGE NEWMAN: So that helped take --
3 take care of me that whole training, trying to be
4 calm under -- when things are swirling around you,
5 it's -- it's tough, but it's a challenge and you
6 have to -- to be able to have some quality calming
7 time, you know, when you're out of -- in the line
8 of fire. It's difficult obviously.

9 UNKNOWN SPEAKER: Your Honor, first of
10 all, Judge Newman, I wanted to thank you for
11 including your process and -- and the protocols you
12 followed in order to get into law school. And I
13 heard the words Legal Career Opportunity Program
14 and I was part of the genesis of that program. And
15 it went through many phases and it's still in
16 existence and I'm -- I'm just thrilled that it is.
17 But I think you speaking on that, even just in
18 very, you know, kind of quick terms, makes a huge
19 difference for people in the future, young people,
20 to be able to come in and become an attorney
21 through that opportunity program.

22 So I taught in that, well, it's for
23 over 50 years, but I'm not teaching it now because
24 I'm too old. So anyway, I do know Judge Sheehan
25 very well and his wife Michelle and I followed

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1 them, you know on their path through law school as
2 well and the teaching process of writing. And also
3 of speaking. And your brilliance certainly speaks
4 volumes for that type of admissions process. So I
5 know it sounds like a little bit of, you know, an
6 ad or something, but I -- I was just touched by how
7 you inserted that. And thank you so much for being
8 here.

9 JUDGE NEWMAN: Yeah, the Legal Careers
10 Opportunity Program, it -- it came right at the
11 right time. I understand that it's recently
12 celebrated it's 50th anniversary, so 1970 --

13 JUDGE SHEEHAN: '71, yeah.

14 JUDGE NEWMAN: '71 it was created and
15 1973 is when I entered law school. So I guess I'm
16 the third class to take advantage of it. And --
17 and it has, you know, the admissions process now,
18 for the most part, in most law schools, and I teach
19 trial advocacy by the way at the University of
20 South Carolina Law School --

21 JUDGE SHEEHAN: That's great.

22 JUDGE NEWMAN: -- but the admissions
23 process is pretty gruelling. And based on test
24 scores and all those things and -- and the program
25 that was in place, gave us an opportunity to get

1 into law school, even if we did not have those high
2 scores. And it was a Godsend for me and for you
3 and Judge Aldridge and Judge Pat Blackman there and
4 all the others who have, you know, benefitted from
5 that program. And I'm sure there are many people
6 here also who have taken advantage of it and
7 have -- just thank you to the school for having
8 that opportunity.

9 JUDGE SHEEHAN: I think you've got a
10 question there.

11 UNKNOWN SPEAKER: Welcome, Judge
12 Newman. And thank you, Judge Sheehan, for your
13 participation. Judge Newman, I graduated from this
14 fine institution a year after you did. I have to
15 say at least you still look the same. My question
16 is: What did you -- what was your impression of
17 the decision of the defense to have the defendant
18 testify? And what effect do you think that had on
19 the jury from your observation?

20 JUDGE SHEEHAN: Good question.

21 JUDGE NEWMAN: Yeah, it's always a
22 tough decision anytime someone is representing a
23 defendant as to whether the defendant should take
24 the stand and testify. And I don't know, of
25 course, the lawyers argued during the trial that --

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1 that they did not want him to testify and they
2 advised him against testifying, but based on some
3 of the rulings and some of the evidence that had
4 been allowed in, that he was being forced to
5 testify to try to explain some of the things that
6 had come up during the trial.

7 Some of the unexplainable things that
8 was very -- that would otherwise be unexplainable
9 if he did not attempt to -- to -- to explain them.
10 And so that was a calculus that they had that the
11 jurors who have appeared on television, so I'm not
12 saying anything as far as my opinions, since I'm
13 limited in offering opinions, but some of the
14 jurors testified that not only through testifying,
15 but throughout the trial they could not find any
16 genuine tears by the defendant that he was -- they
17 felt he was able to turn it on and turn it off
18 whenever he wanted to.

19 And they said they saw through him and
20 did not -- and that it just revealed through his
21 testimony that he could not be trusted with
22 anything that he said or did.

23 UNKNOWN SPEAKER: Hi, thank you so much
24 for being here today. I know that this case is
25 probably a little bit different, but at the end of

1 most cases, you probably hear -- murder cases at
2 least, you probably hear all the I'm sorrys and I
3 wish I never did it, but in a typical murder case
4 -- which I hate that I used the word typical -- but
5 what mitigating factors do you find to be the most
6 impactful when sentencing an individual?

7 JUDGE NEWMAN: Genuine remorse is -- is
8 typically impactful. And, you know, some
9 explanation as to what caused the person to go
10 astray and -- and, you know, when a person is
11 convicted of murder, you know, the minimum sentence
12 is 30 years and the maximum is life. And say
13 someone like Murdaugh who was 55, and 30 years
14 means 30 years, you don't get good time and it
15 doesn't mean 20 years, it means 30 years. And the
16 life expectancy of anyone in a prison system is not
17 -- is not that great.

18 So a life sentence -- a 30-year
19 sentence on a 50-year-old person -- 55-year-old
20 person is pretty much a life sentence. So in a lot
21 of instances not much that can be said. When
22 you're dealing with 21-year-olds, 22-year-olds,
23 23-year-olds, in that age range, you know, there's
24 a little difference as to whether or not they're --
25 there's anything that existed during the person's

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1 life that should mitigate against a life sentence,
2 for example. And we've had court rulings mandating
3 some assessment and evaluation of that person
4 facing a possible life sentence prior to imposing a
5 sentence. It's -- you know, quite often you have
6 the victims -- they always want you to give the
7 person life because they've taken a life and -- but
8 it's not the right thing to do in many, many
9 instances.

10 JUDGE SHEEHAN: You know, Judge, we've
11 been doing this for an hour and I can honestly tell
12 you I've been in this room and I've never seen this
13 big of a crowd. You just draw a big crowd here. I
14 just want to thank president Bloomberg, Dean Fisher
15 for allowing this to happen. And I can't tell you
16 how excited I am to be here with. And I just want
17 to give you a round of applause making Cleveland
18 State proud.

19 DEAN FISHER: And I have some good
20 news, Judge Newman is going to be back. He will be
21 here on Friday, November 3rd, when he is inducted
22 in our hall of fame. He doesn't know yet, but
23 he'll be giving the keynote address.

24 JUDGE SHEEHAN: Oh, wow. Thanks
25 everybody.

1 JUDGE NEWMAN: Thank you, I will have
2 one by then.
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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 24th day of October, 2023 at Columbia, Richland County, South Carolina.

Amy R. Cope

Amy R. Cope, Court Reporter
My Commission expires
June 14, 2028



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EXHIBIT C

(Today Show Transcript)

~ June 21, 2023

Today Show

Craig Melvin Interview with Judge Newman

June 21st, 2023

<https://www.today.com/video/judge-clifton-newman-opens-up-about-alex-murdaugh-trial-183767621503>

CRAIG MELVIN: The trial grabbed headlines around the world.

"I'm Alex Murdaugh". (Alex Murdaugh).

Alex Murdaugh, once head of a prominent South Carolina legal dynasty, standing trial for the murders of his wife and son. And overseeing the high-profile case, Judge Clifton Newman.

Were you surprised by the attention, the extent of it?

JUDGE CLIFTON NEWMAN: I probably shouldn't have been surprised, you know, a high-profile lawyer, death of a wife, death of a child. Accusations of stealing millions of dollars from clients. Allegations of a lawyer who had done drugs. It had all the -- the ingredients for something of major public interest.

CRAIG MELVIN: It all started on the

night of June 7th, 2021, when Alex Murdaugh called police, claiming he found his wife Maggie and son Paul shot to death on the family's estate.

"911, what's your emergency? This is Alex Murdaugh at 4147 Moselle Road and I need the police and ambulance immediately. My wife and child are shot badly". (Alex Murdaugh)

Turns out that call was just one in a long series of lies exposed during Murdaugh's six-week trial.

"I wanted to give them as much accurate information as I could". (Alex Murdaugh)

Lies about where he'd been the night his wife and son were killed. Lies about a staged suicide attempt. Admissions about drug abuse. And allegations of stealing of millions of dollars from his clients. Through it all, Judge Newman widely seen as a calming presence and a by-the-book jurist. And it took the jury less than three hours to convict Murdaugh.

Were you surprised at all by the speed by which the jury came back with the -- with the verdict?

JUDGE CLIFTON NEWMAN: I wasn't. My experience in recent years is that jurors don't

1 take a long time deliberating after they've spent
2 weeks and weeks and weeks listening to testimony
3 and receiving evidence.

4 CRAIG MELVIN: Last March, Judge Newman
5 sentenced Murdaugh to two life sentences while
6 declaring he'd be forced to live with what he'd
7 done.

8 "Within your own soul, you have to deal
9 with that and I know you have to see Paul and
10 Maggie during the nighttimes when you're attempting
11 to go to sleep, I'm sure they come and visit you."

12 (Judge Clifton Newman)

13 CRAIG MELVIN: Pretty powerful.

14 JUDGE CLIFTON NEWMAN: Yeah.

15 CRAIG MELVIN: Do -- do you think that
16 he'll been haunted by his -- his wife and -- and
17 son?

18 JUDGE CLIFTON NEWMAN: Oh, I think so,
19 it has to be. I -- I cannot imagine him having a
20 peaceful night knowing what he did. I'm sure if he
21 had an opportunity to -- to do it over again, he'd
22 never do it.

23 CRAIG MELVIN: Judge Newman's reserved
24 demeanor on the bench drawing many admirers. His
25 story made more impressive by where it started in a

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1 segregated school in a small South Carolina town
2 inspired by the landmark case, Brown versus The
3 Board of Education. He went to law school and
4 became a prosecutor before becoming a judge in
5 2000. One of his daughters, Jocelyn, following in
6 his footsteps is now a state judge too.

7 So growing up you would see Dad in
8 court in action?

9 JOCELYN NEWMAN: It was kind of scary,
10 he was a good prosecutor. I'd sit in the jury box
11 and -- and watch him at work.

12 CRAIG MELVIN: Judge Newman and her
13 father talk often. In fact, they even share the
14 same judge's chambers. So she had a front-row seat
15 as he made headlines from the bench in the Murdaugh
16 trial.

17 JOCELYN NEWMAN: I knew it was a big
18 deal, but it probably happened even before that,
19 you know, scrolling through Instagram and -- and
20 seeing a Dateline post about Alex Murdaugh was just
21 amazing. I'm pretty sure I took a screenshot of
22 that and -- and sent it around to the family.

23 CRAIG MELVIN: Judge Clifton Newman
24 plans to retire this fall. As his legal career
25 comes to a close, he reflected on Murdaugh and his

1 most high-profile case.

2 JUDGE CLIFTON NEWMAN: I felt sorry for
3 him. I felt that -- that he was just in a position
4 where he could not -- where there's a hole that he
5 -- he could go into and dive in the hole and keep
6 going to the lowest depths. And I wasn't trying to
7 pull him out of that hole, but I wanted to give him
8 an opportunity to -- to say something.

9 CRAIG MELVIN: Alex Murdaugh still
10 maintains he did not kill his wife and son. There
11 were certain questions that Judge Newman declined
12 to answer because this is a case that is being
13 appealed.

14 It's also interesting to point out, you
15 just heard from one of his daughters there, Judge
16 Newman had four children --- and Savannah, you'll
17 appreciate this -- all four of the children ended
18 up taking the LSAT. All four of them ended up
19 going to law school actually. Two of them finished
20 law school and ended up becoming attorneys.

21 Just two weeks prior to this trial
22 starting, his youngest son died suddenly. And a
23 lot of folks said to the Judge, we would understand
24 if you wanted to delay the start of the trial and
25 Judge Newman insisted because there had been so

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1 many people who had been involved in jury selection
2 and seating the jury, he wanted to seat them for
3 that reason. And also he needed the distraction as
4 well. And his wife for the first time ever was in
5 court every day to support her husband during the
6 course of that trial.

7 SAVANNAH GUTHRIE: It's pretty
8 extraordinary that he decided to just go forward
9 and do the job beforehand when he had that such
10 personal grief. Craig, thank you very much.
11 Appreciate it.

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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 23rd day of October, 2023 at Columbia, Richland County, South Carolina.

Amy R. Cope



Amy R. Cope, Court Reporter
My Commission expires
June 14, 2028

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EXHIBIT D

(Motion for a New Trial)

**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 FOR A NEW TRIAL

Defendant Richard Alexander Murdaugh, through undersigned counsel, pursuant to Rule 29(b) of the South Carolina Rules of Criminal Procedure, hereby moves the Court for a new trial after discovering that the Clerk of Court tampered with the jury by advising them not to believe Murdaugh's testimony and other evidence presented by the defense, pressuring them to reach a quick guilty verdict, and even misrepresenting critical and material information to the trial judge in her campaign to remove a juror she believed to be favorable to the defense.¹

Specifically, during trial the Colleton County Clerk of Court, Rebecca Hill, instructed jurors not to be "misled" by evidence presented in Mr. Murdaugh's defense. She told jurors not to be "fooled by" Mr. Murdaugh's testimony in his own defense. Ms. Hill had frequent private conversations with the jury foreperson, a Court-appointed substitution for the foreperson the jury elected for itself at the request of Ms. Hill. During the trial, Ms. Hill asked jurors for their opinions about Mr. Murdaugh's guilt or innocence. Ms. Hill invented a story about a Facebook post to remove a juror she believed might not vote guilty. Ms. Hill pressured the jurors to reach a quick verdict, telling them from the outset of their deliberations that it "shouldn't take them long." Ms. Hill did these things to secure a book deal for herself and media appearances that would not happen

¹ On October 17, 2023, the South Carolina Court of Appeals issued an Order holding Murdaugh's appeal in abeyance and remanded the case for consideration of this Motion for New Trial.

in the event of a mistrial. Ms. Hill betrayed her oath of office for money and fame. Once these facts are proven, the law does not allow the Court any discretion about how to respond. It must grant a new trial.

I. Statement of Facts

Mr. Murdaugh was indicted for the murder of his wife Maggie and son Paul on July 14, 2022. His murder trial began January 23, 2023. The presiding judge was the Honorable Clifton Newman. The trial ran for six weeks, ending with convictions on the evening of March 2, 2023, and sentencing on March 3, 2023. The State rested its case-in-chief and the defense began its case on Friday, February 17, 2023.

Court was not held on February 20, which was President's Day. After returning from the holiday, Ms. Hill began to enter the jury rooms often. Aff. of Juror No. 630 ¶ 7, Aug. 14, 2023 (attached as **Exhibit A**). As the defense began its case, Ms. Hill told jurors, "Y'all are going to hear things that will throw you all off. Don't let this distract you or mislead you." Aff. of Holli Miller *re Juror No. 741* ¶ 6, Sep. 1, 2023 (attached as **Exhibit B**). Additionally, Ms. Hill and Juror No. 826, the new jury foreperson, on multiple occasions went to another room to have private conversations lasting five or ten minutes. Ex. A ¶ 8. Sometimes they would go into the jury room's single-occupancy bathroom together. Ex. B ¶ 4. Foreperson Juror No. 826 never said anything about the content of those conversations to other jurors. Ex. A ¶ 8. Ms. Hill even instructed jurors they could not ask Foreperson Juror No. 826 about the conversations. Ex. B ¶ 4.

Two days later, on Thursday, February 23, and continuing through the next day, Mr. Murdaugh testified in his own defense. Before he began his testimony, Ms. Hill told jurors "not to be fooled" by the evidence Mr. Murdaugh's attorneys presented, which at least one juror understood to mean that Mr. Murdaugh would lie when he testified. Ex. A ¶ 2. Ms. Hill also instructed the jury to "watch him closely," to "look at his actions," and to "look at his movements,"

which at least one juror understood to mean that Mr. Murdaugh was guilty. *Id.* Immediately after Mr. Murdaugh testified, Foreperson Juror No. 826 told the jury that Mr. Murdaugh was crying on cue. Ex. A ¶ 4. She also criticized the former foreperson, Juror No. 589, for handing Mr. Murdaugh a box of tissues when he was crying on the stand because “that is what the defense wants us to do.” Ex. A ¶ 5.

The next court day after Mr. Murdaugh’s testimony, Monday, February 27, Ms. Hill told Judge Newman about a Facebook posting she purportedly saw on the evening of Friday, February 24 (the day Mr. Murdaugh’s testimony concluded), while perusing a Facebook group page called “Walterboro Word of Mouth.” Draft Tr. of *in camera* conf. 41:3–42:15, Mar. 1, 2023 (attached as **Exhibit C**). The post, purportedly by Juror No. 785’s ex-husband Tim Stone, allegedly stated that his “his ex-wife was saying that she was on the jury and saying stuff about how her verdict was going to be.” *Id.* Judge Newman asked her to produce a copy of the posting. *Id.* She could not produce a copy, but according to Ms. Hill, a subordinate employee in the Clerk’s Office, Lori Weiss, discovered that the post was taken down and replaced with an apology post:

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I’m sorry

Id.; Rebecca Hill, “Behind the Doors of Justice” at 97 (2023) (attached as **Exhibit D**); Timothy Stone Facebook Post, Feb. 16, 2023 (attached as **Exhibit E**). The “apology” post states the initial post was already deleted on February 16, so it would have been impossible for Ms. Hill to see the original post on February 24.

Mr. Stone, Juror No. 785’s ex-husband, avers in a sworn statement that he made no such posts. Aff. of Tim Stone ¶ 2, Aug. 18, 2023 (attached as **Exhibit F**). Mr. Murdaugh has obtained an authentic download of the entirety of Mr. Stone’s Facebook activity from January 23, 2023, to

March 2, 2023, which confirms he did not post the apology (the supposed original post if deleted would not be recoverable at this point under Facebook's retention policies) and that he in fact never posted anything to the "Walterboro Word of Mouth" Facebook page during the trial. Aff. of Phillip Barber ¶¶ 2–5, Aug. 31, 2023 (attached as **Exhibit G**).

The person who made the apology post is an unrelated person also named Timothy Stone, whose Facebook profile picture is not Juror No. 785's ex-husband. He lives in Georgia and has never posted anything to the Facebook group "Walterboro Word of Mouth." Aff. of Timothy Stone ¶¶ 1-4, Sept. 12, 2023 (attached as **Exhibit L**). The original post for which Mr. Stone apologized pertained to an argument about Mr. Stone's wife's aunt "sticking her nose in [his] business." He felt "terrible" about that post, deleted it, and posted an apology the next day. Ex. L ¶ 6.

On February 28, Ms. Hill questioned Juror No. 785 about the fictitious post on "Walterboro Word of Mouth" alone in her office in the courthouse. Aff. of Juror No. 785 ¶ 3, Aug. 13, 2023 (attached as **Exhibit H**). She told Juror No. 785 that someone had emailed her stating her ex-husband, Tim Stone, posted on the "Walterboro Word of Mouth" Facebook page that Juror No. 785 had been drinking with her ex-husband, and that while drunk she expressed opinions on the guilt or innocence of Mr. Murdaugh. Ex. H ¶ 4. Juror No. 785 told Ms. Hill that never happened and that she had not seen her ex-husband in ten years. *Id.* Juror No. 785 asked to see the post, but Ms. Hill would not show it to her. Ex. H ¶ 5. Ms. Hill directly asked Juror No. 785 whether she was inclined to vote guilty or not guilty. Ex. H ¶ 3. Juror No. 785 said she had not made up her mind. *Id.*

Later that day, Ms. Hill told Juror No. 785 that SLED and Colleton County Sheriff's Office personnel went to Mr. Stone's house, and he confirmed he made the post. Ex. H ¶ 6. This is a fabrication by Ms. Hill. Ms. Hill told Juror No. 785 she would somehow "reinstate" a restraining

order Juror No. 785 previously had against Mr. Stone, which is something that Ms. Hill did not have the authority to do.

Still later that day, Judge Newman examined Juror No. 785 regarding both the nonexistent Facebook post and the tenant/co-worker email² *in camera*. Draft Tr. Of *in camera* conf. 3:8–6:19, Feb. 28, 2023 (attached as **Exhibit I**). Juror No. 785 described her interactions with Ms. Hill regarding the Facebook post. *Id.* She denied making any inappropriate comments about the case to third parties, and stated she wanted to hear closing arguments before forming an opinion on Mr. Murdaugh’s guilt or innocence. *Id.*

After she was dismissed, Judge Newman said, “Oh boy. I’m not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me.” Ex. I at 13:20–22. He was right to be concerned.

The next day, on March 1, 2023, the jury visited Moselle, the site of the murders. During the visit, Foreperson Juror No. 826 and Ms. Hill walked off to have yet another private conversation. Ex. H ¶ 16; Ex. B ¶ 9. In her book, Ms. Hill more vaguely hints at communicating her opinion on Mr. Murdaugh’s guilt to the jury during the visit to the Moselle property:

While the jurors viewed the Moselle property, we all could hear and see Alex’s story was impossible.

Some of us either from the courthouse, law enforcement, or jury at Moselle had an epiphany and shared our thoughts with our eyes. At that moment, many of us standing there knew. I knew and they knew that Alex was guilty.

Ex. D at 108.

² A co-worker of a tenant of Juror No. 785 emailed the Court on February 27 stating that the tenant said her landlord was a juror and had expressed an opinion when delivering a refrigerator to the property more than a week earlier.

That day Judge Newman also held an *in camera* conference regarding the tenant/co-worker email, in which he decided to revisit the Facebook post issue with Ms. Hill:

THE COURT: Okay. Well, let me see what Becky is talking about. I wanted to revisit the Facebook post that you mentioned yesterday.

MS. HILL: Uh-huh, right.

THE COURT: That's Becky Hill, the Clerk of Court. Can you tell us about that Facebook post?

MS. HILL: Yes. I think it was Friday evening just for a brief moment I perused Facebook, got on Walterboro Word of Mouth, and saw where someone had said that – well, it was the ex-husband of a juror, and he said that he noticed that his ex-wife was saying that she was on the jury and saying stuff about how her verdict was going to be, and that he was the ex-husband but she was known for talking way too much. And then I just kept on scrolling because that was enough for me. I've gotten enough.

THE COURT: And how did you determine who he was talking about?

MS. HILL: When I heard there was an email on Monday I figured the two went together, if it was true.

THE COURT: Well, she's confirmed she has an ex-husband who she has three restraining orders out against so –

MS. HILL: Right. So then we looked on Monday after you told me to try to go back and look for it and we couldn't find it. But then we found out his name, and we found the post and printed it out where he said that he had put something up, but that he had deleted it at the time that he had put stuff out there that wasn't nice.

THE COURT: He said he got drunk afterwards.

MR. MEADORS: Something about the devil.

MR. HARPOOTLIAN: Didn't he say it was satan in it?

MS. HILL: Satan was in it, yes. In all of the details, yes.

THE COURT: All right.

MS. HILL: Made me do it.

THE COURT: Okay. I just wanted to have that on the record, you're reading a Facebook post by the ex-husband who said it. Of course, you haven't talked with him so you don't know where he got his information from.

MS. HILL: I don't. I can find it, though.

Ex. C at 41:3–42:16. But Ms. Hill never saw any such Facebook post. She made it up. Further, she knew the “apology” post was not posted by Juror No. 785’s ex-husband. Juror No. 785 showed Ms. Hill a picture of her ex-husband, which is not the Facebook profile picture of the other Mr. Stone’s post about Satan. Ex. H ¶ 8.

The next day, March 2, 2023—the day of the verdict—Juror No. 785 received a call from her ex-husband that she did not answer. Ex. H ¶ 9. The call upset her because Ms. Hill’s lies had led her to believe he was posting on Facebook about her and might be stalking her. *Id.* Juror No. 785 asked to speak with Ms. Hill. *Id.* She told Ms. Hill she was scared. *Id.* Ms. Hill told her that “the Murdaughs” probably “got to him,” meaning her ex-husband. *Id.*

Ms. Hill once again asked her opinion regarding Mr. Murdaugh’s guilt. Ex. H ¶ 10. Juror No. 785 told her that Creighton Waters’ closing was good, but that she still had questions. *Id.* Ms. Hill asked what questions and Juror No. 785 replied that she was concerned that no murder weapon was found. *Id.* Ms. Hill then asked, “well, what makes you think he’s guilty?” *Id.* Juror No. 785 said Paul’s video at the dog kennels. *Id.* Ms. Hill then told Juror No. 785 “that everything Mr. Murdaugh has said has been lies and that I should forget about the guns, they will never be seen again.”” *Id.* Ms. Hill then asked Juror No. 785 about the views of the rest of the jury, telling her that if the foreperson would “just go in and ask for a raise in hands this would be over and done with” and “everyone needs to be on the same page.” Ex. H ¶ 11.

Juror No. 785 went to the jury room and, ten minutes later, was excused from the jury. Ex. H ¶ 12. In open court immediately after her excusal, Juror No. 785 asked Judge Newman if he had spoken with the Clerk of Court, referring to the conversation earlier that morning with Ms.

Hill. Video of Trial Proceedings, Mar. 2, 2023, available at https://www.youtube.com/watch?v=nbuMq15qY2Q&ab_channel=ABCNews4. Judge Newman responded that “I have not spoken with her today” and that this is “totally independent” of any “conversation” regarding her ex-husband, apparently misunderstanding her question to refer to the issue of the Facebook post. *Id.*

When the jury began deliberations that evening, Ms. Hill told them that “this shouldn’t take us long,” and that if they deliberated past 11 p.m., they would be taken directly to a hotel even though none were prepared to stay overnight. Ex. A ¶ 9. Additionally, smokers on the jury asked to be allowed to take smoke breaks as they had previously been allowed to do during the six-week trial, but Ms. Hill told them they could not smoke until deliberations were complete. *Id.*; Aff. of Holli Miller *re Juror No. 326* ¶ 7, Sep. 1, 2023 (attached as **Exhibit J**). There were six smokers on the jury. Ex. J ¶ 7.

Ms. Hill told jurors that after the trial they would be famous and predicted that the media would request interviews with them. Ms. Hill even handed out reporters’ business cards to jurors during the trial. Ex. B ¶ 5. Juror No. 578 took this to heart and made an appearance on Good Morning America the night of the verdict, which is why on the day the jury began deliberations he wore a suit coat for the first time during the trial. After the verdict and immediately before sentencing, Ms. Hill pressured the jury to speak as a group to reporters for a network news show. Ex. A ¶ 11. She traveled with jurors to New York City when they appeared on the Today show. Ex. D at 93–94. She got her book deal. Her book, “Behind the Doors of Justice,” was released on August 1, 2023.

A last point about Ms. Hill’s efforts to promote her book shows her dishonest efforts to profit from the trial continued well after the verdict. A film crew negotiated a contract with the

Colleton County Sheriff's Department to use courthouse bailiffs to provide security while they filmed a documentary at the Colleton County Courthouse when it was closed for Confederate Memorial Day on May 10, 2023. The film crew had previously recorded an interview with Ms. Hill. On May 9, Ms. Hill sent a memorandum to the film crew purporting to be an "Addendum" to the contract. Mem. from Rebecca Hill, May 9, 2023 (attached as **Exhibit K**). In it, she demanded that the film crew pay Colleton County a fee of \$1,000 per day for use of courthouse facilities and made a nonsensical statement about not having authority outside South Carolina that reflects a failure to understand the choice-of-law clause in the contract. *Id.* Then she bizarrely added a handwritten demand:

Also, in exchange for the use of the likeness of Rebecca Hill in an interview, a minimum of [unclear] 5 second video and audio clips will accompany the usage on the first reference. The book cover for the book, "Behind the Doors of Justice: The Murdaugh Murders["] will be shown and audio will include Becky's introduction as Clerk of Court for Colleton County and author of the book.

Id. The film crew ignored her addendum as the contract had already been executed. But like her jury tampering during trial, it was an attempt to violate South Carolina Code § 8-13-700(A), which provides, "No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself . . ."

II. Legal Standard

"A defendant in a criminal prosecution is constitutionally guaranteed a fair trial by an impartial jury, and in order to fully safeguard this protection, it is required that the jury render its verdict free from outside influence." *State v. Johnson*, 302 S.C. 243, 250, 395 S.E.2d 167, 170 (1990) (internal quotation marks omitted). "[W]hen the defendant presents a credible allegation of communications or contact between a third party and a juror concerning the matter pending before the jury" the defendant has an "entitlement to an evidentiary hearing." *Barnes v. Joyner*, 751 F.3d 229, 242 (4th Cir. 2014) (citing *Remmer v. United States*, 347 U.S. 227 (1954)); see also

Smith v. Phillips, 455 U.S. 209, 215 (1982) (“This Court has long held that the remedy for allegations of juror partiality is a hearing in which the defendant has the opportunity to prove actual bias.”).³

If the defendant proves the alleged contacts occurred, the prosecution bears the burden to show they were harmless:

In a criminal case, any private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial, if not made in pursuance of known rules of the court and the instructions and directions of the court made during the trial, with full knowledge of the parties. The presumption is not conclusive, but the burden rests heavily upon the Government to establish, after notice to and hearing of the defendant, that such contact with the juror was harmless to the defendant.

Remmer, 347 U.S. at 229. The presumption is even stronger where the contact was made by a court official. Where “[t]here was the private communication of the court official to members of the jury, an occurrence which cannot be tolerated if the sanctity of the jury system is to be maintained . . . a new trial **must** be granted unless it clearly appears that the **subject matter** of the communication was harmless and could not have affected the verdict.” *State v. Cameron*, 311 S.C. 204, 207–08, 428 S.E.2d 10, 12 (Ct. App. 1993) (quoting *Holmes v. United States*, 284 F.2d 716, 718 (4th Cir. 1960)) (emphasis added).

III. Argument

A state official, Rebecca Hill, the elected Clerk of Court, had extensive private communications with members of the jury during trial. This allegation is supported by sworn

³ The trial court is directed to consider whether (1) the contact was made in an effort to influence the juror by or on behalf of a party in whose favor the verdict was rendered *or*; (2) the contact was such as would obviously influence the juror *or*; (3) the trial judge finds the contact either influenced or probably influenced the juror. *Blake by Adams v. Spartanburg Gen. Hosp.*, 307 S.C. 14, 16–18, 413 S.E.2d 816, 817–18 (1992).

affidavits of jurors and a witness to juror interviews, testimony at *in camera* proceedings, and other evidence including Ms. Hill's own book. The Court, therefore, must hold a *Remmer* evidentiary hearing. *Smith*, 455 U.S. at 215; *Barnes*, 751 F.3d at 242. If the allegations are proven at the evidentiary hearing, then under binding appellate precedent the Court must grant a new trial unless it "clearly appears that the subject matter of the communication was harmless and could not have affected the verdict." *Cameron*, 311 S.C. at 207–08, 428 S.E.2d at 12. The subject matter of Ms. Hill's communications was the evidence being presented at trial by the defense. These improper comments and efforts to influence the jurors' verdict vitiated the sanctity of the jury's deliberation and Murdaugh's sacrosanct right to a fair and impartial jury. Therefore, the Court must grant a new trial if the allegations are proven.

In a six-week trial, people will talk when they should not. They will say things they should not say. Mistakes will be made. The participants in a trial are fallible human beings. Lawyers combing the proceedings after the fact will always find they made mistakes and errors. If that were enough to force a redo of the trial, no verdict would stand, and trials would be repeated forever. To avoid that, Courts properly strain to find that mistakes made during trial are "harmless," meaning they did not change the result.

But the issue now before the Court are not the ordinary and inevitable mistakes that occur in any trial. The issue here is that an elected state official engaged in intentional misconduct—deliberately violating a defendant's constitutional right to a fair trial before an impartial jury—to secure financial gain for herself. Where a state actor engages in private communication with the jury about the merits of the prosecution, the verdict is impossible to sustain. For example, in *Parker v. Gladden*, a bailiff told a juror in a murder trial "that wicked fellow, he is guilty." 385 U.S. 363, 363 (1966). The Supreme Court of Oregon held the statement did not require a new trial

because it was not shown the statement prejudiced the outcome of the trial. The U.S. Supreme Court reversed, holding “[t]he evidence developed against a defendant shall come from the witness stand in a public courtroom where there is full judicial protection of the defendant’s right of confrontation, of cross-examination, and of counsel,” and “[w]e have followed the undeviating rule, that the rights of confrontation and cross-examination are among the fundamental requirements of a constitutionally fair trial.” *Id.* at 364–65 (internal quotation marks and citations omitted).

In this case, the Court has declared on the record that “the verdict that you’ve [the jury] reached is supported by the evidence, circumstantial evidence, direct evidence, all of the evidence pointed to only one conclusion, that’s the conclusion you all [the jury] reach now.” Video of Trial Proceedings at 10:00:32–:51, Mar. 2, 2023, *available at* https://www.youtube.com/watch?v=nbuMq15qY2Q&ab_channel=ABCNews4. The Court has, therefore, foreshadowed the outcome of any “harmless error” analysis. But the rule for deciding whether to grant a new trial is not whether the Court believes the outcome of the trial would have been the same had Ms. Hill’s jury tampering not occurred. If that were the case, the Court would sustain a guilty verdict even if she coerced the jury to vote guilty at gunpoint, because, in the Court’s opinion, “all of the evidence pointed to only one conclusion”—the guilt of the accused. If the strength of the evidence against the accused in the eyes of the Court excuses deliberate jury tampering by a state actor, the result is a directed verdict for the prosecution, a structural error. That cannot be the law. *Cf. Neder v. United States*, 527 U.S. 1, 34 (1999) (Scalia, J., concurring in part) (noting that even if “the judge certainly reached the ‘right’ result,” “a directed verdict against the defendant . . . would be *per se* reversible *no matter how overwhelming the unfavorable evidence*,” because “[t]he very premise

of structural-error review is that even convictions reflecting the ‘right’ result are reversed for the sake of protecting a basic right.” (emphasis in original)).

Instead, the law requires the “subject matter” of the communication to be harmless—“clearly” harmless. *Cameron*, 311 S.C. at 208, 428 S.E.2d at 12. Asking the jury what it wants for lunch is clearly harmless. Telling it not to believe the defendant when he testifies is not.

Our Supreme Court recently made this point in *State v. Green*, 432 S.C. 97, 851 S.E.2d 440 (2020). In *Green*, during jury deliberations a juror asked a bailiff “what would happen in the event of a deadlock, and he responded the judge would likely give them an *Allen* charge and ask if they could stay later.” *State v. Green*, 427 S.C. 223, 229, 830 S.E.2d 711, 713 (Ct. App. 2019), *aff’d as modified*, 432 S.C. 97, 851 S.E.2d 440 (2020) (citation omitted). The Court of Appeals held the bailiff’s comments were presumptively prejudicial because of his official position, but that the State rebutted that presumption by showing that for various reasons the remark did not in fact influence the outcome of the jury’s deliberations. *Id.* at 236, 830 S.E.2d at 717.

The Supreme Court affirmed but modified the decision to correct the Court of Appeals’ reasoning. The communication was not presumptively prejudicial because the subject matter of the communication was harmless: “The bailiff’s actions here—though improper—did not touch the merits, but dealt only with the procedural question of how the judge might handle a jury impasse that apparently never materialized.” *Green*, 432 S.C. at 100, 851 S.E.2d at 441. In other words, a bailiff telling the jury that if it is deadlocked, the judge will instruct them to keep deliberating is improper but likely harmless because the subject matter is procedural or logistical, rather than to the merits of the case.

Telling the jury not to believe the defendant’s defense or his testimony when he testifies regards the merits of the case. Ms. Hill’s extensive, deliberate, and self-interested jury tampering

far exceeds the simple bailiff mistakes that forced a retrial in *Cameron*, where “a bailiff’s misleading response to a juror’s question about sentencing options compromised the jury’s impartiality because it left the impression that their verdict could not affect the trial court’s sentencing discretion,” or in *Blake by Adams v. Spartanburg General Hospital*, where a bailiff told a juror “that the trial judge ‘did not like a hung jury, and that a hung jury places an extra burden on taxpayers.’” *See State v. Green*, 427 S.C. at 237, 830 S.E.2d at 717–18 (citing 311 S.C. at 208, 428 S.E.2d at 12 and quoting 307 S.C. 14, 16, 413 S.E.2d 816, 817 (1992)). Unlike the honest mistakes of the bailiffs in those cases, Ms. Hill had many private conversations with jurors about the merits of the case. She asked jurors about their opinions about Mr. Murdaugh’s guilt or innocence. She instructed them not to believe evidence presented in Mr. Murdaugh’s defense, including his own testimony. She lied to the judge to remove a juror she believed might not vote guilty, and she pressured jurors to reach a guilty verdict quickly so she could profit from it. Each of these actions violated Ms. Hill’s oath of office, her responsibility to the citizenry and the judiciary of this state, and Mr. Murdaugh’s constitutional right to a fair and impartial jury.

The law applied to these facts requires a new trial.

IV. Conclusion

For the foregoing reasons, Mr. Murdaugh respectfully submits the Court must hold an evidentiary hearing to receive proof of the facts stated above. When those facts are proven, the Court must grant a new trial.

Respectfully submitted,



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OCT 27 2023 AM 10:13
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Attorneys for Richard Alexander Murdaugh

October 27, 2023
Columbia, South Carolina.

EXHIBIT A

(Affidavit of Juror No. 630)

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

) AFFIDAVIT OF
JUROR #630

PERSONALLY appeared before me, [REDACTED] who being first duly sworn, deposes and states as follows:

1. I was juror #630 in the case of *State of South Carolina v. Richard Alexander Murdaugh* tried in Colleton County, South Carolina.
2. Toward the end of the trial, after the President's Day break but before Mr. Murdaugh testified, the Clerk of Court, Rebecca Hill, told the jury "not to be fooled" by the evidence presented by Mr. Murdaugh's attorneys, which I understood to mean that Mr. Murdaugh would lie when he testified.
3. She also instructed the jury to "watch him closely" immediately before he testified, including "look at his actions" and "look at his movements," which I understood to mean that he was guilty.

4. Immediately after he testified, the foreperson, [REDACTED] Juror #826, said Mr. Murdaugh was crying on cue.
5. The foreperson, Juror #826, criticized the former foreperson, [REDACTED] Juror #589, for handing Mr. Murdaugh a box of tissues when he was crying on the stand while testifying about his murdered son. She told the jury we cannot interact with Mr. Murdaugh because "that is what the defense wants us to do."
6. The jury frequently discussed the case during breaks before deliberations.
7. Toward the end of the trial, Ms. Hill came into the jury room a lot.
8. Ms. Hill and the foreperson, Juror #826, had private conversations on multiple occasions. The foreperson, Juror #826, would tell the bailiff that she needed to speak

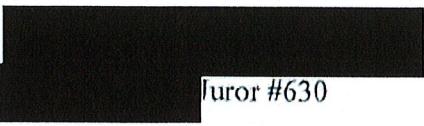
with Ms. Hill. Ms. Hill would arrive, and then she and the foreperson, Juror #826, would go to another room to have a private conversation. The conversations typically lasted 5 to 10 minutes. The foreperson, Juror #826, never said anything about the content of the conversation. For example, she never communicated logistical information after those conversations. This happened two or more times, more frequently toward the end of the trial.

9. When we began deliberations, Ms. Hill told us that "this shouldn't take us long," and that if we deliberated past 11pm, we would be taken directly to a hotel. We had driven from our homes that morning and were not prepared to stay overnight. Additionally, smokers on the jury asked to be allowed to take smoke breaks but were told they could not smoke until deliberations were complete.

10. I had questions about Mr. Murdaugh's guilt but voted guilty because I felt pressured by the other jurors.

11. After the verdict and immediately before sentencing, Ms. Hill pressured the jury to speak as a group to reporters from the television show, 

FURTHER AFFIANT SAYETH NOT.

 Juror #630

August 14, 2023

SWORN TO before me this 14 day
of August, 2023


Notary Public for South Carolina
My Commission Expires: July 25, 2032

EXHIBIT B

(Affidavit of H. Miller *re Juror No. 741*)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AFFIDAVIT OF HOLLI MILLER

PERSONALLY appeared before me, Holli Miller, who being first duly sworn, deposes and states as follows:

1. On August 6, 2023, Dick Harpootlian, Jim Griffin and I met with [REDACTED] Juror #741 in the case of *State of South Carolina v. Richard Alexander Murdaugh* at her home located at [REDACTED]
2. At the meeting on August 6, [REDACTED] indicated she would sign an affidavit. However, we were unable to arrange with her a suitable time and place.
3. During the meeting, [REDACTED] relayed the following information to us.
4. During the trial, she witnessed the Clerk of Court, Becky Hill, come to the jury room and Ms. Hill and the foreperson [REDACTED] #826 went into the bathroom. After Ms. Hill and the foreperson exited the bathroom, Ms. Hill told the jurors they could not ask the foreperson questions.
5. Several times during the trial, Ms. Hill told the jurors that the media would want to interview jurors at the end of the trial and during one of these conversations she passed out business cards from the media to jurors. At the end of the trial, Ms. Hill told [REDACTED] that no one from the media wanted to interview her.
6. Right before the defense put up their case, Ms. Hill told the jurors "Y'all are going to hear things that will throw you all off. Don't let this distract you or mislead you."
7. After Alex testified, eight jurors indicated they did not believe his testimony.
8. [REDACTED] recalled [REDACTED] Juror #544 (known as "Boston" by many of the jurors) was very emotional during the trial.

9. During the visit to Moselle, [REDACTED] Juror #826 and [REDACTED] walked to the scene together. Then Juror #826 began walking with the Clerk of Court, Becky Hill.

10. There were times the jurors were not kept together, but were in two separate rooms.

[REDACTED] noticed jurors talking about the case before deliberations began. Neither she nor [REDACTED] Juror #785 joined in on the conversations about Alex.

11. As the jury was deliberating, she believes Judge Newman came to the room she was in and told her the jury would have to spend the night at a hotel if they did not have a vote by a certain time, but she does not recall the time deadline.

12. [REDACTED] Juror #741 was the first former juror to provide information that the Clerk of Court made statements to members of the jury about the evidence presented during the trial, prior to jury deliberations. Ms. Hill's conduct was corroborated by other jurors during subsequent interviews.

FURTHER AFFIANT SAYETH NOT.



Holli Miller

September 1, 2023

SWORN TO before me this 15th day
of September, 2023



Marcy Ringe
Notary Public for South Carolina
My Commission Expires: 6/27/33

EXHIBIT C

(Draft Transcript of Records Excerpt from *in camera* conference, March 1, 2023)

1 to withhold any opinions. And then they say: Can't talk to
2 you anymore, and walks off. They're off the jury?

3 THE COURT: Okay. Well, let me see what Becky is
4 talking about. I wanted to revisit the Facebook post that
5 you mentioned yesterday.

6 MS. HILL: Uh-huh, right.

7 THE COURT: That's Becky Hill, the Clerk of Court. Can
8 you tell us about that Facebook post?

9 MS. HILL: Yes. I think it was Friday evening just for
10 a brief moment I perused Facebook, got on Walterboro Word of
11 Mouth, and saw where someone had said that -- well, it was
12 the ex-husband of a juror, and he said that he noticed that
13 his ex-wife was saying that she was on the jury and saying
14 stuff about how her verdict was going to be, and that he was
15 the ex-husband but she was known for talking way too much.
16 And then I just kept on scrolling because that was enough
17 for me. I've gotten enough.

18 THE COURT: And how did you determine who he was
19 talking about?

20 MS. HILL: When I heard there was an email on Monday I
21 figured the two went together, if it was true.

22 THE COURT: Well, she's confirmed she has an ex-husband
23 who she has three restraining orders out against so --

24 MS. HILL: Right. So then we looked on Monday after
25 you told me to try to go back and look for it and we

1 couldn't find it. But then we found out his name, and we
2 found the post and printed it out where he said that he had
3 put something up, but that he had deleted it at the time
4 that he had put stuff out there that wasn't nice.

5 THE COURT: He said he got drunk afterwards.

6 MR. MEADORS: Something about the devil.

7 MR. HARPOOTLIAN: Didn't he say it was satan in it?

8 MS. HILL: Satan was in it, yes. In all of the
9 details, yes.

10 THE COURT: All right.

11 MS. HILL: Made me do it.

12 THE COURT: Okay. I just wanted to have that on the
13 record, you're reading a Facebook post by the ex-husband who
14 said it. Of course, you haven't talked with him so you
15 don't know where he got his information from.

16 MS. HILL: I don't. I can find it, though.

17 MR. FERNANDEZ: We do know his name for what it's
18 worth.

19 THE COURT: Do you think he will be sober?

20 MS. HILL: I don't know. Probably not if I had to
21 guess.

22 MR. HARPOOTLIAN: It is Wednesday. Well, is today
23 Tuesday or Wednesday?

24 MR. FERNANDEZ: Wednesday.

25 MR. HARPOOTLIAN: Well, it's Wednesday night so he's

EXHIBIT D

(Rebecca Hill, *Behind the Doors of Justice*
excerpts)

REBECCA "BECKY" H. HILL

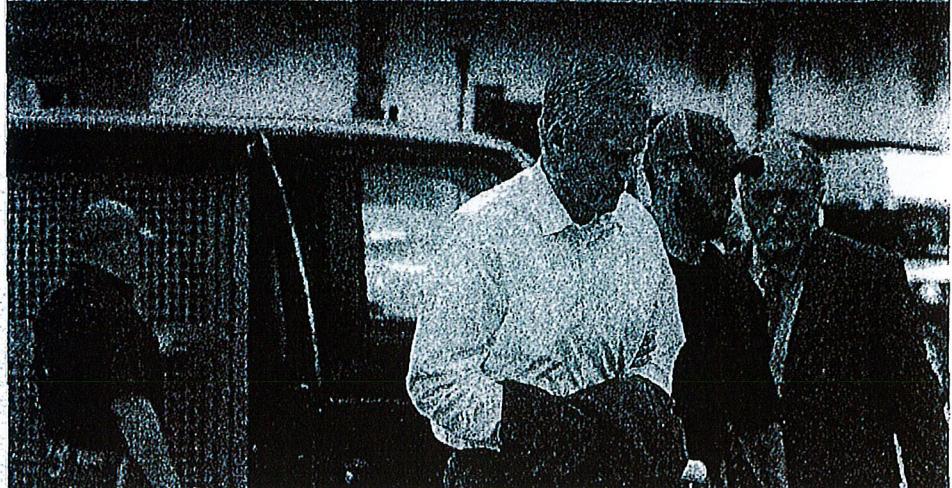
Clerk of Court

with

NEIL R. GORDON

*Advocates
Murdaugh*

BEHIND THE
DOORS OF JUSTICE:
THE MURDAUGH MURDERS



professional, and we bonded over a cancer diagnosis that both of our families had endured.

While *Dateline* producers were in town for the trial in February 2023, they asked for Judge Newman's cell phone number, which I was given permission to provide to them. Then Craig reached out to Judge Newman to reconnect.

Craig grew up in Columbia, South Carolina, where his family and Judge Newman's family knew each other. In fact, Craig was friends with Judge Newman's late son.

As Judge Newman was beginning his first of many terms as a circuit court judge in Columbia, Craig was beginning his career there at WIS-TV before getting recruited to a station in Washington, DC, and then the NBC network in New York.

That exclusive interview with Judge Newman and his daughter—also a judge—took place in Columbia.

Valerie Bauerlein

Valerie Bauerlein is a national *Wall Street Journal* reporter who has covered the South for eighteen years. She was the pool reporter sent to Moselle with pool photographer Andrew J. Whitaker of *The Post and Courier* newspaper.

In October 2021, Valerie signed a book deal with a division of the iconic Penguin Random House publishing company for a book project about the Murdaugh family of South Carolina.

As it so happened, my fifty-fifth birthday fell during the trial in the spring of 2023. My birthday is March 10, and Valerie was born in late February, so it was decided to have a

party for both of us at her Airbnb on the night of her birthday! She invited many of her colleagues who were covering the trial for the regional and national media outlets. There was food, birthday cake, a lot of laughs, and a little "truth serum" in the form of liquid refreshments!

As we were cleaning up after the party, a few of us were asked how we would vote at that point in the trial if we were members of the jury. Before answering, we pledged a "cone of silence," and for that reason, I cannot reveal the results of our "straw jury poll." What I can say is that many of the party guests agreed with what ended up becoming the actual verdict of the trial.

The Today Show and *Dateline*

Sunday night after Alex was sentenced, I accompanied three jurors from the trial to New York City. As I mentioned earlier, Craig Melvin and Savannah Guthrie of *The Today Show* interviewed the three jurors during a seven-minute, high-energy segment.

While we were all in *The Today Show* green room, we met and took photos with country music star Dustin Lynch, who was also getting ready to appear on the program to sing one of his hit songs.

Once the taping of *The Today Show* concluded, we were whisked away from the 850-foot skyscraper building by a driver in a black Chevy Tahoe to a different studio near 30 Rock, where *Dateline* tapes some of its segments. What stuck

out to me was that one of the jurors mentioned to a producer that she had a craving for pizza and cheesecake, and the next thing we knew, both were delivered in time for lunch!

This trip was extra special for me because it was my first time ever flying in an airplane! We flew from Charleston to New York City, and could order whatever we wanted! I chose pretzels and a Coke to relieve some of my anxiety. Then a black Chevy Tahoe car service was sent to pick us up from LaGuardia Airport, and we got to ride through one of those dark, underwater tunnels that let us out in the "city that never sleeps!"

NBC put us in the hands of the fabulous Haylee Barber, *Dateline* Producer, who put all of us up at a nice Manhattan hotel and fed us at a restaurant on the Avenue of the Americas, a block away from 30 Rock in Midtown Manhattan on the eve of the interviews. Afterwards, the jurors told me they felt like they were heard and loved their fifteen minutes of fame in the Big Apple.

CHAPTER 12

WE, THE PEOPLE: DUTY, HONOR AND SERVICE



"Serve wholeheartedly, as if you were serving the Lord, not people, because you know that the Lord will reward each one for whatever good they do."

—Ephesians 6:7–8, New International Version (NIV)

Working with jurors is always a unique experience, and like with any jury, we had some behind-the-scenes happenings with our jurors, the alternates, and the originals for the Murdaugh trial.

While most of the jurors were focused and engaged during the Murdaugh trial, we did have one juror, who was an alternate at one point, who was not. She was more focused on the crowd: who was watching, who was or wasn't following Judge Newman's rules, and so on. For example, she

"caught" a new visitor to the courtroom, who was sitting directly across from her, who looked like she may have been taking a picture of the jury, and that wasn't going to fly with her.

Another juror couldn't, or wouldn't, sit still during the trial, and it seemed like every time she shifted her chair, it made a loud squeak. Occasionally attorneys would wait for the rhythm of the squeaks to subside before continuing their cross-examination.

Then there was the "egg lady" juror. This juror worked on a monkey farm in the Lowcountry, and she drove Judge Newman bananas one weekend—pun intended! Through the Facebook page "Walterboro Word of Mouth," about 20,000 followers saw this juror's ex-husband post about how she was talking way too much to friends and family about the case. Many people became aware of the situation after court on Friday, February 24, and it was brought to the attention of Judge Newman. I typically didn't have the time or energy to watch any media coverage of the trial, but on that Friday night, I scrolled through the "Walterboro Word of Mouth" social media feed and saw the post from the ex-husband, but he didn't mention the juror's name or her juror number.

At the time, I didn't think anything of it and kept scrolling mainly because I had been inundated with emails and messages from people all over the world about what they had heard, what they had seen, how the prosecution and defense should run their cases, how Judge Newman should rule, what to address with anyone and everyone involved in the

courthouse, and so on. I felt like a principal dealing with tattletales and problems and issues every day. It was tiring.

When Monday morning came, Judge Newman asked me to find the social media post. One of our techies in the clerk's office, Lori Weiss, looked and couldn't find it at first. Luckily, though, she kept looking and saw where the post was taken down and replaced with an apology from the juror's ex-husband. He said Satan had gotten a hold of him, and he had been drinking at the time he posted and was now very sorry.

After Judge Newman interviewed the juror and corroborating witnesses about this situation, he removed the juror from the jury before court started that Monday morning. We learned later the ex-spouses hadn't seen each other in fourteen years and the former juror had three restraining orders against her ex-husband.

When a juror is removed from a jury, it's normal practice for the judge to ask if there are any personal items they'd like to retrieve from the private jury room. When Judge Newman graciously presented this question to the former juror, she said she just wanted to get her eggs, which caused some laughter in the courtroom and nationally once the media got ahold of the story. Judge Newman even broke out into one of the largest grins I've ever seen.

One of the other jurors raised chickens on their farm and had brought in a dozen eggs to whomever wanted them. At this time, eggs were selling for about eight dollars a dozen, which was very high, so it's understandable why the removed juror wanted her eggs! One of our local singer/songwriters,

While the jurors viewed the Moselle property, we all could hear and see that Alex's story was impossible. God gives us all gifts, and the gift of discernment is shared by many. Some of us either from the courthouse, law enforcement, or jury at Moselle had an epiphany and shared our thoughts with our eyes. At that moment, many of us standing there knew. I knew and they knew that Alex was guilty.

Once we were all back inside our vehicles, heavyhearted and contemplative, our procession headed back along Highway 63 toward the town center of Walterboro. The wind had died down mysteriously, and the sun began to shine through the clouds.

One of the roles of the Clerk of Court is to be "Switzerland" between the jury, the lawyers, the public, and any other entities involved. In the moments riding back in our vehicle—and with the jurors and decision-makers in other vehicles—we were just "regular people," and our thoughts spilled out. Just as the jury would do in a span of three hours, we unanimously came to our own verdict in just three minutes: Guilty.

In my opinion, the decision to visit Moselle by Murdaugh's defense team did not work in their favor. "They were hoping to show that the proximity was too close for one shooter, and they felt like the pictures didn't show the distance correctly," said Doug Brown, who worked for the defense team during the trial.

Many of us question if Alex is bipolar, schizophrenic, or a narcissist, while some wonder if he snapped due to financial

pressure, Paul's boating accident, and the crumbling of the family dynasty. Right is right, and wrong is wrong. When and where did this family begin to blur this fact of life? The moral compass that rules most law-abiding citizens didn't seem to exist in Alex. I don't really want to believe that a father could murder his son and wife. Sometimes, though, the line of love gets blurred and turns into a crime of passion and a crime of desperation. I believe most people cannot fathom killing or hurting a family member, especially in the name of love, but during our time at Moselle, Alex's fate was sealed.

EXHIBIT E

(Timothy Stone Facebook post)

Timothy's Post



Timothy Stone

February 16 at 8:35 AM

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry



5

10 comments



Like



Comment



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Most relevant



Amy Corey

When life gets hard you're supposed to call on God but when you're down the devil finds a way to get in and when you let him he will take control pray for you Tim because you have a beautiful granddaughter that loves you and so many more of the grandbabies that love you and you will get through this just let God help you !! I love you men and I am praying for you hope you have a blessed day !!

Like Reply 1w



Bobbie Jo Blackwell

Why apologize for something that you really meant? You meant what you said. Apologies don't mean anything if you constantly do it.

Like Reply 1w



Timothy Stone

Bobbie Jo Blackwell I'm human I make mistakes and no I didn't mean it

Like Reply 1w



Bobbie Jo Blackwell

Timothy Stone apparently you did or you wouldn't of posted it for all to see

Like Reply 1w



Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about accepting Christ as your Savior, which I Praised God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you then he that is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible. God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human, we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advise from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!!



[Like](#) [Reply](#) 1w



Timothy Stone

Karen Smith thanks and where can I find that devotional book



[Like](#) [Reply](#) 1w



Bobbie Jo Blackwell

Karen Smith we are no longer together. I can't serve God and the devil both so I had to let go of what was keeping me from getting closer to God. You can't get to heaven holding on to someone else's skirt or shirt tail and think your going to make it. It's a relationship between you and God that will allow you to enter in. The wall with the Lord is straight and narrow and you've got to serve him with a whole heart and not just with half your heart or because your wife or your husband wants you to. It's something you have to do for yourself and nobody else



[Like](#) [Reply](#) 1w



Karen Smith

Timothy Stone you can go on line and type in Love Dare devotion 365 day. But since y'all are not together, I would still recommend it. I have found out that a lot of things in it helps me personally and not just for my marriage. Prayers and may God's will be done!



[Like](#) [Reply](#) 1w



Karen Smith

Bobbie Jo Blackwell agreed and sorry to hear this. I was saved long before my husband and I were married. Had been through several bad relationships. So when I prayed to God to send me a husband like mine, if it be God's will, I made sure the day we got married I have this marriage to God. I myself could not do it on my own. It has had its ups and downs, but Praise God, it has lasted. Pray maybe it is not to late for y'all. And if it is, my prayer is God will bless you first for your walk with God and second that you will find happiness in the future. God be with you!



[Like](#) [Reply](#) 1w



Bobbie Jo Blackwell
Karen Smith thank you so much

Like Reply 1w

EXHIBIT F

(Affidavit of Tim Stone)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF TIM STONE
COUNTY OF Colleton)

PERSONALLY appeared before me, Tim Stone, who being first duly sworn, deposes and states as follows:

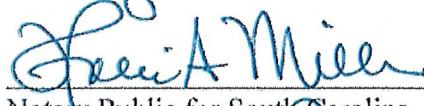
1. I am the ex-husband of [REDACTED]
2. I did not post anything to the Facebook group Walterboro Word of Mouth between January 23, 2023, and March 2, 2023. I did not post anything on this social media page or my own Facebook social media page about [REDACTED] being a juror, that [REDACTED] "was talking way too much to friends and family about the case", or that "Satan had gotten a hold of [me], and [I] had been drinking at the time [I] posted and was now very sorry".
3. Nor did I post what is attached as Exhibit A, which has been represented to me to be an alleged post to the Walterboro Word of Mouth Facebook page and a Court exhibit in the State of South Carolina v. Richard Alexander Murdaugh trial.
4. I do not have a Facebook page set up as "Timothy Stone". My profile name is "Tim Stone" and my Facebook page is <https://www.facebook.com> [REDACTED]
5. I was never contacted by law enforcement, the South Carolina Attorney General's office, the clerk of court Becky Hill, or anyone at the Colleton County Clerk of Court's office about Exhibit A or a post on the Walterboro Word of Mouth Facebook page concerning my ex-wife, [REDACTED].
6. I did not know [REDACTED] was on the Murdaugh jury until I heard her voice on a recording when she was being excused as a juror and she was discussing something about eggs.

FURTHER AFFIANT SAYETH NOT.


Tim Stone

August 18, 2023

SWORN TO before me this 18 day
of August, 2023


Leah Miller
Notary Public for South Carolina
My Commission Expires: July 25, 2032

Timothy's Post



Timothy Stone

1

February 16 at 8:35 AM ·

folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry



5

10 comments

Like

Comment

Share

Most relevant



Amy Corey

When life gets hard you're supposed to call on God but when you're down the devil finds a way to get in and when you let him he will take control pray for you Tim because you have a beautiful granddaughter that loves you and so many more of the grandbabies that love you and you will get through this just let God help you !! I love you men and I am praying for you hope you have a blessed day !!

Like Reply 1w



Bobbie Jo Blackwell

Why apologize for something that you really meant? You meant what you said. Apologies don't mean anything if you constantly do it.

Like Reply 1w



Timothy Stone

Bobbie Jo Blackwell I'm human I make mistakes and no I didn't mean it

Like Reply 1w



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Timothy Stone apparently you did or you wouldn't of posted it for all to see

Like Reply 1w



Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God alone of us can or should judge. I can however give you some suggestions. I remember when you posted about excepting Christ as your Savior, which I Praised God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you then he that is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible. God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human, we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advise from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!! 

Like Reply 1w



Timothy Stone

Karen Smith thanks and where can I find that devotional book



Like Reply 1w



Bobbie Jo Blackwell

Karen Smith we are no longer together. I can't serve God and the devil both so I had to let go of what was keeping me from getting closer to God. You can't get to heaven holding on to someone else's skirt or shirt tail and think your going to make it. It's a relationship between you and God that will allow you to enter in. The wall with the Lord is straight and narrow and you've got to serve him with a whole heart and not just with half your heart or because your wife or your husband wants you to. It's something you have to do for yourself and nobody else

Like Reply 1w



Karen Smith

Timothy Stone you can go on line and type in Love Dare devotion 365 day. But since I see y'all are not together, I would still recommend it. I have found out that a lot of things in it helps me personally and not just for my marriage. Prayers and may God's will be done!

Like Reply 1w



Karen Smith

Bobbie Jo Blackwell agreed and sorry to hear this. I was saved long before my husband and I were married. Had been through several bad relationships. So when I prayed to God to send me a husband like mine, if it be God's will, I made sure the day we got married I have this marriage to God. I myself could not do it on my own. It has had its ups and downs, but Praise God, it has lasted. Pray maybe it is not to late for y'all. And if it is, my prayer is God will bless you first for your walk with God and second that you will find happiness in the future. God be with you!

Like Reply 1w





Bobbie Jo Blackwell
Karen Smith thank you so much

Like Reply 1w

EXHIBIT G

(Affidavit of P. Barber)

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
) AFFIDAVIT OF PHILLIP BARBER

PERSONALLY appeared before me, Tim Stone, who being first duly sworn, deposes and states as follows:

1. I am an attorney in the firm of Richard A. Harpootlian, P.A., and counsel of record for Defendant Richard Alexander Murdaugh.
2. On August 18, 2023, I met with Tim Stone at his home. He provided his Facebook login information and allowed me to download a copy of all his Facebook activity from January 23, 2023, and March 2, 2023.
3. A true copy of the download is attached as Exhibit A.
4. The contents of the download speak for themselves, but review of them shows no post was made on February 16, 2023, apologizing for a previous post. There are no posts whatsoever to the Facebook group "Walterboro Word of Mouth."
5. Facebook's stated retention policy for deleted posts is 30 days, so any posts deleted in the period January 23, 2023, to March 2, 2023, would not be recoverable.

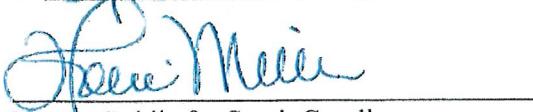
FURTHER AFFIANT SAYETH NOT.



Phillip Barber

September 4, 2023

SWORN TO before me this 4th day
of September, 2023



Notary Public for South Carolina
My Commission Expires: July 25, 2032

EXHIBIT H

(Affidavit of Juror No. 785)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF [REDACTED] JUROR #785
COUNTY OF COLLETON)

PERSONALLY appeared before me, [REDACTED] who being first duly sworn, deposes and states as follows:

1. I was juror #785 in the case of *State of South Carolina v. Richard Alexander Murdaugh* tried in Colleton County, South Carolina.
2. During the presentation of the defense case, after President's Day but before Mr. Murdaugh testified in his own defense, Colleton County Clerk of Court Rebecca Hill told the jurors not to be "fooled by" the evidence presented to the jury by Mr. Murdaugh's attorneys.
3. In late February 2023, Ms. Hill questioned me about a Facebook post on the Walterboro Word of Mouth page. She summoned me to speak with her alone in an office in the courthouse. She told me someone emailed her about a post my ex-husband, Tim Stone, purportedly made, which purportedly stated that I made comments to him about the guilt or innocence of Mr. Murdaugh. She directly asked me whether I was inclined to vote guilty or not guilty. I told her I had not made up my mind and that I wanted to hear all the evidence before deciding.
4. Ms. Hill said the post said I had been drinking with my ex-husband, and that while drunk with him I expressed opinions on the guilt or innocence of Mr. Murdaugh. That never happened, and I told Ms. Hill it never happened. I did not go "drinking" with my ex-husband—in fact, I had not seen him in approximately ten years.
5. I asked to see the post, but Ms. Hill would not or could not show it to me. I have never seen it, and, to my knowledge, no one has.

6. Later that day, Ms. Hill told me SLED and Colleton County Sheriff's Office personnel went to my ex-husband's house, and he purportedly confirmed he made the post. She told me she would "reinstate" a restraining order I previously had against my ex-husband.
7. I did not know about the "apology" post referencing Satan until Ms. Hill's book was published. I have since reviewed that post and can definitely state the post is not by my ex-husband. He does not go by "Timothy," the profile picture is not him, and the phrasing of the post is not phrasing he would use. It appears to be a post by another person who happens to have the same name. It does not appear to be a post to the "Walterboro Word of Mouth" Facebook page.
8. When Ms. Hill first asked me about the Facebook posting purportedly made by my ex-husband, I showed her a picture of my ex-husband. For that reason, I now believe she always knew the "apology" post referencing Satan was not posted by my ex-husband.
9. On March 2, 2023—the day of the verdict—I received a call from my ex-husband, Tim Stone, as I was getting on the bus to travel with the rest of the jurors to the courthouse. I did not answer. This phone call upset me greatly and I asked to speak with the clerk of court, which I did by telephone using bailiff "Mr. Bill's" phone. I told her I was scared. She said that "the Murdaughs" probably "got to him."
10. Ms. Hill then again asked me questions about my opinion regarding Mr. Murdaugh's guilt. She asked if I was leaning one way or the other. I told her that Creighton Waters' closing was good, but I still had questions. She asked me what kind of questions and I replied, questions about the guns. She asked what would make me think he is innocent. I stated that no murder weapon was found. She then asked, "well, what makes you

think he's guilty?" I said Paul's video at the dog kennels. She then stated that everything Mr. Murdaugh has said has been lies and that I should "forget about the guns, they will never be seen again."

11. Ms. Hill then asked about the views of the rest of the jury. She told me if the foreperson would "just go in and ask for a raise in hands this would be over and done with." She said, "everyone needs to be on the same page." She then again said she would "reinstate" a restraining order I previously had against my ex-husband and that she would call Judge Newman about the restraining order.
12. I then went to the jury room. Approximately ten minutes later, I was excused from the jury. During the proceedings, I asked Judge Newman if he had spoken with the Clerk of Court. He only said this is not because of your ex-husband.
13. Two weeks later, I did answer a call from my ex-husband. I angrily confronted him about the post he purportedly made, because I knew I had not made the comments he claimed I made. He emphatically denied ever making any such Facebook post and genuinely seemed not to know what I was talking about.
14. On one day during my jury service, approximately one or two weeks before the verdict, [REDACTED] juror #864, and [REDACTED] juror #826 were in the single-toilet unisex bathroom together for an extended period. They were known to do so frequently to discuss the case. [REDACTED] juror #729, referred to it as "A and D" time.
15. In the van going to the courthouse, [REDACTED] juror #864, said Special Agent David Owen lied on the stand but that nothing would happen to him.
16. When we visited the Moselle crime scene, Ms. Hill and [REDACTED] juror #826, walked off together, avoiding other jurors in order to have a private conversation.

17. I own a rental property which is leased to two tenants, Deborah Webb and Clifford Dandridge. On Saturday, February 18, 2023, I delivered a refrigerator to the property.
18. I was removed from the jury on the day of the verdict because a co-worker of Ms. Webb purportedly said I expressed an opinion on Mr. Murdaugh's guilt or innocence while delivering the refrigerator. Ms. Webb then worked at Domino's Pizza in Walterboro, so the co-worker would be some employee of Domino's Pizza in Walterboro. I do not know whether Ms. Webb actually made any such statement at Domino's Pizza or whether a co-worker actually heard any such statement.
19. After I was dismissed from the jury, I spoke with Ms. Webb and Mr. Dandridge, who both vehemently stated to me and my husband that the affidavits the prosecution drafted for their signature was not what they said to him. They told me SLED showed up at their home at 10pm, after they were asleep, removed them from their home, put them in separate cars, and questioned them. Mr. Dandridge said he told them I did not say anything about Mr. Murdaugh's guilt or innocence. SLED returned 30 minutes later, again woke them from their beds, to serve subpoenas on them to appear in court the next day.
20. They arrived at the courthouse at 9am the next day, and were held for nine hours, until 6pm, when SLED officers or a prosecutor finally presented typed affidavits to them, saying they were their statements from the previous night that had been recorded by dashcams in the patrol cars. They said they signed the affidavits without reading them.
21. As I previously testified, I never discussed the merits of the Murdaugh case with Ms. Webb, Mr. Dandridge, or any other person present, nor did I express an opinion on Mr.

Murdaugh's guilt or innocence, while delivering the refrigerator or during any other interaction within them during the trial.

FURTHER AFFIANT SAYETH NOT.

Juror #785

August 13, 2022

SWORN TO before me this 13 day
of August, 2023

Notary Public for South Carolina
My Commission Expires: July

My Commission Expires: July 25, 2032

EXHIBIT I

(Draft Transcript of Records Excerpt from *in camera* conference, February 28, 2023)

February 28, 2023

B E F O R E:

The Honorable Clifton Newman, Judge, and a jury.

A P P E A R A N C E S:

Alan M. Wilson, Attorney General
Donald J. Zelenka, Deputy Attorney General
Samuel Creighton Waters, Senior Assistant Deputy AG
John B. Conrad, Assistant Attorney General
David A. Fernandez, Assistant Attorney General
Savannah M. Goude, Assistant Attorney General
Johnny E. James, Assistant Attorney General
John P. Meadors, Assistant Attorney General
Attorneys for the State

Richard A. Harpootlian, Esquire
James M. Griffin, Esquire
Phillip D. Barber, Esquire
Margaret N. Fox, Esquire
Attorneys for the Defendant

Elizabeth B. Harris, CVR-M-CM
Michael C. Watkins
Circuit Court Reporters

1 case?

2 JUROR: No.

3 THE COURT: Have you put anything on Facebook?

4 JUROR: Not regarding the case. I put a positive post
5 on -- I gave Ms. Becky my -- full access to my Facebook.
6 I've put positive posts on. I've done that for the past
7 three years, but.

8 THE COURT: Has anyone posted anything on Facebook
9 about you

10 and --

11 JUROR: I wasn't aware of it until Ms. Becky told me
12 today.

13 THE COURT: What did she tell me?

14 JUROR: She told -- she asked me if I had a ex-husband
15 and I said yeah. And she asked me if I had talked to him
16 about the case or being on jury duty, and I said no, and I
17 questioned her why she was asking me that. I haven't seen
18 my ex-husband since 2014.

19 THE COURT: Does he live in the area?

20 JUROR: He does now. He lives in Cottageville.

21 THE COURT: Okay.

22 JUROR: And I have three restraining orders against
23 him warning --

24 THE COURT: So, he's basically up to no good?

25 JUROR: I wouldn't say that. I'd say a lot worse, but

1 that's a nice way to put it.

2 THE COURT: Okay.

3 JUROR: But she told me that -- I was very upset after
4 she told me that. I have, like I said, I have three
5 restraining orders against him. I wouldn't have anything
6 to do with him if I didn't have a child with him, but I
7 haven't seen him since 2014 when we got a divorce. I have
8 talked to him within the last year because I got a call at
9 work that my son was in jail and needed a ride home. And I
10 did call his father and ask him to go get him, which he did
11 not do. But other than that, I have not seen him, talked
12 to him, or anything else since 2014 other than getting
13 restraining orders in Colleton County, one in Orangeburg
14 County, and I have one in Berkeley County.

15 THE COURT: Wow.

16 JUROR: But Ms. Becky said she had went to look for
17 the post again and that it had been deleted, and I don't
18 know who she talked to or anything else, but she said
19 apparently --

20 THE COURT: When did she tell you that?

21 JUROR: It was after you let us go on that last break.
22 I was very upset, and she came down and talked to me and
23 said that apparently -- I don't know who talked to him, but
24 said that he was drunk and he removed the post.

25 THE COURT: So, has she discussed the case with any of

1 -- any of the jurors? Has the clerk discussed anything
2 about the case with anyone on that jury?

3 JUROR: Not that I'm aware of.

4 THE COURT: Okay. She was just discussing with --

5 JUROR: She, she pulled me aside and when we went
6 downstairs after the last break -- I want to say it was
7 after lunch and we came back, that's when she first told me
8 about it. And then when we went back into court, I was
9 kind of screening the audience to make sure that my ex
10 wasn't out there. And she came downstairs after that break
11 and told me that she had found out that he was drunk and
12 made a drunk post, and I don't know what happened from
13 there. I have no clue.

14 THE COURT: And you work at the?

15 JUROR: I work at a monkey farm.

16 THE COURT: Monkey farm. What do you do there?

17 JUROR: I work in the lab, for the lab. All I do is
18 watch monkeys. It's a testing facility where they try and
19 come up with cures for, like, AIDS, cancer, leukemia.

20 THE COURT: You're happy to be here away from the
21 monkeys for a while?

22 JUROR: Yeah. I miss my monkeys.

23 THE COURT: Are they pretty smart as everyone says?

24 JUROR: They are very intelligent, and they hurt and
25 bleed and have feelings just like you or I do. They do.

1 THE COURT: Okay. At this point in time, have you
2 made up your mind as to guilt or innocence, though?

3 JUROR: I haven't. I was trying to wait on closing
4 arguments because those are usually pretty good.

5 THE COURT: You been on jury duty before?

6 JUROR: I was, but it kind of really sucked because
7 they called us back and we were, you know, anticipating --
8 it was my first jury, and they made up a agreement, and we
9 never ever got to sit on the jury.

10 THE COURT: Okay, any questions either -- for anyone
11 to ask?

12 MR. GRIFFIN: No, Your Honor.

13 MR. WATERS: No, sir.

14 THE COURT: Okay. If you will stand right inside --

15 JUROR: Follow her?

16 THE COURT: Follow her for a second.

17 Gabby, just right outside, inside the other door but
18 not all the way out.

19 (Juror 785 exited the room.)

20 THE COURT: All right, comments.

21 MR. GRIFFIN: Your Honor, I think that satisfies it,
22 and she hasn't talked to anybody. Hasn't expressed an
23 opinion and hasn't made up an opinion, and she's got an
24 ex-husband that she has three restraining orders against
25 him.

1 THE COURT: That's understandable. Have a good night.

2 JUROR: Thank you.

3 THE COURT: Okay.

4 JUROR: They are going to bring me back to my car,
5 right?

6 THE COURT: They didn't leave you, did they?

7 JUROR: Yes.

8 THE COURT: Oh, they did?

9 LAW CLERK: No. I'll go get her to a bailiff, and
10 they'll go get her. I'll go down there to a bailiff --

11 JUROR: They left.

12 LAW CLERK: -- and make sure they get her home.

13 (Break in proceedings.)

14 JUROR: Y'all have a good night.

15 THE COURT: Okay.

16 MR. GRIFFIN: Bye.

17 (Juror 785 exited the room.)

18 THE COURT: Well.

19 MR. WATERS: I got a name now.

20 THE COURT: A name, Clifford Dandridge, Bee Street.

21 Oh boy. I'm not too pleased about the clerk interrogating
22 a juror as opposed to coming to me and bringing it to me.

23 MR. GRIFFIN: I was surprised to hear that.

24 THE COURT: Yeah.

25 THE COURT: So.

EXHIBIT J

(Affidavit of H. Miller *re Juror No. 326*)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
 |

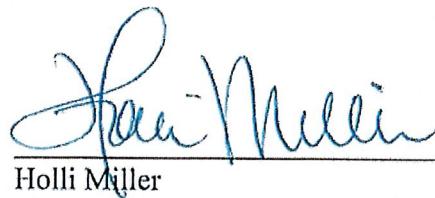
AFFIDAVIT OF HOLLI MILLER

PERSONALLY appeared before me, Holli Miller, who being first duly sworn, deposes and states as follows:

1. On August 6, 2023, Dick Harpootlian, Jim Griffin and I met with [REDACTED] Juror #326 in the case of *State of South Carolina v. Richard Alexander Murdaugh*, and his mother at her home located at [REDACTED]
2. During the meeting, Juror #326 relayed the following information to us.
3. Juror #326 was asked if Ms. Hill told the jurors not to let the defense mislead them. He did not specifically recall this statement but he did recall that Ms. Hill commented to him and other jurors about the photos that would be admitted into evidence, indicating that the “images would be disturbing.”
4. Juror #326 also stated that the jurors were stationed in two separate rooms when they were not in the courtroom, and that he was in a room with mostly other male jurors. He was not in the same room as Jurors #630, #741 and #785. Juror #326 stated that Ms. Hill would visit the other room more often and that he could not hear what she was telling the jurors in the other room.
5. During the trial Juror #326 and others discussed the case prior to deliberations. He did not discuss the case with anyone outside of the jurors. He further commented that some of the jurors were going into their office because of financial reasons and that “people were talking to coworkers because coworkers wanted info.”
6. Before deliberations began, Juror #326 indicated that “minor conversation led him to know who was a yes and who was a no”. His vote changed with new evidence.

7. As the jury was deliberating, the bailiff and Ms. Hill told the jurors that they could not take a smoke break during deliberations. There were six smokers on the jury.
8. After the trial concluded, a group chat was formed with the jurors, but Juror #326 dropped off of the group chat because there "were too many chats".
9. When asked if he thought the Clerk of Court Becky Hill was inserting herself in the process of the trial, Juror #326 responded, "I can see this."

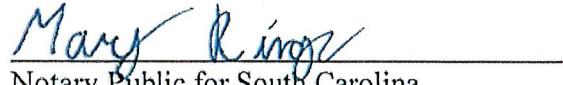
FURTHER AFFIANT SAYETH NOT.



Holli Miller

September 1, 2023

SWORN TO before me this 1st day
of September, 2023



Mary Ringer

Notary Public for South Carolina
My Commission Expires: 6/27/33

EXHIBIT K

(Memorandum from Rebecca Hill, May 9,
2023)

To: [REDACTED] Dream Works aka Texas Crew Productions, LLC

From: Rebecca Hill, Colleton County Clerk of Court

Re: Addendum to Texas Crew Productions, LLC

May 9, 2023

Dear [REDACTED]

I'm looking forward to your upcoming docuseries on the Murdaugh case and I hope you'll be able to use some of my interview—should you choose to.

Because I am an elected official, we'll need to modify 3 clauses in the LOCATION agreement you presented me—as it relates to my authority.

Please change the word "Owner" to "Colleton County" in every reference in the agreement.

3—DATES and LOCATION FEE

Lowcountry Story, LLC agrees to pay the Colleton County Treasury a fee of \$1,000 PER day for use of the Colleton County Courthouse facilities, so as long as it does not supersede any court proceedings.
Payment will be made by the close of production.

10—MISCELLANEOUS

Colleton County, South Carolina can ONLY enter into a legal agreement for services if it is to be governed here in South Carolina, not New York. **As an elected official, I have no authority outside of the State of South Carolina.**

Sincerely, Rebecca Hill



Colleton County Clerk of Court

RHH
Also, In exchange for the use of the likeness of Rebecca Hill in an interview, a minimum of .05 second video and audio clip will accompany the usage on the first reference.
The book cover for the book, "Behind The Doors of Justice: The Murdaugh Murders" will be shown and audio will include Beccy's introduction as Clerk of Court for Colleton County and author of the book.

EXHIBIT L

(Affidavit of Timothy Stone)

STATE OF GEORGIA

COUNTY OF Wayne

)
AFFIDAVIT OF TIMOTHY STONE
)

PERSONALLY appeared before me, Timothy Stone, who being first duly sworn, deposes and states as follows:

1. I am a resident of Odum, Georgia.
2. I am married to Bobbie Jo Stone (also known as Bobbi Joe Blackwell) and have been married since January 2022. I have never been married to anyone named [REDACTED]
3. I am not a member of the Facebook group Walterboro Word of Mouth and have never posted anything on this group's social media page.
4. I did not post what is contained in Exhibit A on the Facebook group Walterboro Word of Mouth. I did, however, post it on my personal Facebook page.
5. My Facebook page is [REDACTED]
6. The initial post on February 15, 2023 and the follow up post on February 16, 2023 had nothing to do with anyone associated with the State v. Murdaugh case. The February 15 post was in response to my wife's aunt "sticking her nose in my business". I felt terrible about the initial post and removed it on February 15 and on February 16 posted an apology which is still on my Facebook feed. See attached Exhibit B.
7. It appears that the post on my personal Facebook page differs slightly from that on Exhibit A in that my wife's comments as Bobbie Jo Blackwell have been deleted.

FURTHER AFFIANT SAYETH NOT.



Timothy Stone
Timothy Stone

September 12, 2023

SWORN TO before me this 12th day
of September, 2023

Maria C. Fulks
Notary Public for South Carolina
My Commission Expires: 7/29/2024



Exhibit A

Timothy's Post



Timothy Stone

February 16 at 8:35 AM ·

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry



5

10 comments

Like

Comment

Share

Most relevant



Amy Corey

When life gets hard you're supposed to call on God but when you're down the devil finds a way to get in and when you let him he will take control pray for you Tim because you have a beautiful granddaughter that loves you and so many more of the grandbabies that love you and you will get through this just let God help you !! I love you men and I am praying for you hope you have a blessed day !!

Like Reply 1w



Bobbie Jo Blackwell

Why apologize for something that you really meant? You meant what you said. Apologies don't mean anything if you constantly do it.

Like Reply 1w



Timothy Stone

Bobbie Jo Blackwell I'm human I make mistakes and no I didn't mean it

Like Reply 1w



Bobbie Jo Blackwell

Timothy Stone apparently you did or you wouldn't of posted it for all to see

Like Reply 1w



Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about accepting Christ as your Savior, which I Praised God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you than he that is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible. God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advise from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!! 

[Like](#) [Reply](#) 1w 



Timothy Stone

Karen Smith thanks and where can I find that devotional book 

[Like](#) [Reply](#) 1w



Bobbie Jo Blackwell

Karen Smith we are no longer together. I can't serve God and the devil both so I had to let go of what was keeping me from getting closer to God. You can't get to heaven holding on to someone else's skirt or shirt tail and think your going to make it. It's a relationship between you and God that will allow you to enter in. The wall with the Lord is straight and narrow and you've got to serve him with a whole heart and not just with half your heart or because your wife or your husband wants you to. It's something you have to do for yourself and nobody else 

[Like](#) [Reply](#) 1w



Karen Smith

Timothy Stone you can go on line and type in Love Dare devotion 365 day. But since I see y'all are not together, I would still recommend it. I have found out that a lot of things in it helps me personally and not just for my marriage. Prayers and may God's will be done!

[Like](#) [Reply](#) 1w 



Karen Smith

Bobbie Jo Blackwell agreed and sorry to hear this. I was saved long before my husband and I were married. Had been through several bad relationships. So when I prayed to God to send me a husband like mine, if it be God's will, I made sure the day we got married I have this marriage to God. I myself could not do it on my own. It has had its ups and downs, but Praise God, it has lasted. Pray maybe it is not to late for y'all. And if it is, my prayer is God will bless you first for your walk with God and second that you will find happiness in the future. God be with you! 

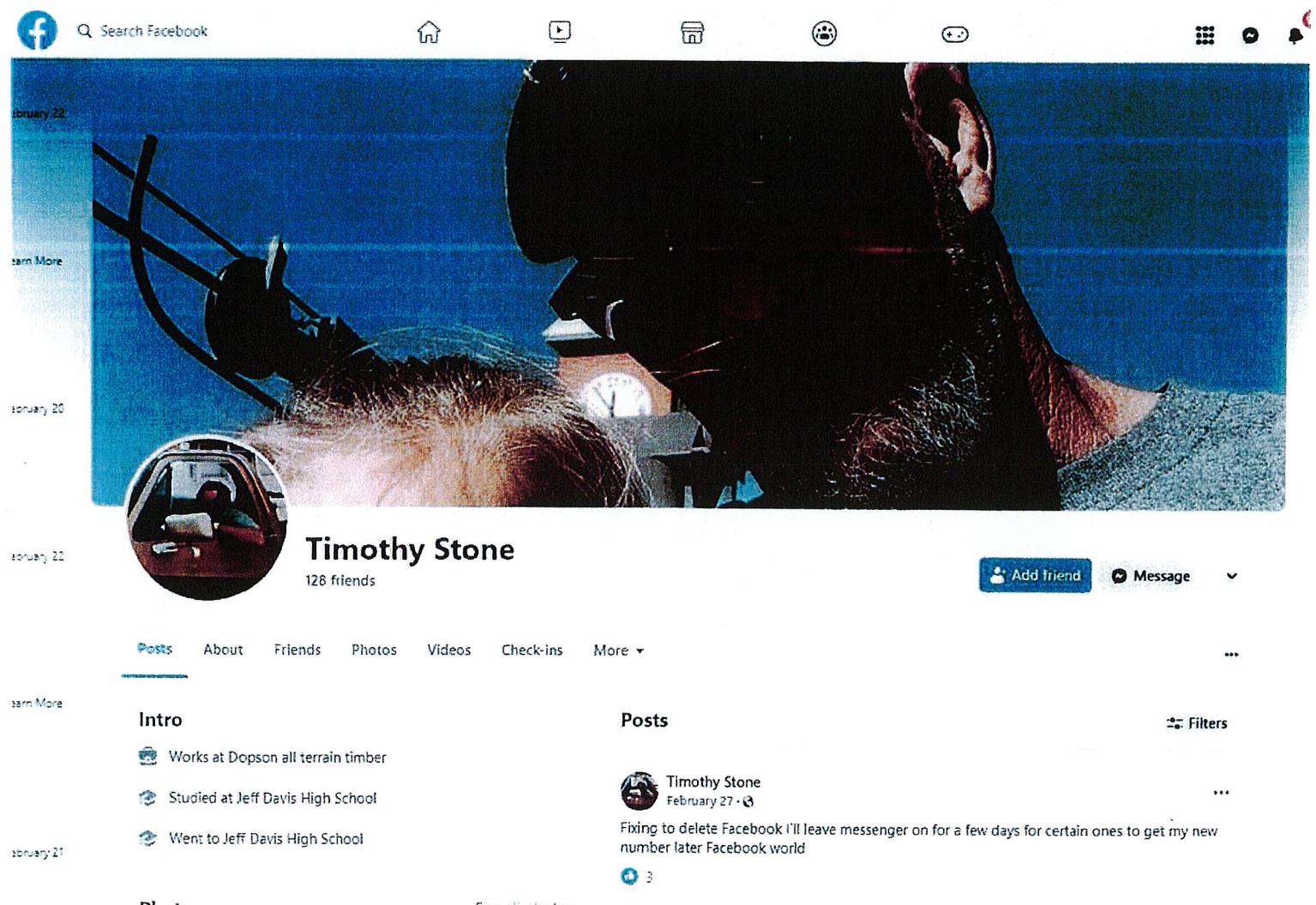
[Like](#) [Reply](#) 1w



Bobbie Jo Blackwell
Karen Smith thank you so much

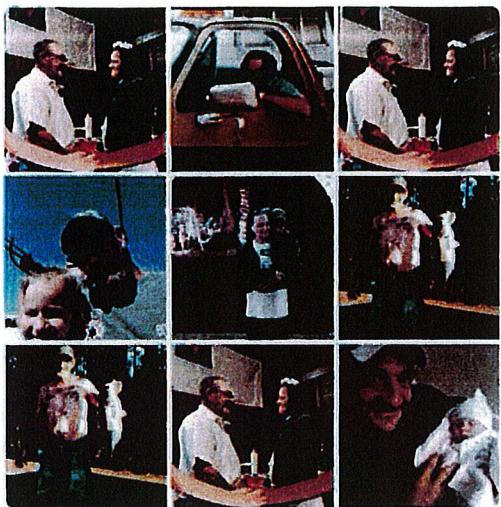
[Like](#) [Reply](#) 1w

Exhibit B



Photos

[See all photos](#)



Friends

128 friends

[See all friends](#)



Bobbie Jo Stone

Jean Woods

Shelby Batten

9

[Share](#)

Timothy Stone

February 16 ·



Stitch Lovers

February 16 ·

[Like](#)

[Comment](#)

[Share](#)



Timothy Stone updated his profile picture

February 16 ·





Search Facebook



Timothy Stone

Friends

128 friends



Bobbie Jo Stone



Jean Woods



Shelby Batten

[See all friends](#)



Like



Comment



Share



Timothy Stone
February 15

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry

5 comments



Like



Comment



Share

[View more comments](#)



Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about accepting Christ as your Savior, which I Praised God. We a... [See more](#)

[Like](#) [Reply](#) 29+

[Karen Smith replied - 3 Replies](#)



Write a comment...



Kaitlyn Graham



Matthew Finch



Billie Jean Blackwell
Sloan



Timothy Stone



William Sloan



Billy Blackwell

Life events

[See all](#)

Timothy Stone
February 15

For my mom and sister

NEVER
FORGOTTEN

Timothy's Post

X

February 21

 Timothy Stone
February 16

...

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry

 5

5 comments

 Like

 Comment

 Share

Most relevant ▾

... More

February 20

 Amy Corey

When life gets hard you're supposed to call on God but when you're down the devil finds a way to get in and when you let him he will take control pray for you Tim because you have a beautiful granddaughter that loves you and so many more of the grandbabies that love you and you will get through this just let God help you   I love you men and I am praying  for you hope you have a blessed day  

Like Reply 29w

February 22

... More

 Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about excepting Christ as your Savior, which I Praised God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you then he that is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible, God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human, we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advise from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!!! 

Like Reply 29w

It was a hard day
You some advise to
but Satan is after me

Timothy's Post

X

January 22



Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about excepting Christ as your Savior, which I Praised God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you then he is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible, God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human, we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advise from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!!

Like Reply 29w

January 20



Timothy Stone

Karen Smith thanks and where can I find that devotional book

Like Reply 29w

January 22



Karen Smith
Timothy Stone you can go on line and type in Love Dare devotion 365 day. But since I see y'all are not together, I would still recommend it. I have found out that a lot of things in it helps me personally and not just for my marriage. Prayers and may God's will be done!

Like Reply 29w

... More



Karen Smith

Bobbie Jo Blackwell agreed and sorry to hear this. I was saved long before my husband and I were married. Had been through several bad relationships. So when I prayed to God to send me a husband like mine, if it be God's will, I made sure the day we got married I have this marriage to God. I myself could not do it on my own. It has had its ups and downs, but Praise God, it has lasted. Pray maybe it is not to late for y'all. And if it is, my prayer is God will bless you first for your walk with God and second that you will find happiness in the future. God be with you!

Like Reply 29w

... More events

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

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

The State of South Carolina,

Indictment Nos. 2022GS1500592 – 00595

Plaintiffs,

vs.

Richard Alexander Murdaugh,

CERTIFICATE OF SERVICE

Defendant.

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 27, 2023 did serve via email the following document to the below mentioned person:

Document: Motion for a new trial

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

OCT 27 2023 AM10:14
COLLETON CO GS, REBECCA H. HILL

EXHIBIT E

(Affidavit of Dr. Gregory B. Adams)

THE STATE SOUTH CAROLINA
IN THE SUPREME COURT

COLLETON COUNTY
Court of General Sessions
The Honorable Clifton B. Newman, Circuit Judge

Case No. _____

Richard Alexander Murdaugh, Petitioner
vs.
The Honorable Clifton B. Newman, in his capacity as a Circuit Court Judge,
and the State of South Carolina, Respondents

**AFFIDAVIT OF
EXPERT OPINION OF
DR. GREGORY B. ADAMS**

PERSONALLY APPEARED before me Gregory B. Adams who, being duly sworn, deposes and says that:

1. It is my expert opinion, held to a reasonable degree of professional certainty based upon the evidence I have studied, that the Code of Judicial Conduct requires the recusal of The Honorable Clifton B. Newman, the trial judge, from deciding the defendant's motion for a new trial.
2. Two motions are pending:
 - A. A motion for a new trial, and
 - B. A petition for recusal of Judge Newman from hearing the motion for a new trial.

3. Defendant's motion for a new trial is based on defendant's recently obtained evidence that the Clerk of Court, Rebecca Hill, tampered with the jury by
 - A. discussing the evidence and events in the case with jurors prior to the jury convicting defendant and
 - B. pressuring jurors to reach a verdict quickly rather than deliberating fully, discussing all of the issues that were of concern to them and the evidence related to each issue.
 - C. That motion sets forth evidence showing that prior to the verdict Ms. Hill
 - i. warned jurors that Mr. Murdaugh was not to be believed and warned them about the tactics his defense counsel would employ to obtain an acquittal or a hung jury;
 - ii. instructed them to be alert and not to fall for such tricks;
 - iii. told the jury that she expected them to reach a verdict quickly, which they did after she pressured them by
 - a. telling them they would no longer be allowed to take smoke breaks (there were six smokers on the jury) and
 - b. that if they had not reached a verdict by 11:00 pm they would be taken to a hotel to spend the night in spite of the fact that they had not been told this before and were unprepared to spend a night away from home;
 - iv. handed out reporters' business cards to jurors during the trial, encouraging them to talk with the reporters after being discharged, telling them they would be famous. (After the trial, Ms. Hill went to New York City with jurors invited there to

appear on the Today show. She was wined and dined by NBC along with the jurors. NBC paid lodging and travel expenses of the jurors and arranged the details of their NYC stay.);

- v. interrogated jurors about their views on the evidence and Mr. Murdaugh's guilt;
- vi. concocted a false story about supposed internet posts, which Ms. Hill used in seeking to have Juror 785 removed from the Jury because Ms. Hill believed her to be unconvinced of Mr. Murdaugh's guilt.

Defendant has attached to his new trial motion affidavits evidencing Ms. Hill's illegal behavior. [Motion for a New Trial, Exhibits A, B, H, J re: statements of Jurors 326, 630, 741 about Ms Hill's tampering; and Exhibits C, D, E, F, G, I, K re: Ms. Hill's misconduct, including her deceitful attempt to have Juror 785 removed from the jury prior to its deliberation.]

- 4. Judge Newman has violated the South Carolina Code of Judicial Conduct by, after the verdict but while the case was still pending,
 - A. publicly expressing his personal opinion that Mr. Murdaugh is guilty and was properly convicted,
 - B. publicly criticizing defense counsel,
 - C. publicly commending the jury for reaching the correct verdict, and
 - D. in a number of other ways publicly commenting on the verdict.

Judge Newman did these improper things in open court and a number of public fora, including on national TV (the Today show) and at the Cleveland State College of Law during a video-recorded interview before an audience of 300 people; the interview was broadcast on YouTube.

5. This Honorable Court requires that judges, including Judge Newman,
 - A. perform their duties impartially. Canon 3, South Carolina Code of Judicial Conduct, Rule 501, SCACR;
 - B. “respect and comply with the law,” which this Honorable Court defines as including “court rules as well as statutes, constitutional provisions and decisional law.” Terminology and Canon 2A, CJC, Rule 501, SCACR;
 - C. “perform judicial duties without bias or prejudice.” Canon 3B(5), CJC, Rule 501, SCACR;
 - D. “not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness....” Canon 3B(9), CJC, Rule 501, SCACR;
 - E. “not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.” Canon 3B(10), CJC, Rule 501, SCACR;
 - F. not preside over “a proceeding in which the judge’s impartiality might reasonably be questioned.” Canon 3E(1), CJC, Rule 501, SCACR;
 - G. not preside over a proceeding in which “the judge has...personal knowledge of disputed evidentiary facts....” Canon 3E(1)(a), CJC, Rule 501, SCACR;
 - H. not preside over a proceeding in which “the judge...is to the judge’s knowledge* likely to be a material witness....” Canon 3E(1)(d)(iv), CJC, Rule 501, SCACR..

6. I have studied evidence, including transcripts of public and *in camera* proceedings in this matter, pleadings in this matter, court orders and rulings in this matter, copies of correspondence between counsel and Judge Newman in this matter, affidavits of fact and other exhibits to pleadings in this matter. This evidence is the kind usually relied upon by experts in this field.
7. Based on this evidence, it is my expert opinion that Judge Newman would be violating the South Carolina Code of Judicial Conduct were he to preside over the motion for a new trial:
 - A. Judge Newman has publicly demonstrated his bias and lack of impartiality about defendant and his counsel and has publicly shown his willingness to act improperly because of it. His presiding over the motion for a new trial would deny Mr. Murdaugh a fair hearing by a neutral decision-maker and thus due process.
 - i. Judge Newman has repeatedly expressed his personal opinion publicly that Mr. Murdaugh murdered his wife and son, thus violating the prohibition of Canon 3B(9), CJC, Rule 501, SCACR;
 - ii. Judge Newman has commended the jury for convicting Mr. Murdaugh, thus violating the express prohibition of Canon 3B(10), CJC, Rule 501, SCACR;
 - B. Judge Newman's making such public statements in violation of the Code of Judicial Conduct, outside of his performance of his duties as the judge presiding over the criminal prosecution of Mr. Murdaugh and in violation of those duties, is far different and much more serious than merely having a personal dislike of the defendant arising from the evidence in the trial. The grounds for his recusal arise from his acts in

disclosing publicly his bias and lack of impartiality, not simply his dislike of defendant and disdain for his counsel itself. A judge may act impartially in deciding a motion filed by a defendant whom the judge dislikes because of evidence he has heard; it is far less likely that one who has publicly displayed his personal view that the defendant is guilty will do so.

- C. Judge Newman has personal knowledge of disputed¹ issues of material facts relevant to the motion for a new trial. Indeed, he and Clerk of Court Hill are the only witnesses to some of those facts. The issue under Canon 3E(1)(a) of the Code of Judicial Conduct is having this knowledge, not whether the judge is “likely to be a material witness,” the issue under Canon 3E(1)(d)(iv). There is no basis for disputing that Judge Newman possesses such knowledge. Thus he may not hear the motion, and doing so would be judicial misconduct.
- D. Judge Newman is likely to be a material witness to disputed facts that only he and the accused wrongdoer know personally.² Thus he may not hear the motion, and doing so would be judicial misconduct. Canon 3E(1)(d)(iv).

8. My resumé, attached as Exhibit A, demonstrates why federal and state courts, including this Honorable Supreme Court and the South Carolina Court of Appeals, have held that I am qualified as an expert witness.

- A. I am Emeritus Professor of Law at the University of South Carolina School of Law, where I was a tenured law professor, teaching on that

¹ The prosecution has disputed the facts warranting Judge Newman’s recusal and urged him not to recuse himself.

² Even if he had not had such knowledge prior to the filing of this motion, he surely has such now.

faculty for 40 years, from 1978 to 2018. My subjects of expertise include judicial ethics and the regulation of judges' behavior; the impact of judges' improper conduct on the constitutional rights of litigants, including the right to a fair trial; the selection and disciplining of state and federal judges; lawyers' ethics; professional responsibility; the practice of law; and lawyers' and law firms' legal and fiduciary duties. This expertise arose from my teaching, research, governmental work, and legal experience. I was the director of the University of South Carolina School of Law Program on Judicial Ethics, Selection, Accountability, and Independence, which I founded at the request of the President Pro Tem of the South Carolina Senate and chair of the Judicial Merit Selection Commission.

- B. I have earned a J.S.D. (Doctor of Juridical Science) and an LL.M. from Columbia University, as well as my J.D. from Louisiana State University.
- C. I am licensed to practice law in South Carolina and Louisiana.
- D. My practice of law regularly involves advising lawyers and law firms about the ethical, professional, fiduciary, and other legal duties of lawyers, law firms, judges, and judicial personnel.
- E. Federal and state courts in South Carolina have recognized my expertise, including the South Carolina Supreme Court in *State v. Morris*, 376 S.C. 189, 656 S.E.2d 359 (2008) (holding that I am qualified as an expert witness and that my expert testimony was accurate and proper) and *Smith v. Haynsworth, Marion, McKay & Guerard*, 322 S.C. 433, 472 S.E.2d 612 (1996) (holding that I am qualified as an expert witness on issues of lawyers' duties and it was reversible error to rule otherwise),

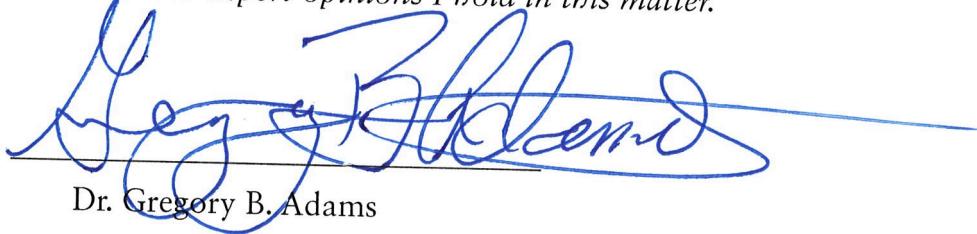
and the Court of Appeals in *Ellis v. Davidson*, 358 S.C. 509, 595 S.E.2d 817 (Ct. App. 2004) (holding it was reversible error to discount my expert opinion in a legal malpractice case and to refuse to give it full efficacy).

F. Additionally, three South Carolina Attorneys General, the South Carolina Secretary of State, and the United States Attorney for the District of South Carolina have relied upon my expertise to guide and assist them, including in significant criminal investigations and prosecutions, and the United States Securities and Exchange Commission has retained me as an expert witness on lawyers' duties.

9. I hold all of the expert opinions I have expressed in this affidavit to a reasonable degree of legal certainty; they are more probable than not.

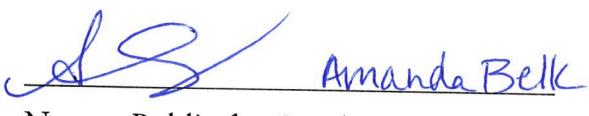
10. I have been retained as an expert witness by counsel for defendant.

These are the expert opinions I hold in this matter.



Dr. Gregory B. Adams

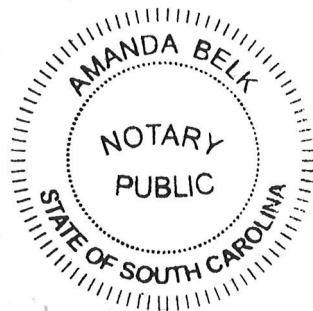
Sworn to and subscribed before me
this 1st day of November 2023.



Amanda Belk

Notary Public for South Carolina

My Commission Expires: My COMMISSION
Expires Jul 24, 2023



DR. GREGORY B. ADAMS, ESQ.

1154 Sea Eagle Watch, Charleston, South Carolina 29412

Dr.G.B.Adams@iCloud.com

PROFESSIONAL EXPERIENCE

Emeritus Professor of Law, University of South Carolina School of Law, 2018–
Law Professor (tenured), University of South Carolina, 1978–2018.

SUBJECTS TAUGHT: Professional Responsibility; Cybersecurity; Legal Technology; Ethical Issues in Criminal Practice; Judicial Ethics; Legal Profession; Contracts; Corporate Law; Business Planning; Agency, Partnership & Limited Liability Companies; Antitrust; International Business Law; European Union Law.

Associate, University of South Carolina Rule of Law Consortium (2011-18).

Founding Director, Program on Judicial Ethics, Selection, Accountability, and Independence, University of South Carolina School of Law (2003-12).

Visiting Professor of Law, Pskov Volny University, Pskov, Russia, Spring 2001.

Visiting Professor of Law, University of Southampton, Southampton, England, Fall 1989.

Visiting Professor of Law, Rutgers University, Newark, NJ, 1983-1984.

Stagiaire, Commission of the European Communities (E.U.), Brussels, Belgium, 1979.

Research Associate, Institute of European Studies, University of Brussels (U.L.B.), 1979.

Visiting Scholar, Faculté de Droit, Université Catholique de Louvain, Belgium, 1978.

Consultant, Louisiana Legislative Council, 1976-1977.

Assistant Professor, Southern University School of Law, 1975-1977.

Private Practice, Baton Rough, LA, 1975-1977.

Attorney, Breazeale, Sachse & Wilson, Baton Rouge, LA, 1973-1975.

Admitted to Practice by the Louisiana Supreme Court and the South Carolina Supreme Court.

EDUCATION

J.S.D. 1986

Columbia University School of Law, New York, New York

Dissertation: Control of Monopoly Power in Europe and the United States

LL.M. 1979

Columbia University School of Law, New York, New York

Thesis: E.E.C. and U.S. Antitrust Regulation of Monopolists' Refusals to Deal
Jervey Fellow in Foreign Law, Parker School, Columbia University, 1977-1979.

J.D. 1973

Louisiana State University Law Center, Baton Rouge, LA

Order of the Coif; Louisiana Law Review; Moot Court Board; Winner, Robert Lee Tullis Moot Court Competition before the Louisiana Supreme Court.

B.S. 1977

Louisiana State University, Baton Rouge, LA

Phi Kappa Phi

College of Arts & Science, Vanderbilt University Nashville, TN 1966-1968

HONORS AND RECOGNITION

Outstanding Faculty Publications Award, University of South Carolina School of Law
(April 2006, Book, Runner Up)

Louisiana State University Law Center Hall of Fame

Twenty Year Who's Who Honoree

Who's Who in the World

Who's Who in America

Who's Who in American Law

Who's Who in American Education

Who's Who in the South and Southwest

Who's Who of Emerging Leaders in

America

Who's Who in Law Education

Dictionary of Int'l Biography (Cambridge, U.K.)

State v. Morris, 376 S.C. 189, 656 S.E.2d 359 (2008) (holding GBA qualified as an expert witness and that GBA's expert testimony was accurate and proper)

Smith v. Haysworth, Marion, McKay & Guerard, 322 S.C. 433, 472 S.E.2d 612 (1996) (holding GBA qualified as an expert witness; reversible error to rule otherwise)

Ellis v. Davidson, 358 S.C. 509, 595 S.E.2d 817 (Ct. App., 2004) (holding it was reversible error to discount GBA's expert opinion and fail to give it efficacy)

Davis v. Hamm, 300 S.C. 284, 387 S.E.2d 676 (Ct. App., 1989) ("excellent discussion of the ramifications of these statutes" in "Litigation of Corporate Law Disputes After the Recent Amendments of the Corporate Code," in *Current Issues in Civil Litigation*, S.C. Bar Continuing Judicial Legal Education Seminar 1989)

PUBLICATIONS

South Carolina Corporate Practice Manual (2nd ed. 2005, S.C. Bar) (lead author, coauthors: Burkhard, Cleveland, Clark, Hellwig, Merline).

"Reflections on the Reactions to Proposed Rule 8.5: Consensus of Failure," 36 S. Texas Law Review 1101 (1995).

"Introductory Remarks to the Conference on the Commercialization of the Legal Profession," 45 S.C. L. Rev. 883 (1994) (with Nathan M. Crystal).

Report of the Proceedings, Conference on the Commercialization of the Legal Profession (with Nathan M. Crystal), authored: "Summary of Discussion of Frankel Paper," 45 S.C.L. Rev. 901; "Summary of Discussion of Palay/Galanter Paper," 45 S.C.L. Rev. 929; "Summary of Discussion of Martyn Paper," 45 S.C.L. Rev. 961; "Summary of Discussion of Dimitriou Paper," 45 S.C.L. Rev. 999 (1994).

"The Ethical Lawyer," occasional column in the S.C. Trial Lawyer Bulletin beginning 1994.

"Suing Corporations and Those Behind Them," 1992 S.C. Trial Lawyer Bulletin 17.

South Carolina Corporate Practice Manual (S.C. Bar, 1989) (with Cleveland, Burkhard, McWilliams).

"European and American Antitrust Regulation of Pricing by Monopolists," 18 Vanderbilt Journal of Trans. Law 1 (1985).

"Antitrust Constraints on Single-Firm Refusals to Deal by Monopolists in the European Economic Community and the United States," 20 Texas Int'l L. J. 1 (1985).

"The 1981 Revision of the South Carolina Business Corporation Act," 33 S.C. L. Rev. 405 (1982).

"Inheritance Taxation of Trusts," in 11 L. Oppenheim & S. Ingram, *Louisiana Civil Law Treatise, Trusts* (1977).

PUBLIC SERVICE

Member, Untied States Secret Service SC Electronic Crimes Task Force (2018-2019).
Member, South Carolina Cybersecurity Task Force (2017-2019).
Member, American Bar Association Ethics and Professionalism Committee, A.B.A. Law Practice Division (2015-2018).
Member, American Bar Association Law Practice Futures Initiative, A.B.A. Law Practice Division (2015-2016).
Expert Witness, United States Securities and Exchange Commission, *U.S. S.E.C. v. Staples* (2013)
Invited Expert Witness, Judicial Merit Selection Study Committee, SC Senate (9/17/07)
Member, S.C. Bar, Professional Responsibility Committee, 1993-2012 (chair or member of numerous subcommittees, including Ethics 2000 Subcommittee; presented Ethics 2000 recommendations to S.C. Bar House of Delegates).
Member, S.C. Bar, Unauthorized Practice Committee, 1994, 2000-2003.
Member, S.C. Bar, Technology Committee, 1996-1998.
Ethics Consultant, South Carolina Association for Justice, 1994-2014.
Co-Founder and Vice-President, South Carolina Association of Ethics Counsel, 2000-present.
Expert Witness and advisor to the South Carolina Attorney General in the criminal investigation and prosecutions for securities fraud in connection with the failure of Carolina Investors and HomeGold Financial, 2003-2008.
Expert Consultant for the South Carolina Department of Natural Resources, re: piercing the corporate veil, 2000
Expert Consultant for the South Carolina Department of Health and Environmental Control, re:piercing the corporate veil to impose environmental liability under CERCLA, 1997-1999.
Reporter, South Carolina Uniform Commercial Code Article 2A (South Carolina Law Institute at the request of the South Carolina General Assembly, 1996-2001).
Expert Witness and advisor to the South Carolina Attorney General in criminal prosecution of JohnO'Quinn, Esq. for unauthorized practice of law and illegal solicitation, 1996-1997.
Co-Reporter, Conference on the Commercialization of the Legal Profession, Charleston, S.C., May 1993.
Expert Witness for the United States before the Federal Grand Jury investigating securities fraud, May 1993.
Member, Governing Board, Center for Law, the Legal Profession, and Public Policy, 1991-93, 1998-2000.
Member, Blue Ribbon Committee on Corporate Law, South Carolina Secretary of State, 1991-95.
Securities Law Expert for the South Carolina Attorney General in connection with the bankruptcy of Patriots Point Associates, 1989-91.
Advisor to the S.C. Deputy Securities Commissioner and the S.C. Senate Judiciary Committee on Corporate Law issues.
Co-Reporter, South Carolina Business Corporation Act of 1988 (South Carolina Law Institute for the South Carolina General Assembly, 1986-88).
Member, Louisiana State Law Institute, Civil Code Revision Committee, 1975-1977.

PRESENTATIONS

“Ethics During the Pandemic and Beyond,” 25th Annual Charleston County Probate Court Seminar, virtual, Charleston, SC (1/28/21)
“*Ex Parte* is a No No,” 24th Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/19/19)

“Competently Confidential: Protecting Client Information in Bankruptcy Proceedings, Ethics & Privilege,” 29th Annual Seminar, The South Carolina Bankruptcy Law Association, Savannah, GA (3/31/19)

“Competently Confidential: Cyber for Lawyers - Ethics, Liability, Security,” Eighth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (2/20/19)

“Essential Cybersecurity Plans for Law Firms,” S.C. Bar LEAPP Law Office Management School, Columbia, SC (2/7/19)

“Bearers of Bad Tidings: Please Don’t Shoot the Lawyer,” 23rd Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/6/18)

“Competent Confidentiality,” Seventh Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (2/21/18)

“The Artificial Intelligence Evolution of the Legal Research Process,” Surviving the A.I. Surge: Artificial Intelligence and the Practice of Law, 2018 South Carolina Law Review Symposium (2/9/18) (moderator)

“Cyber-Fraud: Cyber-Ethics, Cyber-Liability, Cyber-Security,” S.C. Bar LEAPP Law Office Management School, Columbia, SC (2/7/18)

“Fulfilling Lawyers’ Duties of Technological Competence,” University of South Carolina Legal IT Seminar, Columbia, SC (1/11/18)

“Staying Away From the Dark Side: Fulfilling Your Duties of Competent Confidentiality,” 22nd Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/15/17)

“Ethics and Professionalism for Lawyers in a Social Media World,” Secrets to a Successful Plaintiff’s Personal Injury Practice, S.C. Bar CLE, Columbia, SC (10/5/17)

“Cyber-Ethics for Lawyers,” Workers Injury Law and Advocacy Group Regional Conference, Atlanta, GA (3/27/17) (with Paula J. Frederick, Esq., General Counsel, State Bar of Georgia)

“Operational Cyber-Security for Lawyers,” WFG Winter Underwriting Seminar, Columbia, SC (2/7/17)

“Cyber-Fraud, Cyber-Ethics, Cyber-Liability, Cyber-Security,” S.C. Bar LEAPP Law Office Management School, Columbia, SC (2/7/17)

“Cyber-Ethics, Cyber-Security, Cyber-Liability, and Cyber-Insurance for Lawyers and Law Firms,” Sixth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (1/13/17)

“Ethical Issues in Criminal Cases: *Slager & Roof*,” Twenty-first Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/16/16)

“Getting Clients Ethically While Promoting Our Profession,” Florence County Bar (11/30/16)

“Technology for Safe and Sane Lawyering,” S.C. Bar LEAPP Law Office Management School (9/29/16)

“Regulating Unauthorized Multijurisdictional Virtual Law Practice,” S.C. Law School (2/22/16)

“Practice-Specific Concerns Regarding Cyber Attacks,” Panel Moderator, Cyber Attacks & Civil Liability, S.C. Law Review Symposium (2/5/16)

“Highlights from the Technology and Law Seminar: Why Do I Have To Understand This Stuff?,” Fifth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (1/15/16)

“Future Ethics for Lawyers in the Age of the Jetsons,” Twentieth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/17/15)

“Ethical Management of Technology: Survival Techniques for Lawyers and Law Firms,” Technology Techniques & Security for Litigators and Transactional Lawyers, S.C. Bar CLE, Columbia, SC (12/10/15)

“The Ethics of Technology in Law Practice,” Technology Techniques & Security for Litigators and Transactional Lawyers, S.C. Bar CLE, Columbia, SC (12/10/15)

“Technology for Safe & Sane Lawyering,” S.C. Bar LEAPP Law Office Management School (10/1/15)

“Cybersecurity Ethics: Encryption for Solo Lawyers and Small Law Firms,” LPM-TECH CONFERENCE 2015, S.C. Bar Solo & Small Firm Section, Columbia, SC (9/18/05)

“Minister of Justice, Guardian of the Constitution,” 14th Circuit Solicitor’s Office Career Prosecutor Program and Externship, Bluffton, SC (6/1/15)

“Ethics for Criminal Defense Counsel in the Age of Social Media and the Internet,” Federal Public Defender Seminar for Criminal Justice Act Attorneys (5/8/15)

“Ethics of Lawyers Working for Nonprofits & Serving on Nonprofit Boards,” South Carolina Nonprofit Corporate Update, S.C. Bar CLE, Columbia, SC (2/5/15)

“Ethics of Confidentiality Online: Cybersecurity & Encryption,” Fourth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (1/16/15)

“*Fabian v. Lindsay*: Lawyers’ Liability to Intended Beneficiaries,” with Professor S. Alan Medlin, Nineteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/12/14)

“Cybersecurity: Lawyers Safely Using Smartphones, Email, and the Cloud in the Age of International Hackers and Government Spies,” S.C. Bar CLE, Columbia, SC (8/26/14)

“Ethics for Prosecutors,” 14th Circuit Solicitor’s Office Career Prosecutor Program and Externship, Bluffton, SC (6/30/14)

“Modification of Fees and Other Contract Questions: Rules 1.8 and 1.5,” Third Annual Everything You Need To Know About Ethics, S.C.A.E.C.–S.C. Bar CLE, Columbia, SC (1/17/14)

“Modification of Fee Agreements During the Representation: Ethical Duties, Fiduciary Duties, Contract Law,” Eighteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/12/13)

“Legal Ethics and Social Media: How to Stay Out of Trouble and Protect Your Lawyer’s Law License,” Palmetto Paralegal Association Seminar, Columbia, SC (10/16/13)

“Professional Responsibility for Prosecutors,” 14th Circuit Solicitor’s Office Career Prosecutor Program and Externship, Bluffton, SC (May 29-30, 2013)

“War of the Roses & Roses, LLC: The Sequel – When Partners Leave the Firm,” Everything You Need To Know About Ethics, S.C.A.E.C.–S.C. Bar CLE, Columbia, SC (1/18/13)

“Getting Paid, Keeping the Money, and Safeguarding Your License: How to Manage Your Cash Flow, Trust Account, and Bottom Line Under the New Rules Without Inviting a Visit from Disciplinary Authorities,” Seventeenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/6/12)

“Getting Paid, Keeping the Money, and Safeguarding Your License: How to Manage Your Cash Flow, Trust Account, and Bottom Line Under the New Rules Without Inviting a Visit from Disciplinary Authorities,” S.C. Association for Justice, Auto Torts Seminar, Buckhead Ritz Carlton, Atlanta, GA (12/1/12)

“Mike Nifong – Aberrational Rogue?,” U.S.C. Law School Symposium on Prosecutorial Ethics and Duties, Columbia, SC (3/16/12)

“How to Get Paid Now!,” Everything You Need To Know About Ethics, S.C.A.E.C.–S.C. Bar CLE, Columbia, SC (1/13/12)

“Current Professional Responsibility Issues for Litigators,” S.C. Tort Law Update, S.C. Bar CLE, U.S.C. Law School (1/6/12)

“Fiduciary Duties of Estate Planning & Probate Lawyers: General Principles and S.C. Cases,” Sixteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC(12/13/11)

“Advanced Ethics for Legislative Attorneys,” South Carolina General Assembly, Columbia, SC (10/5/11)

“Judicial Ethics for S.C. Workers’ Compensation Commissioners,” S.C. Workers’ Compensation Commission Continuing Judicial Ethics Seminar, Columbia, SC (11/16/10)

“Ethics for Legislative Attorneys,” South Carolina General Assembly, Columbia, SC (10/6/10)

“Current Ethical Issues and Trends,” York County Bar Association Ethics CLE, Panel with S.C. Supreme Court Justice Costa M. Pleicones and S.C. Disciplinary Counsel Lesley M. Coggiola, Esq., Rock Hill, SC (3/12/10)

“Lawyers in the Crosshairs: Recent South Carolina Cases of Concern to Estate Planning and Probate Lawyers,” Fourteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/15/09)

“Judicial Ethics for S.C. Workers’ Compensation Commissioners,” S.C. Workers’ Compensation Commission Continuing Judicial Ethics Seminar, Columbia, SC (11/17/09)

“Regulating Lawyer Behavior Through Recent South Carolina Tort Cases: Issues of Lawyer Ethics, Professionalism, and Liability,” S.C. Tort Law Update, S.C. Bar CLE, U.S.C. Law School (11/13/09)

“Lawyers’ Ethical Responsibilities and the Torture Memoranda,” Amnesty International Panel Discussion, University of South Carolina, Columbia, SC (4/15/09)

“The ‘Of Counsel’ Agreement,” S.C. Bar Annual Convention, Myrtle Beach, SC (1/24/09)

“Ethical Duties in Family Estate Planning,” Thirteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/11/08)

“Teaching Professional Responsibility in U.S. Law Schools,” Southeastern Ass’n of Law Schools, Ritz Carlton, Palm Beach, FL (7/31/08)

“Judicial Selection in the United States,” S.C. Supreme Court Teachers Institute, Columbia, SC (6/23/08)

“Corporate Lawyers as Fiduciaries,” S.C. Bar Annual Convention, Charleston, SC (1/25/08)

“My Heroes Have Always Been Lawyers and They Still Are, It Seems,” Twelfth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/13/07)

“Prosecutorial Ethics: Was the Duke Lacrosse Case an Aberration or the Tip of the Iceberg?,” SCTLA Annual Convention, Hilton Head Island (8/3/07).

“Malpractice Liability of Estate-Planning Lawyers,” Eleventh Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, S.C. (12/7/06).

“Ethics for Trial Lawyers: How to Avoid Those Hidden Land Mines,” S.C.T.L.A. Auto Torts Seminar XXIX, Ritz-Carlton, Buckhead, Atlanta, GA (12/2/06).

“Ethical Issues for the Sports Attorney-Agent: Lessons from *Vortex v. Ware*,” International Sport and Entertainment Management Conference, Metropolitan Convention Center, Columbia, SC (11/9/06).

“Ethics in Workers Comp Practice: Negotiation,” ASCCAWC Annual Convention, Grove Park Inn, Asheville, NC (11/4/06).

“Probate Judges and Lawyers: Prohibition of *Ex Parte* Communications,” Fourteenth Annual Probate Bench/Bar Conference, Columbia, SC (9/15/06).

“The Future Regulation of Lawyer Advertising Under the Proposed S.C. Rules of Professional Conduct,” SCTLA Annual Convention, Hilton Head Island (8/4/06).

“Free Speech and Judicial Selection: Implications of *White v. Republican Party*,” Southeastern Association of Law Schools, The Breakers Hotel, Palm Beach, FL (7/20/06).

“The New South Carolina Rules of Professional Conduct,” Tenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, S.C. (12/15/05).

“Ethical Use of Discovery Under the Workers’ Compensation Act; Contact with Employer Witnesses; Use of Subpoenas in a Workers’ Compensation Case; Frivolous Defenses: What to do About Them,” ASCCAWC Annual Meeting, Grove Park Inn, Asheville, N.C. (11/4/05).

“Applying the SC Code of Judicial Conduct to Workers’ Compensation Commissioners: Lessons for Lawyers Practicing Before the Commission,” SCWCEA Educational Conference CLE, Marriott Myrtle Beach Resort (10/24/05).

“The New SC Rules of Professional Conduct: You Really Can’t Do THAT Anymore!,” SCWCEA Educational Conference, Marriott Myrtle Beach Resort (10/24/05).

“Newly Revised Frivolous Procedures Act & Other Ethical Issues,” SCLTA Tort Reform Seminar, Columbia, S.C. (10/14/05).

Moderator and Coordinator, S.C. Corporate Practice Seminar, S.C. Bar CLE, U.S.C. Law School (9/30/05). Speaker: “Ethical Issues in S.C. Corporate Law for the General Practitioner and the Corporate Lawyer: Ethical Issues Presented by Choices of Control Devices; Ethical Issues Arising from Threats of Owner Liability; The Big Ethical Question: Who Is The Client?”

“The Code of Judicial Conduct: Does It Effect How We Practice Workers’ Comp?,” S.C. Bar CLE, U.S.C. Law School (8/26/05).

“Ethics Seminar: The New Rules of Professional Conduct,” SCLTA Annual Convention, Hilton Head Island (8/5/05).

“Ethics 2000: The New Rules of Professional Conduct — You Can’t Do That Anymore!,” C.L.E. Ethics Seminar, Richland County Bar Association (11/5/04).

“Judicial Ethics Review,” J.C.L.E. Ethics Seminar, S.C. Court Administration Magistrates’ Training Program, Charleston, S.C. (8/18/04).

“The New S.C. Lawyers’ Oath,” C.L.E. Seminar, S.C. Bar, Charleston, S.C. (6/25/04).

“Judicial Ethics Review,” J.C.L.E. Ethics Seminar, S.C. Court Administration Magistrates’ Training Program, Columbia, S.C. (4/23/04).

“Ethics 2000 and Lawyers’ Fees,” C.L.E. Ethics Seminar, S.C. Bar & S.C. Association of Ethics Counsel, Columbia, S.C. (11/15/03).

“The Ethical Implications of *Brown v. Bi-Lo*,” S.C. Workers Comp. Educational Ass’n Educational Conference, Kingston Plantation, Myrtle Beach, S.C. (10/20/03).

“Ethics 2000: The New Rules of Professional Conduct & Multi-Jurisdictional Practice of Law,” C.L.E. Ethics Seminar, Investors Title Insurance Co. Seminars (9/17/03 Rock Hill, 9/12/03 Hilton Head).

“Ethics 2000: The New Rules of Professional Conduct — You Can’t Do That Anymore!,” C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/8/03).

“Political & Legal Ethics: The Pitfalls to Avoid,” C.L.E. Ethics Seminar, S.C. Bar Annual Convention (Young Lawyers Division) (1/24/03).

“Recent Developments in Legal Ethics,” C.L.E. Ethics Seminar, S.C. Bar & S.C. Association of Ethics Counsel (12/14/02).

“Current Ethical Issues in Real Estate Practice,” C.L.E. Ethics Seminar, Security Title Insurance Company (11/8/02).

“Ethics of Attorney’s Fees for Domestic Law Attorneys,” C.L.E. Ethics Seminar, S.C. Bar (9/20/02).

“Discovery Abuse and Litigation Ethics,” Paralegal Continuing Education Seminar, S.C.T.L.A. Convention (8/3/02).

“Discovery Abuse, Litigation Ethics, Supervision and Other Horrors,” C.L.E. Ethics Seminar, S.C.T.L.A. Convention, Hilton Head, S.C. (8/2/02).

“Ethical Issues in Attorney Marketing Under the Amended Rules,” C.L.E. Ethics Seminar, S.C. Bar (7/26/02).

“Ethics in the Practice of Criminal Law,” C.L.E. Ethics Seminar, S.C. Bar (5/10/02).

“Professional Ethics in the Real World: Communication with Witnesses,” C.L.E. Ethics Seminar, Ass’n S.C. Claimants’ Attorneys for Workers Comp. (5/3/02).

“Lawyers and Paralegals Practicing Law When and Where They Shouldn’t,” C.L.E. Ethics Seminar, S.C. Bar and South Carolina Ass’n of Ethics Counsel (12/15/01).

“Proposed Disclosure Rule and Goods Funds Statute in South Carolina,” C.L.E. Ethics Seminar, S.C. Bar (8/17/01).

“Recent Developments in Ethics and Professional Responsibility,” C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/3/01).

“Ethical Perils for Family Practitioners: Keeping Your License and Keeping Your Practice,” C.L.E. Ethics Seminar, S.C. Bar (12/2/00).

“Ethical Issues in Workers Compensation Practice,” C.L.E. Ethics Seminar, S.C. Workers’ Comp. Educational Ass’n, Kingston Plantation, Myrtle Beach, S.C. (10/23/00).

“The Things That Make Paralegals Indispensable: Technology and the Future of the Practice of Law,” Paralegal Continuing Education Seminar, S.C.T.L.A. Convention (8/5/00).

“Recent Developments in Ethics and Professional Responsibility,” C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/4/00).

“The Internet – Legal Ethics in Cyberspace: Marketing on the Web and Communicating Via Email Under the Rules of Professional Conduct and the Amended South Carolina Rules Governing Advertising,” SC Defense Trial Attorney’s Association & SC Claim Manager’s Association CLE at Grove Park Inn, Asheville, N.C. (7/29/00).

“The Internet – Legal Ethics in Cyberspace: Marketing on the Web and Communicating Via Email Under the Rules of Professional Conduct and the Amended South Carolina Rules Governing Advertising,” C.L.E. Ethics Seminar, S.C. Bar (4/28/00).

“The Responsibility of Administrative Law Judges to Control Unethical and Unprofessional Conduct by Lawyers: Ethical Prohibitions, Remedies and Sanctions,” ALJ CLE Seminar, Southern States Association of Administrative Law Judges (3/17/00).

“S.C. Appellate Procedure: The New Relationship Between the Supreme Court and the Court of Appeals,” Paralegal Continuing Education Seminar, Ass’n S.C. Claimant Attorneys for Workers Comp., Asheville, N.C. (1/22/00).

“Professionalism: Advertising Ethically Under the Amended S.C. Rules of Professional Conduct,” C.L.E. Ethics Seminar, S.C. Bar (1/14/00).

“Multi-Jurisdictional Practice of Law: *Pro Hac Vice* Admission and Unauthorized Practice,” C.L.E. Ethics Seminar, S.C. Bar (12/11/99).

“Hot Issues in Ethics: Marketing Under the Rules of Professional Conduct and the Amended South Carolina Rules Governing Advertising,” C.L.E. Ethics Seminar, S.C. Bar (10/29/99).

“Ethical and Professional Responsibility Issues in Litigation: Discovery Abuse,” C.L.E. Ethics Seminar, S.C. Bar and Univ. of South Carolina School of Law (12/12/98).

“Multi-Jurisdictional Practice of Law: *Pro Hac Vice* Admission and Unauthorized Practice,” C.L.E. Ethics Seminar, S.C. Bar (12/8/98).

“Discovery Abuse: Bane of Professionalism? Ethical Prohibitions & Court-Ordered Sanctions,” C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/14/98).

“*Hedgepath & McCormick* and the Ethics of Ex-Parte Communication with Treating Physicians,” Workers Comp. C.L.E. Seminar, S.C.T.L.A. Convention (8/14/98).

“Legal Ethics for a Multi-State Law Firm,” C.L.E. for a Major S.C. Law Firm (8/8/98).

“Prudent Ethical Conduct after *Hedgepath*,” Medical Staff, McLeod Hospital, Florence, S.C. (4/6/98).

“What is the Effect of *Hedgepath* on Doctors’ Duties to Workers’ Comp Patients?” S.C. Workers Comp. Educational Ass’n Annual Meeting, Charleston, S.C. (2/22/98).

“Confidentiality, Privilege, and the Attorney as Witness, Gossip, or Snitch,” C.L.E. Ethics Seminar, S.C. Bar and Univ. of South Carolina School of Law (1/10/98).

“Law Firm Breakups and Departing Lawyers,” C.L.E. Ethics Seminar, S.C. Bar and University of South Carolina School of Law (12/13/97).

“*Hedgepath & Lawyers’ Professional Conduct: Implications in Workers’ Compensation Proceedings*,” C.L.E. Seminar, The Association of South Carolina Claimant Attorneys, Asheville, N.C. (11/14/97).

- “Ethics: Judicial Immunity for Administrative Law Judges,” J.C.L.E. Seminar, Chief Administrative Law Judges Conference, Charleston, SC (11/6/97).
- “*Hedgepath* and the Rules of Professional Conduct: Who Can We (and They) Talk to Now?” C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/15/97).
- “Ways to Get in Trouble: Old and New,” C.L.E Ethics Seminar, U.S.C. School of Law (12/7/96).
- “Ethics for the Modern Lawyer on the Information Superhighway,” C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/9/96).
- “Mobile Lawyers and Mobile Clients,” C.L.E Ethics Seminar, U.S.C. School of Law (12/95).
- “Constitutional Restrictions on Regulation of Lawyer Advertising,” House of Delegates, S.C. Bar (1/21/94).
- “Ethical Issues Facing Law Firms,” C.L.E. Seminar, University of South Carolina School of Law (1/9/93).
- “Ethical Issues in Office Practice,” C.L.E. Seminar, University of South Carolina School of Law (12/5/92).
- “Lawyer Television Advertising: A Video Presentation,” U.S.C. Law School Faculty Ethics C.L.E. (10/22/92).
- “The Ethical Dilemma of Corporate Counsel,” C.L.E. Seminar, Farm Credit Sys. General Counsels Conference (10/7/92).
- “Lawyer Advertising—The Great Debate,” Moderator, C.L.E. Ethics Seminar, S.C.T.L.A. Conv. (8/14/92).
- “Civil Litigation,” in Ethical Issues in Litigation, C.L.E. Seminar, University of South Carolina School of Law (1/11/92).
- “Shareholders’ Rights in Disputes with a Corporation and those in Control,” in Planning for Business Corporations: A Guide for General Practitioners, C.L.E. Seminar (1/3/92).
- “Ethical Issues in Civil Litigation,” Legal Ethics and Professional Responsibility, C.L.E. Seminar (12/6/91).
- “A Walk Through the New South Carolina Rules of Professional Conduct,” C.L.E., U.S.C. School of Law (1/12/91).
- “Corporate Litigation and Liabilities of Corporations, Directors, Officers, and Shareholders after the 1988 Revision of the South Carolina Business Corporation Act,” in Current Issues in Civil Litigation, a C.J.E. Seminar (4/14/89).
- “Fundamental Corporate Changes and Dissenters’ Rights under the South Carolina Business Corporation Act of 1988,” in The New South Carolina Corporation Act, C.L.E. Seminar (12/16/88).

UNIVERSITY AND COMMUNITY SERVICE

- Junior Warden, Vestry Member, St. Stephen’s Episcopal Church, Charleston, SC 2019-2022.
- Parliamentarian, University of South Carolina School of Law Faculty, 2004-2007, 2008-2014.
- Dean Review Committee for the Dean of the College of Criminal Justice, 2003.
- Chorister, Good Shepherd Episcopal Church, Columbia, SC 1999-2004.
- Faculty Manual Revision Committee, Faculty Senate, University of South Carolina, 1998-1999.
- Parliamentarian, University of South Carolina Faculty, 1997-2004.
- Steering Committee, University of South Carolina Faculty Senate, 1997-2004.
- Committee Chairman, BSA Troop 788, St. David’s Episcopal Church, Columbia, SC 1996-2003.
- Faculty Advisor, ABA National Appellate Advocacy Competition Team, University of South Carolina School of Law, 1995-1996.
- Member, Richland School District Two Strategic Planning Committee, Columbia, SC 1995-96.
- Member, Richland School District Two Ridge View High School Planning Committee, Columbia, SC 1993-1994.
- Scoutmaster & Founder, BSA Troop 788, St. David’s Episcopal Church, Columbia, SC 1992-1996.

President, Richland Northeast High School P.T.S.O., Columbia, SC 1992-1997.
Assistant Scoutmaster, Committee Chairman, Committee Member, BSA Troop 388, Windsor United Methodist Church, Columbia, SC 1986-1992.
Chorister, St. David's Episcopal Church, Columbia, SC 1984-1998.
Junior Warden, Vestry Member, St. David's Episcopal Church, Columbia, SC 1984-1987
Faculty Senator, University of South Carolina, 1983-1985, 1995-1998, 2000-2003.
Faculty Advisor, ABA National Appellate Advocacy Competition Team, University of South Carolina School of Law, 1982-1983 (winner Regional Competition).
Chairman, Christian Education Committee, St. Michael's Episcopal Church, Columbia, SC 1981-1983.
Faculty Advisor, National Moot Court Team, University of South Carolina School of Law, 1980-1981.

EXHIBIT F

(Letter from R. Harpootlian to Judge C.
Newman)



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October 18, 2023

The Honorable Clifton Newman
Post Office Box 516
Kingstree, SC 29556-0516
CNewmanSC@sccourts.org

In re: *State of South Carolina v. Richard Alexander Murdaugh*
Indictment Nos. 2022GS1500592 – 00595

Dear Judge Newman,

As you undoubtedly know, the Court of Appeals has suspended Mr. Murdaugh's direct appeal of his murder convictions and granted leave to file a motion for a new trial. The gravamen of the motion for a new trial is that Colleton County Clerk of Court Rebecca Hill's interactions with members of the jury were improper and material to the merits of the evidence presented at trial. The motion does not suggest that you did anything improper during the trial as the presiding judge. Unfortunately, however, Ms. Hill's actions make you a material witness regarding *her* conduct.

For example, *in camera* testimony and trial and Ms. Hill's book state that Ms. Hill told you about a Facebook post purportedly made by Juror #785's ex-husband, and that you asked her to produce a copy of the posting. Those sources further provide that in response to your request, Ms. Hill claimed the post had been deleted and as evidence she provided an unrelated "apology" post by a person coincidentally having the same name as Juror #785's ex-husband. It turns out that no such Facebook post was made by anyone associated with Juror #785, and that it likely never existed at all. For a further example, you stated on the record on the evening of February 28, 2023, that "I'm not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me." It is reasonable to believe that you took some action to communicate your displeasure directly to Ms. Hill, and that she in response may have made representations to you regarding her interactions with jurors. Further still, Juror #785 has provided a sworn statement that the very next day Ms. Hill again "interrogated" her about her views, and the views of other jurors, about the evidence presented at trial. Juror #785 even asked you a question referring to Ms. Hill's interrogation of her in open court upon her dismissal on the last day of trial.

The universal rule is that a witness cannot be the presiding judge. "Because of his duties, it is erroneous for a presiding Judge to testify as a witness in a case being tried before him." *State v. Bagwell*, 201 S.C. 387, 23 S.E.2d 244, 247 (1942); *see also* Rule 605, SCRE ("The judge

presiding at the trial may not testify in that trial as a witness.”). As the Fourth Circuit stated over one hundred years ago:

Indeed, a judge presiding at a trial is not a competent witness, for the duties of a judge and a witness are incompatible. If he testifies he would have to pass upon the competency of his own testimony; and as a witness he might be regarded as partisan, and would be subject to embarrassing conflicts with counsel. The danger to the dignity of the bench, of subjecting its impartiality to doubt and of placing the defendant at an unfair disadvantage by admitting the presiding judge as a witness is very obvious.

Lepper v. United States, 233 F. 227, 230 (4th Cir. 1916) (Woods, J., concurring).

Defendant therefore respectfully requests that you recuse yourself from hearing his motion for a new trial when it is filed.

Sincerely,


Richard A. Harpootlian

RAH:hm

cc: (via email only)
Jim Griffin, Esquire
Creighton Waters, Esquire

EXHIBIT G

(Letter from C. Waters to Judge C.
Newman)



October 25, 2023

Honorable Clifton Newman
P O Box 516
Kingstree, SC 29556-0516
(via mail and email)

Re: State v. Richard Alexander Murdaugh

Dear Judge Newman:

I am in receipt of Mr. Harpootlian's letter of October 18, 2023, requesting that Your Honor recuse yourself from the above referenced case. In reply, the State would merely point out nothing in the law or defense counsel's allegations or speculation would require recusal.

Of course, judges should not testify in a case on which they presided unless the testimony is 1) critical; and (2) can be obtained by no other means. In re Whetstone, 354 S.C. 213, 580 S.E.2d 447 (2003); State v. Talbert, 41 S.C. 526, 19 S.E.852 (1894).

Counsel's letter raises no issues which would render Your Honor's testimony "critical" or such that it could not be obtained by other means. Counsel recalls an exchange which was placed upon the record, and otherwise speculates that the Court directly admonished the Clerk of Court off the record. These matters fall far short of the extraordinarily high bar necessary to justify calling a Judge as a witness for matters observed in the course of his or her official duties.

Furthermore, Canon 3(E)(1)(a) requires a judge to recuse himself when he or she "has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;" but such bias or personal knowledge must stem from an extrajudicial source not related to the judge's participation in the case. Payne v. Holiday Towers, Inc., 283 S.C. 210, 217, 321 S.E.2d 179, 183 (Ct. App. 1984); United States v. Grinnell Corp., 384 U.S. 563, 583 (1966) (citing Berger v. United States, 255 U.S. 22 (1921)).

Counsel's letter, again, raises only issues about which the Court, to the knowledge of the undersigned, has only knowledge because of its judicial function, which are tertiary allegations to the core claim that the jury was improperly addressed by a court official, and for which there is significant factual dispute. Indeed, the Court was clear at trial that the alleged Facebook post by a juror's ex-husband had nothing to do with the Court's consideration in removing the juror. {Tr. 5743}.

Given the length of trial and number of issues raised throughout, properly illuminating another learned member of the bench as to the full context of the record would be a considerable expense of time and effort the law does not demand in consideration with any motion Defendant may ultimately file in Colleton.

Thank you for your attention to this matter. Of course, as always please feel free to contact me with any questions or concerns.

Regards,

A handwritten signature in blue ink, appearing to read "S. Creighton Waters".

S. Creighton Waters
Chief Attorney, State Grand Jury

cc: Dick Harpootlian, Esquire (via email)
Jim Griffin, Esquire (via email)
AAG Johnny E. James, Jr. (via email)

EXHIBIT H

(Podcast Transcript)

~ June 28, 2023

LIVING JUSTICE. LIVING LEADERSHIP. PODCAST
BY DEAN LEE FISHER - JUDGE CLIFTON NEWMAN

JUNE 28, 2023, EPISODE 23

<https://www.law.csuohio.edu/newsevents/podcast>

DEAN LEE FISHER: This week on Living Justice. Living Leadership., I continue my conversation with Judge Clifton Newman, the judge who presided over the South Carolina murder trial of Alex Murdaugh. And who just happens to be an alumnus of our law school, Cleveland State University College of Law. Stay tuned.

JUDGE CLIFTON NEWMAN: His lawyers decided they did not want to say anything during sentencing --

DEAN LEE FISHER: Which is very unusual.

JUDGE CLIFTON NEWMAN: Yeah, I had -- I reserved in my mind an entire day to hear mitigation and family members and friends and colleagues to tell me what a great guy he was or at least to try to give me the benefit of their knowledge to assist me in determining a sentence.

And I gave him that opportunity because his lawyers decided not to say anything.

DEAN LEE FISHER: Welcome to another episode of Living Justice. Living Leadership. I'm your host, Lee Fisher, Dean of Cleveland State University College of Law. You know, I've had the great privilege to live my life at the intersection of the public, private, nonprofit and academic worlds. As a practicing lawyer. CEO of two large nonprofit organizations. And as an Ohio state representative. State senator. Attorney general and lieutenant governor.

And the lessons that I've learned come down to really two words "justice and leadership". That's why every week we'll talk to people who are walking the walk. We'll learn the leadership lessons of these highly-effective leaders. Some are lawyers and some are not. But all of them have something in common, they are change makers. They are custodians of democracy. They are guardians of justice. They are living justice and they are living leadership.

For the rest of this Podcast we're going to talk about your remarkable judicial career that started back in year 2000. And the way you

1 became judge is different than the way you become
2 judge here in Cleveland. Explain that.

3 JUDGE CLIFTON NEWMAN: Our judges are
4 elected by the legislature at a joint session of
5 the House and Senate. And the person with the
6 majority votes -- majority vote wins. We have a
7 merits -- Judicial Merits Selection Commission made
8 up of primarily of legislators and a few citizens.
9 Anyone can apply to be a judge who is eligible
10 based on years of experience.

11 And you're screened out and -- and
12 recommended -- the top three are recommended to the
13 legislature for a vote. And the majority -- the
14 person with the majority wins. We're one of two
15 states who elect judges that way. We're elected to
16 six-year terms and have to reapply and get
17 re-elected.

18 I was elected to a three-year unexpired
19 term initially when the judge I replaced was
20 elevate to the Court of Appeals. And I have been
21 re-elected without opposition 2003/2009/2015 and
22 2021, so...

23 DEAN LEE FISHER: No opponents ever?

24 JUDGE CLIFTON NEWMAN: No, without
25 opposition ever.

4

1 DEAN LEE FISHER: Well, I wish I'd had
2 a political career like that. That's pretty
3 impressive. And by the way, that doesn't happen by
4 accident. People know you by reputation. They
5 know that you're well-respected and well-known.
6 And they know they can't defeat you, so they go on
7 to try in another judicial vacancy or judicial
8 seat.

9 JUDGE CLIFTON NEWMAN: Yes.

10 DEAN LEE FISHER: So what happens now
11 for the next 23 years is you've developed this
12 unbelievable reputation, as being not just a fair
13 judge, but an inciteful and brilliant judge. And
14 as a result, you keep getting assigned very
15 controversial cases.

16 And one I can think of in particular
17 preceded that preceded the Murdaugh trial was the
18 State versus Michael Slager that had to do with the
19 killing, as I recall, of Walter Scott. Can you
20 tell us about that case? It achieved national
21 attention.

22 JUDGE CLIFTON NEWMAN: Yes, it was. It
23 was a case that came up during the initial wave of
24 police shooting cases where police officers were
25 indicted for murder, which did not happen so

1 frequently. And this was a case in Charleston,
2 South Carolina, where the -- where Michael Slager
3 shot Walter Scott as he was running away. A
4 routine traffic stop, Walter Scott had an
5 outstanding warrant for child support --

6 DEAN LEE FISHER: Is this one of the
7 things like taillight is out or something?

8 JUDGE CLIFTON NEWMAN: Taillight is
9 out, according to the officer. It's in
10 North Charleston, not Charleston. And he decided
11 to run away. While running away, the officer
12 pulled out his gun and shot seven times, hitting
13 him in the back six times and -- and killing him.
14 You know, the --

15 DEAN LEE FISHER: Was he armed at all;
16 Walter Scott?

17 JUDGE CLIFTON NEWMAN: No, unarmed --

18 DEAN LEE FISHER: Shot in the back and
19 unarmed.

20 JUDGE CLIFTON NEWMAN: -- unarmed at
21 9:30 on a Saturday morning --

22 DEAN LEE FISHER: Oh, my God.

23 JUDGE CLIFTON NEWMAN: -- the taillight
24 he had just -- he was buying this car from a friend
25 and -- and, in fact, he was going to buy some

6

1 taillights and various things for the car and
2 officers stopped him along the way. Yeah, that
3 was -- it was quite contentious because -- because
4 a police officer was involved and the local
5 prosecutors and judges dealt with the --
6 representing the cases brought by the police
7 officers.

8 Many of the local judges felt they had
9 a conflict and -- and -- and I was requested by the
10 local judges to take the case. And then appointed
11 by the chief justice of the Supreme Court of
12 South Carolina to handle the case. And that case
13 had a lot -- involved a lot of racial undertones,
14 white police officer, black victim. And, you know,
15 Charleston, for all its progressive ways, is one
16 where there's a lot of -- the white population has
17 exploded. And the black population has decreased.

18 And I fought to get a balanced jury
19 pool, which did not work in the end after strikes
20 by the prosecution and defense had left one black
21 juror out of the entire pool, even though I had
22 33 percent of the jury pool who showed up for
23 service were black. Only one made it to the jury
24 and --

25 DEAN LEE FISHER: Why wouldn't the

1 prosecutor have made sure that there was more than
2 one?

3 JUDGE CLIFTON NEWMAN: That's -- that
4 was a major concern of mine --

5 DEAN LEE FISHER: Yeah.

6 JUDGE CLIFTON NEWMAN: -- I think their
7 idea was that it did not matter if you were black
8 or white as a juror, if someone was shot in the
9 back six times, that person would be found -- while
10 running away and while being unarmed --

11 DEAN LEE FISHER: Yes.

12 JUDGE CLIFTON NEWMAN: -- race should
13 not and would not matter and I think that's the way
14 the prosecution saw it.

15 DEAN LEE FISHER: I wish that were
16 true.

17 JUDGE CLIFTON NEWMAN: Yes. So as --
18 so as the case was progressing and I am sensing
19 this racial approach to the defense of the case,
20 and a police officer had never been convicted of
21 murdering a black man during that period of time or
22 under the circumstances.

23 DEAN LEE FISHER: This is years before
24 George Floyd?

25 JUDGE CLIFTON NEWMAN: Yes. Yes. I

8

1 appointed the lone black juror as the foreperson of
2 the jury. And I'm saying, well, when this verdict
3 form is signed, if it's a not guilty verdict, he
4 will have to sign it. And the case ended in a hung
5 jury. They could not convict him. A hung jury.
6 He was indicted for murder and also for violating
7 the civil rights of -- of Walter Scott.

8 So we had parallel civil and federal
9 charges. Slager opted to plead guilty in federal
10 court to violating Scott's civil rights. One of
11 the arguments made by the defense lawyer during
12 closing arguments in my case is that's -- that
13 stuck with me is that he argued to the jury "do not
14 let this judge sentence my client to prison".

15 DEAN LEE FISHER: "This judge".

16 JUDGE CLIFTON NEWMAN: "This judge".

17 DEAN LEE FISHER: That has racial
18 overtones right there.

19 JUDGE CLIFTON NEWMAN: Well, a
20 well-known lawyer who has an excellent reputation
21 of representing all races, but as I said, you know,
22 defense lawyers decide what strategy they're going
23 to use. And -- and that stuck with me the use of
24 that term. And -- and it -- it apparently
25 registered with the jury because they -- it was a

1 hung jury. Then they decided to pled him guilty in
2 federal court to violating Floyd -- Scott's civil
3 rights. And he received a prison -- a 20-year
4 prison sentence. And, of course, you have issues
5 of some defendants opting to do time in federal
6 facilities rather than state facilities --

7 DEAN LEE FISHER: Right. Right.

8 JUDGE CLIFTON NEWMAN: -- as you know
9 and that's where he is now serving time in, I
10 believe, Colorado or someplace.

11 DEAN LEE FISHER: And that mistrial,
12 correct me if I'm wrong, it was just one juror; is
13 that right?

14 JUDGE CLIFTON NEWMAN: Well, it's
15 debatable --

16 DEAN LEE FISHER: Okay. You never
17 really know, right?

18 JUDGE CLIFTON NEWMAN: -- you never
19 really know. One juror sent out a note saying that
20 he could not find the defendant guilty. Now,
21 whether he was the only juror to have that
22 sentiment, I don't know. Just one sent a note.
23 And I've changed my practices following that to not
24 allow individual jurors to send me notes. Any note
25 sent must be in writing and must be signed by the

10

1 foreperson and foreperson only. So that we have
2 someone speaking for the jury --

3 DEAN LEE FISHER: Yes.

4 JUDGE CLIFTON NEWMAN: -- as opposed to
5 individual jurors.

6 DEAN LEE FISHER: Before we get to the
7 Alex Murdaugh trial, there's one other case I want
8 to ask you about and that's -- I think it's called
9 the Fake Uber Case. I don't really know what that
10 means, but tell us about that.

11 JUDGE CLIFTON NEWMAN: Yes. That case
12 was only a couple of years now, Samantha Josephson,
13 who was an undergraduate student at the University
14 of South Carolina in a popular area of town in
15 Columbia, called for an Uber to take her home.

16 She had been accepted into law school
17 at Drexel University. She was from the
18 Philadelphia area and -- she was from New Jersey,
19 but she -- she'd applied to various law schools
20 throughout the Northeast and was selected to attend
21 Drexel. And she was three weeks from graduation
22 and when out with some of her friends and sorority
23 sisters. And she didn't want to stay out along
24 with the others, so she called for an Uber.

25 And this car pulls up and assuming that

1 it's her Uber driver, she jumps in the backseat of
2 the car. And rather than taking her toward her
3 housing, he went in the other direction. And she
4 could not unlock the back door because it had some
5 type of security lock, baby lock, where she
6 couldn't get out. And -- and she fought him
7 fiercely. She ended up being stabbed over 120
8 times --

9 DEAN LEE FISHER: Oh, my God.

10 JUDGE CLIFTON NEWMAN: -- and her body
11 discovered in an abandoned field the next morning.
12 And within 24 hours, the police arrested the
13 defendant, who returned to the area where the crime
14 had occurred, his automobile soaked with blood.
15 And -- and I did that trial, it involved a
16 University of South Carolina student/victim and
17 really caused a whole lot of security concerns
18 around -- around campus. Spawns legislation and
19 now I believe maybe even a congressional action to
20 place various requirements on Uber drivers to
21 identify themselves and for people to know exactly
22 who you're -- the type of car you're getting into
23 and -- and so she would have benefitted from that.

24 But the public has benefitted as a
25 result of the action taken by her family and others

12

1 following that trial. It was just a very tragic
2 and that defendant was sentenced to life
3 imprisonment.

4 DEAN LEE FISHER: Well, it's -- it's a
5 tragic, tragic case and it is frightening just to
6 think about what she went through. But at least
7 some good came out of it because of the example of
8 what happened to her, public policy changed.

9 JUDGE CLIFTON NEWMAN: Yes.

10 DEAN LEE FISHER: And the world is
11 safer, but it still doesn't lessen the horror of
12 it. And speaking of horror, there's another trial
13 I want to talk about, and that is in 2021 the chief
14 justice of the South Carolina Supreme Court
15 appointed you to handle the criminal matters
16 involving Alex Murdaugh.

17 I know there's certain things you can't
18 talk about, but can you talk about what it felt
19 like the moment you got that case and what happened
20 after that.

21 JUDGE CLIFTON NEWMAN: Yes. I was
22 contacted by the chief justice during a time when
23 the judiciary was under assault and the Bar,
24 lawyers, were under strict scrutiny and a lot of
25 distrust because he had been accused or was accused

1 and is accused of stealing client money, over
2 \$8 million from various clients and personal injury
3 settlements. And -- resulting in about 99
4 indictments, I believe, involving him and some
5 other people.

6 And I had been assigned to handle those
7 cases prior the indictment for murder. He was then
8 indicted for murder and the chief justice appointed
9 me to handle that case as well. But having been on
10 the bench for 23 years now, I've handle many, many
11 murder cases and I approach each one about the
12 same. You know, we have -- they're all tragic. We
13 have deaths. You have victims. You have family
14 and mourning family members. And you have a
15 defendant who proclaims innocence. And -- and we
16 have to gear up for a trial to have a jury make a
17 decision.

18 DEAN LEE FISHER: Why do you think the
19 world was fixated on this case in particular?
20 Because as you've said, you've handled many murder
21 cases and although the Walter Scott case received
22 national attention, nothing to this extent.

23 JUDGE CLIFTON NEWMAN: And I think
24 maybe the decision to be totally transparent and
25 allow the media to come into the courtroom and to

14

1 -- to televise every aspect of the trial --

2 DEAN LEE FISHER: Right.

3 JUDGE CLIFTON NEWMAN: -- having
4 encountered some resistance in the Walter Scott
5 case and I -- I allowed cameras in the courtroom
6 then, but I -- I was more actively involved in
7 controlling what could be broadcast and what not --
8 what could not be broadcast. And -- and -- and
9 having to review the freedom of the press and the
10 rights of the press with regard to court and our
11 state system is not -- is unlike the federal
12 system, and there's a lot of judicial discretion in
13 what the media can and cannot televise.

14 But I opted to be totally transparent.

15 It's a matter of great public interest within the
16 state and nationally. So I believe that when the
17 case comes into the living rooms and computers
18 and -- and all of the media sources, it just caused
19 people to be interested, watching justice to unfold
20 in the way that it did.

21 DEAN LEE FISHER: Well, there's no
22 doubt the fact that you allowed the cameras in was
23 a big piece of this. But there's another piece of
24 this family was in a sense a dynasty. And I think
25 that fascinated people as well. This was -- the

1 Murdaugh family I think goes back a hundred years;
2 isn't that true?

3 JUDGE CLIFTON NEWMAN: Yes. In
4 South Carolina, the prosecutors are known as
5 solicitors. And the state is -- is divided into 16
6 judicial circuits. And the Murdaugh family were
7 the chief prosecutors in -- in this one circuit,
8 that includes the Hilton Head area and the lower
9 part of the state, for over 100 years from one
10 family member down to the other. From his
11 grandfather -- great grandfather to Alex's
12 grandfather to Alex's father. And it was quite
13 surprising that it did not then go down to Alex.

21 DEAN LEE FISHER: Right.

22 JUDGE CLIFTON NEWMAN: -- as well. But
23 -- yeah, it presented a lot of challenges as far as
24 ensuring that we have a fair and -- had a fair and
25 impartial jury. Jurors who are not overly

16

1 influenced about his -- who the defendants were.
2 And South Carolina now is a highly -- a state where
3 we have a lot of new people. We have -- a lot of
4 the folks on that jury pool that came in were
5 people who had relocated from Ohio and other
6 places, particularly because it includes the
7 Charleston area.

8 And so whereas the story is a long
9 history within the state of South Carolina, many of
10 the jurors did not know that history.

11 DEAN LEE FISHER: Wasn't there a
12 portrait you had to take down?

13 JUDGE CLIFTON NEWMAN: Yes. A portrait
14 of his grandfather was hung in the courtroom. And
15 anyone coming in the courtroom would likely walk by
16 his portrait and -- and draw the connection.

17 DEAN LEE FISHER: Yes.

18 JUDGE CLIFTON NEWMAN: And his
19 grandfather's name was Buster Murdaugh or referred
20 to as Buster --

21 DEAN LEE FISHER: And one of his sons
22 was named Buster too.

23 JUDGE CLIFTON NEWMAN: And one of the
24 sons was called Buster --

25 DEAN LEE FISHER: Sure. Right.

1 JUDGE CLIFTON NEWMAN: -- not named
2 Buster. His granddad's name wasn't Buster, but was
3 affectionately known as Buster.

4 DEAN LEE FISHER: Okay.

5 JUDGE CLIFTON NEWMAN: And it was quite
6 apparent to me that the portrait should not -- of
7 his grandfather should not be hanging there while a
8 trial is going on of his grandson. So without a
9 motion of either party, I had it taken down.

10 DEAN LEE FISHER: Did you know Alex
11 Murdaugh before this trial?

12 JUDGE CLIFTON NEWMAN: I knew Alex
13 Murdaugh and I know Alex Murdaugh, he as a
14 practicing lawyer. And we, as circuit judges in
15 South Carolina, we -- we truly ride the circuit. I
16 have presided in all 46 counties of the state,
17 including the five counties within the district
18 that his family controlled.

18

1 able to negotiate real good settlements --

2 DEAN LEE FISHER: Yes.

3 JUDGE CLIFTON NEWMAN: -- based on the
4 skills of Alex and other lawyers. So I would not
5 say that I knew him on a personal level, I didn't
6 know him to the extent that would have required me
7 to recuse myself --

8 DEAN LEE FISHER: Sure.

9 JUDGE CLIFTON NEWMAN: -- but -- but
10 casually, I didn't know of him.

11 DEAN LEE FISHER: Well, it sounds like
12 everybody at least knew of him, even if they didn't
13 know of him.

14 JUDGE CLIFTON NEWMAN: Oh, absolutely,
15 that's right. Absolutely every judge in the state
16 would know -- either know him or know of him.

17 DEAN LEE FISHER: I want to go to the
18 moment of sentencing because there were lots of
19 moments in that trial when you showed that you are
20 a great judge, fair, even-handed. But during those
21 moments, there was a personal -- a personal
22 observation you made about the fact that there were
23 almost two Alex Murdaughs. And can you just talk
24 about that a little? I'm not asking you to say
25 anything that you didn't say in court, but just

1 talk a little bit about what you did say in court.

2 JUDGE CLIFTON NEWMAN: Well, you know,
3 after a person is found guilty then, you know, as a
4 judge, my role is to be fair and impartial and to
5 not give any indication one way or the other to a
6 jury -- to jurors of any opinion that I might have
7 and they're instructed that it's solely a matter
8 for them to decide. But after they've made that
9 decision, then I have before me a person who has
10 been convicted of -- of murder, of double murder.
11 And -- and I want to give him an opportunity to
12 explain himself to me. His lawyers decided they
13 did not want to say anything during sentencing --

14 DEAN LEE FISHER: Which is very
15 unusual.

16 JUDGE CLIFTON NEWMAN: Yeah. Yeah. I
17 reserved in my mind an entire day to hear
18 mitigation and family members and friends and --

19 DEAN LEE FISHER: Uh-huh.

20 JUDGE CLIFTON NEWMAN: -- and colleagues
21 to tell me what a great guy he was or at least to
22 try to give me the benefit of their knowledge to
23 assist me in determining a sentence. And I gave
24 him that opportunity because his lawyers decided
25 not to say anything. And that's always very

20

1 difficult, however, when a person has been found
2 guilty and you know that they're going to appeal
3 the case, you're really -- you're really not
4 expecting a confession --

5 DEAN LEE FISHER: Right.

6 JUDGE CLIFTON NEWMAN: -- but through
7 his testimony, he was an admitted drug user and --
8 and he said -- testified that when the -- when he
9 called 9:11 that night, he had a pocket full of
10 opioid pills when the police came. Now, I don't
11 know whether it's true or not, but that's what he
12 testified to. So -- I have -- I was building on
13 experience that I've had on other cases over the
14 years, I'm just not able to get defendants to
15 recall for me the moment that they committed a
16 murder.

17 And he said, well, it wasn't me. And,
18 well, it might not have been you, it might not have
19 been you as you stand here today. It might not
20 have been you that you could take yourself back to
21 that moment. It might have been the creature that
22 you created when you used the drugs. There has to
23 be some explanation. And if it wasn't you, I said
24 it was the monster in you that you became once you
25 were hooked on the drugs or under the influence of

1 the drugs. And that's just the thought that came
2 to my mind. And looking him in the eyes at that
3 moment with really, you know, great empathy for
4 him, I -- he gave himself a way out by saying it
5 wasn't me --

6 DEAN LEE FISHER: Yes, sir.

7 JUDGE CLIFTON NEWMAN: -- I gave him a
8 way out as well, well, I guess it wasn't you, it
9 was the person that you became, another person.
10 And I've seen it over and over again, people are
11 strung out on drugs and it's not them, it's someone
12 else that they -- who they become once they're
13 under the influence.

14 DEAN LEE FISHER: I was driving
15 listening to you talking during the sentencing and
16 when you made that insight, which was a penetrating
17 insight, I actually pulled over to the side of the
18 road and just decided I'm just going to listen to
19 this. Because I think people who listened to that
20 learn something about life, not just about that
21 particular case and also the danger of drugs. And
22 although nobody ever really knows what goes inside
23 the mind of somebody who commits a horrendous
24 crime, it -- it rang true, I think, for millions
25 people who said, yes, good people can do bad things

22

1 if they're under the influence of drugs, they can
2 become monsters.

3 JUDGE CLIFTON NEWMAN: And my
4 experience with him throughout the years, he was a
5 great person. Very friendly. Very affable.
6 Always enjoyed himself and -- and enjoyed life. Of
7 course, that did not include the hidden man that --
8 that none of us knew and apparently very few of his
9 family and friends knew. His -- his law firm
10 members did not know the secret life that he was
11 living.

12 And, you know, it just ended up being a
13 very sad situation. Sad for him. Sad for his
14 family and sad for the community. And especially
15 sad for the profession.

16 DEAN LEE FISHER: You know, I'm against
17 mandatory retirement at any age. And you're a
18 perfect example of why I'm against it because
19 there's a mandatory retirement age at 72. And --
20 and first of all, you look and act as if you're
21 more like 52. But to me, age has nothing to do
22 with it, it's competency. And I think the people
23 of South Carolina and this nation would benefit if
24 you were on the bench for another 20 years.

25 But during this final year as a circuit

1 judge before you perhaps become a senior circuit
2 judge and still handling cases, will you be handing
3 more -- handling more cases related to the family
4 of Murdaugh?

5 JUDGE CLIFTON NEWMAN: As of now, I
6 have the remaining cases involving Murdaugh and
7 many Murdaugh codefendants. I'm from the state of
8 J. Strom Thurmond, who served in the Senate beyond
9 his 100th birthday --

10 DEAN LEE FISHER: Yes.

11 JUDGE CLIFTON NEWMAN: -- and Senator
12 Fritz Hollings who served until he was pushing 90,
13 which was young compared to the senior senator. So
14 it is a very difficult thing when that age
15 limitation is placed on Circuit Court judges and
16 not on Federal judges. And -- but -- but it has
17 some legitimate purpose as well because I think,
18 you know, maybe when that retirement age was put
19 in, the lifespan or projected lifespan wasn't what
20 it is today --

21 DEAN LEE FISHER: That's true.

22 JUDGE CLIFTON NEWMAN: -- I cannot say
23 I'm the man -- have the mental acuity that I had
24 25, 30 years ago, but we make up for it in other
25 ways, you know --

24

1 DEAN LEE FISHER: It's called wisdom.

2 JUDGE CLIFTON NEWMAN: Wisdom and
3 experience accounts for something and I try to use
4 it all.

5 DEAN LEE FISHER: What happens after
6 you retire, do you know?

7 JUDGE CLIFTON NEWMAN: You know, it's
8 sort of like with lawyers, I don't know that
9 lawyers ever retire. I have -- I've gotten some
10 letters from a lot of folks and some have said
11 they're retired lawyers. Well, they're few and far
12 between. I would not like to return to the
13 practice of law, even though I have received a lot
14 of offers and inquiries from firms, I've --
15 mediation firms, arbitration firms, I've been
16 contacted by many of them. And there's the
17 possibility of senior status judging in
18 South Carolina. I don't know exactly, but I'm
19 still optimistic. I'm optimistic about the future
20 on the bench and beyond.

21 DEAN LEE FISHER: Well, I know you
22 teach law right now; don't you? Isn't it at the
23 University of South Carolina School of Law?

24 JUDGE CLIFTON NEWMAN: University of
25 South Carolina School of Law, I teach trial

1 advocacy. And that's a great experience, a
2 challenging experience. And I spent a lot of time
3 talking to lawyers and scrutinizing the performance
4 of lawyers. And -- and to then go from that to
5 being in a classroom with second- and third-year
6 law students and trying to teach them about the
7 practice of law, while they know -- in many
8 instances they know nothing about it, they're just
9 getting their feet wet into it and trying to do the
10 transition from dealing maybe with lawyers who have
11 practiced 30 to 40 years to dealing with someone
12 who is still in law school, it's quite a challenge,
13 but I truly enjoy it.

14 DEAN LEE FISHER: Judge, as we wind
15 down this interview, I have to ask you particularly
16 because of the number of our law students -- in
17 fact, not just our law student, but I'm going to
18 guess a lot of law students throughout the country
19 will listen to this Podcast, any lessons from your
20 remarkable legal and judicial career that just come
21 to mind that law students would benefit from?

22 JUDGE CLIFTON NEWMAN: I think law
23 students need to -- to understand and believe that
24 whatever their personal make-up is, whatever their
25 type personality they have, that that's all they

26

1 can -- can give. They cannot become transformed
2 and transfixed into a new creation -- creature
3 becoming a lawyer. So as long as they have
4 confidence in themselves, they carry with them all
5 the tools they need to be successful lawyers. And
6 I've always banked on being sincere about what I'm
7 doing, spending the time to understand what I'm
8 doing, and to present myself in a manner that --
9 and I've been a trial lawyer throughout my career,
10 prior to judging -- when jurors see me, I want them
11 to see someone who is speaking to them sincerely.
12 And -- and I think that's what many people saw when
13 I was dealing with that trial --

14 DEAN LEE FISHER: Right.

15 JUDGE CLIFTON NEWMAN: -- the sincerity
16 of dealing with the matters before me.

17 DEAN LEE FISHER: There will be books
18 and movies made about that trial. And you will be
19 a central figure. And I hope they do you justice
20 because it should be a serious actor, who plays a
21 serious judge, who is fair, even-handed,
22 even-demeanored, tough when he needs to be, but
23 compassionate also when he needs to be. And that's
24 the kind of judge you are. We could not be more
25 proud that you're a graduate of our law school.

1 And you have a standing offer to teach at our law
2 school anytime you'd like because I know our
3 students would be blessed to have you in front of
4 them --

5 JUDGE CLIFTON NEWMAN: Well, thank you.

6 DEAN LEE FISHER: -- teaching.

7 JUDGE CLIFTON NEWMAN: Thank you.

8 DEAN LEE FISHER: And so I want to
9 thank you again for taking the time today. We're
10 very honored that you'll also be speaking to our
11 law school later today. And this Podcast is in
12 many ways the most important Podcast I have done
13 and maybe will ever do, given what you have done as
14 a judge. So Clifton Newman, South Carolina circuit
15 judge, thank you for a remarkable career and a
16 very, very remarkable Podcast today.

17 JUDGE CLIFTON NEWMAN: And -- and thank
18 you for Cleveland State University College of Law
19 it means the world to me. It has meant the world
20 to me.

21 DEAN LEE FISHER: Which is why you'll
22 be inducted in our hall of fame in 2023.

23 JUDGE CLIFTON NEWMAN: I look forward
24 to it.

25 DEAN LEE FISHER: Great. Thank you.

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1 JUDGE CLIFTON NEWMAN: Thank you.
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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 25th day of October, 2023 at Columbia, Richland County, South Carolina.

Amy R. Cope



Amy R. Cope, Court Reporter
My Commission expires
June 14, 2028

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