



EPISODE 66: Toal Ya So Part Two - Justice Jean Toal (Finally) Denies Alex Murdaugh's Motion For A New Trial

Mandy Matney 00:04

Well, we finally made it to the conclusion of a very long and very drawn out test of our Justice system, all for the benefit of a double murder in his spotlight seeking defense team today, January 29 2024. Justice Jean Toal denied Alex Murdaugh's motion for a new trial. And that is a big deal. Well, we didn't see fireworks or smoking guns. We did see Justice Jean Toal keep the peace by allowing a lot of unexpected testimony as attorneys from the state and for the defense to show Justice Toal that justice in the law was on their side. But Justice Toal made it clear that this hearing would not be to put Becky Hill on trial. Liz, Eric and I talk about how Justice Toal separated the juror issue at hand from Becky's questionable decisions and even more questionable testimony. Justice Toal ultimately determined that Alex Murdaugh would remain a convicted double murderer and quashed his quest to get a new trial based on jury tampering by clerk of court, Becky Hill. And in other news, I am so excited to go back to Columbia, South Carolina, as we celebrate justice at the Capital City Club to bring a special evening event that you don't want to miss. Yours truly will be joined by attorney and legal director of the South Carolina Victim Assistance Network Sarah a Ford for an evening reception and examination of state government drew crime media and of course, the conclusion of this very long saga. This exclusive in person event is restricted to invited club members and Luna Shark Premium Members Only RSVP today by clicking the link in the description or visit [Luna shark media.com/events](https://lunasharkmedia.com/events). We'll also break down the ins and outs of the testimony and strategy on true sunlight this Thursday. But for now, let's get into it.

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Liz Farrell 02:24

Cups up guys.

Eric Bland 02:25

Cups up! Happy Monday night.

Liz Farrell 02:27

Happy Monday night. Oh, look at that, Eric. Good

Eric Bland 02:30

to see you guys.

Liz Farrell 02:31

Yeah, you just got here. just in the nick of time. You came from the court? I did house from the Richland County courthouse where Alex Murdaugh was denied a new trial today. Yep. I've

Eric Bland 02:41

been there for two, two full days Friday. And today.

Liz Farrell 02:44

Yeah. So how are you feeling?

Eric Bland 02:47

I feel really good. I feel really good about us. It's great to be right. And it's great to be wrong. Right in the sense that we predicted that this would be the outcome. We were probably in the strong minority about that.



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There was a lot of local news media and obviously national media that we're buying with tech was, you know, has been selling for the last five, six months, you know, we've always talked Did you know he came out like a lion, he's gonna run out like land. But I was really wrong about Justice Toal. They just said that listeners know, I just tweeted about it. This morning, when I went in. I went in to see her and I said, Justice Toal, I just want you to know that I was 100% wrong about you. And regardless of how you rule today, or when it's over, I'm going to tell our listeners that I was wrong, that you handled this matter perfectly. You been fair to both sides. We all I also predicted to you guys last Friday that I suspected that she was going to broaden the scope of the hearing a little bit to give the defense the opportunity to put in some of their evidence, but they you know, they they kind of had a Trojan horse thrown on them that they didn't see common and they thought the hearing was going to be about well, we'll just tar and feather Becky will show how bad she is how not credible she is and that we have to get a new trial. What they didn't listen to Justice Toal about from the status conference on January 16 was she's only concerned about the jurors. And what did the jurors think? What did the jurors hear? And did that have an impact on their verdicts and you heard from 11 Jurors today? A resounding no. That nothing that was said nothing that we should have heard or we heard or was done had any impact on our verdicts except the law, the testimony and the evidence, and there wasn't welcher I'll talk to you a little bit about what HarperCollins said about me and open court. I And about that you're but I never doubted her belief that she may have been believed that she was pressured into a verdict, but she ended up vacillating. And that's why we never can have perpetual



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verdicts, you vote one time, and that's your vote, to my knowledge in our podcast, none of us ever called any juror a liar. That is so over the top. I don't know where but yet,

Liz Farrell 05:27

that's what you are called today in court. Dick told Justice Toal that

Eric Bland 05:31

you were that I called her a liar. And can

Liz Farrell 05:34

you explain that a little bit, though, because it seems like all of a sudden you are being moved to the back of the courtroom. Where were you seated prior to that? And what was Dick's objection?

Eric Bland 05:43

I was in the jury box and I, I sat in the first seat in the jury box in the last row. And that's where I was, since Friday. That's where Justice Toald wanted me to be, and are patiently and asked that I be moved, because the juror was intimidated by me and scared because I had publicly called her allegedly, allegedly publicly called her a liar, and who I am and I stood up and I said I object. You know, this is beyond the pale, I said, and then she just as Toal normally would, if somebody like me did that she she'd come down on me a ton of bricks, but she did not. She just said both you calm down. She asked me to move when he slammed SLED and gratuitously said, you know, I can't trust them. They can't be trusted. It's not that the Ag can't be trusted. I'm not saying



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them. It's SLED. Well, I talked to some of those SLED officers, after HarperCollins said that, including some Richland County deputies. And they didn't take too kindly to harp oohed Lee and slamming them and questioning their veracity. And they basically said it did corporately and ever calls us again, for favor, it isn't going to happen. And if he comes to see us, they're going to wait for it. He's going to wait for hours. He He's lost it. Now. today. I will tell you he did a good performance in proving that Becky Hill has credibility issues. But that's something that everybody's known from about the past two months, past two months, but they never focused on the jurors guys. That was the key. They had to focus on the 12 deliberating jurors, and they didn't do it. Again,

Mandy Matney 07:26

I think they focus too much in their entire strategy on the media and the public's opinion on this case, instead of focusing on the judge and the jurors. And I say that because I sat there on Friday, just listening to Deckard Poulin insert buzzword after buzz word. And every single thing that he said in everything that he said was intentional for headlines. And he got the headlines of like, not trusting police and blah, blah, blah. And he wanted to get his little one liners there and his little points, and I will say that he did a pretty good job today. I feel like that that was the strongest Dick Harpootlian has been in a long time. Do you guys agree? You

Eric Bland 08:15

are correct. You are correct. I think he



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Liz Farrell 08:17

was more professional today. That's what I would say above anything else more professional?

Mandy Matney 08:22

Yeah, his cross

Eric Bland 08:24

examination of Becky Hill was very light. It was not, you know, in your face and yelling and screaming like he normally does. It was very reserved and measured. And he proved that she lacks credibility on a number of fronts.

Mandy Matney 08:44

Yeah, I'm a little mad though, because it's it? Well, it feels like a victory. It also kind of feels like a colossal waste of time, and energy and tax money. And I it is a victory that the state does not have to go through another trial. But I think you're

Eric Bland 09:07

right, in the sense that it's, you got that feeling in your stomach. We won. But you know, what was the cost of winning? What was the cost to the Justice system? What was the cost to, you know, Judge Newman, what was the cost to the prosecution? What was the cost of Maggie and Paul and what you see, I went out because I wanted to hear the press conference of Dick and Jim and it was typical. Okay, this is we knew this was going to happen. Now we're focusing on appeal and



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we're going to show you who the murderers were. Now we know who the murderers are. It's just an endless fishhook with bait on it, and everybody wants to jump out in the water and try to guide the hook. And it's, it's just more of the same. I mean, it's hyperbole after hyperbole from these guys. Well, the

Mandy Matney 09:57

media has felt fallen for it every single time. So, with the exception of us, and there's very few others at this point that have not gone after the dangling object that Deckard Poulin has thrown out over and over, and I would feel foolish if I was them today. They've told their audience how big of a chance than Alex Murdaugh had and how jury tampering absolutely happen and there was gonna be fireworks today and I there were I mean today was a roller coaster emotionally at least it was for me but like Liz said, We expected a lot of that to happen. I think it was starting out with 630 like the starting right out of the bat with you having to move and then the first juror saying I believe Becky, I didn't know that she was going to go that far was saying I believe that Becky influence we

Eric Bland 11:00

did, did you we did and and I talked it over with Creighton, we both believe that that was the best thing. And the mistake that it made got, you know, it was It happened because Joe McColloch, you know, God forbid, had a heart attack and had surgery and was really sick. And it was amazing. Then he showed up in court today. But putting her on first because of Joe's health actually was the better presentation



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because she you know, she was isolated. And when you see the 11 that followed her or the 10 because there was one on Friday. It showed the stark contrast between her testimony and the other 10. If she had gone last, it would be you know, primacy, and then that would be the last thing that would be on everybody's mind. And then she was judged against all these other jurors who came in and used words like absolutely not. It was absolutely not influenced by Becky it was, you know, I gave my verdict. Absolutely. Based on the testimony, the evidence and judge Nunes things so it actually turned out okay. Now they they they out smarted themselves by a touch when they had Joe McColloch submit another affidavit this afternoon from juror Z, who now is given three different opinions. One was it was caused by jury pressure two was caused by Miss Becky and I felt pressured based on what she said. And three, a whole combination of cocktails of pressures.

Liz Farrell 12:42

what frustrated me about that affidavit was that I think it's been weeks now where I've been tweeting this and saying this that juror 630, or I guess we're calling her Jersey now, in her first affidavit said when she entered the room that she still had questions about Alex guilt, good, good, which would mean that bet whatever Becky said to her had no effect. Right. And I know that we can talk about the nuance we could talk on what's so frustrating to me. I'm going to be honest, like, especially like looking at people's comments today. And the tweets. I think everyone continues to miss the point, even though it's just said over and over again, which is that this always boiled down to whether or not the verdict was affected itself. Right. Like it just even though in



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these even though it was a roller coaster, I think it was just so stark this morning when we heard that juror say yes to that question. Did Becky, what Becky said influence your your decision? We did expect that we did know that this was going to be the issue from the very beginning with her she was the only thing that they had. So

Eric Bland 13:44

no, there was there was another juror that no one had spoken to that was a free agent did all this work concerned.

Liz Farrell 13:50

That's true, but they didn't have him. They didn't have him. They did not have him.

Eric Bland 13:54

I know, but we didn't know what that juror was gonna say. And evidently that jury came out and said wildcard, right. Yeah, that jury came out and said no, no

Liz Farrell 14:03

effect. One of the arguments I see happening right now is that like we should all be concerned that Alex did not get this new trial, because the mere fact now that Justice Toal us put it on the record that Becky is not completely credible, which any of us could have told you that at this point. Does that mean that Becky's word like now that we know that she's not completely credible? Does that mean that what she said to the juror or allegedly said to the juror, it would be enough for a new trial



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in any other circumstances like remove Alex from this remove the fact that it was a six week trial. It's just let's boil it down to the sixth amendment. Right. And, you know, remove all that because I'm interested I have not worked this out in my head yet. In terms of how I feel about this issue, absent of all these details of it would

Eric Bland 14:51

have been enough. If her affidavit didn't say it was based on juror pressure because remember, judges cannot get inside the jury Room. And once she said it was jury pressure that happens all the time. There's jury pressure all the time. If you're the lone holdout, you are going to be pressured by the other 11 that are going to want to convince you of their positions. That was a, you know, that was her truth. That was what was in the affidavit. And then corporately, you must realize that because they tried to get her to say something more,

Liz Farrell 15:26

but I'm not even talking about the affidavit. I'm talking about the fact that Becky said something at all, because that's going to be the appellate issue. Right, that it should be US versus Remmer. The case that should have been the standard, right, there should have been a hearing to get more information about what Becky was saying and how she was conducting herself. So does the mere fact like, look, the way I see it is that Justice Toal ruled the correct way, in this case, in this instance, with this set of facts, right, based on the law and the law. Absolutely. But the law is something that's up for interpretation sometimes. Right, right,



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Eric Bland 16:00

as we've you and I have said that they raise Sixth Amendment and Seventh Amendment federal concerns, constitutional concerns, and our Supreme Court and ultimately, the Supreme Court or the federal court on habeas corpus is going to have to say, Can you follow green, which is South Carolina law and show must show the impact on the jury? Or is Jim Griffin Correct? That prejudice was shown based on her making those statements and you're saying because Justice Toal made a finding of the lack of credibility of Becky Hill on some issues, that that would seem that if reamer is applied, he gets a new trial. But that is so far down the road, Dick Harpootlian is going to be retired by then listen to me, Dick is going to be retired, Jim is going to want to get out of this. It may be a public defender or some other attorney that is representing Alex at that time. Dick wanted this now. And he lost.

Mandy Matney 17:05

And on that note, we'll be right back.

Eric Bland 17:18

So Mandy, let take off, let me hear what you got to say.

Mandy Matney 17:21

It really was Dick's big shot. And I can't that as you were saying that I it's really hitting me how far down the road all of this really will be now because I mean, this was a dragon that was absolutely slayed. Today, that could have been who a beast of a case to deal with in the next year. And a beast of I just keep thinking about taxpayer money, because I'm a



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South Carolina taxpayer. And I did not want to pay for that. Again, I believe that Alex Murdaugh was guilty. And I think the other thing that was just really bothering me the entire time today and for the past six months is that there was no more. Alex isn't any less guilty than he was on. We have not seen anything to show that he is innocent. There has been nothing that has whatsoever shown that the jury got it wrong.

Eric Bland 18:23

Justice Toal told you the jury got it right. She said she read the entire transcript. And she said, I listened to what Judge Newman said in his sentencing. And she turned to Alex Mirto and said there was compelling evidence here for this jury to find you guilty of double my mean, she she is amazing. I mean, you want to talk about a decisive judge. There is no judge in our state that would have done which he did and ruled from the bench like that. They all take it under advisement. This is a decisive judge who said if I'm wrong, let an appellate court stand on my head listed guys. I was 100% wrong about this judge. You were right. Mandy, you said you had a good feeling about her. She you did to Liz, I was wrong. I let some of my past experiences with her affect on what she was going to do on this case. I mean, she was as decisive a judge as you will ever see. Now she opened the door today. Did carpetland Beat her down to a point that she opened the door and let some testimony in Creighton didn't open that door. Creighton didn't open the door with any questions he asked. It was Dick over and over again. And she



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Liz Farrell 19:36

I don't think that's true. I don't I disagree with you, Eric. I don't think it was deck. You're giving him too much credit here. I think that she had no choice but to do what she did. Because I think she needed to protect her record. I think that by entertaining Dick, she was also giving him enough rope to hang himself in some ways because we all saw how it fell apart. You know you had Rhonda McElveen come up. You had juror 741 come up those two jurors I'm sorry, like, you know, we can talk about like Rhonda said that, you know, Becky gave her a ride in the car, right. But we now have Becky on the record, we now have the juror who supposedly got this ride saying that didn't happen. I don't know what to make of that. It doesn't but that doesn't make Rhonda, you know, automatically credible just because she's you know, she said it. We have the president of the clerks of court Association, somebody with 20 years in this field, who never thought to go to Judge Newman wants to talk about all these alleged concerns that she suddenly had about Becky's behavior. And then when the juror ride would have been the most egregious thing, as she said so herself in her testimony. So you're sitting there listening to that testimony, and we're realizing that these witnesses who are supposed to help impeach Becky's character are not necessarily doing that. What I think impeach Becky's character was Becky's lack of being able to articulate herself because she was splitting hairs up there over and over again, because something wasn't technically true. And the way the judge asked it, or the way Dick asked it, she was answering that specific question. So for instance, with sealed documents, it was not true that Becky sent sealed documents to Netflix, she sent evidence that had not yet been sealed. So when she's



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answering this question over, it was so frustrating to sit there and listen to Judge Justice Toal asked this question over and over again, because it looked like Becky was lying. But she was answering the questions she was asked and not offering additional information, which I think she should have done. So I don't agree that Dick opened the door. I think that Justice Toal knew that she needed to get I think once those jurors were questioned, and once she understood that your Z had contradicting testimony and that they were going to try to change it a third time with this this little affidavit. I think she knew then how she was going to roll. She just wanted to explore it more and see, you know, convinced me basically so I don't know. I don't think it's a win for Dec. I don't know, Mandy, what do you think? Yeah,

Mandy Matney 21:57

I mean, it definitely made the day more. Not exciting, but like, what would you call I was like on air it made the day just more crazy interesting. And I'll say it to entertaining like it was it played like a movie today from the beginning to end because it was just it was like knocking you around. And you think it's going this way. And then it goes this way. And then it ends in this beautiful way. It felt like a movie all day long. And it didn't even feel real. I think that I think Justice Toal's a genius. I was just watching how meticulous she was. And she was really walking a tightrope this entire day. Because if she allowed certain things in then it made it would have made a different hearing and like this morning with your Z, she could have handled that in an entirely different way. And really the hearing could have gotten gotten off the rails from there. But she didn't I think she swayed more. I thought it was



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interesting. It felt like she swayed more in the favor of the prosecution in the morning. And then with afternoon testimony, it felt like she didn't and she was she was swatting down lots of objections from the prosecution all afternoon. She was letting a lot more testimony than we anticipated. And it was just wider but I think I think it was good. Like Liz said, I think as soon as Rhonda came out, I was like, if this is all he has, we're in good shape. Like if Ronda is his big power witness. And because I could already hear the trolls in the pro Murdaugh media screaming this morning and all weekend there. Justice Toal's, not going to let the truth and she's only she's going to be so narrow with this that she's not going to let anybody hear the truth. And I kind of liked that. She was like, Okay, let's go. Well, who do you got?

Eric Bland 24:06

Let them let me tell you. Let me tell you her her genius. And you said she told the world. This is not going to be a Becky Hill trial. I'm not putting Becky Hill on trial. And she didn't. But what she did is she let Becky Hill give answers. Remember Becky didn't take the fifth. And she made a statement. Becky's gonna have a reckoning down the road and Justice Toal set that in motion. She's going to have a reckoning from the court system. She may have a reckoning on these investigations. But she was able to separate Becky from the jurors. She gave Dick exactly what she wanted with Deke, one of which is a trial about Becky Hill, but that wasn't the issue that was before it was a juror issue. So she took care of the juror issue. You knew she was going to rule this way cuz she kept on saying Mr. Harperpootlian at least you'll be able to handle this on appeal. This is an issue that it'll be there for appeal. You don't have to



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take exception I got you covered. You're not waiving everything. So you knew where she was going to go. But Dick wanted to make this about Becky Hill. So he threw, she was not pleased about Becky Hills conduct. She didn't like that Becky Hill wrote a book. She didn't like what she heard about Becky Hill. So she said, Becky Hills demise in motion, and Becky will be collateral on this. She's going to suffer. She's going to add a mineral and lose her job and a maximum she may face criminal Jeopardy. Well,

Liz Farrell 25:36

okay, so let's talk about criminal jeopardy because if Justice Toala is saying that jury tampering did not occur, then how can Becky have tampered with the jury criminally?

Eric Bland 25:47

Well, she exceeded her authority with a lot of different things that she was doing. She didn't like the way she comported herself.

Liz Farrell 25:54

Sure. But she did criminally.

Eric Bland 25:56

I think I think she didn't like her answers. No, I

Liz Farrell 26:00

understand that. But you're saying download some of her answers. She



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Eric Bland 26:03

didn't fall true. Down the road. You're

Liz Farrell 26:04

saying that Becky could face charges for jury tampering? Isn't that what you're saying? Not jury

Eric Bland 26:08

tampering she could face George and for abuse of her office abusive of perjury she this poetic license about her book is just outright lying. I mean, calling people pedophiles and criminals. It was bizarre that

Liz Farrell 26:24

she didn't call anyone a pedophile to be clear, she did not call anyone a pedophile, that that's another author saying

Eric Bland 26:29

her answers were bizarre about poetic license. I mean, if you guys as journalists said, oh, yeah, we write on innuendo. And we can just kind of say that's what it is. It was ridiculous.

Liz Farrell 26:42

Well, that's another point where she wasn't articulating herself because we were sharing excerpts of the book with people on our live stream. She didn't say that the Murdaugh's for criminals to be clear, she said the stories that she heard about her family and their their connection with the Murdaughs as it relates to moonshining, that these are like stories,



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you know, there's plenty of stories in her family. It's essentially what she was saying. So I don't know why

Eric Bland 27:06

didn't say that on the stand. I know why she didn't know why she didn't either.

Liz Farrell 27:10

It was frustrating. Me too.

Eric Bland 27:11

It's like she didn't know her book. I mean, Mandy can quote, verse page in whatever in her book. It's like, Becky didn't know her book. Right? She just bought lock, stock and smoke and barrel. The dip said, she said that they were criminals. Now you're telling me she didn't say it? I haven't read her book. So I don't know.

Liz Farrell 27:28

I've read it twice. Unfortunately.

Mandy Matney 27:33

I was very disappointed by her demeanor today. And I don't know about y'all, but she just came across a shameless in almost arrogant and certain points. There was some like I there was a little bit of Alex Murdaugh. I can control the room, I can talk my way out of this type attitude from her. And it was just disappointing. And when she was saying when she was admitting to plagiarizing, it was like me. Like I



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would have evolved in front, I would have been like, it was just so stressed out and night. It was none of that. And right.

Liz Farrell 28:14

But I'm glad it wasn't because we needed her to keep her stuff did together. We needed her to not be a mess up there. So her arrogance and her low country ways were much appreciated for me, because I was so scared she was going to get up there. And because you can tell that where the tipping point came, which is what she was not prepared for, which was Justice Toal's questions and focusing in on that, those sealed documents because obviously that was that would be the most disturbing thing to Justice Toal, right? Like you gave up sealed, like you're telling me judge name and steal this evidence. And then you gave it to Netflix, which isn't what happened. So I don't know. I think she started to fall apart at that point, because she stopped being able to. It was like we said, I mean, she seemed more scared of Justice Toal than she did. Decart Boolean. She was much more able to deal with his nonsense, but when it came to Justice tall, I just it was like watching a six year old get in trouble by the principal. Yeah,

Eric Bland 29:12

that's a good point. What did y'all think of Alex I, he and I stared each other down. We had two really long stare downs, probably 30 seconds on one and probably 20 on the other and we were we didn't break. And then he finally looked away. And one time I looked away so it was a draw. We both had a draw! But he was angry. I mean, I don't know. Did they show him on the camera? A lot that you would see.



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Liz Farrell 29:36

Not a lot but enough where we can get that he was he was frustrated.

Eric Bland 29:40

He kept on doing this with his hair. And really, he knew it was coming. He knew it. And he's upset. He's very thin guys. He is very, very thin.

Liz Farrell 29:54

Look Good for him. Good for him.

Mandy Matney 29:55

Honestly, it was therapeutic to see him in person. On Friday, because in a weird way, you think of Alex Murdaugh as this great and mighty powerful man. And he looks really worn out recently, like, up close. He I was telling Liz this he looks worn, he looks frail, he looks not not intimidating and not confident, like he used to, um, JL has appropriately done a number on him. And that was very obvious when I saw him. But unlike you, nobody would look at our row. Eric, like, nobody from the defense, we kept staring at the defense table. And like, come on, look at us, and not one of them would look back

Eric Bland 30:47

for you. I mean, you were right there. Good. You went right there. I mean, you went right there, you could have smelled their body odor. You were so close, you know, so cool.



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Mandy Matney 30:56

We were really close. And I was with Colton, the eighth grader from Hampton county shout out to Colton. He's awesome. He wants to be a journalist. He was shadowing me on Friday. And it was so funny because we we sat down there just because of audio reasons it'd be it was the best place to get audio. And Alex wasn't there yet. When we sat down, and Colton, this eighth grader looks at me and he's like, it's Alex Murdaugh gonna sit right there. Was like, yeah, do you want to move? Because I totally understand if that makes you feel uncomfortable. And he was like, No, we're not moving anywhere. It's like, Yeah, let's do this.

Eric Bland 31:37

You know, there are a lot of people came up to Alex, during the past two days, not just his attorneys and the pair the paralegals but other people and we're like talking to him. Like he's just a normal person and not a double murderer. It really is bizarre that people you know, there is image Andre Agassi is right, in a way image is a lot of things. It may not be everything, but to be standing next to Alex Myrtle and talking to him in, you know, for over a minute or two minutes. That's not a good visual to have. It really. Did you notice that on Friday, a little bit of that Mandy?

Mandy Matney 32:18

Kind of, I'm just so I've learned so much about people in the last couple years. And one of them being like, I don't think people think about image, or I don't think that they have the level of self shame and guilt that I have, and that many of my friends have, I think, and I think that they just give Alex Murdaugh a pass over and over. And those same



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people, they helped create this monster. Like, I think that that's something that's really, we have to all talk about it and say it out loud, like people still treating him like a human being who deserves sympathy and empathy and people to fight for him at this point. I mean, they deserve this monster that we've had for the last six months. And in the last couple of years.

Eric Bland 33:09

Well, it's bizarre. Everybody says that true sunlight or cup of Justice cannot live without Alex Myrdal. This is all we are. We're a one trick pony. Yet, we're the only ones who are consistently saying he's guilty. He doesn't deserve a new trial. We don't want a new trial. Everybody else they want the story to continue. I watched them in court today. I watched all the media. They wanted her to say a new trial, because they're the one trick ponies on this deal. You know, we're trying to move on. We're, we're interviewing people. We're, we're talking about other cases. And we're being accused of being the ones that actually well, they really secretly want Alex to get a new trial. No, we don't. We're the only ones. It's crazy. I mean, am I wrong on that list? No

Liz Farrell 34:04

reality doesn't matter. I think that South Carolina is basically the entire series of Veep, in which every single person constantly resets. They are the worst version of themselves. And everyone forgives everyone for that being their worst version of themselves because they too are the worst versions of themselves. So very politically, like South Carolina is I think political on like every level. It's very



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Mandy Matney 34:30

Veep. And I vent. I mean, the people in our state that are like Dick Harpootlian that have been so ingrained in the political world for so long. They operate like monsters. They don't operate like human beings, and it's terrifying to watch and seeing all of that, like intersect with a murder trial has been just absolutely wild. But today with the media, I also couldn't help But notice how many of them position themselves like specifically so they would be on camera and I also watched a lot of their faces like get excited get like perk up when something went the defense's way or laugh at decrepit Lee and stupid bad jokes which his jokes are really bad like are endless

Eric Bland 35:20

there they never stop. Everything is a is a gratuitous ad hominem common, it just never stops.

Mandy Matney 35:30

And he never says anything that's funny ever. Like, I don't think he's ever been in front of an audience that isn't fearful of actually being honest about him. Like everybody's just afraid of them. So they laughing along with his jokes, and it's pathetic. But on that note, let's take a quick break. And we'll be right back. Eric, I had a question for you. The another weird thing that happened this morning that I would like to unpack is what happened with the jurors and their cell phones and some of them being able to watch a feed of some sort what was going on there?

Eric Bland 36:15



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Well, there was supposed to be a bailiff that was in the jury room with that Justice Toal put an embargo. That's the word that she used and a slight seaQuest are where the jurors are going to stay together. Once they came to court. She was going to bring them in, she was going to tell them exactly what she said, which is this is not your fault. You didn't do anything wrong. You know, he did great. You served your time, go back to the jury room, we'll bring you in one on one. And the bailiffs must have done what they normally do, which bailiffs don't ever go in the jury room. They sit outside the door. And so what ended up happening is when one of the officers went back to get the next year, they opened the door and realize they're sitting there watching the proceedings. And so she didn't want the jurors in advance to get the questions and to hear the first year Jersey say that she was intimidated because I don't know if you guys saw it. Joe McColloch is associate went up to talk to Justice Toal, she was concerned for the safety of this juror, not from the external people out in the courtroom or out on the street, but for the other jurors because she just revealed that I was intimidated. And there was some coercion by the jurors themselves. So that was a little bit of a side shoot. But

Liz Farrell 37:36

that felt like manufactured drama to me because obviously Justice Toal asked them what they thought and Jersey said she felt fine and dandy and had a big smile on her face. So that just felt like more theater or from the defense, frankly. But I mean, to be clear, there were only two jurors who said that they had their phones on and only one of those two said that they pulled up Facebook and the proceedings wrong. The rest



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of the jurors all said that they weren't part of that. So I think that kind of went a little I mean, it's just another dramatic moment where the record sort of screeches and you're like, you've got to be kidding me that this is happening. And then unfortunately, I think on Twitter, it just doesn't get like corrected. So then it becomes more like oh, and all these jurors were back there watching proceedings. And that's not actually the case. But also any prejudice that would have come from that from them seeing what Jersey said would have benefited probably Dec and Jim over the prosecution. Am I right about that?

Mandy Matney 38:28

I've thought about that too, because of human behavior. Like they're all scared to say the truth. And if a one person speaks up in that is the truth, then the others would be a lot more likely to say, yeah, that did happen. I thought about that, too. afterwards. It was another weird thing. But I also I people were saying like, how does this happen? Blah, blah, blah, and all freaking out? And it's like, well, this is a very, very abnormal hearing. It's not often that jurors are dragged across the state a year later to be to testify about a verdict that they rendered a year ago, and this is all a very strange situation. And I was also angry. I thought that Judge Toal handled the juror on Friday really well.

Eric Bland 39:16

I was glad that she that was my client, too.

Mandy Matney 39:20



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You have for your client. I thought that it was good that she did that for her schedule, because these are jurors they are not prisoners. They should not have to rearrange their entire schedules, and then Dicker Puli, and wanted to sequester the jurors over the weekend. And I can't believe that

Liz Farrell 39:37

while also filing the questions making the questions public, right, guys.

Eric Bland 39:42

I was retained by her on Thursday for the sole purpose. She said I've been trying to contact the courthouse. I've written everybody nobody will answer me. I have this pre planned Bible trip. What can you do? And I said, I will write Justice Toal When everybody on the coffee chain were like privately saying, Are you out of your mind, you really think that Justice Toal is going to do a separate hearing, or make an accommodation for one juror and damn it. If she didn't do it. She actually said to me, I offered I said, Justice, you know, you're probably going to take this under advisement like most judges do. Why don't we do this person when she comes back from her vacation and Justice Toalson, Mr. Bland, I'm ruling from the bench and it was like, it was unbelievable when she said and she marshaled law enforcement SLED, the court personnel and she did this hearing on Friday for one juror because she honestly believes these jurors should not have been inconvenienced like they happen. And good for her.

Mandy Matney 40:48



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Exactly.

Liz Farrell 40:49

Do you guys think that? Jersey? Eric, you were in the courtroom with her? Didn't jersey? See, she sounded more nervous to us over the feed of all the jurors. I mean, how did it compare with the other jurors?

Eric Bland 40:59

She was sheepish? Yeah, she was not as confident like, like embarrassed, not embarrassed, but you can tell like lacking in competence, in a way the other jurors were resolute. You know, they came in Absolutely not. No. What was interesting, they all kind of dressed up except for one of the gentlemen he had. One of the gentlemen was not as dressed up, but they came in with their Sunday best on so this, they knew this was serious. But yeah, she was not as competent outwardly as the rest. But it was, you know, she has to have some confidence to be able to say what she said,

Liz Farrell 41:35

was she looking around the room or like, what was her demeanor in terms of where was she looking? Or

Eric Bland 41:40

no, she was staring at deck. She'd never looked around the room. She just stared at deck during

Liz Farrell 41:44



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a deck. I

Mandy Matney 41:46

wanted to bring this up because I got some crap for it over the weekend. And I want to put this on the record and make it clear there was a because Justice Toal had that additional hearing to accommodate the first jurors needs, which was great. And because the carpool lane Asper or sequestration of the jurors and Justice Toald was very smart and said no, we're not going to do that. But what we will do media is we're going to embargo what happens when I question this juror. So you cannot report on the questions all weekend. You cannot report on what the juror testified. And that embargo ends at 930 on Monday when all the jurors are in the courthouse and secure. And I got several people in I mean, some people in the media or stirring it up to but I got a few people saying you're not a real journalist if you didn't fight that that's prior restraint. And it's that makes me so angry, because this is a case where we're constantly fighting actual First Amendment issues. But this is not one of them, like waiting a couple of days to report

Eric Bland 42:56

jurors anonymity. Yeah. And I also she

Liz Farrell 42:59

could have closed the courtroom. I mean, when any other judge would have closed the courtroom is the alternative. But she allowed the media to sit there. No serious member of the media had an issue with it. Jay



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Bender, who's the media liaison is a First Amendment attorney. It is his literal job. We called upon him many times when we had issues with judges doing stupid stuff to keep the media out. So I think it was just again, more manufactured drama from people

Eric Bland 43:25

who pissed me off that she was identified while she was testifying as the jury foreperson somebody tweeted that out. That was wrong. Yeah.

Mandy Matney 43:32

And then and then I saw several other reporters were clearly on Dick and Jim side saying it's well known that she's the foreperson. And it's like, Oh, I'm sorry, I missed the memo from Dick and Jim saying all the highlights, because apparently, yeah, y'all have well known things going around in your circles. And it's very clear, and it's not well, well known to the rest of us who aren't phone buddies with Dick and Jim. Sorry. I just, again, there was just so many things that were really frustrating. But I think the most frustrating part is the media and how they responded to this. Let's

Eric Bland 44:08

go back to August, guys, September, excuse me. Let's go back to that press conference on the Statehouse grounds in front of the Court of Appeals, and all the pomp and circumstances and the vitriol that the strident language by Jim Griffin that we are going to blow this wide open. This was jury tampering at its worst. We have been following this and we have investigated this and we're going to blow your mind. And



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we kept on saying, Damn, they're coming in like a lion. It's exactly what has happened with every other major press conference that they do. It's a lot of screaming from the rafters but in the end, there's nothing they got nothing. They didn't show that any other juror was lying or compromise their verdict. They got the there was nothing. They ended up with nothing. Remember

Liz Farrell 45:07

the day of the status conference we were seeing on Twitter people talking about how there were going to be fireworks in the courtroom that day. And it seemed like they were trying to insinuate like you are going to get your butt handed to you, Eric, like by Justice tool. Obviously, that didn't happen. It's just more I don't, I guess it's like frustrating for me gives just because it's so obvious from where we sit, what's going on. But yet people still take whatever the media is saying, and then they run with that. And we're over here just like, Well,

Eric Bland 45:38

yeah, somebody wrote an article suggesting that I should be, you know, reported to ODC, because of what I said, the Justice Toald, I cannot tell you. From the minute I stepped in that courtroom, and every communication I've had with Justice Toal, she has treated me better than I've ever been treated by any judge in my career. She was respectful. She was respectful to my clients. She said, I had every right to sit where I did. She wanted me to be able to talk to these jurors. She shared everything with me, including her list. This, I just was totally wrong about her. I mean, I got I can admit it. And I apologize to her.



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That's what you do when you're wrong. You accept it, and you apologize. But yeah, I mean, it was like it, everybody was hoping that she was going to chop my head off.

Liz Farrell 46:29

I know, they're excited. Um, can we talk a little bit about what happens next? And we talked a little bit about it with Becky and maybe what she faces? You know, possibly she might step down from her job. That's an option. I don't think that Governor McMaster is going to take any measures to like, have her removed, because that just isn't his jam, generally speaking. But now that we know no jury tampering happened, for sure. Obviously, the criminal part of that wouldn't go forward. I want to say this, and I want to be careful when I say it, because I totally understand that there are credible, seemingly credible claims when it comes to the ethics seemingly credible claims when it comes to the perhaps the wiretapping, right, I would not be surprised if some of this disappeared altogether now, because I felt like I feel like if they go forward with these things, it's only because they know that we're looking for it to go away at this point, because it feels like it was just useful for them in the moment. Yeah, I

Mandy Matney 47:27

don't know, either. I and I've thought about that, too, because especially in South Carolina, and especially when it comes to an official being investigated, charged and removed, which is very, very unlikely in South Carolina, no matter what kind of horrific things people are accused of, unless there's somebody super powerful behind it, driving it not a lot



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gets done. And those investigations just tend to go away. And I mean, I want to know what happened with Becky, I

Eric Bland 48:01

disagree with you guys. I think she's low hanging fruit. And I think unfortunately, she's going to be the collateral. i When the chief judge former Chief Justice makes those kinds of statements about a public official or in front of the world. I do think that, that Henry McMaster may be forced to do something, but she's going to she's going to be a collateral on this. She's not going to skate through this and keep her job. It's just not going to happen. Well,

Liz Farrell 48:28

let's be clear on what she said, though. I mean, because I think it's already being taken out of context. She said, Becky was not completely credible. Now, I'm not trying to make this softer.

Eric Bland 48:38

That's enough. That is enough for a clerk of court. The clerk of court has, they're called the honorable. So that person cannot have a credibility question. I'm not talking about jury tampering. I'm not even talking about it. She, you know, using her office for financial gain. I'm not talking about the book or anything. I'm just saying, when you are an honorable public official, and the Chief Justice says you've got credibility problems, you can't afford to have that in the clerk of court and distort. I may be wrong. It's just

Liz Farrell 49:09



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so rare that he takes any action in that regard. But maybe you're right. I mean, maybe he will actually do that. And I think that would be the right decision for him to do. But as far as her ethics complaints and her potential ethics charges I don't know I feel like in South Carolina, things just get done differently. And I also going back to what I said earlier about the Veep, the show Veep and just sort of how like politically feckless those people are. That is just how it is. I mean, like you've watched it right the show it's just I love it. It's just people who are constantly having to do each other dirty and then they forget that they did they don't care because they just that person is now useful to me and that's just honestly when you I looked at that courtroom today I looked at the media box, which like And like, I have to laugh at this whole thing, this concept of it was widely known. I've seen that excuse you several times by reporters, when they get challenged about information that they've led out, it was widely known. Look at yourself in your Echo Chamber, my friends, because you could see the echo chamber contained right there in that jury box. So it just it doesn't surprise. So anyway, going back, it's just, I looked at all those people and was picturing them sort of as the Veep characters, because that's really I think, in a lot of ways how people have conducted themselves throughout. Well, you

Eric Bland 50:34

asked a good question. You said, Well, what is next for Alex? And so I think we should explore that. What is next? I know what is next, but I want to hear what what you two have to say. What do you think is next? What do you see? Panda? Apparently



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Liz Farrell 50:46

they caught they're looking for the killer. So that's good. Yeah. That's

Mandy Matney 50:50

next on their little villain checklist. I I was just talking to David about this, and I might be alone in it. But I was bothered by everything that happened today. But I would like to know like where these jury tampering accusations actually came from. And like, do you hear

Liz Farrell 51:11

a reporter asked that question. Did you hear that Mandy?

Mandy Matney 51:14

Well, no, what

Liz Farrell 51:15

did she say it was but she said, listen, today, I found Becky to be far more credible than I thought I would have on the stand. Which makes me have to ask you Where did these jury tampering accusations come from? Where did you guys first hear this? And so they both that's when they went into their dirt roads and knocking on doors and shoe leather conversation because they were like, well, by talking to the jurors. That's how we found out. But I think to your point, the testimony we heard today from Rhonda McElveen and from juror 741, who all of a sudden remembered this juror car ride. It seems like there was a lot of gossip



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going around in circles right? And we know personally we were affected by that gossip right after Becky's book. Right? Exactly. So yeah,

Mandy Matney 52:03

but I mean, it was a huge waste of time and I get really in I'd say it was a waste of time because it appears like some things were manufacture it appears like lies were put into some of these jurors heads and it appears one jour, but it appears like lawyers went into college and county with an agenda and wanting to put words inside yours mouths. And I wish because Dick are Poulin we say Becky's the low hanging fruit, Decart boolean and investigating whatever he's up to. And whatever he's doing. That's the big prize. Like that's where we actually get the corruption from the tree to fall. And that's how we actually change things in South Carolina. We keep going after Becky's nothing's ever going to change because it low hanging fruit like you said, and not. And, again, we don't know if we don't know how to carpetland Did anything criminal, but we have to be so careful about even saying that because everybody in the state is like, oh my gosh, do we ever nobody accuses Dick Harpootlian of doing anything. The guy has walked around his entire life unafraid of ever being investigated for anything. And I feel like you get sloppy, and I feel like the rules have never applied to him. And I was just very, very angry of the circus that he has made our system into.

Eric Bland 53:33



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He's not the only one. He's not the only one we know there's a couple other lawyers that have done it to Casey man and you know, there is another lawyer we've talked about, who's also made our system a little bit of a circus, you know, who's also a politician so it's not just dick, but it's it's number of people who have that kind of power whether it's uh, you know, on the Judiciary Committee or they're on a judicial election committee or whatever. They they get access that normal lawyers don't and they're, they're immune from scrutiny. They're they're immune from that any kind of scrutiny.

Liz Farrell 54:09

I think that the egg lady was a seed that they planted. She was a seed for them that she got planted in March, and she would her festering resentment of being kicked off the jury, some of the loosey goosey ways that Becky conducted herself started to rise to the top of her complaint, her alleged or purported relationship with juror 630. who apparently was you know, there, they say that she was her tenant, at least at one point that starts to come into play these two people are talking right. So the power of suggestion starts to take hold. Right and you have Rhonda McElveen, who if she's the Barnwell county clerk of court, she's certainly coming into contact with the likes of attorneys in the Murdaugh circle because that's their territory really. I mean, so she's definitely known Alex profession. Not only right, Barnwell county is right outside the 14th circuit. So you're you're talking about, you know, think about the the blue tarp in the murder case and how that didn't come out until Miss Shelley got into a situation where she was just having a conversation with a state trooper, I believe. And he reported what she Toal them. It



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was a casual conversation that became formalized. So I think the power of I think more than dig and Jim doing anything, because I think if they had the power to do something, they would have done something and it didn't. Meaning there was no jury tampering proved proven here. I feel like the power suggestion is strong especially and that the I think that we can't underestimate the social network of the low country and Barnwell County at the level of the Rhonda Mackel beans at the level of egg lady and juror 630. These are people who have known each other in all different circles since they went to school together. So you're talking about a pressure that just maybe we don't experience because we're all from somewhere else, and we make our networks in different ways. So I think that that's probably what happened. That's what I'm guessing based on today's testimony from Rhonda McElveen. Lot of gossip, a lot of rumors,

Mandy Matney 56:15

but I think they knew it was all rumors and gossip. That's the thing. I think that they knew the whole time that they had nothing and they will they push this charade to the very furthest extent that they possibly could have. They got the entire media behind them. Capitalize

Liz Farrell 56:31

on it, for sure. Not I mean, they got sympathy

Mandy Matney 56:34

for Alex, but they had no no, it was a lie.

Liz Farrell 56:38



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I think that they did I think that yeah, I'm not saying that they didn't think it was a lie. I'm thinking I'm saying that like how did these juries How did this go from? No jury tampering to suddenly we're talking about jury tampering, the power of suggestion. If you hear that some Becky had a conversation that was loosey goosey. And your dick harpoon Utley, in your mind is immediately going to how can I use that? Oh, my God, that's jury tampering in Oh, my God, US versus rummer says that just the mere fact that something was said by a court official is enough for a new trial. So that's what I'm saying is that like that, I understand how it got to that level through the rumors and the gossip and I understand why dick and Jim capitalized it. I don't understand why the court system allowed them to get as far as they got. Because I think that that should have been squashed. And I

Eric Bland 57:25

think now that the court system is wise to this, we got to do something to keep Alex relevant. We have to have these kinds of press conferences. Now we're going to try to come out and find the murderer. What's going to end up happening, which is the worst thing for Alex is, there's going to be silence. We're going to have judge gurgles sentence, they may come forward and do something with the September labor day shooting or not. They may let it sit. The worst thing for Alex is time where nobody's writing about and talking about and Dick isn't doing anything asking for hearing. That's the worst thing in the world time will kill this guy time out of the limelight. Let's

Liz Farrell 58:10



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talk about Sandy real quick being in the sandy Smith was in the courtroom for seven hours today. Today with Stephens birthdays, and his sister Stephanie's birthday, her presence sitting with SLED sent to me a strong message that Guess who's next? Guess what case is now because

Eric Bland 58:28

his birthday? Wasn't his birthday today. Yep.

Mandy Matney 58:30

As to him and his twin sister somebody's birthday. And that that's what Stephanie did. That's what I'm Sandy wanted to do today. I think she wanted to remind people, Hey, circuits is over. And we're next. And on that note, we have a lot of really interesting guests coming up. I'm really excited. Other cases to explore, we're going back to Steven, which is going to be great. We have a lot of really great things ahead of us. And I am just it's hitting me that this chapter is closing it is

Eric Bland 59:04

but you guys should applaud yourself. I mean, you you guys have fought the amazing fight since 2019. And you have given up at great personal expense. You know a lot of a lot of mocking and ridicule and jealousy and all the seven deadly sins thrown at you guys. And again, you you just keep making the right calls. Which is amazing. And I'm honored to be part of your team and hitching my wagon to you too. And you know anybody that questions why I'm with you too. It's because I believe in YouTube and I believe you're right. Well,



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Liz Farrell 59:45

the proof is in the pudding. Eric. Turns out we've been right a lot.

Mandy Matney 59:52

Oh great show everybody Cups down. Cup of Justice is a Luna Shark production created by me Mandy Matney and co-hosted by journalist Liz Farrell and attorney Eric Bland. Learn more about our mission and membership at lunasharkmedia.com interruptions provided by Luna and Joe Pesky.

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