



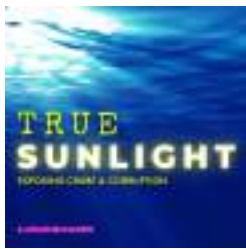
EPISODE 33: A Rapist and Killer Let Off Easy + Can the Justice System Withstand the Weight of Alex Murdaugh

Mandy Matney 00:03

I don't know what Justice Jean Toal will decide in Alex Murdaugh's case, but make no mistake this is the most important month in South Carolina's judicial system. Will it forever be the land of no consequences for dangerous men who refuse to follow the rules? Will we continue to allow convicted criminals to terrorize public trust and safety or is it finally time for change? For real change? 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 LunaShark production written with journalist Liz Farrell.

Mandy Matney 01:06

Hello, it is the second week of January and wow. The month has already been just as dramatic and absurd as I would expect it. It's been very clear to us in the last few weeks that Team Murdaugh and their trolls are working overtime as we get closer to the moment when Justice Toal will decide Alex Murdaugh's, and really the entire justice system's fate. This is the most important month not just in the Murdaugh case, but in the South Carolina justice system. They have called in their biggest gun and one of the most legendary legal minds in our state, Justice Jean Toal to save the system. But saving it from whom is the question. Is it from Alex Murdaugh and men like him who can use lies, money and legal trickery to wrestle the system into submission? Or are they saving it for Alex Murdaugh and those like him, someone who maintains that his constitutional rights were violated at the hands of a messy and foolish small town clerk who got swept up in the chaos of the limelight during the biggest murder trial in South Carolina's history. I keep seeing people, particularly those in the media saying things like, "If Becky is guilty of what Dick and Jim are accusing her of then Alex Murdaugh



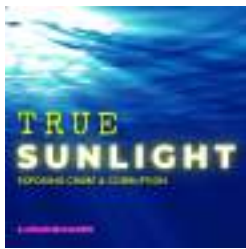
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deserves a new trial. Everyone deserves a fair trial." And they say, "I know he was guilty, but he deserves a fair trial." Well, we hear you, and we understand how sacred this right is not just individually, but of maintaining the integrity of the system as a whole. And before you start sending your angry emails to me, let's think about this. Does the system really have that much integrity right now? What are we trying to protect exactly? Are we trying to protect the system that allowed thrice accused rapist Bowen Turner off without serious prison time? The system that allowed Carmen Mullen to still be a judge after she was caught on tape trying to convince law enforcement to arrest a mentally ill man for a crime he did not commit? Are we trying to protect the system that allowed Representative Todd Rutherford to get a murderer out of prison 15 years early under extremely suspicious circumstances? Are we really trying to protect the system that allowed Solicitor Duffy Stone to give Alex the power - to give Alex the solicitor's badge and blue lights on his vehicle with little to show of what he did to earn that right? Are we really trying to protect the system that allowed Solicitor Duffy Stone to go back to business as usual after he was suspiciously involved in the Murdaugh murders investigation when he had major conflicts of interest? I could go on and on and on. But y'all get the point. We need to take a good look at our system and ask ourselves tough questions about its integrity before we start moving mountains to protect it on behalf of Alex Murdaugh. If you believe Alex Murdaugh is guilty of the murders and the financial crimes, wouldn't the system delivering justice in this case mean that he deserves life behind bars? Let's be clear here. We are talking about the current allegations of jury tampering. If evidence comes out this month that Becky's behavior actually influenced the jury, I would understand the cries for a new trial. But now? Alex Murdaugh was found guilty in a trial where he had the luxury of a multimillion dollar defense that made million dollar mistakes. Why



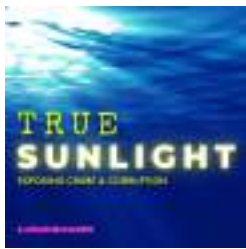
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should he get a do over? Just because he can afford a team of people who are really good at finding ways to exploit the tiniest bits of truth and scream about them until the facts become so distorted no one knows what is real and what isn't? And what about Maggie and Paul? What does justice mean for them? And why don't we hear that question enough? There are people grieving in silence because to remind the world that there are victims here is somehow an affront to the Murdaugh's. And what about those who have stuck their necks out to speak out against Alex Murdaugh? Shouldn't the system, if it truly cares about the greater good, do more to protect them than Alex? And what about public safety? I've noticed this too often in South Carolina. Public safety becomes an afterthought for too many who work in the legal system. Is it because a lot of the men making the laws, I'm talking about the dudes with lots of money and lots of power, is it because they are worried that much about public safety? After all, they are less likely to be victims of violent crimes. The case I want to focus on today is a perfect example of our failed system that simply doesn't take crimes against women seriously. I want to start off today's episode by talking about a case that both Liz and I covered before Alex Murdaugh decided to kill Maggie and Paul in 2021. It is about a man named Eckerin Frazier, who, unfortunately, but predictably came up on our radar again recently. In many ways, Eckerin's case has contributed to our drive to fight for victims by bringing sunlight to areas of the justice system that have existed in the dark corner for far too long. Let me tell you about this case and why it's another example of why it is so important to call out these problems. I know that the 14th Circuit Solicitor's Office, would rather we not bring those things up or question any of their prosecutorial decisions. But I think you know by now exactly what we think of the job Duffy Stone has done. Stone is up for election next year, by the way, and we really hope there is an optimistic lawyer in the Low



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Country willing to challenge him and if you know someone who is, please reach out to us. We understand that the job of the top prosecutor is a tough one, especially in the Low Country where everything is so messy, but I hope there is someone out there willing to do their part to change it. Duffy, like the Murdaugh's when they were in office, has grown used to running unopposed and his track record shows it. Case in point Eckerin O'dell Frazier, who will turn 60 in February. Frazier has an alarming history of violence against women. And yet the 14th Circuit Solicitor's Office, let him off easy three times now. To start off, I want to say I believe that people can be rehabilitated. I believe that they can change and be better, that they can learn from their prison time and devote the rest of their lives to being upstanding citizens. But I also believe that when someone shows you who they are, you need to believe them, especially when who they are is a danger to society. And I believe that there's a system that is supposed to help keep the community safer, but that system continues to fail its people. So let's talk about the first incident Frazier was involved in in 1982. When, as an 18-year old Frazier admittedly attacked and raped a 65-year old woman at the beach where she was vacationing with her family on Hilton Head Island. The crime was an unforgettable nightmare for women on Hilton Head at the time. Around 7:45 in the morning, this woman was swimming at the Port Royal beach when Frazier hit her in the back of the head, shoved her into the dunes and violently raped her to the point that her ribs cracked. A group of beach goers along with the woman's daughter heard the screams. The beachgoers chased Frazier to a golf course where he hid in the woods for hours before he was eventually arrested by Beaufort County deputies. He admitted to the rape and guess who gave him a sweetheart deal? Randolph Buster Murdaugh Jr. aka Alex's grandfather hooked him up with a 10-year sentence that he only had to serve a fraction of. He was released after



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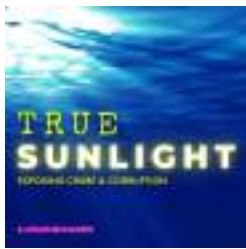
just five years. The excuse given at the time of the decision was that the woman didn't speak English and had gone back to Germany. But according to our research, the woman was willing to testify. Buster Murdaugh decided it would be easier to strike a plea deal and move on. And guess what happened? Just six years later, after the violent rape on the beach, Frazier's violence against older women struck again, but this time he didn't let his victim live to testify. In 1988, 60-year old Bertha Neaman's body was found behind the church on Hilton Head Island. This week, Liz and I sat down to talk with Bob Bromage, the Beaufort County Cold Case detective who solved Bertha's case 12 years later. Or, he solved part of it. We will let Bob, who is now Public Safety Director for the town of Hilton Head explain:

Bob Bromage 10:59

Okay, March 1988, a newspaper delivery woman Bertha Neaman was on her regular routes, which was in the middle of the night, early morning hours on the north end of Hilton Head Island. The next morning, her boss noticed she wasn't at work and called the sheriff's office because that was not Bearth Neaman to not show up for work, she's a very consistent, regular person. He called in a report and shortly thereafter, they found her vehicle off of Marshland Road. It had been abandoned, I believe the doors were open in the vehicle. It was a van which she carried newspapers in and while they were doing that, a caretaker of New Church of Christ on Spanish Wells Road found a body behind the church. And it was in fact Bertha Neaman. She was deceased of apparent, multiple gunshot wounds.

Liz Farrell 11:48

Bertha wasn't just killed, though. It appeared that she had also been sexually assaulted.



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Bob Bromage 11:53

Well the position of her clothing when they found her body led them to believe either she was dragged out of the vehicle or somebody had sexually assaulted her. But also during forensic autopsy, they were able to determine that there was sexual activity in proximity to death. So it was highly suspected she was a victim of sexual assault and murder at that point. Persons of interest were developed early on in the investigation. Of course, Hilton Head was a smaller place back then, in 1988. So, you had your regular recidivists that would always come up in the investigations and one was Eckerin Frazier. And the interesting thing about Eckerin Frazier he had sexually assaulted and been convicted of sexually assaulting a German tourist in 1982, which he did approximately five years in prison, but upon his release, you know. She identified him after the sexual assault, physically identified him. So it was, it was a great case. He pled to it. He did a couple years, like I said, four or five years, was released and was put on the sexual offender registry at that point. And he became a suspect in the Bertha Neaman case as well. Eckerin Frazier was in his 20's at the time, and seemed to target older women.

Liz Farrell 13:06

When Bob began looking into Beaufort County's oldest unsolved cases more than 20 years ago, he worked closely with SLED to take advantage of the latest forensic technology available at the time. Unfortunately, though, it wasn't advanced enough. While law enforcement was able to develop a profile from semen evidence in the case, it ended up not being a complete profile. In the meantime, though, Bob went to get a DNA sample from Frazier. In addition to Frazier's history, the case file showed that investigators in 1988 had considered him to be a person of interest.



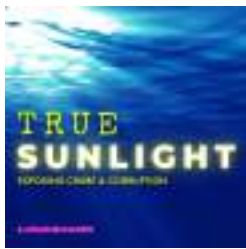
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Bob Bromage 13:45

And I visited a prison that Eckerin was actually staying in at the time and interviewed him. But in addition to that, I went through his cell with the contraband officer at that prison. And in the prison, we found a cardboard...piece of cardboard with handwriting all over it that had women's names, dates, and locations, and one was Bertha 1988-1989, Spanish Wells. So that really stuck out as something, you know, just, it's a building block. But you get into the informants also providing information that Eckerin admitted to them that he killed Bertha Neaman and then sexually assaulted her. But again, we did not have a sexual assault case. At that point, that weak profile we really didn't...weren't able to prove it. Eckerin, we compelled him to provide his DNA through a court order, based on the probable cause we had developed in the case with talking to the informants and the piece of cardboard. He submitted to DNA at that point, and when he provided it, we sent it to SLED and they were not able to make a match on it because again, it was a very weak partial profile. We really didn't didn't have enough for the sexual assault. We certainly had enough to pursue at least, what it was knocked down to was voluntary manslaughter and the family at the time was happy with that because if we went to trial, there's a great chance of losing that case.

Liz Farrell 15:03

Enter Randolph Murdaugh. Bob said that because the murder case was not strong enough to stand on its own at that point, Randolph Murdaugh, who was Solicitor at that time, decided to reduce the charge to voluntary manslaughter and package it with Frazier's armed robbery charge.



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Bob Bromage 15:21

I think I remember Randolph Murdaugh, the prosecutor at the time, the solicitor asked him during the plea deal, "I have one question, Your Honor, Eckerin Frazier, did you shoot and kill Bertha Neaman?" He said, "Yes, sir, I did."

Liz Farrell 15:32

Frazier received a 25-year sentence and ended up serving 85% of it. Before Frazier's term was up, though, Bob decided to get one final question answered. Even though Frazier had admitted to killing Bertha, he did not admit to raping her. More than that, the partial profile that was developed did not seem to be his. Leading Bob to believe that Frazier had perhaps committed the murder with another man. In 2005, the case was featured in an episode of *Cold Case Files*. In the episode, a SLED agent says that Bertha was either sexually assaulted by an unknown assailant, or she had been carrying on some sort of dalliance that her family had not been aware of. That question lingered for years. Well until 2019, when Bob instructed the Beaufort County Sheriff's office's forensic sciences lab to look at the evidence in Bertha's case and see if the latest technology held any answers for them. Bob was surprised to learn that the semen did belong to Eckerin Frazier. Here's Bob again:

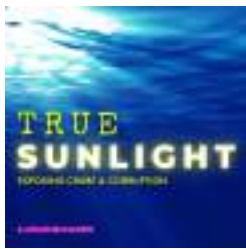
Bob Bromage 16:46

To have that closure for the family, the family, of course, had to hear for many, many years that their mother may have been out there having sexual relations with somebody that they had no idea who it was, or is she a victim of rape? Could it have been somebody with Eckerin at the time? But of course, during that process, I eliminated those people as well. The DNA, the initial analysis, did not include Eckerin Frazier. So at



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that point, I'm looking for somebody else, in my mind, right? And based on the technology available at the time, it was brand new technology, highly sensitive, so it was prone to interference and whatever else back then. That's how it was explained to me. And I said, "Okay, well, we can...let's wait 'til technology is better. Let's give it another look." But again, the family would have wanted, and they did want to know what was going on with their mother. So when I resubmitted it for analysis here in Beaufort County, our lab has state of the art equipment, brand new, the best equipment available. So they processed that evidence again and came up with two areas of a complete male DNA profiling semen that was a mixture with, of course, Bertha Neaman from autopsy. So that was strong evidence. And of course, when they came back with who it was, I was doing my research right away on double jeopardy to make sure that this wasn't going to, you know, if this could be a standalone case with the murder, their voluntary manslaughter being separate, and it was it was not. He had not been charged sexual assault. So I approached prosecutors at that point. They weren't excited about the case because he had done 22 years, I think. And he was in prison and I went to the magistrate court, spoke with the sheriff and went to magistrate and the magistrate issued a warrant for criminal sexual conduct first degree for Eckerin Frazier, in connection with the sexual assault of Bertha Neaman. And that was in 2019 following the DNA results. But again, did the research on double jeopardy, Solicitor's Office also did the research, they said we don't find any case law that would prevent you from charging so that's where that went. So got the arrest warrant. He was served in the summer of 2019 with that arrest warrant and following his release they were going to deal with the case. So closer to his release in 2021 they were going to revisit it to see if they were going to bring it to trial or not.



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Liz Farrell 19:13

So almost 20 years after Eckerin Frazier was convicted of killing Bertha Neaman he was charged in her rape. And thus began an interesting conversation. Frazier was nearing the end of his sentence for killing Bertha and for robbing the Hampton Inn. He had never pleaded guilty to sexually assaulting her or had taken any accountability for it whatsoever. Worse than that, while in prison Frazier was disciplined multiple times for sexual infractions, meaning on paper at least, it did not look like Frazier had been rehabilitated. This presented a problem for Bob and for the Sheriff's Office. Hilton Head is not just a beautiful place to live. It's largely made up of retirees. In other words, the age group that seemed to appeal to Frazier. Frazier's case was unusual because no one had ever heard of a man being convicted of one crime committed against a woman and then 20 years later, being charged for a second crime committed against that woman, at the same time that the first crime had been committed. It was so encouraging to see law enforcement value a woman's life in that way to say that it also mattered to them that she was raped before she died, to want to hold the person who did this to her accountable for it.

Bob Bromage 20:27

That's a very close knit family, great people, very cooperative in the investigation, very appreciative. And, again, they would expect us to...due diligence, they were all about prosecuting him for the sexual assault of their mother. And so was I, and so was the sheriff's office in general. So, you know, it would never occur to me, unless it was double jeopardy we could not prosecute the case, to allow this to occur and give him a break on it. It just didn't make any sense to me at all. And now, fast forward 2023 in November, he's on the sexual offender registry, he fails to show up to register. So where was Eckerin Frazier



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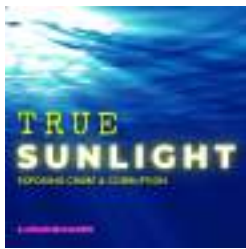
now? Where is this repeat offender? Where's this repeat offender that clearly was a danger to the community. Danger to the community, on the sexual offender registry and required to register? I was hoping for it to be prosecuted. And certainly when you bring a charge, that's what you expect. And it was a solid charge we're talking about. And I don't have the DNA report in front of me. But the statistics were, you know, I mean, just overwhelming. Like one, you know, one in seven quadrillion or something like that. I believe that's like, 15 zeros on top of the seven, actually. But yes, there was...it was a huge number. A good case.

Mandy Matney 21:49

Unfortunately, this isn't what happened. We asked Bob to elaborate on why the 14th Circuit Solicitor's Office, aka Duffy's office, decided to drop the case in August of 2021, effectively signing Frazier's Get Out of Jail Free card.

Bob Bromage 22:09

I'd rather not get into that directly. I wasn't satisfied with it clearly. Clearly, and still not. You know, when I was going through Instagram, over the past several days, up pops Eckerin Frazier. Up he pops. I believe I, I know what I did with that. I looked at it and I was like, "Oh my God. Here we go again. Here we go again." And it's alarming. And this should, you know, should not have slipped through the cracks clearly. I mean, it should not have. It was a good case in my estimation. I've been working criminal investigation for over 30 years. So I can look at something and say, "Okay, that's worth prosecuting." Like, again, going back to 2001, when we're looking at the totality of what we had, if we went to trial for murder or sexual assault, either or we stood a of good chance of losing that case in front of a jury. So this particular case, with the DNA evidence to support it, again, I believe there's two areas of DNA that

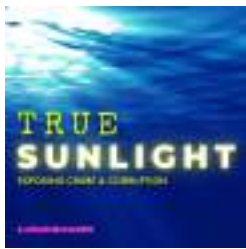


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matched Eckerin Frazier and that's solid. There were several things that stood out that's just like, wait this is not somebody that's done anything to rehabilitate. Somebody who's back out. It's like suspended animation when they're in prison. We go back to the Teddy Powell case. And you and I've talked about that. He was gone for 20 some odd years, well he gets right back out and now he's savvy about how to destroy evidence, and he's gonna do the same thing in Georgia. Yeah, I mean, it could be a topic for another conversation. But that was the biggest learning case in my career. And I learned more from that just by looking at prior bad acts, what these people do and how they progress from peeping toms to sexual assaults and murder. Wow.

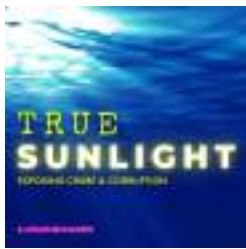
Liz Farrell 23:52

We don't have to tell you how often rape cases go un-prosecuted, or how often victims are further harmed by a system purporting to want to help them. That's why this case frustrated us so much. Here was a case that offered prosecutors an opportunity to show the 14th Circuit what they're made of and what they value. This was an unusual case and could have stood as an example of what comes from never giving up. Yes, at the end of the day, Bob was able to get an answer for the victims who never left his mind. But now he had to witness the family's disappointment and fear as the man who had killed their mother was about to be released. Now, of course, there's an argument to be made about whether Frazier had, in theory, also already served time for a crime he did not admit to and of course, a man should be given a chance to show the community that he has changed. But like we said, all evidence was pointing to he hasn't changed. In fact, when Mandy was reporting on Frazier's release in 2021, she discovered that Frazier had lied to the Department of Corrections and the probation office about where he was going to be living on the island. The person he



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listed on his form had no idea that Frazier had planned to come stay with him and further had no connection to Frazier. And still Frazier was released. At the time, I was working with Bob at the sheriff's office and Frazier's release felt like a kick to the stomach. It was like a countdown clock had started and every woman over the age of 60 on Hilton Head was a sitting duck. So, it was no surprise when I saw that there was an arrest warrant out for Frazier. This past week, he had failed to register as a sex offender in the 1982 rape case. And by the way, we were annoyed to discover that the first and second offense of failing to register as a sex offender are just misdemeanors. Luckily, Frazier turned himself into law enforcement. Monday he posted bond and is again a free man. This case still haunts us. While we understand fully that every prosecutor's office has to make difficult decisions every day about who to prosecute, and who not to prosecute, it seems like cases involving violence against women often get minimized or dropped because they're often viewed as too challenging and too complex. But here's the fear at the heart of all of this. The justice system was so tightly controlled by the Murdaugh family for so long. Duffy Stone has his position because of Randolph. And there have been times when we have questioned if Duffy works for the people who elected him or for the Murdaugh family and their friends. We've heard so many stories of Duffy allowing the good ole boys to cloud his judgment. So we have to ask, is the system that was built by the Murdaugh's the one we want in the 14th Circuit anymore? Is it a functional system? Does the system even know how to be a functional system when all it's ever known is Murdaugh? And finally and most importantly, who does it serve? Because when a dedicated detective delivers what seems like a slam dunk case, one that would send a message that when someone is charged with a crime, and there's strong evidence to show that the person committed said crime, then that case will be prosecuted in good faith. These are the cases we want



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to bring more sunlight to. Cases that could otherwise be solved. Justice that would otherwise be served if not for a corrupted system getting in the way. So if there's one thing we've learned about Dick and Jim, it's that they both appear to have become lawyers at about six-years old when they discovered that kids could change a narrative simply by screaming their sibling's name immediately after whatever loud disaster they created away from the view of their parents knowing that their parents first suspect was going to be the sibling. I think in previous episodes, we've also compared their style to the "stop hitting yourself" method, which is when you use someone else's hand to smack them in the face. Meaning what seems to be true isn't always the case. That said, the pre-hearing brief that team Murdaugh filed last week in preparation for the January 16th status hearing does not disappoint in that regard. It's impressively laugh out loud funny in places. Let's start with the serious parts. First, though, Dick and Jim do not have any evidence of jury tampering according to this brief. Additionally, Dick and Jim think the evidence against Alex is strong and then it shows Alex killed Maggie and Paul. Wait. They said that in the brief. Okay. Essentially, in their brief, they admitted to the court that the Egg Lady jurors dismissal is not evidence of jury tampering. Here's David with the exact wording that Dick and Jim used in two separate parts of their January 3rd brief about the Egg Lady juror, known as Juror 785:

DAVID MOSES 29:02

This state correctly notes that the only relevance of the Facebook post Ms. Hill fabricated to remove juror 785, her book plans or her other post-trial actions is to impeach Ms. Hill.



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Liz Farrell 29:16

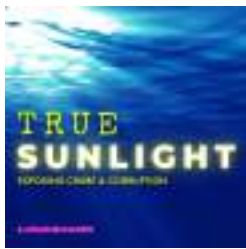
They forgot the word “allegedly” before the word “fabricated”. So we will know that it's only an accusation at this point that Becky fabricated the post. Given that Becky seems to be fully in her suspicions era we will have to leave that open though. Later in the brief Dick and Jim wrote this. Here's David again:

DAVID MOSES 29:36

It includes evidence related to her involvement in the removal of Juror 785. Not because the removal itself is grounds for a new trial, but because Juror 785 has availed Ms. Hill was involved with her removal in an improper and dishonest way that if true would serve to impeach Ms. Hill's credibility.

Liz Farrell 30:03

Meaning this was never about any assertion that Becky tried to have the Egg Lady removed so that Alex would be found guilty, but rather simply to show the court that Becky is a liar, and therefore her word cannot be trusted against any juror who says she talked to them about material evidence of the case, which as of now does not appear to be any of them. Even the one Dick and Jim have on their side. You got that right. This entire time, Dick and Jim have ridden that horse that Becky sought to remove Egg Lady to get a guilty verdict so she could sell her book, though they never said it exactly that way. They certainly used the catchiness of the story to guide the public, the media and their social media fans toward the idea that what happened with the Egg Lady juror was proof that Becky had tampered with the jury. I mean, look how much of their filings have been about the Egg Lady and that Facebook post. They put a lot of effort into this, even sending poor old Phil Barber down to Georgia to dig up that random guy's family drama



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and get an affidavit. But boy did people run with all of this. Conflating the Egg Lady's removal with the Facebook post and using it as proof that Becky did tamper with this jury, and that it was plain as day to anyone with eyes and ears. As recently as this past week, New York Post reporter Dana Kennedy even mentioned it in her story about why Alex might get a do over. Here's David with what she wrote about this:

DAVID MOSES 31:33

What also could come during the evidentiary hearing is whether the one juror who was widely believed to be a lone holdout against voting to convict Murdaugh was improperly removed from the jury just hours before they began deliberations. The controversial removal of the “so called” Egg Lady Juror involves Hill because of an alleged incriminating Facebook post by the juror’s ex-husband that Hill claims to have seen, but which she hasn’t been able to prove ever existed.

EXPOSING CRIME & CORRUPTION

Liz Farrell 32:11

Again, this phrase “improperly removed” is from Dick and Jim's brief and not a reflection of the facts. Let's go through that really quickly. Can we agree that Judge Newman gave the jurors an order not to speak about the trial with each other or outside of the courtroom for the duration of the trial? Can we agree that Judge Newman repeated this directive many times a day throughout the trial? Now, can we agree that a judge has the right to remove a juror who violated that order by talking outside of the courtroom? As Judge Newman noted during their in-chambers proceedings with the Egg Lady he didn't have to question her at all and could have actually removed her without an investigation, but he wanted to rule fairly and with an abundance of caution. He wanted to give her a chance to save herself. But she couldn't do that. The transcripts clearly show that Dick and Jim were

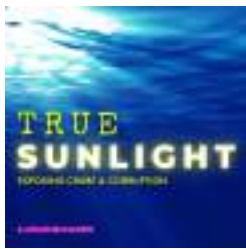


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part of the process of sussing out whether the Egg Lady had in fact spoken about the case outside of the courtroom. They got to question the tenants and they even asked one tenant for clarification about a statement to SLED. Of course, now Dick and Jim are maintaining that these statements were coerced and not the truth. Additionally, they did not object to the Egg Lady's removal. Why? They had no grounds to object.

Mandy Matney 33:26

But since we're asking questions, what would have happened had they objected? It probably would have put more of a spotlight on the Egg Lady Juror and invited more scrutiny right? It could have gotten worse for them. In that chambers hearing, Judge Newman not only took into consideration that the tenants were saying that this juror had violated his order, he took the Egg Lady's husband's words into consideration. He too said she had spoken with him about the case meaning Judge Newman caught Egg Lady in a lie even without the tenant's affidavits. Over the weekend *Law & Crime* reporter Agenette Levy published a thread on Twitter of six posts, two which have since been deleted. All related to that odd Facebook post and the removal of the Egg Lady juror in the thread. She insinuated that the Facebook post factored into Judge Newman's decision to remove the Egg Lady and she posits that there was something fishy in her removal, noting that the Egg Lady was widely viewed as being favorable to the defense along with the alternate juror known as Blanket Lady. The Blanket Lady, like the Egg Lady, never rendered a verdict, by the way. When challenged by a Twitter user about her use of the phrase "widely viewed" Agenette responded that it was just a feeling and quote, "Well, a lot of us in the media talk to one another so I guess we widely viewed it." She concludes her thread by noting that whether the result of Alex's verdict



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would have been different is not the legal standard. But she says there are a lot of questions that need to be answered starting on January 29th. She says, quote, “The entire thing about the Facebook post is very suspect, given the fact everyone felt Egg Lady would hang the jury.” What was the point of all that, right? Other than to further solidify this idea that the answer to whether the jury was tampered with lies with the Egg Lady juror. But let's get back to our break down. How a juror may or may not be thinking before they got into a room to hash it out with each other is not a guarantee of how that juror would have actually voted. It is an indication, sure, but look at the only juror Dick and Jim have on their side. According to the filings Juror 630, who claims she questioned whether the State had proven Alex's guilt, but decided three hours in she was just voting along with the majority because she felt pressure. So let's remove the verdict altogether. Can we agree that a judge who hears from three people, including the woman's husband, that the woman violated his order that a judge pretty much has no choice but to excuse the juror because otherwise his order was meaningless? Sure, Judge Newman could have decided otherwise. But it would have added chaos to a very chaotic murder trial. Also, this was at the tail end of the trial. This was half a million dollars into the trial. The wisest thing to do was what he did. It does not matter how this juror would have ruled because she lost that chance through her own actions to have a say. Now, let's go back to Becky's character and their desire to impeach it, and how every week Becky somehow makes it easier for them. At this point, it is almost funny to discuss this, given all that's come out about Becky in the past few months. Like we keep saying Becky's ignorance and foolishness carved a much easier road for Team Murdaugh. But we still also believe that this unraveling has been wholly fueled by Team Murdaugh. Becky's own behavior was weaponized. But Dick and Jim are asking the court to allow them to



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question Becky on the stand in public, we happen to agree with their argument. She's a public official. If she was elected to office by the people she needs to answer to the people. The point is, they don't want her to be questioned by the judge in a room without the cameras, they want to make sure that the spotlight will be firmly on her. Additionally, they are arguing that they should be allowed to present the totality of evidence they have against her, and that the court should not view that totality as repetitive or redundant. Meaning they're asking to make that same point over and over and over again, that Becky is a liar. But why?

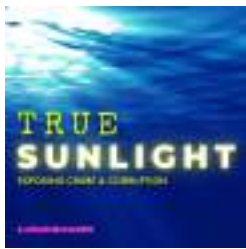
Liz Farrell 38:45

I mean, obviously, we know the why. But why is her character so important when no jurors are saying she spoke to them about material evidence related to the trial? We've said this all along. There isn't a he said, she said right now. Not that we've seen, not that we've heard about. That phrase is important by the way, material evidence. Dick and Jim have told the court that they can prove that Becky did this and that the subject matter of what she said wasn't harmless. In other words, she wasn't just asking the jury about what they wanted for lunch. But the State maintains that Becky told the jurors to pay attention to testimony, not just Alex's testimony. More than that, like we said in past episodes, the only juror who Dick and Jim have who rendered a verdict, Juror 630 seems to have confused Creighton Waters' closing statements and Judge Newman's instructions to the jury with what she thinks she heard Becky say. Also she is reportedly another one of Egg Lady's tenants so there's a power differential there that needs to be acknowledged. The Egg Lady is reportedly angry that she didn't get to enter her verdict. And speaking of credibility issues, Dick and Jim are apparently going to have a difficult time with hers. She not only got dismissed from the jury for disobeying an order and then lying to the



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judge, once the judge found out that Becky had spoken to her about the Facebook post, the Egg Lady was asked more about that. She was asked more about what Becky said to her and other jurors. According to a filing from the State, the court specifically asked her if Becky had discussed the case with any of the jurors. Whether Becky had discussed anything about the case with anyone on the jury. And the Egg Lady said, "Not that I'm aware of." After procuring Dick's friend Joe McCullough as her attorney, the Egg Lady has a different awareness. Okay, so Dick and Jim not only want the ability to repeatedly show that Becky is not someone whose word can be fully trusted, they want to be able to say it over and over and over again. And they want the standard to be a preponderance of evidence, meaning they want the judge to rule in favor of a new trial based not on a standard of beyond a reasonable doubt, but rather the idea that based on the evidence, it's likely that Becky did do this. To that end, they're asking the court to allow them to enter repetitive and redundant testimony onto the record and setting case law to support their argument. They don't want to be restricted in their pursuit of discrediting Becky on the stand. But here's the thing, and they acknowledge this, Becky is under criminal investigation. That was further confirmed by SLED this week, that there are two investigations into her alleged actions. There's one into her tampering with a jury, because let's not forget, this is a criminal allegation Dick and Jim are making and there's one into whether she used her public office for personal gain. At the heart of that is the accusation that she gave herself and her staff authorized bonuses from federal funds. The fact that Becky is under criminal investigation makes it likely that she'll choose to invoke her Fifth Amendment rights to not incriminate herself. And maybe that was the point of all this, even though Dick and Jim are asking the court not to allow it. Remember, two things can be true at the same time. Becky can be guilty of the

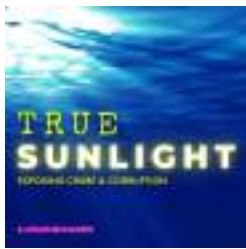


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ethics allegations made against her but not guilty of tampering with the jury. But what better cloak than to make it so she can't defend herself from the stand. Anyone who's watched any crime drama knows how someone pleading the Fifth looks, they look guilty.

Mandy Matney 42:19

Which brings us back to the original point. Team Murdaugh doesn't have evidence of jury tampering, or enough evidence, certainly nothing that is a slam dunk. And they know that a strong case doesn't need an uneven playing field. But that is what Dick and Jim are striving to get. So Dick and Jim are asking the court to allow them to present the same testimony over and over. They're asking the court to force Becky to take the stand publicly, so her likely nervous demeanor will be on full display, and so everyone can see her plead the Fifth and look guilty of all the things that she's accused of, including jury tampering. They are asking the court to deny the State's motion to strike the affidavits from Dick's secretary, statements about the jury deliberation and any claims regarding Facebook posts, Mrs. Hill's book deal or post trial interactions, and they are asking the court to use the preponderance of evidence standard an easier standard to make its decision. Additionally, they are arguing that only one juror is needed to make their case. They have warned the court that quote, "It is likely several jurors will testify that they have never heard any such jury tampering and that they do not believe it occurred." They say it is not a direct contradiction of the testimony of jurors who say they saw and heard it. To be clear, there are not jurors who heard it. There's a lady who did not render a verdict. There is the alternate juror who also did not render a verdict and who Becky criticized in her book, and there's Juror 630, who's accusation of Becky is almost word for word what Creighton and Judge Newman said during the trial. But Dick and Jim are asking the court not to consider

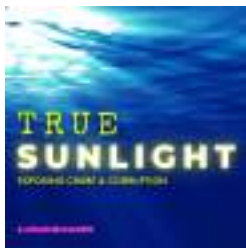


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the word of other jurors. They are arguing that only Becky, the person whose word means nothing right now can contradict the Egg Lady, Juror 630 and the alternate. Okay, again, we think their brief is an admission that they don't have it. They don't have what they need to prove there was jury tampering. They claim that Alex has not been able to conduct any discovery in this case whatsoever, which we know not to be true. Quote, "All he has are voluntary statements made by jurors and other witnesses willing to talk to his lawyers and information published by journalists." See? They admit what they have here is everything we've already seen. They say that this is all they have until they are authorized to issue their own subpoenas for the January 29th hearing.

Liz Farrell 45:23

Speaking of that, can we talk about it real quick? Justice Toal told us that the dates for the evidentiary hearing, in other words, the hearing that's expected to start January 29th, were tentative. And even though we think it's most likely that she will allow for this hearing, we keep seeing people talk like it's a sure thing. In fact, this is one of the funny parts of Team Murdaugh's brief we mentioned earlier. They literally gaslight the judge into committing to the hearing on the 29th. See, in their brief, the State has asked the court to deny a hearing. They say that Team Murdaugh hasn't shown a need for one. Team Murdaugh obviously disagrees with that while arguing in favor of an evidentiary hearing. They're basically like, "...what you already scheduled and agreed to, but since the State has mentioned, I guess we'll say something about this now." Repeatedly, they mentioned that the court has already agreed to this hearing based on the fact that dates have been set. But again, from our understanding those dates are tentative. I mean, guys, the gall of these people. So throughout the brief, Team Murdaugh acts as though the hearing is set in stone, but then slips up by mentioning

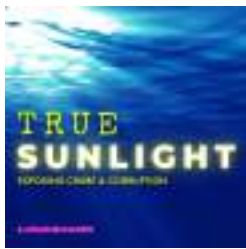


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that they haven't been authorized to subpoena for evidence for said hearing, likely because of what we're saying. Justice Toal hasn't officially decided it's necessary. And that the State hasn't handed over discovery yet, which we don't even know is true. To us that looks like Dick and Jim's usual, dramatic overstatement. But the point is, the blatant manipulation of the court is hilarious. Okay, so all of that was simply to say that though some seem to think this brief packed punch, we see it as them telling on themselves. They don't got it yet. But to get it, they need the playing field to be tilted totally in favor of them. Their brief was 21-pages by the way, the State's was seven. Now let's talk about their acknowledgement that the evidence in Alex's murder trial showing that he did in fact murder Maggie and Paul, they are arguing that the court should not consider the strength of evidence against Alex. They are not only anticipating that a reasonable person might look at the fact that no other juror is corroborating their claims and think, "Oh, well, that doesn't look like jury tampering to me." They are anticipating that the court will look at the evidence against Alex and think, "Why are we having this conversation in the first place?" They want to head that off. Here's David with what they wrote:

DAVID MOSES 47:49

Sustaining a conviction based on the court's opinion of the strength of the evidence against the accused, regardless of improper external influences on the jury, from court officials about the merits of the case would effectively be a directed verdict for the prosecution. A statement that whatever happened at trial simply does not matter because the evidence can admit only one result regardless.



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Liz Farrell 48:16

This is important. Dick and Jim don't want Justice Toal to consider the strength of the evidence against Alex and that's likely because of how it could affect their central and perhaps strongest argument. I say strongest because it's going to be up to how Justice Toal interprets it. It's not as straightforward as Dick and Jim like to portray it to be in their filings. They say that all they have to do is show that Becky spoke about a harmful subject to one juror, and that on its face is enough to grant a new trial. That it doesn't matter whether anything Becky said affected the verdict, just the mere fact that she spoke to the jury about the harmful subject at all is enough. They say the phrase quote, "could not have affected the verdict," is key here. Their interpretation of that is even if it didn't, it could have. The State's argument is, "No." They argue that it absolutely matters that the jurors aren't saying she affected the outcome. Team Murdaugh has laid out several avenues to their assertion that Becky's words could have affected the verdict. For one, they say she told the jurors to pay attention to Alex's body language. Specifically, that she told one juror, Juror 630, not to be quote fooled by him. Again, not only does Becky deny saying that, and no other jurors corroborate it, but this mimics what Creighton said to the jury. One of the jurors, 254 says that she remembers hearing that they should watch Alex's body language. But most jurors don't remember Becky saying anything about evidence beyond general advisories to pay attention. Additionally, no courthouse employee has reported hearing or seeing Becky talk to the jurors alone or in an inappropriate way. In their brief team Murdaugh says that Becky pressured jurors into coming to a swift conclusion. Cool argument, but not one that holds up when you consider they only deliberated for three hours. Any perceived pressure could not be taken seriously.



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Mandy Matney 50:16

In other words, no one was standing over the jurors saying, "Wrap it up. We've been here for days." Now, let's go back to the argument that Becky's alleged interactions with the jurors could have affected the verdict. How could Becky's advice to pay attention to the witnesses actually affect the outcome? I mean, obviously, we think the more you pay attention to the defense's witnesses, the more you're going to question Alex's innocence, duh. But ultimately, paying attention is what the jurors needed to do. And it is something that would have been increasingly difficult to do day after day for six-weeks. Add to this the strength of evidence. I know Team Murdaugh doesn't want the court to do that. But how can telling jurors to pay attention to testimony possibly be harmful? And that is the threshold that needs to be met according to the defense when the evidence already supports the conclusion. You can't separate the two fully. One leads to the other. There is no incongruence. In Alex's case, there is no scratching of the head wondering how the jury got there. There is no gap in logic, but I can see why Dick and Jim would want a jury not to pay attention. At the end of the day, it is the jury's duty to pay attention. It is part of the deal. It's as much part of the deal as them getting lunch delivered by the clerk of court. It's a basic non-extraordinary part of their day, or at least it was before team Murdaugh crossed the threshold. On January 16th Justice Toal will preside over a status conference that we will livestream to LunaShark Premium Soak Up the Sun members during that proceeding. Liz and I will be chatting with you live and we expect to learn more about what Justice Toal's thinking is on how all of this is. And we expect to learn more about what any evidentiary hearing will look like. We are continuing to go through Becky's emails, including emails that were released Tuesday from Becky's personal account to public email accounts at Colleton County. This month is going to be a



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doozy. We won't be surprised if it ends up being more dramatic than the trial itself. One thing I want to note is how important it is that we cover the proceedings this month in what we hope will wind down the Murdaugh coverage. When you hear people claim that their rigorous advocacy for Alex Murdaugh getting a new trial is about wanting to ensure that we have a justice system that is fair to all please ask the question, what other cases are you fighting this hard for? Because at the end of the day, this is not about the facts. It is about one man who has repeatedly shown us that he does not believe that the system should hold him accountable in any way beyond what he thinks is suitable. Every day there are men and women without resources to fight their charges who are wrongly put behind bars because the justice system does not value them the same way that it values Alex Murdaugh. Alex is only doing this because he can. That is not a principled fight. He is not fighting for the future of every man who has been denied justice. He is fighting for a system that was supposed to be broken. The system that he and his family built for themselves and broke for others. That system didn't exist for him in March 2023. The system he saw was not the one he could bend into shape anymore. Instead it withstood record amounts of pressure from him and his team and he wants the old system back. The question is, will he get it? Stay tuned, stay pesky and stay in the sunlight. True Sunlight is a LunaShark production created by me, Mandy Matney and co-hosted by journalist Liz Farrell. Learn more about our mission and membership at lunasharkmedia.com. Interruptions provided by Luna and Joe Pesky.