



## EPISODE 64: Great Day for Justice Toal Team Murdaugh Loses Big In Alex's Quest for New Trial

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**Mandy Matney** 00:03

Happy, happy Tuesday. And hey, it's a good day for justice in South Carolina. Today, Alex Murdaugh appeared in court for a status hearing to hash out details of his upcoming evidentiary hearing where Justice Toal will decide whether or not he will get a trial do over in the double homicide case. Well, to say the least, Eric, Liz and I agree that Alex Murdaugh now has extremely low chances of ever getting a new trial after Justice Toal essentially took Dick in gyms wide scope of allegations related to potential jury tampering, and tore 95% of it to shreds while Dick and Jim convinced the media and frankly way too many people on Twitter that this hearing would come down to Becky's credibility justice told today said oh no, it won't. Essentially justice Toal rule that prejudice must be proven and not presumed. Meaning. She doesn't care about Becky's problems and potential ethics violations. She cares about what was said to the jurors who rendered a verdict. This was extremely validating for all of us, because we have felt like we've been on this lonely gaslit island for months now being pretty much the only members of the media to say that there needs to be a big separation between Becky's ethical issues in evidence of jury tampering. So yeah, we're a little giddy today. Totally. So also, looking forward to next week with a very special guest who is going to really spice things up for us on COJ. I can't wait for that. But today, let's get into it.

**Liz Farrell** 01:59

I'm gonna say cups up, guys, but a few of our listeners wanted us to pay homage to Alex today by saying cuffs up. So cuffs up to you guys.



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**Mandy Matney** 02:08

Cuffs up.

**Liz Farrell** 02:10

We're in good moods. I'll say, I'm in a great mood right now. How about you, Eric?

**Eric Bland** 02:16

I am too. And I, you know, a little bit of an apology to the listeners and certainly to former Chief Justice Toal. You know, I was fully expecting her to be much more aggressive. And she was politely aggressive and completely polite to everybody in the courtroom. You know, there's no question about her intellect. You saw it in high speed today, you know, she shifts into high gear and she doesn't come down that foots down on the floor. Her intellect is beyond reproach. But she conducted this hearing today in a way that was incredibly impressive and covered a wide swath of territory. And it was nice to see. And again, our judiciary looks great to the world. I mean, these judges, you know, are serious judges Newman in a way that's more quiet and justice total with an intellect that just is on fire.

**Liz Farrell** 03:12

So you thought today did you think today she was going to mention your comments on the show? It seemed like the opposite.

**Eric Bland** 03:18

No, no, no. In fact, I got called back up to the bench after the hearing ended, and she wanted to know the numbers of my jurors. And so I



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went back up alone. And I thought, Okay, this is when she was going to privately talk to me, and she looked me straight in the eye. And she said, I appreciate what you said, you know, we came up with the one through 12. And obviously she had thought about that. But I said thank you very much and for letting me talk and we put my hand out and we shook hands and that was it. It was very nice.

### **Liz Farrell** 03:52

We'll talk about that one through 12 thing a little bit later on explain for people what Eric's talking about. But first I want to hear from Mandy and just what maybe just give us like one or two highlights for you of from today. And the status conference hearing

### **Mandy Matney** 04:05

oh my gosh, how do I pick my favorite moment? I two things I really we just talked about this. But I really really enjoyed watching Deke Jim and Alex look completely defeated. They look like balloons that had just been poked the entire time and just like and gotta say that after the last five months after seeing them be so confident after seeing the media being so confident and like we're there's people basically saying a new trial is pretty much guaranteed. It got so out of hand and just to see judge told give them facts and the law and shut them down entirely over and over again. I don't think that we have seen them lose to that extent and that it was an embarrassing display of lawyering on behalf of the defense today.



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**Eric Bland** 05:03

Well, I did not so much by Jim. But Jim got stopped me by Creighton. And he didn't say anything. Right. Jim

**Mandy Matney** 05:09

didn't do much. Right. Right. But the other thing I will say is it was inspiring to me as a woman to see justice Toal take command of the courtroom and really the confidence that she had over herself and the law that she knew was just refreshing and really, really reassuring to watch. She said things to remind Dec over and over that she was the boss in the room. She said, It was an every time that she did like I know what you said she was politely aggressive. I think she was I think every bit of aggressiveness was validated because it was brought on by the the defense kept trying to elevate it into a circus. And the only time when she was a little aggressive was when she was just trying to pull them back down to reality and insane. But I love she said things like I am the judge. I am perfectly capable. I am the and what did she say about Becky, I don't want to hear you say another word about these books. But we'll go into that. Liz, what were your highlights? Well, going back

**Liz Farrell** 06:23

to what you said with just the last five months and just sort of in a we whine about it a lot. And maybe wine is probably not the right word. But we've suffered a lot of abuse at the hands of people who wanted to tell us that we were wrong about our take on this. And so it was nice to see that validated point by point. So this entire time on this show on an untrue sunlight, we've been saying that this is not about the egg lady



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chair. This is not about Becky's behavior from March 3 forward, this, we've said it over and over again. And so it was nice to see. And also going back to the standard, that's going to be my second favorite part. Because that was when from the very beginning they knew they had lost all of it was the minute she told them that standard was going to be prejudice and not presumption. It wasn't going to be we'll paint Becky into this awful person. And we can the court can then presume that somebody like this would do something like that what she's accused of, she took that away from them from the very beginning and said the standard is prejudiced. You must show that that Becky created prejudice in the jury. And we already know the answer to that. And Dick and Jim know the answer to that.

**Eric Bland** 07:35

Three things. There was three things, prejudice, burden of proof didn't shift to the state, it stayed with them, they have the burden. And finally, it does have to show impact on the jury's verdict, which Jim and Dick had been screaming for five months. All you have to show is Becky statement and show that it was material, the statement, watch his body language or don't believe what he said. And then it's over. Chip says then it's game set match and we get a new trial. And we kept on saying no, you have to show that it impacted their free agency on their verdict. And they never even showed that. And today, she said, You got the burden of proof. You got to show prejudice, you got to show that it impacted the verdict.



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**Liz Farrell** 08:23

Eric, will this is a question that I've had immediately because I think another thing that we've been saying from the beginning is that at the end of the trial after they gave their verdict, at the request to the defense, Judge Newman polled the jurors to make sure that their individual conclusion as to Alex guilt was their individual conclusion and not someone else's. That was their moment, their time to speak up and say something. So we already know that there's 11 statements, we have one affidavit from juror 630, who belongs to to the defense. And then we have 10 written statements from the other jurors who have said they came to their conclusion, we already know they came to their conclusion on their own. There's one juror 578, who did not speak to the defense or to sled, so he's a bit of a wild card. But at this point, let's just say that's Dick. And Jim's one hope right now. Right is to maybe get to juror 578. And convince him, you know, somehow that his verdict wasn't his verdict. So I guess the question I want to ask is if if we had anything to worry about, like what Dick and Jim, what's their next move in their strategy, and if it involves juror 578, even if juror 578 were to come forward and say yeah, I heard that and I didn't I it made me change my my verdict. Doesn't that polling still matter? Like doesn't that sort of

**Eric Bland** 09:51

the polling eliminated the one juror that Dick was focusing on that said she felt pressured by the other jurors once she's polled and she said But it was my own freewill and decision she's done. She can't go back and tried to take away the polling. So we do have this one juror that seems to be unknown, the unknown juror will call them, you know, like Elijah, he's going to come in through the door. And we're not going to know



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what he's going to say. The point is, though, again, it comes down to prejudice, did it change their verdict? And we're going to have to wait and see they don't have a strategy right now, as you saw their strategy was going to be that's why we're going to introduce 1000 emails, we're going to bring in the alternate jurors, the discharge juror, we're going to bring in other people that are going to discredit Becky, the assistant clerk of court, we're going to possibly deal with some of the issues ethically, with with Becky, we're going to put on Creighton, we're going to put on Judge Newman, she eliminated that. She said there will be no lawyers as witnesses, there will be no judges a witness, there will be no alternate jurors, there will be no discharge jurors. Becky Hill, I don't care what you did. You may be the worst person in the world for March 3 on like you said, we're going to deal with what happened to deal with these two issues. And those two issues only. And it is what was said, and did it impact your verdict, the polling is going to be a major portion. Because if you let people come in now, and say something different than what they were polled on, and they gotta get up, and they got to raise their hand they got into they swear to take an oath, then it throws the whole system out of whack. When you are polled. And you say, It erases everything that happened in the jury room unless your life was threatened or something like that, or you feel like you had to say it because you couldn't get out of there. None of that exists here. And so that's why I did left this courthouse with what is our strategy going to be because whenever you hear a lawyer spend his time talking about appeals, I got to preserve this for appeal. I need to make my exception I got to make a proffer those three words exception, appeal and proper, you know that he's lost, and he has no strategy. And then she eliminated the proper by saying, just do it in writing. We're not going to



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let you get out what you want in front of the world by saying it's a proffer. It's not going to happen in front of the world. It's not going to happen. So she's going to do a very streamlined court hearing. I would be surprised based on what you said today, that it's going to go three days, guys.

**Liz Farrell** 12:46

Well, Eric, can you explain really quickly, though, what that what the profit like what that is? BSB? Obviously, we've used it in a different context when it came to Cory and Alex plea deals in federal courts. So how is it different? And what what is it

13:00

when you see a trial, and you always hear the word objection? And the judge says, What's your objection and lawyer states that creates a record for the appellate court to be able to look at that issue, if you were to testify as to hearsay, and I didn't say anything, and I sat there like a bump on a log and never use the word objection, hearsay. After the trial, I couldn't as an appellate issue, point to that and say, This judge let this hearsay in which affected the jury verdict, the appellate courts going to say you didn't take exception to it, you didn't timely object? Well, what did wants to do is object to everything now, because he doesn't believe that she now has established the right procedures. Remember, they're relying on a Supreme Court case, Justice told said I am applying South Carolina law. And that's what we're going to do. It's going to be on South Carolina procedure, which makes that showing of the verdict has to be impacted by what was said to be so important. Dick now wants to say you're wrong. I want to get in all these emails, because that goes to





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what Becky was thinking and doing during the time that the trial he wants to get in the the clerk of court who's going to say that she was, you know, doing all these different things of tours and misplacing money. None of that's part of it.

**Liz Farrell** 14:24

This is so all of all of what you just said. She's asking him to put that in writing for the record, and not allowing him to say it in the court. Right, right. And

**Eric Bland** 14:33

he said, how do you how can you make me come up with my impeachment evidence and impeachment witnesses? When I haven't even heard Becky testify and you're telling me I have to identify them now. And he he was clearly clearly knocked off his feet. I mean, rightfully so. Because, you know, he's now got to go back and spend two weeks on putting together a record for appeal. Instead of preparing actually for what the hearings gonna be, remember, there's 1000 emails. Okay,

**Liz Farrell** 15:05

but can we be clear about the emails? Mandy, Can you clear it up? Like the emails? Because I think we're going to hear that word a lot. And well,

**Mandy Matney** 15:13

I just wanted to comment on how many and I can't wait to go look at the transcript to see how many times Dick said the word emails because he kept saying that over and over. And the email what emails



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was even talking about, I was confused of what he was. Is he talking about the ones that were released via FOIA that she was just, she was using her personal right. Yeah. Which is it's a bad thing. We all know, it's a bad thing. We all know, it's a big no no for government employees to do that. We all know that. She broke the rules. They all do it. They all do it. We are you. Yes. I'm with Joelle in her just being like, no. Go through it. Like we're not going to make all of those emails. Be a part of the circus because that's insane. And that has nothing to do with the real issue here. And again, we have been gaslit for the last five months over and over. Have everybody else saying? No Becky's credibility and all of Becky's problems matter. It's gonna it's gonna come down to Becky's credibility. That's what everybody said over and over and not us. And she just squash that they're right out of the park immediately. It's like a home run first inning. It's really awesome. Because all of a sudden, then, what was really crazy to me was watching Dick and Jim and how apparent it was that they had nothing on top of Becky's credibility to work with. And Dick even mentioned something along the lines, he admitted that right, he admitted, right, well, I don't even and then he wanted more time. And again, we are seeing this pattern with old men lawyers like Dick Harpootlian that just don't do their homework and don't actually, you would think that he would have come up with something if there was actually jury tampering that happened, he would have had a lot more then what you have right now, but instead, they spent the last five months just piece by piece, destroying Becky Hill in the media. And that strategy did not work



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### **Eric Bland** 17:35

with digital. Well, what a judge definitely doesn't like is Dick made the cardinal sin when he stood up when a judge tells you the four category and issues she wants to hear. And dig stood up, and didn't write them down. And had to admit, I'm sorry, Judge. I couldn't remember the four issues that you wanted to hear about. Do you remember that was within 45 seconds of him standing up? That irritates a judge? The judge tells you here are the four issues, we're going to deal with the procedure, the burden of proof the witnesses, and then we'll go to the the the other lawyers, me and Joe, and we'll lose, and Dick stands up. He should have just said judge, I'm not making the argument Jim Griffin is but he wanted to show that he's in charge. And he blew it because he had to admit to her I really wasn't even listening to what you just said. And that really makes a judge man.

### **Liz Farrell** 18:34

You could tell it made her angry because she kept having to remind them that she was the judge. I mean, she was done with him. It was a beautiful thing to see because I think Amanda and I were sort of talking about this because this demeanor with Judge Newman was arrogant, bombastic only sort of gave him like a healthy nod in terms of like acknowledging his position in the courtroom. You know, understanding like, I know you're the judge, but I'm Dick Harpootlian. Here he looked truly abashed. And, and at one point, it looked like he was like, standing in a like to like to ask the queen for some porridge, you know, like, just like he had a little bit of an Oliver Twist look going on because he had so dug himself in deeply realizing that like he had no charm to it. He had nothing in his bank. He had nothing to cash in on No, couldn't make



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the court room laugh, couldn't he had no facts. He just looked at a complete loss. And it was a wonderful thing to see. We'll take a commercial break first. But Eric, I want you to tell the listeners when we get back about what you were telling me in DNA before the show about Dick leaving the courtroom. So with that, we'll be right back

**Eric Bland** 19:54

so, you know, usually with Dec. He he can be a good Actor, he can walk out of a hearing. And he loves to talk to the press, and he'll spin it because he's a politician. And he's a lawyer. And you know when his mouths move, and he can change the narrative, but lately, when Dick is losing, he's wearing his butt on his shoulders. And today was no exception. I was outside giving, you know, the synopsis to Court TV. I'm going to be on Court TV tonight. And I was given an interview, there was a couple cameras. Well, as soon as it came out, you know, obviously, they took the microphone away from me, and they started going to dig and said, Mr. Harpootlian, do you have any thing you want to say? No comment. Mr. Harpootlian. What do you think about justice total house she presided over no comment. Mr. Harpootlian. What do you think that she wouldn't continue the hearing? No. I mean, it got louder and crescendo five times. He said, No comment. And he just walked away. And then they went to Jim no comment, which is exceedingly rare throughout these proceedings, that they did not leave the courtroom, even when they lost on certain rulings, pre trial in the murder case. They always had a way to move the press talk to the public. I think they were in credibly unnerved. And I don't think they're aware of a move that they can make right now, that could meet the burden that they have. And Dick was very frustrated, did not expect it. And one thing I



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said to Mandy, I think, something happened back chambers where Dick thought she was going to go a certain way. And she came out. And she took care of the hearing in a way that I don't think they perceived what was going to happen, based on what happened back in chambers. And of course, we don't know what happened back and chambers. I didn't find fault in anything that Justice told said or did today except one thing. And it was when she offered when she directed did Alex be enabled to use his hands and have the cuffs off and I have never seen that? No other judges done that with Alex, where they, you know, took the cuffs and the chains off. He is a double murder. He's a convicted double murder. And there was five police officers there that were wearing guns surrounding him. Now, I'm not saying Alex is that kind of guy. But I don't know, I don't know what desperation is or whatever. But we did see in Nevada, when the courtroom got relaxed, that a defendant, you know, jumped over the bench at that judge. And I'm not saying Alex was going to do that. And I'm not saying, you know, I just think that didn't need to be done. He wasn't going to be making an argument. He wasn't feverishly writing down. He wasn't a lawyer. There was a number of people that it just I was uncomfortable because I was within 10 feet of it. And I looked and everybody had a gun. You know, you just never know you don't know Alex has been alone in a prison cell since March, basically. Well,

**Liz Farrell** 23:15

right before the show. I was talking to a friend. Am I being too hypersensitive about that? No, because right before the show, I was talking to a friend of the Murdaugh's. Specifically a friend of Maggie's, and she said to me, I recognize that face on Alex I've seen it before. And



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she was talking about the pursed lips, the sort of red face. It's a leaky gut before he lost his temper. So visually, somebody who was very familiar with Alex and his behavior, was able to immediately note the danger there. So I don't Eric, I don't think that you're being sensitive over overly sensitive to that. I'm

**Eric Bland** 23:54

not trying to pick at scabs here. I promise you I'm not it's just I didn't like it. I didn't feel secure. In a way. You know what I'm saying? Yeah,

**Mandy Matney** 24:03

and I think that's completely valid. And a couple of things. I think you're also right, that what happened in Nevada really has shaken up a lot of people who are in courtrooms. I mean, that was that was a unbelievable situation with the judge getting violently attacked, and then the bailiff and they couldn't control them for a while. And the

**Eric Bland** 24:30

court the court clerk was punching him in the face.

**Mandy Matney** 24:33

The clerk the clerk was the best security in that courthouse. It was crazy. It was just in I think that after I think anybody who's ever been nervous in a courtroom about what a defendant has done after or could do, after seeing that video, it's obviously very fresh and all of our minds that like oh my gosh, this could happen. And then on top of that, Alex didn't look great. Today, he looked his skin was all like Rashed up. And he looks very



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prison, Alex. And then the look on top of that the look in his eye. And like you were saying was he looked angry? He looked upset. He

**Eric Bland** 25:18

did get angry. He did. He was happy when he got there. Right. But within five minutes when they had the burden of proof, and she said that she was going to go with impact on the jury verdict. The man visually changed. Right.

**Mandy Matney** 25:33

Right. And I mean, their whole side changed. But here's my question, Eric, should they have been that surprised? Because I keep seeing arguments on from people online saying, Well, anybody who actually read the filings and anybody who actually studied the law that it has to do with what they were trying to say, shouldn't at all be surprised by judges, by Judge Toals? ruling today, but they were acting like they got just smacked in the face out of nowhere? Well,

26:03

I'm sorry, right? And the answer to you is, when you talk to your own audience, month after month after month, and you talk to people who are not critically thinking on what you're saying, and when you're reading article after article by other so called journalists, or journalists or bloggers or whatever, that oh, it's gonna be a new trial, you know, Lori, Lori, or, you know, you know, FN. And you, you hear it over and over again, you start to believe it, you start to believe, Oh, okay, we're right. We're going to win. You know, I'm reading this case, and I'm going to read it the way I want. And I'm going to say that the state is, is bringing



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in internal cases of jurors fighting with each other. They're not talking about external cases, and Creighton stands up and says, Jim, what are you talking about? The X case, there's a y case, the Z case, the B case, it involves a bailiff, it involves a husband involves a newspaper. These are all external cases. It like they had a single minded audience, they're talking to only one audience, and one audience is talking them. Am I making sense with what I'm saying? They're only hearing what they want to hear.

### **Mandy Matney** 27:24

I mean, I think today, I just realized, again, how much the press has failed to cover this story and go and has failed to stand up to Dick and Jim has failed to look at the facts versus the spin. And it reminds me a lot of what was going on in September 2021 When I felt crazy and gaslit because everybody else was like, Oh, why don't you feel sorry for Alex, he got shot on the side of the road. And they're the defense is gonna or they weren't even the defense of the time, Alex's team has a is going to have a mug shot soon of the guy who shot them and just kept spinning this narrative that was so insane, and so not credible or believable. But when all of them do it, it validates it in a way. And it makes it so much harder to look at the facts and look at what is actually happening.

### **Eric Bland** 28:17

And the objective. Yeah, yeah, subjective. And

### **Mandy Matney** 28:21

so I just I think that I know that I hate that this is the state of the media right now. I hate how wildly disappointed disappointing they've been





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throughout this case. And not all some of them great. But I think this case should go down as a in history as what can happen when the media does not know how to do its job and know how to look at a case objectively and constantly takes the spin from the defense. And that's what's a media that has just been lost. And I don't even know if they're bought, I don't think they're getting any money. I just think they're lazy and not thinking critically. And I think the the main problem here is access journalism and Dick Harpootlian and journalists not wanting to piss Dick Harpootlian off so they write what he wants him to write. What do you think of that list?

**Liz Farrell** 29:16

I wouldn't say that all of them weren't getting paid. And in there's at least questions in terms of like what timbered strategy includes and doesn't include. One thing that I wanted to ask you, Eric, and this is sort of a wild idea. But wouldn't you sort of expect any other attorneys after what happened today to withdraw their motion for a new trial based on the fact that they don't have anything to present because as it looks to me right now, we're going to be wasting a whole lot of taxpayer money. A lot of media time, a lot of the public's time to go through the charade. We're going to be hauling in 12 Jurors from a rural county to Two hours away to go away from their jobs to once again get their lives disrupted almost a year to just about a year to the date that they had their lives disrupted last year, at what point to Dick and Jim have a civil responsibility, which I can't even say with straight face to say, Okay, you got us, like you called our bluff. We got nothing. Here's our motion to withdraw the motion to the motion for a new trial? Well,



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### **Eric Bland** 30:27

they, they're not going to do that, because Alex won't let them do that. So they were guided by rule 11. You've heard that rule before. And roll Evans says, if we're going to make a pleading or a motion to the court, we have to have a good faith factual and legal basis to do it. I think they've met that threshold. The decision they have to make is, well, since we've met that threshold, are we actually going to win? Yes, we can make arguments, but are we going to win? If they were to withdraw the motion, you know, talk about sound and fury, signifying nothing, it would be humiliating. But Alex is not going to let them do that. And they they want to protect they they want to preserve this, they believe that Justice Toal is 100% wrong, that the Supreme Court case needs to be followed. And that all you have to show is presumption and a statement. And if it's not harmless error, and it's a material statement, it doesn't matter what the recipient thinks of it, I could hear it and throw it out. And it never factored in my deliberation. So yeah, so in a perfect world, a lawyer who makes an argument and realizes they're wrong about and should retreat, but lawyers don't have

### **Liz Farrell** 31:43

that enough. So it's a humiliation now versus humiliation later, though, in my opinion, because you can either be humiliated and withdraw your motion for a new trial now, or you can wait until all 12 Jurors are questioned by Justice Toal. And that's going to be the first thing that that is done out of the gate on January 29.



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**Eric Bland** 32:02

Right, I set that up. Remember, I said look, you know, these jurors have to be there for three days. Remember, she didn't say yet. You're gonna get paid for your guests. These jurors have to pay for their own gas unless they're gonna let sled pick them up.

**Liz Farrell** 32:15

I would totally let sled pick me up in a suburban Are you kidding? Sit in the back and just be on my phone.

**Mandy Matney** 32:21

Or ask them a bunch of questions.

32:23

She's going to go through 12 Jurors Now think about that. Are billions going to pitch a fit? Because she's gone to only ask very indirect to it questions. Did you hear anything? What Becky Hill said? And if you did, what was it? HarperCollins going to say? Well, you're going to ask her specifically, aren't you? Did you hear her say look at the body language or don't believe that defense? And what's your verdict? The verdict of your free will you gave you were polled? Was it impacted by what was said. And that's going to be it hopefully. But I don't think so. Harpootlian is going to want to really get into what happened in the jury room with the egg lady. He's going to probably try to put it on the record. And she's going to say that same writing. I told you your appellate you're going to hear for her say over and over again. You are preserved Mr. Harpootlian. That issue has been preserved. But he wants it to get out in the public. Remember, it's the public that sways this decisions that he



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thinks in his mind. But the decision is in one judges head that's it. She's going to make the decision. Don't

### **Liz Farrell** 33:30

you think when you say that the decision is in the public. He wants that out in the public realm because he thinks somehow the public has some sort of influence over the judge. Aren't we talking about exception here with Justice tol and Judge Newman? Because obviously Dick and Jim thought their strategy was going to be successful. Right. So what Judge in South Carolina that's if I'm a judge in South Carolina right now, I would definitely ask myself like, Was I the judge that they thought was going to say yes to this? Because they thought somebody in South Carolina was going to say yes to their proposal here their strategy, their argument, and obviously we agree with Justice tol and how she's decided, but they did this for somebody I wouldn't say an audience of one but an audience of a handful, probably right. There are judges in South Carolina right now, who would have allowed this. You heard him say

### **Eric Bland** 34:21

there's going to be some appellate judges and federal judges. They're going to have to hear this. He used the word federal today, which says habeas corpus sooner or later Alex is going to get into federal court. And you know, there there may be some judges that play to the camera. There is a judge that we have, you know, there are judges that we've spoken about. I'm not going to name names that don't have the courage to stop the circus show. The way that Justice stole stopped the circus show today from starting the way the Judge Newman stopped



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the circus show. Listen, Dick start To say, we'll submit questions to you. We'll submit we'll submit we'll submit. Now, can you imagine that once he hears these jurors talk, then there's all these questions, it's going to get bogged down. She said, No, I don't need that. I know how to do this Mr. Hartley, and I know how to be a judge. I know how to be a jury. If she neutered him. She took away his advocacy. It's her hearing, she's going to do it. That's what Justice baby asked her to do. Make a decision on whether there's going to be a new trial and follow the law. So quickly,

**Liz Farrell** 35:32

though, to your just really quick mandate. To your point, though, Eric, about federal court and Dick with the the idea that Justice total said I'm going to use state laws, my guideline for procedure, doesn't that isn't that falling in line with the way it should be? Doesn't state law dictate procedure and state courts?

**Eric Bland** 35:54

Sometimes, yes, unless it involves the Constitution. And what Dick and Jim are arguing is the Sixth and Seventh Amendment is impacted here, Dick, and Jim's argument is Alex's Sixth Amendment right to confront his witnesses in new, you know, a fair jury trial is constitutionally based, therefore, the Supreme Court case that they cited, should control. And there is an argument about that that could create an appellate argument. I'm just telling you, that could create an appellate argument because she's saying I'm going to apply substantive state law on this issue. And if it impacts the Constitution, you know, being intellectually honest, there can be an appellate argument. I don't



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**Liz Farrell** 36:39

think it's necessarily a slam. I mean, I think that there's an art I don't think that that's necessarily 100% true in the mean, she has the absolute right to make that decision right now. And proceed. Yeah. So I mean,

**Eric Bland** 36:51

if it is a constant, I'm just telling you, because if it's a constitutionally based argument, you have to file a Supreme Court law. I'm just telling you, I'm not saying it's a slam dunk, it creates an appellate argument is what I'm saying. And by the way, when we're talking federal court, we're talking eight years down the road for old ally, boy. And with that, we'll be right back. Let's talk about the juror, she she definitely wants to protect the jurors. She didn't want to do it in camera, which the state and DEC wanted to do. She was against that a camera meeting in chambers. So they had agreed beforehand, guys that the jurors were going to be interrogated and questioned in chambers outside. And she says, No, I want sunlight on this. And so what she rolled is no photographs, no videos. For a while, we were going to propose maybe the old mafia stuff where, you know, it's a gravelly voice. So you couldn't tell who the voice is of the the juror. But she did like the suggestion that we made to renumber the jurors one through 12, as opposed to their gern numbers, but she had thought about it with our law clerks. So she was receptive to that. Can

**Liz Farrell** 38:11

we talk about that for a second? Because I think that's a great idea. And I completely understand it because protecting the jurors names and and obviously, you don't want their pictures being taken or what have



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you because of the pressure that surrounds this case. But don't you in some way, because we have come to know juror 630, for instance, you say the number we now know her entire, you know, sort of judicial history as it relates to this case. You go into justice 785 Which a lot of people had comments today about how did kept calling her the egg lady juror by the way, and not referring to her in the professional way as one would juror 785 denigrating will you know why he's doing it? It's the headline. It's the catchphrase, it's the key words that that pick up those media ears and that box over there. Oh, they're talking about the egg lady job. Because if you just say juror 785. That's going over a lot of people's heads, don't you think like with numbering them one through 12. We have in some way, we're removing accountability, at least sort of like a surface accountability. So even though we don't know the name of juror 630, we can hold her accountable to her words as juror 630. You understand what I'm saying? So now, if she's reading numbered juror three, I have no context as a member of the public to understand whether she's motivated for instance, we know that you're 630 There's questions about her connection to the egg lady juror. We have no sort of frame of reference, you know, to Hooge when juror 578 comes on board, the one that we haven't heard from we don't know whether he's juror for jury, you know, so there's no I think we lose something in that and that's a little bit of a worry of mine. Yeah,

**Eric Bland** 39:56

I can. I can see that. But the three Three things that I'm required to do representing these jurors was to preserve their anonymity to make sure that they're not harassed, and to make sure that the verdict of their conscience is preserved. And and I would have done that if there was a



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not guilty verdict, and I was representing them if that was a verdict of their conscience. You heard what Ronnie said, what if she comes out and says, I'm reversing this? Because what 630 said, and that person now becomes, you know, there could be ridiculed or could be targeted by anti Alex people. So they look everything is it at risk here after what I saw in Nevada, after I saw Alex's eyes today, and I saw guns, anything's possible anymore in this crazy world that we live in. And we're all concerned about our health. And our safety. I just, I think Justice total is going to be able to ferret out if somebody changes their story, she's going to know it backwards and forwards. I just have a little bit of disagreement with you on that. Liz, what do you think Mandy?

### **Mandy Matney** 41:08

Well, a couple of things. Um, I really agree that we need to do whatever we can to protect the jurors from public scrutiny from harassment, etc, as three people who have dealt with all the crazies in this case, for the last several years. We understand how important that is and how crazy people are and when you think that oh, no, people wouldn't do that. They will, they will, in this case, they will. But that being said, I was doing a talk the other day at Hampton Lake and Bluffton for the Women's Club and so 100 Wonderful, Bluffton, women. Were asking me questions. And one of the things that they asked me that really made me stop and think these are all South Carolina voters talking to me and they asked, What do you think this is going to do to the system and people that want to nobody all know none of us want to serve on a jury ever? And to begin with to begin with? What is this going to do if these jurors get scrutinized to a certain degree get harassed to a certain degree and they've already been they've already been hunted down by





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Dick Harpootlian and talk to you by Dick Harpootlian and told by Dick Harpootlian peatland to lawyer up and all these they've already gone through the wringer. If it's a huge, huge if at this point if there was a new trial? And that's the question that they all asked, What does that mean for the system? Like will people even show up to jury duty anymore? Would they just say this is a joke like No, I'm not putting my my life on the line, my safety on the line to serve you for \$15 a day or whatever it is like this systems a joke. I'm out. That's what's on the line here. And I think that we all have to stop and think about that, before we get wrapped up into the media, like so hungry to have another trial. No, this could have major major horrific lasting effects on our justice system. We need juries Exactly.

**Eric Bland** 43:21

Well said well said. However,

**Liz Farrell** 43:23

can I just make a real quick counterpoint here though, Eric, it did. No other judge or system is allowing another Alex Murdaugh to come through like this guy's come through, like what other murder defendant in South Carolina is ever going to have that seat in front of justice Toal to the with these issues in front of like, I totally like 100% agree with you like that. I mean, it's there's a lot at stake here in terms of the future of the jury system and just how you look upon your civic duty moving forward because nobody wants to be scrutinized to that extent or to be part of a circus like this, but Alex is so one of a kind in just how far he has brought this but the system does not. Eric, can you think of



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any other attorneys that would have brought this would bring it to this level?

**Eric Bland** 44:18

I hope I know you guys for the next 20 years. I hope we're together and we're partners and and friends and we all love each other and we're together every week. But there will be another Alex Murdaugh in the next 15 years. There will be God forbid a politician that that kills somebody there will be a you know a coach that does something like this. I mean, murders aren't just for the the the people without identities or the people that aren't well known. We will get something like this again. You can

**Liz Farrell** 44:46

name two attorneys in South Carolina who could bring a Joe Schmo or work coach Joe Schmo or legislator Joe Schmo as far as Alex has gotten to this to where He is right now. No, no. This is not something like the fact that this is even happening is the problem like eight it's it should never have gotten this far, but I don't know how you would have stopped. I don't know how the system could have stopped them. You know what I mean? They literally took advantage. And now they've been called to put their cards on the table. They've got no cards. We're still gonna have to put up with their nonsense.

**Eric Bland** 45:25

Can you imagine the phone call they have to make to the egg lady juror because they've had her build up over the past five months. Just making a joke here guys, I'm just making a joke but she probably styled



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herself up clamped up she's going to be the star that the hearing she's coming in under Security tight security. She's been prepared. They've been preparing her she's the star witness indicates the car on the phone. It says you're not you don't have to come Don't take off at work. You're out. Done what? Well, the

**Mandy Matney** 45:54

other thing I was thinking that was really funny, I was imagining as Justice total was just ru ruling against them over and over. I wish that she had a stack of papers of everything that they've argued and just like so that's out. So that's that's it, it was just ripping it to shreds because that's what happened. I mean, we don't

**Eric Bland** 46:18

know that hearing hasn't taken place yet. They were not saying that we know that they're gonna get ruled against but they they've lost every step of the way. If it isn't from the Financial Crimes coming in, if it's not from the roadside shooting coming in to trial, if it's not getting denied on to the \$160,000 for appeal, reversing the Satterfield confession to judgment. Going to federal court trying to name the Satterfield says party. They name a win that they've had seriously. Federal

**Mandy Matney** 46:46

federal court, and they got Judge Newman off the case.

**Eric Bland** 46:50

Oh, really good. Do they have they got justice told name a win? Go? Okay. Give me a concrete win. That's gonna get Alex out of jail. Sorry,



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that's funny. Gee, would you trade Judge Newman for justice told today? Is that a swap? Be careful what you ask for you.

### **Mandy Matney** 47:08

But as Liz, as Liz has always said, it's been on their little vision board like get, like, Kick Newman out next step. So it was seen as a win for them. But I think like you said, they've just been operating in a vacuum. They've been operating in a bubble. And they've not been able to think critically about their arguments. And sorry, but let's use the law. They're not using the law for their arguments. They're just screaming nonsense at this point. Did

### **Eric Bland** 47:42

you guys understand what your McCullough was saying that the Justice told get it wrong? Because she said there's one seated juror that gave an affidavit one alternate, and then the egg lady, but Joe McCulloch said no, he seemed to say there were two jurors that he represents that that render verdicts Did you catch that or did I was not hearing that correctly?

### **Liz Farrell** 48:05

Yeah, I need to re listen to that. But my understanding there are two things that it seemed like he was doing one is he was referring to the letter that he wrote to Creighton, angry that the state had referred to the egg lady, somebody with credibility issues. And then the state had accidentally left two references to the egg lady jurors first name and filings that were attached to their response. So that was one thing. I think he was trying to bring that up for the judge to maybe do



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something about it. I'm not really sure if he wants to do it. If you want. No, she wouldn't do it. But the other thing, I think there was some confusion, or at least I mean, on my part, there was confusion because I think she was referring to the egg lady juror as an alternate, you know, so let's just start at the beginning here. We have two affidavits, one from juror 630 and one from juror 785. Who is the egg lady and then we have an affidavit from Dick's paralegal saying what she was told by the alternate who never rendered a verdict. So that woman I think, is called the blanket lady. I've never really referred to her as the blanket lady but I guess she had a blanket on during the trial. So I guess I just Joe I'm not sure if he represents all three of those women, at least two of them or at least 630 and 75. So I think there was just some confusion because she kept referring to the egg lady as an alternate but I think ultimately, it got cleared up just based on the fact that she's saying all 12 seated jurors and we know that egg lady is not one of them. So I think that that was really God

**Eric Bland** 49:30

into itself any favors today. I know he now he did it.

**Liz Farrell** 49:35

I'm surprised he even spoke what was your take on that?

**Mandy Matney** 49:38

I thought it was interesting who he was sitting with and whispering to throughout the hearing. And then she left which kind of kind of looks angry.



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**Liz Farrell** 49:48

Can we talk about that for a second? I was told before the show I don't follow her name is TikTok Lori. I don't follow her Don't listen to her stuff other than the one time when she mentioned the ethics complaint. She She apparently told her listeners or followers, I'm not sure you'd refer to them that she had to leave the courtroom because she didn't realize she wouldn't be able to tweet during the proceedings. So that's why she left to go. So she could be able to correspond with her fans to give her take. So essentially, she just stated, the entire reason we weren't in the courtroom for most of the trial was so that we could interact with our listeners and the people who were paying to be part of the Luna Shark premium subscription. So we could do it from home, because we wouldn't be able to do that from the courtroom. And we've been excluded for that. But this woman gets up with no irony whatsoever, because she realizes, you know what, it's not fun being in the courtroom where I can't do anything. All I can do is sit here and listen, I can't do the thing that I'm being paid to do or that I'm you know, in her case, enjoy doing as a hobby, I guess. It's just that bugged me when I when I heard that I was like, Good lord. So you get to leave the courtroom to go do the thing. But us leaving the courtroom to do the thing is just, you know, hi, holy sin,

**Mandy Matney** 51:09

I was looking at a lot of the faces in that crowd. And we're like, you lied about me you lied. Just like Traitor, traitor, Traitor, traitor, whatever. And most of them were were wildly wrong about this entire thing. And but at the end of the day, that felt good. At the end of the day, I love being able, you're still batting 1000, right, and I in 1000, and our listeners



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appreciate it. And our listeners appreciate our coverage and appreciate that we are very transparent about where we come up with our opinions. And we're very cautious also, before we make opinions about people, and I mean, I the only thing that I will admittedly say that I was wrong about was just thinking that Becky Hill was a little bit better than she was. But she's in a long line of people who have wildly disappointed me and throughout this whole scenario. So it's not even, but what matters and what has always mattered with Becky Hill. And I was so glad glad that judge told said this is Did she or did she not tamper with the jury? Did she not affect the outcome of this trial? Nothing else matters. There's no credibility issue. It's not going to come down to there's

**Liz Farrell** 52:29  
no credibility issue.

**Eric Bland** 52:30

Well, you heard her say that she made the most amazing statement. Becky Hill is not on trial, Mr. ARPU, Outland. That, because his whole argument was tailored on we're going to make Becky on trial. And she said, she's not on trial. This isn't the forum for that. And, man, if the whole courtroom said to themselves, you could see cut, that was a brilliant thing she just said, because we got taken down the rabbit trail, you know, through the looking glass. Dick has gotten us to believe this is we're going to come after Becky we're going to cross examiner, yada, yada, yada. And she's not on trial. So



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**Liz Farrell** 53:10

I guess final thoughts. Eric, I want to know, what do you think could happen? Like I mean, we see today is like a major victory. What are the chances that a new trial is granted at this point? Based

**Eric Bland** 53:24

on what I've seen today by evidence from what I know about my jurors? I don't see anyone saying that their verdict was impacted. I think you'll hear some testimony from some jurors that will say they may have heard Becky say something in jest or something that's not word for word what Dick is saying. So that may be where it gets a little cloudy. Unless this 11th Juror that we discussed in the beginning of the show just comes in and rips the cord off. I think they have a real uphill battle, a real uphill battle based on the parameters that was played they were placed today. Yeah,

**Liz Farrell** 54:03

Mandy, do you have any concerns about what this evidentiary hearing is going to look like?

**Mandy Matney** 54:08

I don't, like you said, My only concern and this is a wildcard based on nothing. And I want to say that before I get yelled at, but my biggest fear and biggest concern is a bribery taking place. And all of a sudden, there's a juror that says everything that the defense wants them to say and all of a sudden, that would be a big problem. That's a worst case scenario. I don't think it's going to happen. And I think it would be very





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obvious based on what these jurors have already said on the record. I have a fear. What's your fear, I

**Eric Bland** 54:47

think the team Harpootlian Utley and is going to file an appeal. I think that they're going to try to do something between between now and the 29th. Either declaratory judgment action in federal court to say This impacts the his constitutional rights, something back to the Supreme Court are portly, and you heard him he telegraphed to postpone this hearing, I need to really get prepared. And I'm not prepared, I was prepared. If you're gonna let me do this, but now that you're making me do this narrow, tailored focus hearing, I am not going to be prepared. And you're not letting me take this material to my client, Alex Myrtle in prison, to let him review it. And then us talk about it. I don't have time. Now she made the perfect ruling because I don't want my jury information and my juror statements to be circulated by Alex and bumped a bunch of other seriously incarcerated felons and criminals, rapists, burglars, robbers, whatever you want to say. But I think I think Dick and Jim are going to try their damndest to slow this train down now. That's my fear that I may be totally off base. But Len leaving the courtroom and seeing how frustrated and angry Dick was. I don't see him just walking in and doing what Toals telling him to do. But I may be wrong.

**Mandy Matney** 56:17

What's your concern was?



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**Liz Farrell** 56:19

I would say that. Thank you, Eric. Did not know that. That was now that now in my mind, it's like cracked, wide open. And I'm like, Oh, of course, there's yet another door for them to walk through yet another path for them to take us down. I hope that's not the case. But yeah, that sounds right. What you just said sounds.

**Eric Bland** 56:38

I'm not saying that they can do it and would be granted. But I think they're going to try to slow the train down.

**Liz Farrell** 56:44

Yeah, I mean, they definitely were telegraphing that because one of somebody on Twitter asked us about why Dick didn't invoke his legislative immunity to get this postponed. And obviously, the reason there would be that, because he was saying that this needs to happen now like this is the speed of this happening is has been driven by them. So now that now that the speed no longer favors them? No,

**Eric Bland** 57:09

he thought justice Toal was going to ruin his favor. Oh, there you go. That's why he was willing to waive it. And he made, you know, he just never saw this coming.

**Mandy Matney** 57:17

It's just what he did for the murder trial. He sped everything up. And he said that he said, Something's very similar. Like he this is his point. This is this thing. These old men do not have new tricks. I've learned that. It's



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a new statement. Old Dogs, new tricks. Old Men don't have new tricks either. And this is a classic Dick Harpootlian thing. And it works because the media apparently forgets everything they has previously said. They never call him out for it. He tries to hurry up a situation. And then he complains when it's coming too fast. And it's not going his way. And he's done that so many times at this point. I'm dizzy from it. And I had to remember but he did. He did say he did want this hearing to happen because he said we need to get this man out of jail as soon as possible. And we needed we want to get this evidentiary hearing going and now he's saying, no, no, I need time. And he used the term ineffective, which I thought was interesting. He said I would be I would be ineffective at this point. So that guy didn't hear that us. David was like, Is he trying to go for an effective counsel? Is you trying to Dick out of this? What's going on? But yeah, I mean, that man is going to find every way to slither his way out of this situation and they won't quit. That's another thing I've learned they're quitting is not going to be an option. Well,

**Liz Farrell** 58:53

now that you've said that, though, Mandy, I think that might actually be an option because how many times have we heard from sources that Dick has been looking to pull the ripcord on this case and get out of it?

59:03

Really? I've not heard that you have I've heard that you've

**Liz Farrell** 59:06

said that



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**Eric Bland** 59:08

haven't Well, I mean, he should he should be but I haven't heard I thought

**Liz Farrell** 59:12

the whole thing was once this so if they don't get this new trial and thereafter discovered evidence that that's it for DEC like he's tipping his hat and he's going I thought you are the one but I've definitely heard that behind the scenes that he is he's not going to keep on you know, through the appeals and all that so

**Mandy Matney** 59:32

Eric, I think that you said that his law office was over it and kind of suffering because of the case.

**Eric Bland** 59:42

Yes, yes. Yes, gyms law office, not Dicks. Oh, gems.

**Mandy Matney** 59:47

Okay. But yeah,

**Eric Bland** 59:50

I mean, it was absent from that courtroom today.

**Mandy Matney** 59:53

Maggie Fox now you Fox where she?



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**Liz Farrell** 59:56

I don't know doing work that matters probably doing actual work that isn't nonsense. And

**Mandy Matney** 1:00:02

the Murdaugh family was not there either true or

**Eric Bland** 1:00:07

true and you know what else? I picked up something that I didn't realize. Justice Toal said I was appointed by Justice Beatty to hear this motion. I didn't hear her say I was appointed by Justice Beatty to handle matters, Murdaugh matters going forward. That's what I thought going in now, was I wrong about that? Or am I right? No,

**Liz Farrell** 1:00:28

she was she was only appointed for this. Judge Newman is still on the other matters. But as we'll talk about in another episode, those other matters are

**Eric Bland** 1:00:39

pathetic. And yeah, so solely for this motion only.

**Liz Farrell** 1:00:42

Yeah, she's to handle everything related to the motion for a neutral. Okay. Oh, guys, I



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**Eric Bland** 1:00:47

think we did it. We did. We covered a lot of territory. Great job, guys.  
Yeah, it's

**Liz Farrell** 1:00:51

another busy day in the neighborhood here. Just that way. I mean,  
honest to God, like of what a what a good SQL today was. And I hope  
that we'll see. I hope that your scenario doesn't happen, Eric. So yeah, so  
do I. Yeah, it's enough already. Yeah, sure. So cups down or cups

**Eric Bland** 1:01:11

down guys, cups

**Mandy Matney** 1:01:12

down. Thank you so much for listening. And thank you for sharing your  
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continue the conversation as we gear up for new cases in return to  
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