

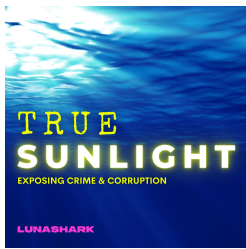
EPISODE 16: Cory Fleming Sentenced to 20 Years for Stealing Satterfield and Pinckney Money + Alex Murdaugh has a New Trial Date

Mandy Matney 0:01

I don't know when the Murdaugh saga will ever end. But today was huge when it comes to accountability and hope for a better justice system and South Carolina. Ultimately Judge Newman sentenced Cory Fleming to 10 to 20 years in state prison for what he said was an "unimaginable and unprecedented crime." That is a very big deal. My name is Mandy Matney. This is true sunlight, a podcast exposing crime and corruption previously known as the Murdaugh Murders Podcast. True sunlight is a luna shark production and written with journalist Liz Farrell.

Mandy Matney 1:08

Hello, hello, we have a lot to talk about today. I feel like the whole universe shifted and now we're back in the land of Murdaugh madness. Last week, things really spiraled into chaos when Dick and Jim filed a long and shocking motion accusing Clerk of Court Becky Hill of jury tampering. Liz and I have spent days dissecting these documents as the accusations against Becky Hill were very serious. We also spend a lot of time rereading Becky Hill's book. Did we find things that were concerning? Yes. Do we think there is a chance of a new trial with this? Not at all. Unless we hear new information that wasn't included in that motion, which could happen because SLED is investigating these allegations. We will do a deep dive into all of that in a future episode, because today we need to talk about the very big deal. Cory Fleming was sentenced to 10 to 20 years in state prison. I say 10 to 20 because he was actually sentenced to 70 years today. He got 50 years total for the Satterfield crime, but each sentence will be served concurrently, meaning he will only have to serve the length of the longest sentence and it will satisfy the rest. The longest sentence was 10 years. That sentence will also run concurrently with his federal time, which means Cory will delay going to state prison by 46 months. The most unexpected part of this was when Judge Newman got to the Pinckney sentence, Cory got a total of 20 years for those crimes and those will be served concurrently. Again, the longest he got for the Pinckney case was 10 years. So he will serve 10 years, and it will satisfy the rest of the sentences in this case. But then the judge said Cory would have to serve the second set of 10 years "consecutively to the sentence you're currently serving." So the confusing thing is, what does that mean? Does it mean that he serves 10 years and then another 10 years, not accounting for any sentence reductions and early release and things like that Cory was not currently serving state time when Judge Newman said that. He was currently serving federal time. So does that mean that the second 10 years starts when Cory is done with his 46 months in federal prison? We don't



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have clarity on that yet, and we are working on it. And we will keep you posted. But the important thing is that Cory is going away to prison for a very long time, and he didn't get to skip out with just club fed. I want to start with the most important part of the day. What Judge Newman so brilliantly said before he threw the book at Cory Fleming.

Judge Clifton Newman 4:26

Well, I guess he's been here listening to argument and presentations and (unintelligible), goodness, about four hours or more. And prior to that time, I was submitted voluminous materials to review. The one thing that I did not review is Judge Gergel's transcript. As much as I admire him and his capabilities as a federal judge and the great work that he does, I don't defer to the federal court system for in making my decisions. I practiced law for 24 years and have been a judge for 23 years. During my time as a prosecutor, I've prosecuted police chiefs, probation officers, professors and as judge, as a judge of sentenced church secretaries, preachers, professors, law enforcement folks. But until I came down to this 14th Circuit in March, I never sentenced a lawyer.

Mandy Matney 6:17

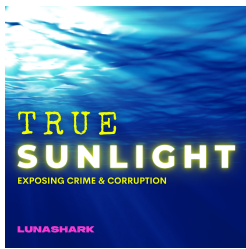
So, Judge Newman is saying one, this is in federal court, and we don't play games here. We do not differ. What a line. And two, Judge Newman is telling us how much experience he has in court. And with all of that experience, he never sentenced the lawyer until he sentenced Alex Murdock to life times two in March of this year.

Judge Clifton Newman 6:46

Now, I have a lawyer, co-defendant, colleague of his, facing 195 years in prison. In addition to sent, dealing with and sentencing all those folks, I've certainly dealt with my share of grand larceny cases. People who might steal automobile facing 10 years in prison, a shoplifter who after the third offense, they're facing 10 years in prison. And I've had my share of sentencing people like the the assailants who were convicted of the crimes that was mentioned, and dished out a lot of time to many of them.

Mandy Matney 7:49

This was the moment I knew things were going downhill fast for Cory Fleming. Judge Newman was thinking about all of the crimes that he has sentenced people for and the money at stake. He is saying, if a guy got 10 years for stealing one car, the



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Satterfield and Pinkney heist would have added up to hundreds and thousands of cars, when you consider all of that money. And this is a part of what makes this crime so unusual. And the other part is a lawyer who did this and use the trust of his clients to steal from them.

Judge Clifton Newman 8:30

So this is my second time in these 47 years having to deal with an issue of sentencing a lawyer. And I cannot imagine a more devastating, more, anything more precedent, this is unprecedented. This is unimaginable. This is, I think, the greatest crime for a lawyer in the history of the state of South Carolina. Certainly in a number of years being faced and the impact of the crimes on the citizens of the state, I cannot imagine anyone going to a lawyer in South Carolina at this moment in time and having complete trust in what that lawyer says to them. Of course, part of my years of practice, I've had clients come to me with, you know, the, and they come in, said that they didn't know how much money they got on their case. They went to the lawyer's office and the check was turned over and they just asked to sign the check. So they came to me to find out how much money they got in their case. This this is totally unprecedented, I cannot, there's no way there was a case in this state where the amount of thievery exceeded what's occurred in this case.

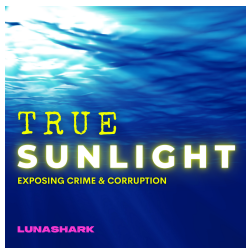
EXPOSING CRIME & CORRUPTION

Mandy Matney 10:29

So Cory was already squirming. As Judge Newman was saying this. His lawyer, Deborah Barbier, had this look of defeat on her face already. An then Newman kept going, and he dropped another clue that he wasn't playing games here. And he compared the impact statements that were made on Cory's behalf earlier in the day, which we will talk about, to a funeral.

Judge Clifton Newman 11:01

Now, the presentations on behalf of Mr. Fleming are certainly inspiring. You know, reminding me of the revival that we had at our church last week, reminded me of funeral services that I've had to attend, particularly within the last year. I've heard a lot of testimonies, so much so that they can go on and on in churches, you know, at a funeral. And so we ask people to limit their comments to two minutes, because everyone has so many good things to say. And most folks reminded me of what was said in federal court, sort of a disregard to the dual sovereignty of the state court. I didn't reread Judge Gergel's transcript. He's in a different system, different



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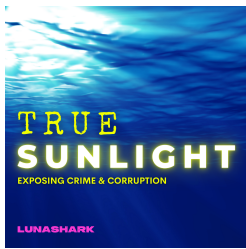
sovereignty. I've never deferred to a federal court to guide my sentence, as a state court judge. Now for all of the great things said, Mr. Fleming, and I made the funeral reference because it as if we're as if he's no longer with us, as if you know, we're at a funeral and that he will not have an opportunity to redeem himself, he will not have an opportunity to do good deeds.

Mandy Matney 12:59

Okay, so when a judge compares your impact statements to a funeral, it's not good. And then it got worse for Cory, so much worse. Judge Newman started talking about the last time he was at the Beaufort County Courthouse just weeks ago for the Christina Pangalangan case. Christina was a special needs child who was left in a hot car to die by her mother and her mother's boyfriend, who were on meth at the time. As Judge Newman was telling this horrifying story, most of us were sitting there thinking, "hmm, I don't know where he's going with this, but it cannot be good for Cory." And it was not. Then judge Newman so powerfully reminded the court that the Pinckney's were vulnerable, like that little girl. And they are taken advantage of, in the worst way. No amount of stories, saying how good of a person the quarry was, and how good Cory was to some, can change that fact. We will talk about those stories in a minute.

Judge Clifton Newman 14:14

And so when I'm listening to Mr. Bamberg, talk about Mr. Pinckney, Hakeem Pinckney, the I'm thinking of that same type of vulnerability that that child had. He was a child at the time, wasn't he? And so he placed his trust in a respected member of the bar, very respected member of this community. And I could tell that by the all of the folks here. I sometimes say that there isn't very much between any of us, we're all have good and we all have bad. And certainly everyone was here to tell me about all the good in Mr. Fleming, but we're dealing with the consequences of the bad and that is as bad as it gets, in this case, for a lawyer who has a prior record. He has no prior convictions. But when you carry on a scheme have over a decade, that's a record. Record that did not result in charges or convictions, but a record of his life. And as bad as it was with Mr. Pinckney, then we moved to the Satterfields, again, vulnerable people. So I imagine, and I know that many of the friends and family and colleagues were totally shocked, not at what the good Cory Fleming has done over a period of time, but this Cory Fleming in these cases. And quite frankly, when the people come to me and learn to lay the burden on me, say "judge, please be lenient."



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That's not my responsibility. I believe in justice and mercy. The leniency is not part of Micah, the scripture.

Mandy Matney 16:55

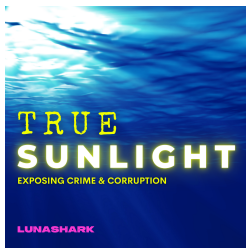
Can you imagine being quarry, and after pleading to more than 23 counts, thinking that you've outsmarted the system by going to federal court quickly and getting a good deal, and then all of a sudden, you're sitting there and state court hearing Judge Newman say the words "leniency is not my responsibility." And then he reminds the court that you're facing 195 years in state prison. Then Judge Newman said this,

Judge Clifton Newman 17:31

My heart bleeds for you, because I have no doubt of the quality of human being that you are, as reflected by all of the positive comments. But you must suffer the consequences of your actions in these cases that you're standing before me for and tempering justice with mercy. It's my responsibility to impose a sentence. And there are so many, if I were to spend time here now imposing a sentence on each of these indictments individually, be here for a few hours probably. So suffice it to say with regard to the Satterfield and I need a clerk here, take notes for me. On Count 10,

Mandy Matney 18:48

This is the moment when I honestly started wondering if Judge Newman was about to sentence Cory to the rest of his life in prison. If your sentencing requires pen, paper, math and notes, it is almost never a good thing. And it was not for Cory. I want to talk about Judge Newman for a second because he was the star of the show today. And he definitely was not trying to be. This was the first time we were seeing Judge Newman after Dick and Jim's jury tampering press conference. And even though they were careful not to blame Judge Newman in their rants, it was clear that at the heart of this, they were trying to not so subtly hint that the judge should recuse himself from Alex's cases, and that they're trying to create a world where Alex's cases aren't heard until after Judge Newman retires. But Judge Newman made it clear Thursday that he does not differ. He does not suffer fools. And more than that he's just a very wise man. This was never more evident than during one of Cory's impact statements. It was one that really captured the gist of not only Judge Newman's wisdom, but the cluelessness of the people who spoke on Korea's behalf.



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Lisa O'Brien 20:22

Good afternoon, Judge. I am Lisa O'Brien and I'm a Beaufort resident, born and raised here. I met Cory and his wife and children at the Y. I taught spin there for about 16 years, and he and his family actively participated in my classes. In 2011, our oldest son was brutally attacked and beaten and robbed in his home in the middle of night here in Port Royal. I didn't ask for help, but Cory knew my anguish. He saw it on my face. And he approached me outside after class, and told me that he and his wife would do anything to help us through this process.

Mandy Matney 21:20

She went on about all of the great things Cory did for her and why she was there speaking on his behalf. She cried, like so many others about how the crimes did not match the quarry that she knew, and how she would still stand up for Cory Fleming even after he admitted to doing horrible things.

Lisa O'Brien 21:42

I would stand up for Cory in a minute, and Eve and his family, because one thing in somebody's life that happens a couple of times does not define them. He is more. The whole picture of who he is, is more than this. And this is terrible, but this does not define him. And I just asked for you to consider that.

Mandy Matney 22:08

But here is where Judge Newman was just purely brilliant. He let her finish speaking. And then he asked her some questions.

Judge Clifton Newman 22:19

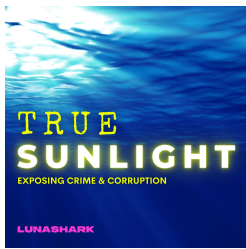
Was the assailant apprehended . . .

Lisa O'Brien 22:22

There were five assailants, and they were apprehended the night of the crime. They were caught by Detective Roof, and it took about two years to prosecute. They did all plead guilty.

Judge Clifton Newman 22:38

How much time, what was their sentence?



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Lisa O'Brien 22:41

It ranged from 15 years to 20 years. For all five.

Judge Clifton Newman 22:49

15 years to 20 years each.

Lisa O'Brien 22:51

Yes, sir. Well, each person was sentenced with a concurrent. So they were charged with three things, burglary in the first degree, armed robbery, and possession of a weapon during a violent crime. The burglary first degree was 20 years for one individual and the armed robbery 20 and five for the weapon. And that process matched each person down the line.

Judge Clifton Newman 23:19

How old were they?

Lisa O'Brien 23:20

They ranged in ages from 23 was the oldest person, the youngest one was about a month from turning 17.

Judge Clifton Newman 23:28

And what year was that?

Lisa O'Brien 23:30

2011.

Judge Clifton Newman 23:32

Are they still in prison?

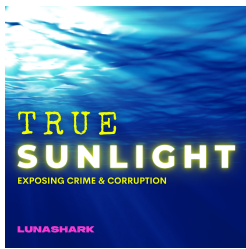
Lisa O'Brien 23:34

Yes, sir. The first one will be released next year.

Judge Clifton Newman 23:40

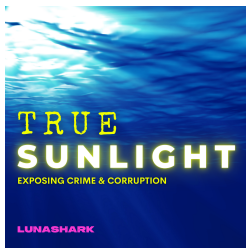
All right, thank you.

Mandy Matney 23:43



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We don't know this woman, so we can't say for sure, but it didn't seem like she was aware of what the judge was doing here. It didn't seem like she was picking up on the irony. But we're sure Cory got it. And we're sure his lawyer friends in the gallery got it too. Through his questions. Judge Newman was reminding this woman that actions have consequences, that when someone breaks the law and causes harm to someone else, we as a society want to make sure that they get held accountable for it. And we especially want that justice when it involves one of our own. This woman was standing up for Cory by telling the story of how Cory helped her family try to get justice for the harm caused to them by these assailants. And she did this while simultaneously asking the judge to give Cory mercy, to give Cory less time than the crimes had earned him. Why? Because Cory is one of her own. It was okay to hold those accountable for what was done to her son. But here in this case that did not affect her? Here, she wanted a different outcome. It was the same thing that was said in federal court. These people, as Eric Bland calls them, "the country club crowd" told the court about the nice things that Cory had done for them, but they still were very tone deaf. Another woman who knew Cory from the YMCA, and who also spoke at his federal hearing told the court about how Cory helped her with their frozen pipes on Christmas Day. Turns out, she was talking about the frozen pipes in her outdoor shower. We're so glad he got her through that tragedy. There were fewer people who spoke on Korea's behalf today because according to his lawyer, they had to leave after lunch for other appointments. But again, there was nothing new here and that is where Debbie's strategy went so wrong. On Thursday, she played the same game against a different team, and it just didn't work. And she seemed to know it. She seemed occasionally flustered and even at one time, accidentally referred to Cory as Mr. Guilty instead of Mr. Fleming. Remember in True Sunlight a few episodes ago after Korea's Federal sentencing when Liz said that we were concerned that Debbie might have Fairy Godmother'd Cory out of the state charges and that our federal government allowed her to do it for so very little in return. Specifically, we were really worried that Debbie was going to rob the South Carolina Attorney General's Office of their ability to do their job and prosecute Cory for not only the 18 Satterfield charges, but also the five Pinckney charges. And remember, Cory didn't plead to any Pinckney charges in federal court, but he did pay restitution for them and let the Pinckneys speak during his federal sentencing, which we thought was a way of Debbie brilliantly paving a path to club fed for quarry. Thankfully, we were wrong.



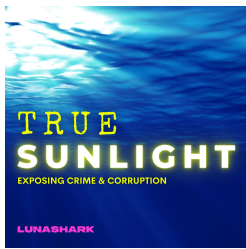
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Mandy Matney 27:27

Though we will give credit for getting so much closer to the finish line than Alex and Russell's attorneys did and ever will. She almost did it. But she was out of moves. Debbie ended up focusing a lot of our game Thursday on emphasizing that Cory had already been sentenced in federal court. And by the way, can we just say one thing, shame on the federal government for allowing this obvious bypassing of state accountability in favor of softening the landing for these guys. Shame on every single one of them. The plan was clearly twofold. The first step was to get a nice reduction of Cory's 23 state charges into a tight little package of one charge for which he would serve very little time. The second step was to get the state to drop its charges or in lieu of that have Cory throw himself at the mercy of the court while reminding the court that he has already been sentenced for these crimes. Well, Creighton argued that the state had the right to hold someone accountable for breaking its laws. Debbie argued that the state and federal government want the same thing.

Debbie Barbier 28:56

I know that the South Carolina Attorney General's Office and the United States Attorney's Office share the exact same goals. And those, the primary goals of those offices are number one to protect the public. And number two, to promote respect for the rule of law. And number three, to defer and deter future misconduct, and also, in the end, to ensure that a punishment that is sufficient, but not greater than necessary, is imposed. And I submit to your honor that all of these goals are accomplished in a concurrent sentence. No individual, no individual should be forced to serve two separate sentences for the exact same illegal conduct. And I want to address a matter that Mr. Bamberg and Mr. Waters has both raised regarding the Pinckney matter. The Pinckney matter was fully included in the state sentence and miss, and Judge Gergel made that extremely clear. It was included in the loss calculations. They were notified under the mandatory victims act. They, their, the loss amounts were included in the loss calculation. The restitution was ordered on the Pinckney case. Miss Pinckney and Mr. Bamberg were, were available to speak at the sentencing. They attended all the hearings that I'm aware of. And they've been given treatment just as any other victim in federal court. So that matter has been heard. And it has, it wasn't litigated because Mr. Fleming acknowledged his guilt in those matters. And so they're this idea that justice hasn't been served in that case. I find, you know, I take issue with that, because it has I mean, you don't order restitution in a case, unless there's findings made, and unless they are considered victims in the



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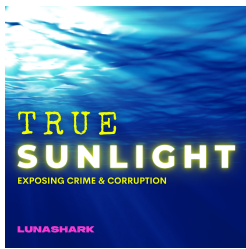
case, and unless that conduct was folded into the sentence is created by Judge Gergel. And so Your Honor, when I would submit is that the desire to pursue dual prosecutions is it's within the discretion of these prosecuting bodies. But it also, that desire still has to be tempered by the rule of law. And justice, I would submit is not served for South Carolinians or defendants by obtaining multiple convictions and in a private high profile case, and requiring a man to serve two separate sentences for the same offenses. And that, Your Honor, is consistent with the rule of law. I would I would submit, Your Honor, that in and there's been a lot of talk about this involves a state license and a state court system and state judges and I don't disagree with any of that. Of course, it does, I mean that's why we're here because Mr. Fleming is admitted guilty in that. But when you look to, you know, who the the United States Attorney's Office and the Attorney General's Office, who they serve, they serve the public. And there's it's not two separate publics, it is the public.

Mandy Matney 32:06

But here's the thing, they don't have the same goals. In fact, today prove to us that Federal Court was exactly what we thought it was a soft place to land for the good ol' boy criminals. Attorneys Eric Bland and Justin Bamberg both pointed this out in their individually remarkable impact statements on behalf of the Satterfields and the Pinckneys. Now, unlike federal court, Eric and Justin were given time and space to say what they needed to say. Both of them made three very crucial points. One, that there were real victims in these crimes. Two, that quarry did not accept full responsibility until he saw an easy out with the feds. And three, this isn't federal court, its state court for state crimes. And if we want to send a message so that no other lawyer ever does this, again, leniency in state court is not the answer. Here's Eric.

Eric Bland 33:19

He fought these charges, he wrote a letter to the Georgia Bar and unlike our South Carolina Board proceedings, that Georgia Bar proceedings are over. I was complaining party because whenever I bring a claim against the lawyer for malfeasance, or theft, it's my duty to notify the bar, and so I notify South Carolina Bar and Georgia Bar, so I'm part of the process in Georgia. They, they, they want to hear from the complaining party. So when Mr. Fleming filed his response to the Georgia Bar complaint, I got it. It was a 57 page response and he did under oath swear to tell the truth. Just like he's going to do when he stands before you today. You know, he



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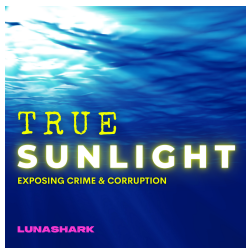
told the Georgia Bar? I was a victim of Alex Murdaugh's (unintelligible). I had no idea what he was doing. I was duped just like everybody else. I didn't understand how to do the structure like of Forge. Mr. Waters share with you that February 2017 letter. It was crystal clear. And you've already done structures, but even if you haven't done structures, it says you can never get the check as the settling plaintiff lawyer. It's got to go from the paying insurance company to the annuity insurance company that's gonna issue the structure. He already got the checks. Like Mr. Waters said, Forge doesn't get money. They're a broker. You don't send money to Forge. He goes to an insurance company. But in that 57 page response, he says, I had no idea what was going on. He did, you know what he said? I stole from my law partners. I didn't steal from the clients. When I stole those three checks of the \$9500, the \$8500, and the \$9,000, I was stealing from my law partners. By the way, Judge, you read the rules of professional conduct? We don't have license to steal from our law partners, either. That's another no-no. So I know, you're a just judge. I watched you. I've watched you your entire career. I know how much you care about what our profession, I certainly know how much you care about our state. And this whole Murdaugh-Fleming-Laffitte debacle has stained our state.

Mandy Matney 35:53

For Eric, it felt like this speech had been building up at the back of his throat for years. It was a powerful moment hearing it all come out.

Eric Bland 36:05

And I'm gonna leave with saying one thing. The hand of one is the hand of all. And Mr. Fleming is pleading guilty to every single charge, which means every single element of every single crime and every single fact that Mr. Waters has announced form the basis of those. So I asked you to do your, your duty to look at this, as these are state court independent charges, not to look at well, he's been sentenced in federal court. So that kind of takes care. These are claims that our citizens, the state of South Carolina, brought through Grand Jury advanced with our dollars towards the South Carolina Attorney General. And I'm confident in the end, at the end, you will give that proportionate just sentence that deals with retribution to punish Mr. Fleming appropriately, but not overly so. Deterrence, to tell me every other lawyer, you cannot steal from your clients, your duties are to your clients, not to yourself. Thank you.



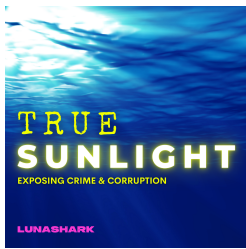
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Mandy Matney 37:18

I have to say, I got teary eyed watching both Eric and Justin in court today. I thought back to two years ago this month when I first met Eric Bland and was blown away by his energy. And I thought back to the moment my friend Justin, who I knew as a local reporter called me to tell me he was officially in the game of the Murdaugh madness representing one of Alec's financial victims. I felt like a proud little sister listening to my big brothers fight for good and justice today. The way they both gave Tony Satterfield a nod a confidence and pride when he spoke and forgave Cory, it was beautiful, and a reminder of how so many of us have gotten so close through these tragedies, and sometimes how good people prevail. Here's Justin explaining to Judge Newman, exactly what Cory did to his client, Mrs. Pinckney

Justin Bamberg 38:19

And instead of being a supportive lawyer, instead of showing compassion, and care, empathy or sympathy. He could have said to this woman, I am so sorry for what you went through. I want to own up to the fact that I took some of your money. No, he didn't. In fact, they took the money and full to the college world series to watch baseball. Meanwhile, this woman is still recovering. She's still dealing with the loss of her son. And no one cared. And I've said this before, Miss Pinckney, myself, the Pinckney family, no one. Everyone believes that Mr. Fleming regrets everything that he did. not just to them, but so the Satterfield family over a decade later, nobody doubts that he regrets it. It's hard to not regret your decisions when you're sitting there. I think everybody regrets that except complete sociopaths. We do not believe that he is remorseful for what he did. And there is a difference between I regret getting caught, getting in trouble and true remorse for what I did to you. When we hear these numbers, Your Honor, and we hear numbers like half a million dollars. We hear numbers like \$3 million. We hear about total amount of money stolen. We have to remember that where we come from, myself, Miss Pinckney, I'm talking about geographically, where we live, where \$8,000 check, \$9,600 check. Yes, for privileged attorneys and others who either have been very blessed, very successful, or worked very hard to get there. It may not sound like a lot of money when you're about \$4 million give or take. Minimum wage in our state, Your Honor, \$15,850, if you're if you're making minimum wage. That's how much you earn working for a year. Some of the money that Miss Pinckney lost, she would have to work over half a year to earn and then pay taxes on it. This is not a small amount of money. This is not a victimless crime.



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Mandy Matney 40:50

And again, Justin made sure he got it on the record that Cory saw the federal court as an opportunity for him. And let me be clear here, the Feds let him have that opportunity.

Justin Bamberg 41:06

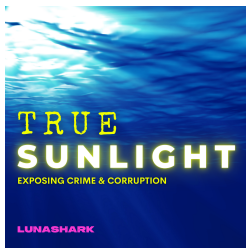
Oh, Your Honor, we trust the system. And I echo much of what Eric Bland said. This was a black eye to attorneys, it was a black eye to the legal professionals, black eye to our state. But it was a dagger in the heart of the clients who trusted their lawyers. Because Mr. Fleming knew he wasn't supposed to do it. We firmly believe and I've had in depth conversations with Miss Pinckney about this, it wasn't until the federal government came and now there was this window of opportunity to possibly serve a sentence in federal court that Mr. Fleming was then willing to say, "yes, I did XYZ." Up to that, there was no "yes Miss Pinckney, I took your money." That wasn't represented, represented to the ODC Ethics as you here to remind reference. It went an odd and odd amount. And one of the most difficult things for Miss Pinckney, and every other victim, is having to know that you are truly a victim of bad acts from bad actors. And then hear those same bad actors who took bad acts say that they're a victim. It's demeaning. It reopens all wounds and it's highly offensive. And in the world of white collar crime, Your Honor, if we talk about Wall Street, it's not necessarily people stealing your money and you willingly give it to the investment banker. No one willingly gave Cory Fleming their money. He deceived them, he took it.

Mandy Matney 42:54

And Creighton Waters was on fire Thursday as well. Big Creighton Energy all day. He knows this case like the back of his hand. Like he did a few weeks ago, in Cory's plea hearing, Creighton used this amazing speeding analogy to show the judge exactly what Cory did and why punishing him in federal court is just not enough.

Creighton Waters 43:21

And you may hear essentially, that the state attorney general, state law enforcement division are being unreasonable, because we refuse to accept and just check the box that Mr. Fleming was only doing 58. Instead insisting because of the hard work that was done, follow these folks to really dig deep and uncover the truth. The truth matters, Your Honor, the truth about what happened to the system matters. The fact

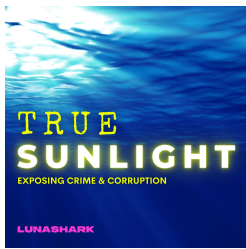


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that he was doing 90 miles an hour matters. It matters. It's not enough to just say I did 58 And we say okay, that's fine. We're done here. What really happened matters. When it affects the integrity of the system, when it was abuse of the system of the very courtroom in which we're in right now. Your Honor, independent accountability for his abuse of his state law licenses, state court actions is warranted in this case. Consecutive time is warranted. Consecutive time is warranted for the extent of the reality of what Mr. Fleming did to the Satterfields exposed in this courtroom. Them 90 miles an hour. Independent accountability is warranted for that, above and beyond whatever was before. I'll give Mr. Fleming credit for pleaded guilty. But he doesn't get credit for the delta, for the difference between 58 and 90 miles an hour. And his inability and refusal to admit to that, to only admitting to the most mitigating version of events that he can no longer deny, because you caught red handed, that only should get so much credit, Your Honor. And there needs to be independent accountability for the truth of what happened to the Satterfield's above and beyond any other proceeding that has nothing to do with what happened here, what this proceeding. Independent accountability is warranted for Pamela Pinckney, who, as Mr. Bamberg said, has convictions relating to the conduct victimizing her in this court. And while you may hear that in another proceeding, they rolled that into a PSR. That's not the same thing and we don't even get them. I don't know what's in that thing. It doesn't matter though. A lawyer should not get one stop shopping for victimizing multiple clients over the course of a decade. It's not buy one, get one free. There should be independent accountability here today, consecutive accountability for Miss Pinckney, he should not get buy one, get one free. And independent accountability is again warranted for the state judicial system itself. It must defend itself and have its own independent accountability. And that allows someone, when the state is unhappy with 58 miles an hour to just make a deal, and that'd be the end of it. I asked, Your Honor, for consecutive sentencing. Ask Your Honor that even if you run sentencing for the Satterfield's as concurrent, to anything else that happened, that any sentence for the Pinckneys be consecutive. I ask Your Honor not to let Mr. Fleming who I think we have established has not completely come clean with the reality of his behavior and only admit it to what he's admitting to now because he got caught red handed.

Mandy Matney 47:19

During his closing, Creighton Waters threw some serious shade at the feds. He referred to federal court as "down the street." As of Cory was able to just trot down

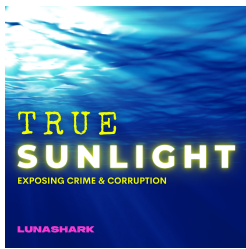


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the street and strike a deal to bypass accountability here in South Carolina. It was a big deal. He said this on record as the struggle between the state and the feds continues in Murdaugh land. This was the AGs office saying in a big way "look what happens when y'all get these cases, you make deals with the bad guys, and where is the accountability in that?"

Creighton Waters 47:59

And so when he's talks about accepting responsibility, he's not accepting true responsibility. And that is why there needs to be accountability in state court. That is why that when the state said, "hold on Mr. Fleming, that doesn't fit with the facts, that doesn't fit with common sense, that doesn't fit with all we know about how this went down, Mr. Fleming," and we said give us some more information, give us some more time. Mr. Fleming instead, went down the street and made a deal to just bypass accountability in this courtroom, which this is where the afront occurred. Mr. Fleming, Miss Barbier, when into great detail and Mr. Fleming said it to about how he pled guilty in federal court with no deals, no deals, and he talks about how the Pinckneys were considered in the pre-sentencing report, which of course the state doesn't have, we don't know what was in that. But what he leaves out when they make this great presentation to you how they pled with no deals and therefore that's enough, just let the feds handle it. We just thumb our nose at the state, thumb our nose at our obligations and the agreement we signed and went down the street. What he leaves out is is that he was allowed to plead to a single, lesser offense, one charge zero to five years. If you've done one charge of what it should have been and that's a 20 year offense, and even Judge Gergel in the plea transcript on page 75 when they were trying to say well, there's no deals we didn't do a substantial or downward departure says, well, in some ways you've already given him a 5k which is a downward departure motion, by allowing him to plead to the less serious offense. One charge for zero to five years. It's not enough, Your Honor. It's not enough for the reasons that I expressed to you. It's not enough because of the difference between what was admitted to in federal court and what we have exposed here today. It's not enough, because of the difference that today is where there's the first real accountability, a real conviction for Pamela Pinckney. And it's not enough because the state judicial system needs its say for those who have abuse it. I said before, a lawyer should not have a decade of conduct and get one stop shop. For that reason, we submit there should be at lead sentence for the Satterfields, and a consecutive lead sentence for the Pinckneys.



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Mandy Matney 50:54

And that is how the state showed the feds how it is done. That is how Creighton Waters, Justin Bamberg, Eric Bland, and so many others work together to get Cory Fleming a sentence that would send a message to other lawyers in South Carolina who think that they are above the law. That 20 year sentence should make a lot of bad people in the low country really nervous. And that is a big deal.

Liz Farrell 51:39

If any of us had any questions about whether Judge Newman had an opinion on Dick and Jim's latest efforts to get Alex a new trial, or if he had any thoughts on the continued efforts of Russell's twin flame attorneys Todd Rutherford and Mark Moore to delay Russell's trial until never, we all got that answer within 30 or so seconds of the hearing starting on Thursday. Creighton Waters began by introducing the first matter of business, why Russell Laffitte was here today. Immediately, Judge Newman corrected him.

Creighton Waters 52:13

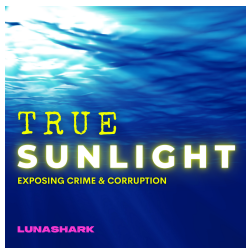
We're here to discuss the case, to discuss a trial date.

Judge Clifton Newman 52:19

Not to discuss a trial date, to set a trial date.

Liz Farrell 52:24

This is when we knew that Judge Newman was not there to indulge idiot behavior. Now, what is idiot behavior? I'm sure we all have our own definitions. For today. It's lawyers whose main objective it is to delay proceedings by any means necessary, not by citing case law or pointing to the rules of procedure or the rules of evidence. But by talking loudly with unearned confidence and using shell game arguments. Picture your kids arguing with you over bedtime. Now picture yourself paying them hundreds of dollars an hour to do that. That's what it was like. So before Judge Newman entered the room, Russell appeared to be engaged in to quote Dick Harpootlian from the murder trial when describing Paul Murdaugh snapchat video by the kennels "convivial" conversation with Todd. Russell even appeared to be smiling. But when the hearing started, all that changed. Russell crossed his arms and he looked stern. Mark Moore across his arms and looked uncomfortable, and Todd



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sat back with the air of a man who can make money simply by saying, "Oh, no, sorry, I can't do that on that date because I'm a state legislator." While Creighton read Russell's state charges into the record, Russell helped himself to the courthouse pitchers that were at his table and appeared to be downing water just so he'd have something to do with his hands. He was there for a scheduling hearing, so what would he be so nervous about? Right? He's clearly dealt with worse. Well, today was the first day that we know of that he'd be seeing Alec in person since all this started. Alex is the whole reason Russell is in this mess. He's the whole reason Russell is headed to Florida to start his seven year federal prison sentence next Thursday. Let's pause here for a second because this is kind of funny. Reporter Michael DeWitt tweeted the day before the trial, that these hearings in Beaufort County Courthouse would be a criminal reunion of sorts, which is so true. This was going to be a reunion. And even though we were sort of dreading this hearing, because we were prepared to be disappointed on some level because the federal sentencing hearings were so infuriating, this reunion was at least something to look forward to. How would these guys act when they saw each other? The crime boss Alex would be in the same spot as two of his co-conspirators, one of them in the same room at the same time. Okay, back to what was happening. Within a minute or so of Mark Moore speaking. Judge Newman stopped him. Judge Newman was like, nope, let's put a pause on you. Mark's argument was that they couldn't schedule a trial date now, because Russell still hadn't heard from the Fourth Circuit Court of Appeals on his motion to appeal his federal conviction.

Judge Clifton Newman 55:16

Alright, so we're here to talk about federal case. I'm here to talk about this case, the state case.

Mark Moore 55:23

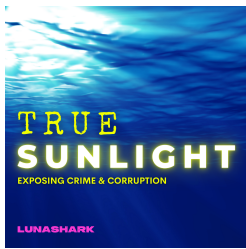
Your Honor, I'm just telling you, because they have some relationship to each other.

Judge Clifton Newman 55:29

What is the relationship?

Liz Farrell 55:31

Mark told the judge the relationship is that the evidence is mostly the same and that Alex's financial crimes haven't been severed from Russell's, meaning that what



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happens in Alex's trial could have an effect on Russell's trial. Judge Newman wasn't having that either.

Judge Clifton Newman 55:50

And we set this case aside and proceed with Mr. Murdaugh's case. We'll come back to this case.

Mark Moore 55:58

So you want us to step aside?

Judge Clifton Newman 55:59

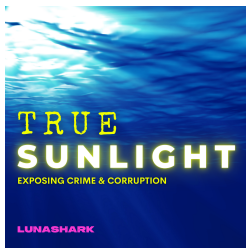
That's what I just said, yes.

Liz Farrell 56:06

You heard that right. Judge Newman was like, yeah, that's what I just said. This was the second time that we realized that he was not in the kind of soft and generous and perhaps tolerant mood that Korea's defense was likely hoping for, and it certainly didn't help that he had Russell's shenanigans and Alex's shenanigans to deal with beforehand. Instead of starting with Russell's tap dancing, we were going to start with Alex now. Russell got up and went to sit on the bench behind the defense table, and Alex's team took their place. Then Dick's paralegal Holli came over and seemed to whisper something in Todd's ear. He immediately hopped up, just as Dick was saying, bring in Mr. Murdaugh. Todd got Russell out of there, kind of. He ended up seating Russell in that frenzy of a half second on the aisle at the front right by where Alex was going to walk. It's hard to tell if the two looked each other in the eyes. Russell did keep his head up though. Then he sat about 12 feet away from Alex while Alex's attorneys went scorched earth on Judge Newman.

Mandy Matney 57:20

Which reminds me the most horrifying part of today. Toward the beginning of the very long hearing Thursday, Alex Murdaugh was shuffled into court wearing his prison pajamas. This was the first time we have seen Alex Murdaugh in state court since the trial in March. He looks like Prison Alex, short hair, cold face, blank stare, orange fit. As he was escorted to the defense chair, he walked past Russell Laffitte and his newly appointed attorney State Representative Todd Rutherford. You know that Todd Rutherford, the one who made the deal that got murdered Jeroid Price

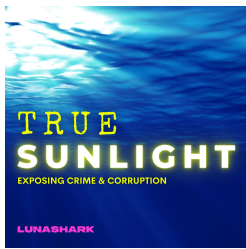


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out of prison and sent the state into a very costly cleanup mode scrambling to find him which they eventually did. As Alex waddled his way to his seat Representative Rutherford made it a point to stand up and shake Alec's hand. Rutherford actually smiled at Alex. He was bright eyed and bushy tail, almost fan girling It was like he was meeting Taylor Swift, but it was Alex Murdaugh. Alex Murdaugh, the man convicted of murdering his family, the man accused of stealing millions from the most vulnerable, the man who used and abused the justice system of South Carolina, the one that Todd Rutherford works for. Actions speak louder than words and this action shook the building for me and confirmed everything I ever suspected about Todd Rutherford. As a taxpayer of South Carolina. I was horrified to see this man who serves on the committee to elect judges in our state offer a friendly handshake to a convicted murderer. Todd Rutherford is one of the most powerful Democrats in the state of South Carolina. He has been a member of the South Carolina House since the 1990s and currently serves as the House minority leader. He has his own law firm which specializes in criminal defense work. Again, fine, we know that lawmakers have to make a living somewhere. What isn't fine is seeing how many times these two worlds collide for these guys and how the public almost always loses, no matter what anyone says no matter how many times these guys try to convince the public that lawyer-lawmakers don't have a special in with the justice system, we know that it's not true, because we see that it is not true. Over and over, we see what is happening. Rutherford standing up to shake hands with Alex Murdaugh tells us just how skewed our system is. It also raises questions about whether Todd's stunt with Jeroid Price could have been some sort of chess move for Alex or Russell, meaning let's see if we can use this new law to get a murderer out of prison early without anyone noticing. But mostly, this is a politician in front of the world saying "I can shake hands with this murderer who still has more power than the voters of South Carolina and I don't care what they think." It shows that Alex Murdaugh still has power and guys like Todd Rutherford, are still going to stick with them even after a murder conviction. Because after all, South Carolina is the land of no consequences.

Liz Farrell 1:01:22

And speaking of the land of no consequences, Dick was there prepared to give the full Harpootlian experience. The objective was to delay Alex's trial on the financial crimes until again, never or at least until Judge Newman retired. Here's how that went. First, Creighton read Alex's charges into the record. It took a full two minutes and 41 seconds to do that. He told the court that Alex's cases remain a priority and



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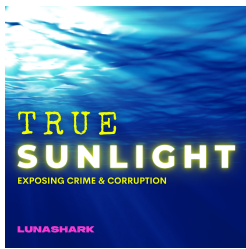
that the Satterfield case was chief among those. He also noted that the state was prepared to try these cases last April, meaning he made sure to remind Judge Newman that this wasn't their first visit to the "let's delay everything Dumbo circus." Then it was Dick's turn to speak. The audio was pretty bad at this point. So I'll just paraphrase what was said? Dick was like we have a bunch of objections. What's the rush on this? Also our impression is that you're retiring January 1. Judge Newman was like hmm, tell me about this impression of yours. Then Dick basically said, Oh, if I got that wrong, I apologize. And he immediately went into Plan B. Okay. Retirement thing didn't work. So now I'll tell him about how busy Jim and I are through the end of the year. Dick told the court about how he has the oldest civil case in Lexington County that scheduled for October. He made sure to let everyone know this case was about the deaths of five children probably in the hopes of earning some nobility points and sympathy from the judge. Side note, by the way, these kids were killed by their father, Dick is representing the mother and is suing the state's Department of Social Services. Our state senator has been locked in an eight year battle to get a big payday from a state agency, which would be great if it resulted in meaningful change to the system. But is that what it's about? Sorry, this is a fair question. Then Dick said this,

Dick Harpootlian 1:03:19

Your Honor, is going to take some time to get ready for this case. But more importantly, maybe this is the toughest thing, I have to say that this case was tried finished six months ago. It clearly I don't think anyone will dispute who has had more publicity in any case in the history of this state, and maybe the country on national television every day for six weeks. The motions are motions hearings are covered, and they're here again today. It has been podcasted and blogged, you know, we got podcasters out there who are gripping their 15 minutes, hanging by their fingernails wanting more of their 15 minutes of fame and continue to talk about this.

Liz Farrell 1:04:16

Would you look at this guy? Now we're not so vain as to think this song is about us. Because who's that sitting next to Dick? Why it's Jim Griffin, the millionth place Murdaugh podcaster, who joined the fray after the murder trial, after the 15 minutes were supposed to be over by Dick Harpootlian's estimation and oh, what's that there? Oh, it's the motion that was probably written by Phil Barber and Maggie Fox, but that Dick and Jim are taking credit for, asking for everyone to do all of this again



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with another trial. I'd like to again quote Dick when he left the Colleton County Courthouse after Alex's sentencing and saw that there was no big gathering of media waiting for him and his team like there was for the attorney general's office. "Hey, where did everybody go?" It's all so wild. After ranting about podcasters, Dick then decided to go for broke with Judge Newman, who was not having it.

Dick Harpootlian 1:05:20

I understand one of the solutions to massive pretrial which is a change of venue. And Your Honor, to try to try this case in less than a year after the verdict came in. In the other case, don't we need to calm down? Where are you going to get a jury? Bars? I mean, there's no

Judge Clifton Newman 1:05:43

Allendale, Orangeburg, Beaufort, Colleton, Hampton. There's not a sense of humor, we have many counties where these indictments were issued. I'm not presuming that a jury cannot be impaneled, just as the trial took place on Colleton County, there was no motion to change venue. I'm not presuming any prejudice on the test is not based on speculation. The test is whether or not a jury can be impaneled, we first have to attempt to get a jury according to the law.

Dick Harpootlian 1:06:25

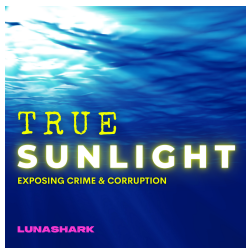
What I'm saying is I think it'd be an exercise in futility. I know if we've been interviewing jurors and you know, in the murder trial, there was a juror on that jury who woulda coulda been excused, been on a jury panel within the previous year and told other jurors, I want on this trial.

Liz Farrell 1:06:45

We'd like to interrupt this whining with a fun fact. Of the 18 people who were chosen for Alex murder trial jury, seven of them said they had never heard of the case. And every juror was asked whether they could put aside any opinions they might have to impartially look at the evidence presented to them. Next, Dick brought up the elephant in the room and Judge Newman had a response for him.

Dick Harpootlian 1:07:09

And that I'm afraid is what happens on that motion for a new trial and (unintelligible) discovered evidence. The Attorney General is going to file a response tomorrow. We



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believe the court will (unintelligible) before the circuit court judge to determine whether or not the clerk of court tampered with that jury. And that is very (unintelligible). So we would go forward with another trial for that matters and all that matters to litigate.

Judge Clifton Newman 1:07:09
(Unintelligible) in Colleton County.

Dick Harpootlian 1:07:42

We, Your Honor, that that idea that somehow something happens in Colleton County doesn't affect what happens in Beaufort County with this national case, do they not have television in Allendale County? Internet?

Judge Clifton Newman 1:07:57
I don't know.

Dick Harpootlian 1:07:58

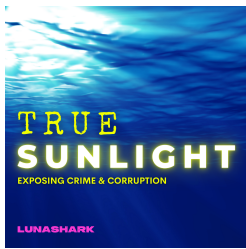
What's, what's the hurry? That's the other point. What is the hurry, that he's pleading in federal court next Thursday? Every allegation to state has made, the victims will have their day in court. We plead, you know we plead, Mr. Murdaugh to the state charges that the state insists on doing them in serial so they get three convictions so they get life without parole, (unintelligible) aren't already serving two life sentences without parole. This is just another attempt to get more publicity to make this another national case. Your Honor, I'm offended with the Attorney General when he's got many other cases are much older than this, but granted Court TV won't be there for them. This is another effort in creating a national spectacle.

Liz Farrell 1:08:51

Ooh, I have an idea. Maybe Dick and Jim can discuss how offended they are by this being a national trial with Court TV cameras when they're taking their flight down to Florida to appear in front of true crime fans at CrimeCon. Next Dick seem to accuse Judge Newman of being biased.

Dick Harpootlian 1:09:09

Now, Your Honor had some things to say about Mr. Murdaugh's at his sentencing. You obviously believe he's guilty of that. You obviously and the jury found him guilty



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of that. But I would ask you to put those feelings aside and give us a chance to litigate this jury tampering issue. Allow Mr. Griffin and I have time (unintelligible) before we get to trial on this, prepare for those trials, which we won't with our calendar for the fall. And third thing is why didn't the Attorney General put some distance between the conviction in a murder case and the trial if there has to be a trial on the on the financial financial cases? As you know I was a prosecutor (unintelligible) I'm bewildered by this. Surely they can do it. But why? Why? What is the hurry?

Liz Farrell 1:10:10

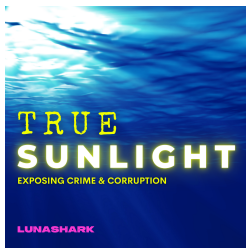
He always has to throw in there that he used to be a prosecutor and therefore knows better I guess. Next up was Creighton with words of beauty. He addressed the fact that lawyers are just going to have to suck it up because the world is different now. And he put on the record that thing we all know is happening. Dick and Jim are using the federal government as a get out of South Carolina prison free card. Alec is planning to plead guilty next Thursday in federal court. And like we saw with Korea's case, this is all about getting Alec into federal prison, where the majority of the population looks like him and out of state prison where the majority of the population does not.

Creighton Waters 1:10:50

We are in 2023, the reality of media environment is what it is. And unless we're gonna say the judicial system just can't function because of publicity, that just leaves nothing left. This is just the reality that we live in. And so what the defense team wants to do is try to essentially run down the street to the federal authorities and bypass the accountability that needs to happen in state court for the direct assault or abuse of a state law license. On this courtroom, Your honor, we are on the other courtrooms or the other counties that I named. The state judiciary needs, the state judicial system needs to answer for this very the allegations of this assault. And that's why this is important. That's why this case has priority. And that's why the state seeks to move it forward.

Liz Farrell 1:11:37

This got Dick fired up. He shifted gears and went for a classic tactic. He put on his best outrageous voice and then ranted about something that the defense had requested in the first place and was granted.



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Dick Harpootlian 1:11:53

Well, this wasn't his argument a year ago when he called the murder case first. The murder case was indicted after the financial crimes. And it wasn't that important then, now all of a sudden, it's you know, the most important thing in the world. I wouldn't I would suggest, Your Honor, that he made a decision to try to work that case first, not the financial crimes. And as a result we've been put in the position, you know, where we're at today.

Creighton Waters 1:12:23

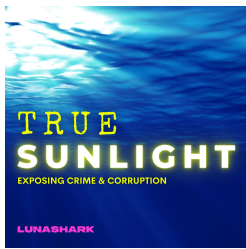
Your Honor, that is absolutely not what happened. I even said I was happy to try, try the white collar cases first. It was the defense's motion for a speedy trial and Mr. Harpootlian's waiver of his legislative immunity was what led to the murder cases being done first. It was the defense that went to trial for a case they filed a motion for a speedy trial and the state said, okay, let's do it.

Liz Farrell 1:12:47

Can you imagine a world in which you either get caught in a lie on national television or you're just simply so used to arguing whatever side of an issue you need to in the moment that you forget the truth, you get called out and corrected on the facts. And then you turn it around on the other person and blame them for letting you do the thing in the first place. Like I said earlier, it's like arguing with kids about their bedtimes with these guys. After this exchange, Judge Newman was like, okay, so I'll give you three bedtime choices and you get to say which one you want. Dick and Jim chose November 27 for Alex's financial trial. Then they discussed when to hear motions. Creighton pointed out that Veterans Day was going to be observed on November 10 of this year and in came Dick with the insults about state employees not wanting to work on Veterans Day and the whining about his wife.

Dick Harpootlian 1:13:40

God knows I don't want to have to work on Veterans Day. Oh my god. I know the state government people are enjoying these holidays, but we're going to have to rearrange a major personal item to deal with this. I plan to take Thanksgiving and visit my wife overseas. That ain't happening now. Got to call her when I leave here. So perhaps we'll have to work better today. I'm sorry.



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Creighton Waters 1:14:08

I will say these people actually made work just as hard as they do and Your Honor saw that.

Liz Farrell 1:14:12

I just want to point out how stale it is for lawyers to still be making wife jokes in court at this point. It's 2023. Your wife is a lawyer to and the ambassador of Slovenia, Dick. She's not some stereotype of a battleaxe who's always giving you grief about coming home late on pot roast night. After this Judge Newman asked Dick and Jim and Creighton if there was anything else to discuss about Alex and then Mark Moore jumped up.

Judge Clifton Newman 1:14:36

Anything else we need to talk about in this case?

Mark Moore 1:14:42

Your Honor, I

Judge Clifton Newman 1:14:43

This case, you're not in this case. We're coming to you next.

Mark Moore 1:14:51

I'm just charged with him on the other case.

Judge Clifton Newman 1:14:54

Charged with what?

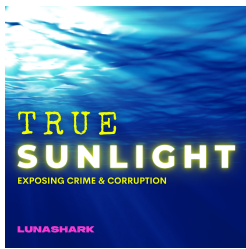
Mark Moore 1:14:55

My client is charged jointly with Mr. Murdaugh, not as (unintelligible).

Judge Clifton Newman 1:15:01

As indicated, he's calling the State v Murdaugh in a Satterfield case, unless you want to voluntarily join in.

Liz Farrell 1:15:14



EPISODE 16: Cory Fleming Sentenced to 20 Years for Stealing Satterfield and Pinckney Money + Alex Murdaugh has a New Trial Date

These men really our children. After Alec left the room, it was Russell's turn again, and it was a mess. And it's a mess. we're going to spare you. Here's what you need to know about this. Russell was convicted in November of last year, almost a full year ago. And he has remained for all practical purposes free. In April, Todd joined Russell's team and claimed he needed to get caught up on things. So the judge postpone setting a date for the state trial. Then in August, they said they needed more time. So the judge said fine, we'll talk about this in September. And here we are in September. And Todd and Mark are saying that they need more time because, a: they're waiting on the appeal, b: Russell has been assigned to a Florida prison and they need to be able to meet with their client to prepare for the state case. And c:

Mark Moore 1:16:03

I haven't read this transcript.

Judge Clifton Newman 1:16:04

You have not read those transcript.

Mark Moore 1:16:04

I have not read those transcripts as of yet.

Judge Clifton Newman 1:16:09

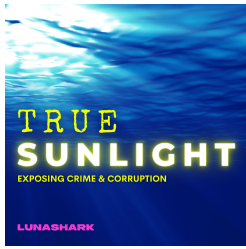
When was the the first time you appeared at a status conference in this case and requested more time?

Mark Moore 1:16:18

Here the status conference, I believe back in April, Your Honor, and we've been dealing with the federal case ever since. And I understand that the federal case is different than the state case. But I was not aware until today that we might be talking about trying case as well. And that's on me, okay. And if I have to get ready, I have to get ready. But I have not read all 30 of those transcripts. I have not, I have looked at a couple. But I have not read all 30 of them. I have not.

Mandy Matney 1:16:50

You know some people's last names are their old timey ancestral occupations like Smith and Miller's. Same goes for Mark because he always seems to need more time to do his homework. Also, he always seems to be given more time, Judge Newman



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agreed to meet again in six weeks to discuss the trial date because of the sticky issue regarding Russell's federal prison assignment. And can we talk about that for a second, too? He wanted to be placed in Jessup, Georgia, where Cory is now headed and the federal government was apparently like, what's that Russell? You want Florida? Sure. And now he can use that to his advantage. These guys are so messy, they create chaos, or they invite chaos. And then they cite that chaos as the reason they can't be held accountable just yet. Which is why sunlight matters. Continued sunlight, because we all know what happens in the dark. Stay tuned, stay pesky and stay in the sunlight.

Mandy Matney 1:18:25

True Sunlight is created by me, Mandy Matney, co-hosted by journalist Liz Farrell, and produced by my husband David Moses. True Sunlight is a Luna Shark Production. Right, Luna?

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