

## EPISODE 36: End Of An Era (Seriously...) Alex Murdaugh's Motion For New New Trial Denied by Justice Toal

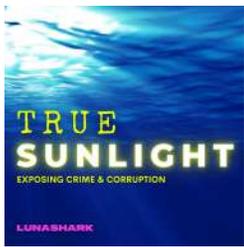
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**Mandy Matney** 00:01

I now know that Justice Jean Toal should go down in history as a hero who saved the South Carolina Justice System from further Murdaugh terrorism. This week she finally denied Alex Murdaugh's motion for a new trial after Dick and Jim failed to prove that Becky Hill influenced the jurors during last year's murder trial. It's the end of an era folks and that is a big deal. My name is Mandy Matney. This is True Sunlight a podcast exposing crime and corruption previously known as the Murdaugh murders podcast True Sunlight is a Luna Shark production written with journalists Liz Farrell Okay y'all who it is finally February in this hell mouth of a month in era constantly fighting misinformation on Alex Murdaugh's attempt at a new trial is finally over. I am really excited for February, not only so we can start a new chapter that won't be clogged by Dick and Jim's nonsense. We have a really exciting event planned for February on February 15. I will be at the Capital City Club in Columbia, South Carolina to bring a special evening you won't want to miss I'm honored to 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, true crime and media and of course, the conclusion of this very long saga. This exclusive in person event called Capital City Club confidential is restricted to invited clubs members and Luna Shark Premium Members Only RSVP today by clicking the link in the description or visit [lunasharkmedia.com/events](https://lunasharkmedia.com/events). I also have to mention now is the time to get a Luna Shark premium membership as we continue to plan more and more members-only events across the country and also this episode is enhanced and extra long for Premium Members Only check the link in the description to become a member today. Who What a ride we have been on this month. Finally on Monday. We all landed softly When Justice Jean Toal denied team Murdaugh's motion for a

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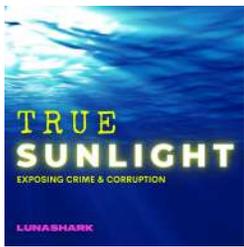
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new trial. She said specifically that she found that Becky Hill is not credible. But Becky Hill's comments did not influence the jury. You know what we have been saying on this podcast since September. Finally, we feel vindicated and validated and actually hopeful that South Carolina can better itself because of this mess. After years of enduring abuse, harassment, gaslighting, and hate for speaking the truth on this case. I have to say this one more time because it feels really good to you so there will not be a retrial of the century. For the past five months, we have been battling misinformation from both the national media and local media who managed to convince a large portion of the population that a new trial for Alex Murdaugh was all but guaranteed and deserved. Turns out the 1000s of anti Becky Hill headlines TikToks and Tweets added up to a big old nothing for Team Murdaugh, because Justice Toal like us was able to separate Becky's ethical issues from the jury tampering allegations. Ultimately, after an extremely unusual hearing where each juror testified under oath about a verdict they rendered 10 months ago, the court found that the defense did not meet its burden of proof for jury tampering, even after one juror 630. The one we always said could be problematic pulled a bit of a switcheroo and made claims contradicting her affidavit from August, which we will get to in a moment. But first, I want to talk about how unusual this situation is just as tole said it several times herself on Monday and Friday. Typically, in a case of jury tampering allegations. The claims are made almost immediately after the verdict. But of course, not in this case. In this case, Dick and Jim claims that they heard about jury tampering allegations after the clerk of courts book was put published another extremely abnormal situation in this case, and that made her an easy target to discredit. One of the jurors labeled your ex testified on Friday because she had a trip plan this week. And Justice Toal was nice enough to hold a separate hearing in Columbia on Friday, which David

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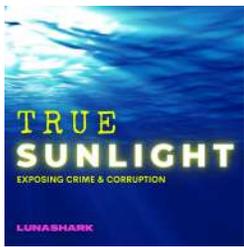
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and I attended. I saw some absurd chatter on social media about how this juror was getting special privileges. And I need to clear up something right now. Alex Murdaugh is a convicted murderer and a convicted criminal he is now presumed guilty after a jury of his peers found him to be guilty of killing his wife and son. The 12 jurors who served on that jury for six weeks are not presumed guilty. They sacrifice six weeks of their life for extremely low pay. They did nothing to deserve to be treated like prisoners as a South Carolinian. I am personally thankful for their duty to the truth, and I cannot imagine how stressful the last year has been for them, especially with Dick and Jim's pressuring antics over the past six months. Our system should cater to innocent jurors over the needs of Alex Murdaugh the monster every single time. We should not demand for jurors' lies to be continuously interrupted. Every time Dick and Jim want to cause more chaos. George should be protected. And they were this week, even after Dick Harper Julian asked for them to be sequestered. And by the way, could you all imagine being forced to spend the weekend with people you normally wouldn't want to hang out with? Just because Alex Murdaugh the murderer wants you to know, absolutely not. So instead, Judge Toal put a media embargo on your ex's testimony, so other jurors couldn't see what she said till also made it clear to the jurors into the world that they did nothing wrong, that they were not criminals, but upstanding citizens who were forced to participate in this circus of a trial, whether they liked it or not Toal understood how important it was to minimize harm done to the jurors because jurors are an important part of our system. Now, on Friday, Judge Toals said that she would allow both sides to question Becky Hill, and she didn't shut down Harpootlian's requests to call additional witnesses. So on Friday, we knew that Judge Toal was likely going to widen the scope a little to allow for the defense to put their best argument forward. Keep in mind, most of the decisions



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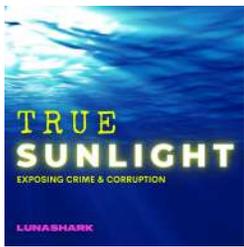
justice tol has made in this case are based on the assumptions that there will be an appeal or multiple appeals by Team Murdaugh and it was Justice Toal's job to minimize the issues that would be made and upcoming appeals. But on Friday, we didn't know how wide that scope would be. Nor did we know what kind of wild ride we would be taken on Monday. Monday's hearing was unlike anything we have ever seen before. Not only were the matters at hand, unprecedented, and South Carolina good proceedings themselves had a few bizarre moments in the courtroom was packed. Even from afar. We could feel the energy of that room. And even though we went into this hearing, feeling confident that Justice Jean Toal would see the same things that we were seeing about teen Murdaugh's accusations that despite Becky Hill's loosey goosey style during trial, she didn't do or say anything that ultimately affected the verdict. We were still tense, as you know, by now expect the unexpected when it comes to Alex Murdaugh. So basically, anything that could happen would happen.

### **Liz Farrell** 09:02

You know that moment in a psycho thriller where it's silent, except for the ominous music that's playing. And the protagonist is looking through her house room by room worried the killer is there. And then there's this unidentified noise like a jumpscare for the audience, but it turns out just to be a cat. That kind of happened before things got underway on Monday. Today,

### **Justice Jean Toal** 09:25

I asked you to focus your attention...what is that? What is that noise is that the sound system or sound system? This is the funkiest sound system in the world so you can keep up with it. I've had trouble in every case I've ever tried with the sound system so you're good. Something



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happens in the sound system goes haywire. We'll stop from it until it stops shortly

### **Liz Farrell** 10:04

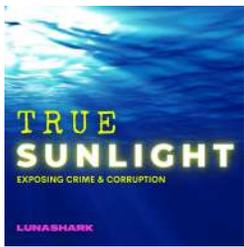
After this Dick Harpootlian just had to pay homage to his first name by messing with our Cup of Justice co-host Eric Bland. The first juror to testify on Monday was going to be Jersey. Now, this is where things get a little weird for us as journalists because as was very evident Monday morning, Jersey was juror 630, the juror represented by Joe McColloch, the only juror the defense had on their side. Justice Toal had gone to great lengths to mask the jurors' identities by assigning them new monitors, but because Jersey had to testify about an earlier sworn statement she had made and because Joe was identified as her attorney, it was clear to everyone who she was. We're going to keep calling her Jersey throughout this episode out of respect for the court, but we can't talk about her affidavit later without acknowledging that she is 630. Okay, so Dick, paying homage to his first name, decided he needed to make a big deal out of Eric and his associates Scotland jello sitting nearby in the courtroom. In this clip, you'll hear Eric yell an objection. That's because Dick is lying about him.

### **Dick Harpootlian** 11:19

One other matter. One of the individuals sitting in the jury box call this the next one next year a wire publicly. I'd ask that he be Mr. Bland and his partner cohort not sit behind her or near her while she's testified. I object

### **Justice Jean Toal** 11:42

to him speaking one on one, we're not gonna have a big comic, we're back this keep you keep your seat for a moment when you do the same.



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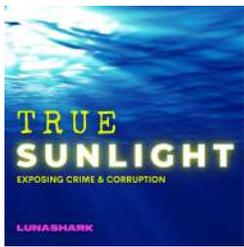
And Mr. Bender, is there a seat over next to you, Mr. Bland when you go up and sit next to Mr. Bender, please. Thank you. Thank you. For the record, I have some people in the jury box. Two of them are sled agents. One of them is the media consultant. And one of them is an attorney for several of the jurors, Mr. Bland, and that's being done at my direction. So

### **Liz Farrell** 12:24

Eric Bland was moved because Dick stomped his feet like a toddler. But again, it's just typical Dick drama, he uses every tool available to him at any given moment. And to start this hearing off by making it look like Eric had called this juror a liar, which he did not do that, by the way, and by making it look like Eric was there to be menacing toward that juror Tikka to impress himself with his own antics. Now, after jersey is oddly dramatic testimony I say oddly, because she didn't say anything we weren't expecting her to say and that we talked about numerous times on the show, something even crazier happened.

### **Justice Jean Toal** 13:03

Counsel, I have to report this to you. And I'm very, very unhappy about it, but I have nothing to do but put it on the record. And then I will proceed with questioning the rest of the jurors? Did you are our cell phones were not confiscated or taken from them? And then tune this thing in on Court TV and listen to all what just went on. So you may make whatever statement you'd like to make. And then I'm gonna go on and question that yours I will tell you in advance, I am not going to stop the proceedings or do anything to interrupt from home get the rest of this on the record, you might imagine that they no longer have their cell phones with



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### **Dick Harpootlian** 13:57

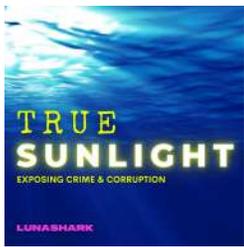
recesses discuss what we need to put on the record. I mean, this is gonna take all

### **Justice Jean Toal** 14:03

day on this thing. I report things as they come to me, where I will give you a couple of minutes and then we're gonna they were late getting here. I didn't get to start on time like I wanted. So I need to just calm down a little bit. But I tell you don't take any long period of time while we're in recess for five minutes.

### **Liz Farrell** 14:22

Shout out to Justice Toal for taking the time to calm down. It's a good mental health reminder for all of us in the workplace. But my God, can you imagine being her and having to hear the most basic of basic things wasn't done and that the jurors were back there watching testimony. I mean, everything she had done thus far to protect the sanctity of the questions appeared to have been on done in that moment. And can you imagine being the bailiff who had to deliver that news to her of all people. Luckily, it turned out to be much less of an issue. Only two jurors admitted to having their phones open in the jury room and only one of those admitted to having a testimony Open, she said she had opened her Facebook app and it was playing Court TV and then she closed it right away. Honestly, you cannot script these things. Another bizarre moment came when Joe McColloch's team tried to step in. And yes, Joe was in the courtroom despite just having a heart attack the previous weekend. He did not look great, and it was actually kind of worrisome. And Justice Toal was not amused by their efforts to have their say, number. Dick Harpootlian made a huge deal in his pre hearing filings. And in the status conference about Eric Bland



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representing several of the jurors, jurors who Dick said needed to lawyer up. And by the way, Eric had more jurors than Joe and this, Dick asked the court to make sure Eric couldn't have any say in the courtroom. And even when Eric objected to the lie, Dick had told earlier in the day, Dick objected to Eric speaking at all. But here they were trying to get the court to hear from McColloch and his team justice Toal was not happy.

### **Justice Jean Toal** 16:04

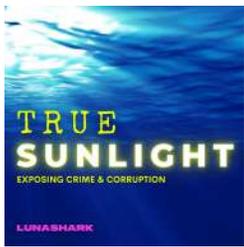
You got to do something that I've already said, I'm not gonna allow that to happen. And that is you got standing next to you a member of the team that represents that your role. And I can tell you, Mr. Harpootlian, but I'm not I made a ruling early on that when Miss McCullouch was in court, and when Mr. Bland was in court, that I was not going to allow the allow the attorneys to participate in formulating the procedure for this hearing. But I have not also indicated that I will not allow the jury, the lawyers for jurors to participate in this hearing. And so I'm not going to do that. I can just tell you that and if you get it, what you want to do is by indirection, tell me what the lawyers for the euro would say, I'm not going to accept that.

### **Dick Harpootlian** 16:59

Like to approach to ask if the juror can be excused.

### **Justice Jean Toal** 17:03

No, not yet. I actually approached now Mr. McColloch can be excused as still plenty you lawyers, and you can do it. I didn't want him to come to begin with. So I love him dearly. And he can go each time. And I speak on behalf of Amy McCall, his wife when



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### Unknown 17:24

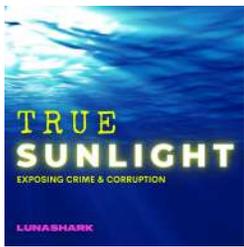
I actually was here to let both of them and know that I was going to ask to approach to talk about the security issue very quickly

### Justice Jean Toal 17:31

come up you Lord knows I tell you what Murphy's Law, what can go wrong will go wrong at the worst possible time. And Murphy was an optimist.

### Liz Farrell 17:40

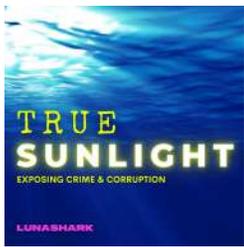
It was just more drama from the defense to make it look like there was something ominous going on with jersey to make it look like she was in danger and that people were bullying her which wasn't even remotely the case. Justice Toal went back and asked Jersey if she would feel more comfortable in a room by herself and Jersey gave justice Toal a big smile and said she was just fine where she was. Now the biggest thing to keep in mind as we go through what happened Monday is the two key issues here. One is who had the burden of proof, meaning who had to show the court that team Murdaugh's allegations against Becky Hill were true or not true. The second is what standard of law would apply. The defense wanted the court to accept that the mere fact that Becki, a court official had said anything at all to the jurors related to the trial itself was enough to grant a new trial regardless of whether it had affected jurors verdicts. Why did they want that standard? Because they only had one juror, the juror now known as Jersey, and they knew that that one jurors earlier sworn statement did not point to Becky as the reason she rendered a guilty verdict. Not only did this juror say that she went into deliberations questioning Alex guilt, meaning any earlier statements from Becky do not appear to have affected her thinking. She ultimately voted guilty because of her fellow jurors. She did not



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attribute her verdict to Becky. The defense knew this was a problem and one of the rules bent in their favor. In arguing this they relied heavily on a 1993 case called State vs camera in which cited in 1960 Split ruling from the Fourth Circuit Court of Appeals called Holmes vs. USA. We'll discuss those two cases again at the end of the episode. For now just know that the defense lost their argument in the status conference earlier this month where Justice Toal set the ground rules for the hearing. She ruled that there had been several rulings since State v Cameron that clarified the standard and that standard was prejudice must be shown. That meant that on Monday, Dick and Jim needed to show that the jury was prejudiced against Alex because of what Becky had said. Now, the Friday before Monday's hearing justice told her testimony from juror X who was represented by Eric bland juror X told the court that she did not hear back you say anything to the jury, and that Becky did not affect her verdict. Additionally, because the defense was accusing Becky of having private meetings with this particular juror, and insinuating that this particular juror was feeding Becky info about how jurors had intended to vote, which makes no sense because the jurors weren't even allowed to discuss the case with each other until deliberations, Justice tol asked juror x about the so called private meetings, the juror told the court that she did meet privately with Becky once and that the matter they discuss had nothing to do with the trial. On Monday, it came out that this juror had spoken to Becky about a concern with jurors being loud in the courtroom. Becky said she told this juror she had to communicate with the bailiff who would pass notes to the judge. Okay, so let's talk about Jersey. She was the first juror to speak Monday, and that's because of Joe McColloch, his health. The idea was to get his client out of the way so that he could go home and rest. Here's justice Toal



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### Justice Jean Toal 21:04

your Rosie, I will ask you some questions. And there are no right or wrong answers. The truth is, is what I seek. And that is the truth of what you experienced in relation to these questions at this state versus Murdaugh trial. You rendered a verdict on March the second 2023. That verdict was read in open court, the full person of the juries. And then the court said this man, poor lady and members of the jury, if that is your verdict of each and every juror, let it be known by raising your hand. The transcript then indicates that the jurors comply. The jury was individually polled, and each was asked was that your verdict? Each juror answered Yes. Each juror was very nice. Is that still your verdict? And each juror answer yes. Was that an accurate statement about your verdict at that time?

### Juror Z 22:25

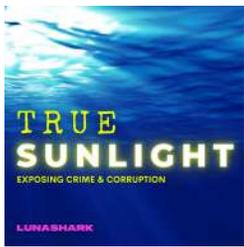
Yes, ma'am. Right.

### Liz Farrell 22:27

So this is very important. Going into Monday, Jersey had already testified once under oath that her verdict was her verdict. And that's when she was pulled by Judge Newman on March 2 of last year. Here she was again testifying that she did in fact do that. Hence why she paused because there was no way out of it. She couldn't change her mind in that moment and say she lied back then when she said it. That bit of testimony further sealed for the court that her verdict at the time was her verdict.

### Justice Jean Toal 23:01

Was your verdict based entirely on the testimony, evidence and law presented to you in this case?



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**Liz Farrell** 23:11

Yes, ma'am. Here again, Jersey is painting herself into a corner. She just testified again that her verdict was arrived at based entirely on the testimony evidence and the law presented during the trial that left no room for Becky's alleged influence. And yet,

**Justice Jean Toal** 23:31

did you hear Miss Becky he'll make a comment about this case before your verdict.

**Juror Z** 23:38

Yes, ma'am.

**Justice Jean Toal** 23:40

If yes, what did Ms. Hill say?

**Juror Z** 23:49

To watch his actions,

**Justice Jean Toal** 23:50

to watch his actions. What else?

**Juror Z** 23:56

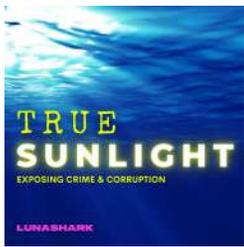
To watch him closely.

**Justice Jean Toal** 23:57

Watch him closely. She remember

**Juror Z** 24:04

there is but I can't remember. Okay, that's fine. Notice



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**Liz Farrell** 24:07

what she didn't say there. She didn't say Becky told us not to be fooled by his actions. And that's incredibly important. All she has testified to at this point is that Becky gave what seemed like neutral admonitions to pay attention.

**Justice Jean Toal** 24:23

What's your verdict? On March the second 2023 in any way with any committees are influenced in any way with any communications by the corporate court? Becky Hill in this case? Yes. All right. Was your verdict influenced in any way by the communications of the clerk of court in this case? Yes, ma'am. And how was it the things

**Juror Z** 24:57

to me about like She made it seem like he was already guilty.

**Justice Jean Toal** 25:05

All right. And I understand that that's the tenor of the remarks she made that affect your finding of guilty in this case.

**Liz Farrell** 25:16

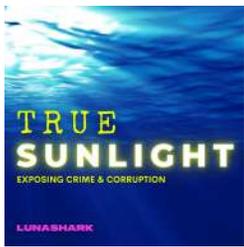
Yes, ma'am.

**Justice Jean Toal** 25:17

All right.

**Mandy Matney** 25:25

Theories. So this is where things got oddly dramatic. We knew going into this that this juror was going to say that her verdict was influenced by Becky, but it was still crazy to see it play out in light of everything



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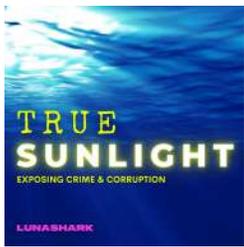
we've said so far about this juror's claims. At this point, she had already testified twice that her verdict was her verdict, and based entirely on the evidence and testimony and law. We also knew that she swore that she went into deliberations having questions about ethics guilt, and that she hadn't actually blamed Becky for her verdict, and instead was blaming the other jurors. So how could she possibly claim that Becky is the one who influenced her guilty vote? One thing to note here on our recent cup of justice episode, Eric Bland, who was in the courtroom told us that this juror who seemed nervous just from her voice alone did not take her eyes off Decart Boolean the entire time that she testified. Now, let's talk about that affidavit that the juror swore in that team Murdaugh included with their motion for a new trial here is Creighton.

### **Creighton Waters** 26:43

Yes, ma'am. Your Honor, in the affidavit that was given by this particular juror. Paragraph 10 said I have questions about Mr. Murdaugh's feel guilty because I felt pressured by the other jurors, we would request an inquiry as to that, which is how this motion was filed, she expressed the basis for her verdict, which obviously this answer is a little different now. So we would request a brief inquiry from the court as to that specific issue.

### **Dick Harpootlian** 27:14

All right. Thank you. Your Honor, has to two things. The first thing is he is correct. She gave an affidavit, we would ask your honor to let her read her affidavit to refresh her memory of she said other things, they're very detailed in here, we'd ask you to and let me hand up to the court, a copy of her affidavit at her phone before,



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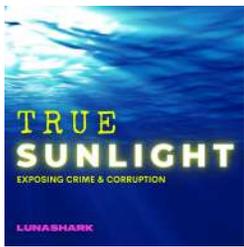
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### **Mandy Matney** 27:44

so let's start with what Creighton was doing here. He wanted it on the record. But this is the first time Juror Z is saying Becky affected her verdict. Dick does not want that to happen. What Dick is trying to get the court to do instead is refresh the jurors memory. Why? Because the jury did not testify to the part he needed on the record, which is that she is claiming Becky said not to be fooled by Alex's testimony interesting that backback didn't automatically come out of the jurors mind on her own right. So Creighton simply wanted to acknowledge that the juror is changing her story now by saying that Becky affected her verdict and Deke wanted to control the exact circumstances under which Jersey's affidavit would be entered into the record. He only wanted her asked about the thing he wanted on the record and not the thing that would hurt his case. What's funny about that is that he argued that the affidavit the thing he wanted on the record could not be entered as evidence because it violated a rule of procedure, and that it would reveal what went on in the jury room. You might remember that during the status conference hearing in in earlier filings and in repeated arguments in court. Dick wanted to question jurors right up to the line on what went on in the jury room and not for nothing. The only reason we know about this juror setting pressure from other jurors as the basis for her verdict is because Deke put this on the record. It's his affidavit to benefit his case. And now, he wants to act all offended that anyone would want to question him on that. Here is how that went down.

### **Dick Harpootlian** 29:36

Your Honor. Also, we would ask that you not ask the question that that Mr. Waters asked you to ask because it violates rule 606 B, which provides upon an inquiry of the validity or verdict or a diamond a juror



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may not testify to the effect of anything upon that or any other jurors mind or emotions. What was the question you asked the If you that affidavit, it's paragraph

**Creighton Waters** 30:01

10. Paragraph 10 is in the very affidavit. She

**Dick Harpootlian** 30:04

said she's influenced she was influenced by other jurors.

**Justice Jean Toal** 30:07

Yeah. I'm given the affidavit and animal question are bad.

**Dick Harpootlian** 30:12

And we would for the record, indicate that we object to that under 606 feet.

**Creighton Waters** 30:17

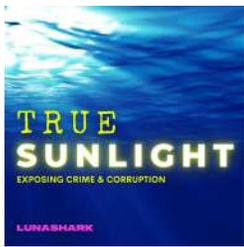
Your Honor, from our perspective, she's put an issue Mormon asked

**Justice Jean Toal** 30:21

me to have her look at this affidavit. But you're telling me I can't question about that and deny that objection?

**Dick Harpootlian** 30:26

Your Honor. If it's something that's inadmissible, you should not ask her about it. Now you want me to admit it and have her pie examined? No, I want you to have her read it to refresh your memory. On Mr.



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**Justice Jean Toal** 30:37

Harper. We're quibbling about things that I'm not going to take time to quibble about. My ruling is pursuant to your request, I'm going to allow the juror to examine her affidavit. And then I'm going to question her about that's how your objection is probably.

**Dick Harpootlian** 30:56

For the record, I just want to know, Your Honor.

**Justice Jean Toal** 31:01

606, I hear you notice,

**Dick Harpootlian** 31:04

in no way waving anything, or opening any door by asking you for

**Justice Jean Toal** 31:10

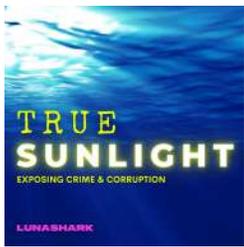
a higher court than me to decide?

**Dick Harpootlian** 31:13

Well, I understand that. That's why I want to make sure when they read this transcript, there's no confusion. I'm not asking you to put that into evidence. I'm asking you to the world,

**Justice Jean Toal** 31:21

I can question that you are about something and not put it into evidence. You can't have your cake and eat it too. Listen to our people. You could have been very satisfied with the answers that have already given but you have chosen to, to ask about a request. Denied.



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**Dick Harpootlian** 31:39

Your Honor, all the time, we asked witnesses to

**Justice Jean Toal** 31:46

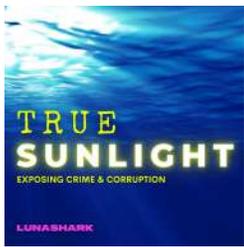
please take your seat. All right, bring me your Z.

**Mandy Matney** 31:53

Can I just say how refreshing it was to hear a judge finally say the thing that all of us have been screaming at the TV for more than two years. Please take your seat, Dick. So after that exchange, Justice Toal brought Jersey back into the room to ask her about her affidavit.

**Justice Jean Toal** 32:15

The second first paragraph, of course, is a statement that you are juror in the case. Second paragraph says toward the end of the trial after the President's day break, but before Mr. Murdaugh testified, the clerk of court Rebecca Hill told the jury, quote, not to be fooled, unquote, by the evidence presented by Mr. Murdaugh's attorneys, which are understood to me that Mr. Murat would lie when he testifies. Is that what your recollection is of that statement? Yes, ma'am. Is there anything in the statement that on reflection you think is not correct? No, ma'am. All right. Number three, she also instructed the jury to quote watching closely, quote, immediately before he testified, including, quote, look at his actions, quote, and quote, look at his movements, quote, which are understood to me he was guilty. Is that an accurate recitation of your view of the madam? Yes, ma'am. Immediate number four, paragraph four, immediately after he testified, the four person said Mr. Murdaugh was crying on Tuesday. Is that an accurate statement of what you saw? And heard? Yes, ma'am. Five, the four person criticized the form for person for handing Mr. Murdaugh a box of tissues when he was crying



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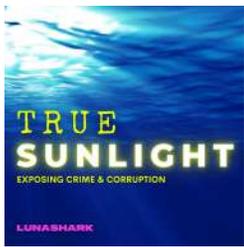
on the stand while testifying about his murdered son. She told the jury we cannot interact with Mr. Murdaugh, because that's what the defense wants us to do. Do you still stand by that recitation of that conversation? Yes, ma'am. Number six, the jury frequently discussed the case during breaks before deliberation. Is that correct? Yes, ma'am. All right. Number seven, toward the end of the trial, Miss Hill came into the jury room a lot. Is that your recollection? Yes, ma'am. Miss Hill, and the foreperson had private conversations on multiple occasions, the foreperson would tell the bailiff that she needed to speak with Miss Hill, Miss Hill would arrive and then she and the four person would go to another room for a private conversation. The conversations typically lasted five to 10 minutes. The foreperson never said anything about the content of the conversation. For example, She never communicated logistical information after these calm or citations. This happened two or more times more frequently towards the end of the trial. Is that still your recollection of the interaction? Yes. Now, like we

### **Mandy Matney** 35:06

said earlier, the jury she's accusing of this denies that this occurred except for once, and she said it wasn't about the trial. But notice how juror Z says it happened once or twice, but more frequently toward the end, how does something happen once or twice, but also frequently, it's those kinds of inconsistencies that are driving us nuts in this case.

### **Justice Jean Toal** 35:33

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



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could not smoke until after the deliberations were complete. Did you hear that? Yes, ma'am. Putting the business about the smokers. Yes, ma'am. All right. Number 10. I had questions about Mr. Murdaugh's guilt, but voted guilty because I felt pressured by the other jurors. Is that an accurate statement about your audit? Yes, ma'am.

### **Mandy Matney** 36:23

Again, how can Becky have affected her verdict if she went into deliberations questioning Alex guilt that right there raises a another inconsistency about jerseys claims if Becky is the reason for this jurors verdict, then Becky didn't do a very good job at it.

### **Justice Jean Toal** 36:42

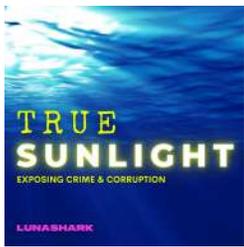
Jersey. I asked you previously. What's your verdict on March 2 2023, influenced in any way? By communications from Becky Hill, the clerk of court? You answer that question. Yes. In light of what you said in the affidavit, which is I had questions about Mr. Murdaugh's guilt but voted guilty because I felt pressured by the other jurors. Is that answer that I just read a more accurate statement of how you felt? Over Whoo. Yes, ma'am. All right. So you do stand by the afternoon. Yes, ma'am. Very good. Thank you.

### **Mandy Matney** 37:29

And with that, just as told put a nice neat bow on the situation. The jury believes the affidavit is a more accurate statement of her feelings about her verdict. And boy, Dick did not like that one bit. Yes, sir.

### **Dick Harpootlian** 37:45

This year, we objected to the questioning because this jurors gave two statements under oath, one, an affidavit and one here to you today. One



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here today was Becky Hill influenced their verdict. Yeah, the one she gave in an affidavit six months ago was based on jurors. It could be both, Your Honor to did picked out the one in the affidavit from six months ago and said is that a more accurate statement? That presupposes and suggest to her what she should say? And we believe that this this jurors testimony? And your honor, I'm afraid what you're going to say as well. She said that after David was more accurate than what she testified under oath here today, and therefore, I'm not going to consider her testimony. And I think that's where we're heading here. I asked you to bring her back in, explained to her. There's nothing wrong with it both being true.

**Justice Jean Toal** 38:38

I declined to do that and overrule the objection.

**Mandy Matney** 38:42

The next juror to testify was juror F.

**Justice Jean Toal** 38:46

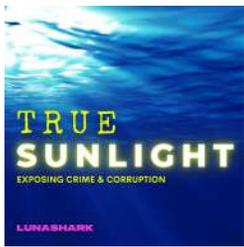
Did you hear Ms. Becky he'll make any comment about this case before your word.

**Juror F** 38:54

No, ma'am.

**Justice Jean Toal** 38:58

Was that was your verdict on March the second 2023 influenced in any way by any communications by the clerk of court Becky Hill in this case?



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**Juror F** 39:09

Absolutely not.

**Mandy Matney** 39:12

After juror F left the stand she was brought back for additional questioning because of something that Rhonda McIlveen the Barnwell Clerk of Court told sled agents that Becky had given a ride to juror F during the trial justice Toal asked the juror about this claim.

**Justice Jean Toal** 39:30

What's your position on that? Miss water? Your

**Creighton Waters** 39:33

Honor, FL objection diagram?

**Justice Jean Toal** 39:34

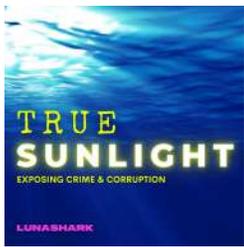
Yes. All right. All right. Bring the juror this is your seat returning to the same. The same juror? Yes. Thank you, ma'am. You're still under oath. And I have this question for you. During the trial, did Becky Hill either drive or ride with you in a vehicle before or after? record? If so, what if easily did Becky Hill and you discuss? Do you recall that at all?

**Juror F** 40:07

Could you please ask that again? Ma'am? Could you please ask the question? Sorry, during

**Justice Jean Toal** 40:13

the trial, did Becky Hill either drive or ride with you in a vehicle before or after court? No, man. All right. I don't need to ask a second question. Hi. So



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**Mandy Matney** 40:27

do your F denied that this ever happened, which adds to the strangeness of this entire case. We will talk about this more in a minute when we get to rondos testimony after juror f where jurors L and E. Both men said they didn't hear Becky make any comments about the merits of the case in that Becky did not affect their verdicts. Then it got a little confusing with your P who testified that Becky told them to watch Alex Murdaugh's body language.

**Justice Jean Toal** 40:57

Did you your best and he'll click record for Clermont County. Make any comment about this case before your verdict? I did. Yes, ma'am. What did she say?

**Juror P** 41:11

It was the day that Mr. Murdaugh was taking the stand. Yes,

**Justice Jean Toal** 41:15

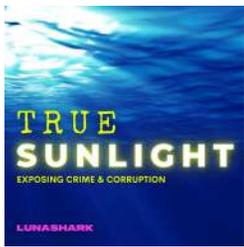
sir. And she made a comment about watch his body language. Okay. Wow. She is watch his body language use body language. I see this. And what else?

**Juror P** 41:29

That's how we can recall.

**Justice Jean Toal** 41:31

All right, sir. What's your verdict on March the second 2023 influenced in any way? With any communications by the clerk of court, Becky Hill in this case?



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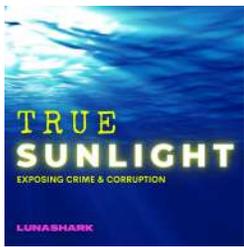
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**Juror P** 41:46

No. All right. Cheers.

**Liz Farrell** 41:48

Oh, why wq and K all said that they did not hear Becky comment on the case and that their verdicts were unaffected by her. So someone and all that testimony, we finally had our answer from the wildcard juror 578, the man who wouldn't speak to sled or to the defense, he testified that his verdict was not affected by Becky Hill. Now, at this point, it felt like we knew in our guts that team Murdaugh's motion for a new trial would be denied. Only two jurors were saying that Becky had said anything at all, and only one juror was claiming that it affected her verdict, but that jurors testimony was inconsistent. After lunch, the energy in the room changed. When the hearing was called back into session, Dick started whining to justice Toal about how he wasn't allowed to cross examine the jurors. So therefore he should be allowed to call witnesses since the burden of proof was on them. Creighton said the state's position was that it was up to the judge how this hearing should be run, and that they believe she had made the right decision and limiting the scope of the hearing. Then Dick told justice told that it really wasn't up to her and he started to whine again about the Rema case real quick. I'm using the word wine here because of how it was coming across. But what Deke was doing was putting his arguments and objections on the record for their appeal. Team, Murdaugh essentially knew in the status conference that they had lost their motion. Why? Well, again, because they had nothing. They needed this to have gone a very certain way for it to have worked. That said, one of the elements they needed was a runner hearing a hearing in which they would have been given a much broader ability to call and question witnesses. Justice told denied them that very clearly denied them that



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during the status conference, but listen to Dick try to change history on that so that he could accommodate his own excuses,

**Dick Harpootlian** 43:44

factually, argue this with you. We did not understand we assumed you'd adopt Rema

**Justice Jean Toal** 43:50

because I don't know why he assumed that when the Supreme Court said very clearly that we do not go by the guidance of the 1950s cases of USP rumor

**Dick Harpootlian** 44:02

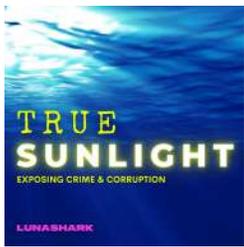
that we do not believe that's what Justice Kittredge has said in

**Justice Jean Toal** 44:06

Senate and straight out as clear as a bell can be but I've ruled on that. Yes, ma'am. Sack on the Supreme Court's gonna have plenty of chances to decide that they want to modify green.

**Dick Harpootlian** 44:17

Well, when we were we were somewhat taken aback by a ruling as a result. And that ruling came at a point where we hadn't we didn't know what these witnesses were going to testify to. So we now and by the way, you've set aside three days for this. What's the hurry? This gentleman is you know, is facing life with no parole. We should take this in a very deliberate way. He's got a 14th Amendment right to have to ensure that he had a fair



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**Justice Jean Toal** 44:45

time it should have been made before this time was. Well, Mr. hochwertig I've told you how I'm gonna handle this thing. Your objections are noted and that's on the record. But right now what I'm gonna do is when I said I would do it We're gonna call MS HILL and see what she has to say. I have no idea who all you want to call as witnesses, a lot of that here in the courtroom at the present time. But we'll get to that after Missy will testify.

**Dick Harpootlian** 45:16

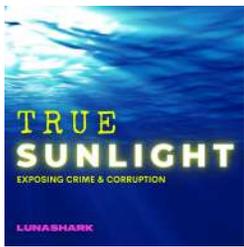
Yes, Your Honor. All right.

**Liz Farrell** 45:18

After this exchange and before Becky Hill was called to the stand by the state justice Toal got an email that she shared with the room. Let

**Justice Jean Toal** 45:26

me go to a little something here that I'm just getting an email on. And put this on the record right now I have all communication from Jerusalem a car. That's only that is copied to Mr. Harpoon, Mr. Griffin, Miss waters, and Attorney General Wilson and basically says his client, Juror or Zoey wants to enhance the testimony she gave the some sort of affidavit that he wants me to look at and I have looked at at will, I want to hear from the state and the defense. But I can tell you, I'm not inclined to get back into the testimony that's already been taken by these jurors. Her inconsistencies whatever they are in the record, and she now wants to have another bite at the apple, I'm not at all enthusiastic you about that.



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### **Liz Farrell** 46:32

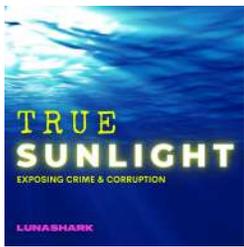
Enhance the testimony. I mean, what in the world is this such great insight, by the way into the things that the good ol boys try and not only try but succeed at doing in other courtrooms in South Carolina? This isn't their first rodeo. Also, I hope that enhanced the testimony is a specifically legal term because otherwise they're really bad in English. Enhance is what you do to the truth to make a lie. Justice Toal allowed the State and Defense to make their arguments about affidavit Creighton was like a No she doesn't get to do a do over on that. I think you know how Dick felt about it, though.

### **Dick Harpootlian** 47:12

You're on I know two things. The first thing is we asked to be able to examine this juror. You denied that request. Number two, she's not our witness. She's not Mr. Waters witness, she was the courts witness and a juror that and you commended all of them on their honesty, she's attempting to be honest, this is this process we're going through is an effort to seek the truth. This is the truth, I don't understand why it can't come in. Understand what your position is delete, ask you to make it a part of the record, you can say you're going to consider it, you're not going to consider it but it should be a part of the record,

### **Justice Jean Toal** 47:51

argues and thought whether these things should be a part of the record, but I can tell you this witness and just don't get to get on the stand and testify under oath, and then seek to add or change or deal in any way with that testimony. Those questions were very open ended questions that I asked for her responses, and she gave them if they were inconsistent. She can't come up now and try to close the loop of



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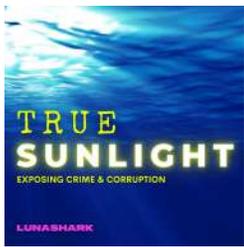
consistency by some additional testimony and not thinking about allowing that to be done. Here's

**Liz Farrell** 48:30

what Jersey's enhanced testimony said by the way, this is what they wanted added to the record, quote, I would like to clarify my testimony today. As I testified I felt influenced to find Mr. Murdaugh guilty before I entered the jury room. Once deliberations began, as I stated in paragraph 10 of my earlier affidavit, I felt further additional pressure to reach the guilty verdict. I'm not trying to brag here, but her words are very close to words that I had used in a tweet earlier in the day and earlier in the month, calling out her inconsistencies in that original affidavit and boiling her words down to the bone to say what they actually meant. I want to talk about that real quick. Why was Jersey's original affidavits so loose? How did T Murdaugh not seal that up tight? They're presumably the ones who typed up that original affidavit for her to sign. Why not be super precise with that language? Unless they were super precise. For years we have heard about how smart and calculating Dick Jim and Joe McColloch are, how cunning they are as attorneys and slick minded. I find it really hard to believe that they wouldn't have seized on the opportunity if Jersey had actually used the words Becky affected my testimony from the beginning. The original affidavit said what it said because that's what the jurors said. It's that simple. And one thing we need to talk about that we haven't really discussed with you all before. Why did it take so long for jurors? are 630 to come forward, and Natalie come forward? Why did it reportedly take the defense going to her for this to be alleged at all? So next came Becky's testimony and this is where things got sweaty. So many of our soak up the sun members pointed out that Becky was coming across much more credibly in her testimony than they had expected. And she

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was at first, during Creighton's direct examination of her Becky denied all the allegations being made against her indicating that some of the things she said were said to the bailiff or to Rhonda McElveen. The Barnwell clerk of court, who was assisting Becky, or two other staff members. During the first half of her testimony, she came across the same way she did during the trial, which is sweet, calm and patient. And she maintained that demeanor throughout most of Dix cross examination even when things got heated, but she started to come off as less credible.

**Dick Harpootlian** 51:00

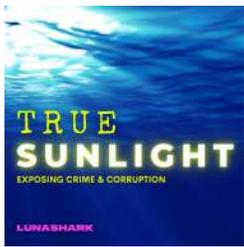
During those six weeks, you were helpful to me in a number of different ways. Accommodating friends, I had the one to come wash trial, for instance. Correct? That's correct. You even allowed me to use the private restroom down on the first floor, so I didn't have to stand in line with the rest of the people trying to get breaks, correct?

**Liz Farrell** 51:22

Correct. Okay, if you all didn't watch the hearing, we highly recommend you fast forward to the part where Dick said that about the restroom. The look on his face when he paused before saying rest of the people shows you just how above everyone Dick finds himself to be. Then Dick got into Becky's so called quest for fame and fortune. And

**Dick Harpootlian** 51:43

did you tell her you're gonna write a book? Because you thought it would make a lot of money? Oh, no, sir. You've never said that. Yes, sir. And did you tell her that you were going to write a book to make a bunch of money so you could buy a lake? Why and build a



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**Becky Hill** 51:56

house on it? No, sir. Okay.

**Dick Harpootlian** 52:00

Now, did you ever tell her that you had given a juror a ride home that you would accompany Mr. Bill versus Weston? They'll poke you right. Did you and he took a juror home one night? Did you tell her that? Did you take a juror home one night?

**Becky Hill** 52:15

I didn't take a tour of our home one night did Mr. Polk Mr. Pohan

**Dick Harpootlian** 52:19

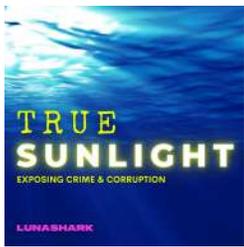
you pick a juror home one night? No, sir. We just never gave a juror a ride in a car with Mr. Polk or without?

**Becky Hill** 52:25

Yes, sir. Okay, so

**Liz Farrell** 52:27

not only do we have juror F denying that this ride happened, we have Becky denying it. Several people have asked us why the bailiff did not get called to the stand. Bill Polk was interviewed by sled and submitted a written statement to them in which he denied witnessing Becky or any other court official doing anything or saying anything to the jurors beyond Becky helping jurors with a couple of personal issues unrelated to the trial. As you know, Becky said she was asked her feminine products and bandaids by the jurors. She helped with their coffee and food orders and she helped one juror sort out his child support issues so that he could serve. I should note that Bill Polk was the jury coordinator.



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He was the primary person with the jury at all times. Additionally, he takes credit for not taking the jurors on smoke breaks during deliberations and said that has always been the policy at college and county courthouse. After this dig got into Becky's Books and More. Throughout Dick's questioning, Creighton objected about half a dozen times. Each objection was overruled. We've been asked by Justice Torre allow these doors to be open? The answer is because the defense had the right to impeach Becky's testimony and question her credibility.

### **Dick Harpootlian** 53:43

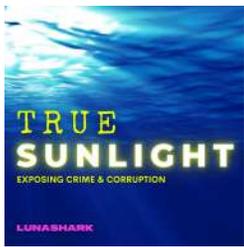
Now you have described in your book your role as Switzerland, is that correct? Correct. Okay. And that is if you should not be in any way opinionated about what's going on in the trial. Is that correct? That's true. Okay. Yet, in your book, you indicated a number of different points during the trial, you had concluded he was guilty. Is that correct? I think you're up to this point, I

### **Creighton Waters** 54:15

don't know if our conclusions in the book are in any way relevant to what occurred during the trial. And whether or not there was any communications with the jurors, which is the sole issue that we're here for today is whether or not Mr. Hill had any extraneous influence on the jurors. And so I think this is going a little far back to the relevance.

### **Dick Harpootlian** 54:35

Let me give you an example. You indicate riding back from Moselle that you and three other people were in a car and you all decided, adamantly, I think was the word you use. That he was guilty that he had killed his wife and son, is that what you put in the book?



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**Becky Hill** 54:53

I can't remember if I put that in the book, but if you say I did that, I will make that happen. We did have a conversation About one HFS thought

**Dick Harpootlian** 55:01

and the all four agreed that he was guilty, correct.

**Becky Hill** 55:05

And none of us were jurors

**Dick Harpootlian** 55:07

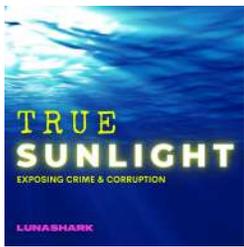
that No, no, trust me, I know that. But you had an abiding conviction at least by the time of the Moselle visit, that he was guilty. And the other people in the car with you were bailiffs where they

**Becky Hill** 55:23

know, somewhere we're not Bayless, vamos a court reporter. One was our security officer had security. And another was a deputy sheriff. Before

**Dick Harpootlian** 55:36

y'all wrote out there, and based on what I mean, I can run you want me to read you how chilled you are and how you felt this. Poor Paul and and Maggie been executed by him on that scene that visiting the scene convinced you that he was a horrible, horrible murder. You want me to read that to you or you will concede that what you wrote, I will



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**Becky Hill** 55:57

concede that's what I wrote. But if I may, I will, I would say that that a lot of that is poetic license in writing a book and it making it sound like that.

**Dick Harpootlian** 56:08

Okay, so some of its poetic license. And some of it you just stole you are purloined from that BBC writer right.

**Liz Farrell** 56:15

Here we are at the heart of our frustration at the core issue behind all of this. Why did Becky Hill write this book? Her book is the reason for all of this chaos in this case. And in her life right now. Before this book, The only chance Alex had at a new trial or an overturned verdict was his appeal on the grounds that Judge Newman shouldn't have allowed testimony about Alex financial crimes and that chance seemed to be slim. Next, Dick asks Becky about her plagiarism.

**Becky Hill** 56:51

I did plagiarize. And it is for that I'm very sorry. And I have apologized.

**Dick Harpootlian** 56:58

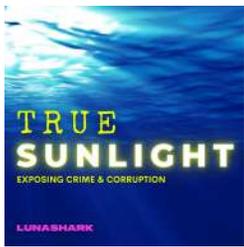
Okay. That makes it okay.

**Becky Hill** 57:02

What I did I did when I apologized for that.

**Dick Harpootlian** 57:05

And part of the book is you say literary license, exaggeration.



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**Becky Hill** 57:12

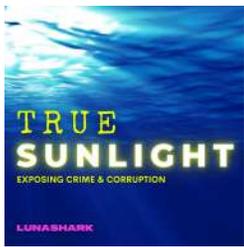
I wouldn't call it is saturation.

**Dick Harpootlian** 57:15

Now, let me ask you this is Switzerland. And this is that you're saying this was happening while you're supposed to be Switzerland? You decided the defendants guilty? And if Miss Mac Amin says that, it's gonna make you more money. If you if he found guilty? Don't you think it's reasonable to assume that you may have crossed the line from time to time, Clayton continue

**Liz Farrell** 57:37

to object to Dick's questions about what was in the book, it was so irritating to hear Becky talk about poetic license, as if that's something normal in the nonfiction world. It's not. And she said it with a smile like she was proud. Additionally, I feel like I kind of understand what she was trying to say there. And it's this. This book was written after the verdict. And after Becky had time to reflect on the sum total of her trial impressions and her experiences, including any conversations she might have had with jurors post conviction, when jurors are allowed to talk about how they arrived at their opinions. What she wrote was not from her diary of that day's events, she was looking back on the events with her current understanding of them. That's not poetic license. That's how memoirs are written. You're not making stuff up. You're writing from a position of time having passed and your experience that you didn't have in that moment, and recasting that moment in a way that comports. Unsurprisingly, Dick started down the egg lady route. Surprisingly, Justice Toal let him do it. But in a limited way.



## EPISODE 36: End Of An Era (Seriously...) Alex Murdaugh's Motion For New New Trial Denied by Justice Toal

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**Becky Hill** 58:47

I remember reading one night, something on your watch about word of mouth. And when I was in the courtroom on a Monday morning listening to the judge and the attorneys talking about a matter, it sounded like it was relevant to each other.

**Dick Harpootlian** 59:01

Okay. And you became aware of somehow that this juror had a restraining order out for her ex husband. She

**Becky Hill** 59:10

told me that her sound Okay. And

**Dick Harpootlian** 59:15

tell me how it came for her to tell you about that. Where did she tell you?

**Becky Hill** 59:19

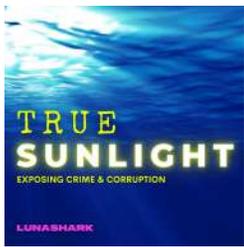
She was very talkative. And when I was instructed by Judge Newman to go and get her from out of the jury room with a deputy following me. She was talking to me all the way back to the judge's chambers. And she mentioned that there were restraining orders out when they get divorced.

**Dick Harpootlian** 59:37

So how did the judge who brought it to the judge's attention about this Walterboro word of mouth?

**Becky Hill** 59:46

I let the judge now thinking that it could be related



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**Dick Harpootlian** 59:49

Okay. And you let the judge know what

**Becky Hill** 59:53

that I had read something on water per word of mouth.

**Dick Harpootlian** 59:57

Okay and that you knew was tied to that juror.

**Becky Hill** 1:00:02

I didn't know that it was. I wasn't sure it

**Dick Harpootlian** 1:00:05

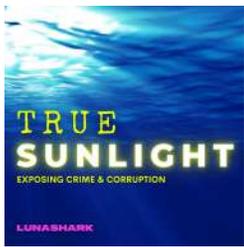
was tied to from

**Becky Hill** 1:00:07

what y'all were talking about at the bench. I felt like I needed to let him know, just in case it was related. There was something about an ex husband and an ex wife and somebody's been on the jury.

**Dick Harpootlian** 1:00:21

You didn't tell the judge that you had found what we call the apology post. You didn't tell the judge that I didn't call it that. No. You don't remember producing it saying that, that producing it to the judge saying this is a post in which the guy that posted it on Friday night says the devil got in him and drinkin and he apologized for what he posted. You didn't produce that my staff did one of my staff, you gave that to the judge and gave it to us, did you not? Yes, we did as if it were from that jurors? ex husband? Correct. Correct. And you know, it wasn't?



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**Becky Hill** 1:00:58

I don't know that Mr. Hart bill and no.

**Dick Harpootlian** 1:01:02

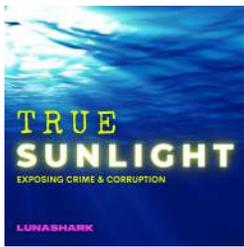
So and this, you did not take that juror out and talk to her before you took her to the judge.

**Becky Hill** 1:01:09

I never talked to that juror about stuff like that.

**Liz Farrell** 1:01:12

Now this is where Dick and Jim's battle for the headlines pays off for them. When they asked Becky questions related to situations that most of us only know about through their and bombastic and hyperbolic filings and the media is glomming on to those bombastic and hyperbolic accusations, it's easy to lose sight of what actually happened. It's hard to know sometimes if Becky's lying if she's just splitting hairs, or if she's telling the truth and her responses. But here's some new insight on the matter, right. Jackie says that she didn't bring the Facebook post to the judge's attention independently of the matter. They were discussing regarding the egg lady's conversations with her tenants. She mentioned it in conjunction with that. It's yet another example of Becky trying to be queen of the courthouse the keeper of knowledge of trying to be important and relevant. And it's yet another example of how this did not serve her. Well. Speaking of TiC asked Becky about her email to a member of the media, the reporter had asked Becky if the jurors would be sequestered throughout the weekend, as they deliberated. And Becky informed her that she wasn't expecting deliberations to go past Friday at that point.



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**Dick Harpootlian** 1:02:24

Did you text, email or communicate on the morning before final arguments were completed? That to people that they this was on a Thursday that they probably if they're going to see the trial should come on that Thursday, because of the overbite and the next day, it would be the jury would not be out very long. Did you ever communicate that email, text or verbally?

**Becky Hill** 1:02:48

I do remember saying that? Yes.

**Dick Harpootlian** 1:02:52

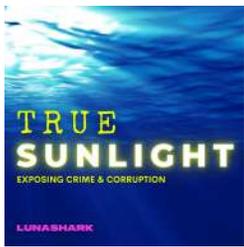
And why did you think the jury would not be out very long had you communicated with Earth? I

**Becky Hill** 1:02:59

had not communicated with jurors about anything related to this trial at all. I've been a court reporter for at least 14 years, I was clerk of court for three. And you just get to where you kind of see things happen as they progress. And it's a guess it's a gut feeling. And that's that's all that I meant by that.

**Dick Harpootlian** 1:03:21

Why are you telling this young man who wanted passes for the next day in an email? You know, won't be happening tomorrow. That was your or did you say you didn't say I don't think you just said you better come today. If you're coming. remember doing that? I



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**Becky Hill** 1:03:35

don't remember that. But, you know, if, if he wanted to come I knew that the trial would be ending shortly, as far as testimony. So if he wanted to come, he needed to come

**Dick Harpootlian** 1:03:49

why would the jury been out a week on a six week trial? They could have but you apparently we're telling the press and others that it'd be a quick verdict. Were you not?

**Becky Hill** 1:03:59

That was a just a gut feeling that I had. And that was my opinion.

**Creighton Waters** 1:04:06

Your opinion? You were right. Jerry was up three hours on a six week trial.

**Justice Jean Toal** 1:04:09

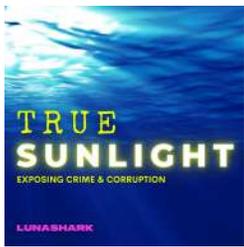
Correct?

**Becky Hill** 1:04:10

That's true.

**Mandy Matney** 1:04:11

I know. It's already preposterous, that Dick wants the world to believe this woman got 12 individuals to vote a certain way against a man who had all of the evidence against him. But he really must think Becky is talented if he believes she also rushed the jury to find him guilty within three hours so she could get to writing that book. And speaking of that book,



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**Dick Harpootlian** 1:04:40

How much money did you make off that book?

**Becky Hill** 1:04:42

There was not a whole lot of money made off of the book after paying different things and paying for some expenses that went along with that. But I want to say roughly around 100,000

**Dick Harpootlian** 1:04:56

That's not a lot of money.

**Becky Hill** 1:04:59

No, especially when you publish your own book.

**Mandy Matney** 1:05:01

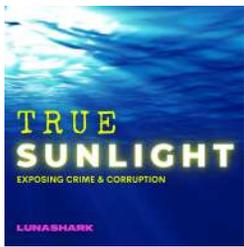
I mean, come on \$100,000 That shocked both of us. We get that she had a lot of out of pocket expenses and publishing the book herself. But wow. The irony is that the book likely made most of that money because of Dick and his headline grabbing accusations. In related news, Luna shark reporter Beth Braden discovered a copy of Becky's book for sale on eBay for more than \$8,000 right now.

**Dick Harpootlian** 1:05:35

Now. You also indicate in the book that the murderer was had a reputation of criminality, I think is kind of what you put. Did you know

**Becky Hill** 1:05:51

Mr. Cooley and my grandfather and all my best are were very close.



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**Dick Harpootlian** 1:05:55

What were they criminals? I would know, would know but you believe and you publish that the Murdaugh family had run that part of this day, and they've been participated in criminal conduct Correct.

**Mandy Matney** 1:06:07

What's frustrating about that exchange, is that Becky didn't straight up call the Murdaugh family criminal's. Instead, she recounted stories she had heard and her family about her grandfather's connection to Buster Murdaugh running moonshine. Instead of answering six questions clearly about that, though, Becky continued to play coy, which Dick then seized on and use to make her seem like she wrote lies about the Murdaugh family. Given Dick's propensity for drama, he was remarkably professional and restrained in his questioning of Becky, but here, it got heated.

EXPOSING CRIME & CORRUPTION

**Becky Hill** 1:06:46

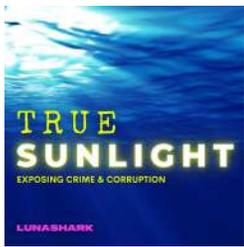
In a book that was more of the literary ease that we that we take, I think, to make a story, a little more interesting for the reader by

**Dick Harpootlian** 1:06:56

calling people criminals. I guess what I'm saying is this, where they criminals? Who were they criminal? I would know that. Okay, so you either made it up, or you're lying about it. About the reputation of people that can't defend themselves. They're dead. You're gonna call them criminals. You did that in the book, she could sell a book.

**Becky Hill** 1:07:24

Didn't do that to sell would you do it for made



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**Dick Harpootlian** 1:07:29

it more readable? You said it which sells really ease?

**Becky Hill** 1:07:32

What literary literary what the literary ease that that you can take with when writing a book, literary

**Dick Harpootlian** 1:07:40

ease, you can take with writing a book, you can make stuff up, you can lie. You can lie about people. Now

**Becky Hill** 1:07:46

with that I, you know, it's I think the public perception was one that it was very interesting during this time, so you're

**Dick Harpootlian** 1:07:55

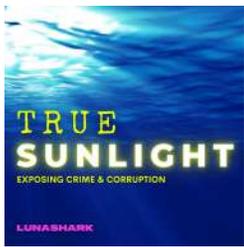
feeding, you're feeding the monster out there that wants to believe bad things about the Murdaughs. And you'll make stuff up to do it. Let me give you another example. During I read your book, and I found this somewhat humorous. My co counsel did not in describing Mr. Myself and Mr. Griffin, in the book, you say that I neutered him. We both been very interested in what you meant by that. What you mean by me neutering Jim Griffin.

**Becky Hill** 1:08:22

Mr. Hart Boolean? If it's about did

**Dick Harpootlian** 1:08:25

you make it up? No, it was a book, the Bible is a book. I mean, just because it's a book doesn't mean you can lie. And it's



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**Becky Hill** 1:08:33

just a word that was used for that. You

**Justice Jean Toal** 1:08:38

don't argue with witness but the witness Museum, you're just trying to answer these questions. You make procedures.

**Dick Harpootlian** 1:08:47

So let me get this straight the book and I'll see if I can cut to the chase on this. I can read your chapter after chapter verse after verse, which is not true. Okay, not true based on my experience of being in a courtroom, and not true based on knowing some of the people you described. You say you say that is?

**Creighton Waters** 1:09:09

Objective counsel is just testifying right now as to his observations.

**Justice Jean Toal** 1:09:13

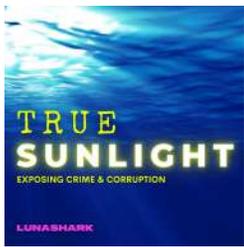
You please.

**Dick Harpootlian** 1:09:15

You can see two there things in the book that you don't know to be true, correct? Correct. Okay. You would concede then that you have wide in the book?

**Becky Hill** 1:09:24

It's only because I wasn't there at the time. I can't, I can't interview my dead grandfather. I can't interview Mr. Bester. There's just things that we can't interview them on. We can go about what was written in our newspaper and get facts from that



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**Dick Harpootlian** 1:09:39

and take the inference that one of the Murdaughs is a pedophile. You could have printed that and they're not here to contradict it. You could have printed anything you wanted and made it up to sell books after this. This whole scheme was about selling books. As you told Rhonda McElveen if he if him being found good oldie would sell more books. I'm

**Mandy Matney** 1:10:02

sure Dick knows that you can't libel a dead man. But again, Becky's sloppy and in precise testimony open the door wide open for Decart Boolean.

**Dick Harpootlian** 1:10:14

Did you tell jurors at the end of the trial after President's day break President's day break would have been a Monday? Correct? Correct. But before Mr. Murdaugh testified, did you tell the jury not to be fooled by the evidence presented by Mr. Murdaugh's lawyer,

**Becky Hill** 1:10:29

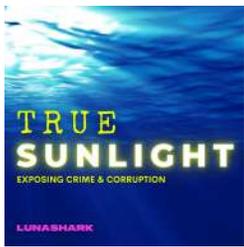
Mr. Puli, and I never talked to the jurors about any of the evidence.

**Dick Harpootlian** 1:10:33

Yes or no, then you can explain. Did you say that?

**Becky Hill** 1:10:37

Yeah.



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**Dick Harpootlian** 1:10:38

Okay. Did you all do you ever instruct the jury to watch him closely immediately before he testified, looking at his actions looking at his movements? Did you ever tell Jerry to do that?

**Becky Hill** 1:10:51

Yeah.

**Dick Harpootlian** 1:10:51

Did you ever tell the jury to pay attention to Mr. Murdaugh's testimony

**Becky Hill** 1:10:56

to pay attention not specifically to his testimony? I did tell the jury to pay attention to what just generally in the hallway when I was speaking to him,

**Dick Harpootlian** 1:11:10

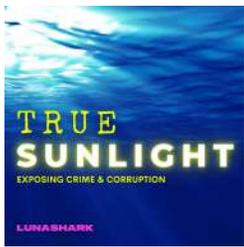
just any witness,

**Becky Hill** 1:11:11

right.

**Dick Harpootlian** 1:11:12

Okay. Um Did you? Did you ever warn the jurors that offense is about to do their side? This is right before mercy. Right at the beginning of the defense case, they are going to say things that will try to confuse you don't let them confuse you or convince you or throw you off. Did you ever tell the jury that?



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**Becky Hill** 1:11:34

No, sir.

**Dick Harpootlian** 1:11:35

Okay. Did you ever tell the jury if you get emotional we want to see your face? Because that is what they want to see. You ever tell him that?

**Becky Hill** 1:11:45

No, sir.

**Dick Harpootlian** 1:11:48

Did you ever tell the jury that Mr. Word I was about to testify?

**Becky Hill** 1:11:54

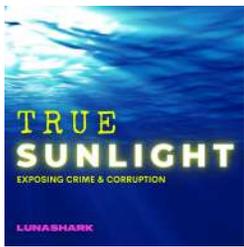
I didn't tell the jurors that.

**Mandy Matney** 1:11:56

This is important. Again, Justice told decided to drop the words merits of the case from her question about the comments Becky may have made to jurors. But still, jurors who previously told sled that Becky had only generally told them to pay attention throughout the trial, did not let the court know this was the case. So important context was missing. If Becky was generally warning the jury to pay attention as they walked to the hall to the courtroom, then it's possible that jurors z and P miss those earlier warnings and only picked up on it the day that Alex testified to make sure the record was tight, though, Creighton attempted to clean it up.

**Creighton Waters** 1:12:44

At any time. Did you have any conversation with any juror in which you



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tried to influence their decision?

**Becky Hill** 1:12:50

I did not have a conversation with any juror about anything related to this case,

**Mandy Matney** 1:12:56

after this judge told began to question Becky. And this is when Becky became even more sloppy in her testimony. I'm sure she was advised by her attorney to only answer the question asked of her and not to offer any additional information. But she continued to split hairs with Justice Toal, for instance, the egg lady,

**Justice Jean Toal** 1:13:20

well, then let's go back and talk about that Euro. You with your own for examination in this courtroom, you said said that. She's talked about a lot of things to you. But she doesn't ask her any questions. But that's not completely accurate.

**Becky Hill** 1:13:38

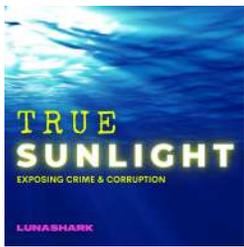
Yes, ma'am. That is true.

**Justice Jean Toal** 1:13:39

Where you ask? You ask her direct questions. And that came out in the hearing the judge Newman had you asked her questions before she was even examined by the judge, did you not? Your Honor,

**Becky Hill** 1:13:55

I did not ask her any questions.



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**Liz Farrell** 1:14:00

There was a big pause from Justice total after that. She seemed frustrated because she very clearly had a transcript from Judge Newman's hearing in front of her in which the egg lady had told the judge that Becky told her about the Facebook post and hear that you seem to be denying that. But was Becky really denying it? She said she didn't ask any questions not that she didn't speak with the juror. Justice told didn't drop it. For more than 10 minutes. She tried to suss out what Becky had said to the egg lady. It was incredibly frustrating to listen to because ultimately, it seems like Becky was trying to say that she didn't do anything improper, but was being accused of doing something improper because the egg lady was a chatty person who was asking her questions on the way to judge Newman's chambers. It seemed like Becky was saying that she answered those questions that the egg lady initiated these conversations and because of that, to Becky's mind, she didn't do anything improper there. The second hang up with Justice total was the question of I keep sharing sealed evidence with the media. Did

**Justice Jean Toal** 1:15:03

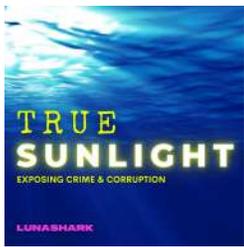
you ever allow anyone in the press to view the sealed exhibits?

**Becky Hill** 1:15:08

No, ma'am.

**Justice Jean Toal** 1:15:10

Did you allow Netflix to ever? Examine the exhibits the trial? No, ma'am. How did you handle exhibits? Because you did have the press have great access to the exhibits and you say it several times in your book



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that you had to stay after to be sure that you interacted with the press about these exhibits. That's true, is it not?

**Becky Hill** 1:15:34

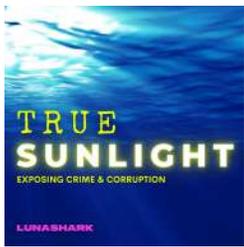
That's true. We we had Mr. J binder and then we had the poll photographers and someone from maybe the state of the league or the posting courier, along with the court reporters, someone from court administration, and then someone from the clerk's office every night, that would go over the exhibits to make sure everything was correct. And in within our domain. Were any

**Justice Jean Toal** 1:16:04

press people ever allowed to view the exhibits, even the sealed exhibits that you had on file?

**Liz Farrell** 1:16:11

No, ma'am. Now, again, Justice Toal had evidence in front of her that Becky had shared sealed exhibits. And again, Becky was splitting hairs and not being articulate. What she should have said was this, the evidence was erroneously not sealed, so it was not sealed when I sent her to Netflix. Additionally, the exhibits were available to the media each night. And so I stayed to facilitate that the exhibits that you're saying I shared were not sealed until after I had given them to the media. Things got a little confusing when Justice Toal turned to Becky's book, quoting a passage that does not appear in the Kindle version that I have, I could not find anywhere in Becky's book where she says she met eyes with the jurors at Moselle. But I will say just like with her testimony, her language and grammar in the book were often imprecise to the point where the use of the pronoun we and the use of the word all



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could be grossly misinterpreted. And again, she's using the words poetic license or literary license in the incorrect way.

### **Justice Jean Toal** 1:17:18

Well, in your book, you suggest that the guilty verdict was what you wanted, and you will be fearful that the abuse at birth would not be rendered. You say that a lot about your feeling about warning a guilty verdict, do not

### **Becky Hill** 1:17:33

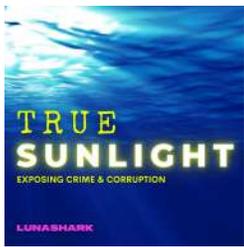
I do agree that that is said in the book. And, and part of that is because I think it was a guilty verdict.

### **Justice Jean Toal** 1:17:41

Well, this is what you were describing a time way before the verdict was rendered. When you wrote about those things in the book, isn't that correct? Yes, yes. And you even have something where you said your eyes met with jurors and others at Moselle, and y'all have an understanding unspoken, that he was guilty. You said that in the book, did you not?

### **Becky Hill** 1:18:04

I did say that in the book, and I would consider that part of the literary. The verse that we just said, but that was there was nothing spoken with a juror at all at Moselle or anywhere else at the courthouse or anywhere. I think that was that's part of that poetic license that that we write to make something more apparent. But at no time did I read or tried to read someone else's eyes and that was just one of those gut feelings that that I wrote in the book.



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### **Liz Farrell** 1:18:46

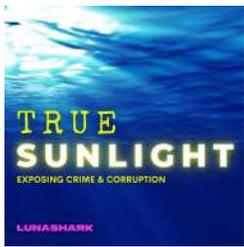
After justice Toal was done questioning back at Creighton and Dick asked additional questions about the sealed evidence. Finally, Creighton cleared up the confusion by explaining to justice told that the exhibits had not been sealed at the time Becky had shared them with the media

### **Justice Jean Toal** 1:19:01

that clarifies that issue for me so far. I frankly that puts my mind at ease about what happened there now.

### **Mandy Matney** 1:19:09

Next, the defense called Barnwell clerk of court Rhonda McIlveen Rhonda is Becky's former friend whom she enlisted for clerk guidance and help during the trial. Rhonda was there for one reason and one reason only to make Becky look bad, which she succeeded at the problem. I think she made herself look bad in the process. Rhonda is the president of the South Carolina clerk of courts Association, meaning she should have known the rules for clerks in a jury trial better than anyone. And she should have spoken up over a year ago if she witnessed anything that could possibly compromise the validity of that verdict. Now, I don't know Rhonda, but she came across Ross as the friend that no one would ever want. I have met a lot of Rhonda types in the last three years. People who insert themselves in the Murdaugh mess, simply because they see opportunity and being close to the fire. Rhonda also seemed to have a friendly report with Deckard Boolean, and she appeared to use her testimony time to practice her stand up jokes about how she doesn't trust Sunday school teachers, and also to remind the audience of her bid for reAlextion.



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**Rhonda McElveen** 1:20:32

Harper court in our eau de furball. County, corporate court and what Register of Deeds I have two titles to title.

**Dick Harpootlian** 1:20:40

And is that an appointed or elected position elected for you elected by the people Barnwell County? Yes, sir. And how long have you been the corporate court of Barnwell County? This

**Rhonda McElveen** 1:20:48

is my 16th year 16 years. And I'm running again, sir.

**Dick Harpootlian** 1:20:57

This year, 24 hours? Yes, sir. All right. Don't think I'm allowed to plug that but

**Mandy Matney** 1:21:05

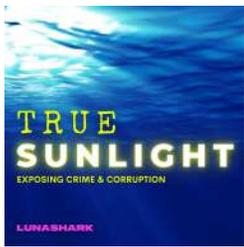
I didn't find that funny, because she is presenting herself as a public official who offered her expertise during the trial of the century. But really, she just seemed to be there as a busy body collecting gossip and ammo to hurt Becky with later on, and to promote herself in her reelection bid. I thought it was especially odd how Rhonda casually spoke about her and Becky's big book idea.

**Dick Harpootlian** 1:21:33

Did you Did she ever discussed with you that she was going to write a book?

**Rhonda McElveen** 1:21:37

Yes, sir. She wanted to write a book wanted to



## EPISODE 36: End Of An Era (Seriously...) Alex Murdaugh's Motion For New New Trial Denied by Justice Toal

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**Dick Harpootlian** 1:21:41

write a book. Did she indicate what the book was going to be about?

**Rhonda McElveen** 1:21:44

About the trial? About the murder trial? Yes, sir.

**Dick Harpootlian** 1:21:48

And did she discuss with you what if anything that she discussed with you about how she felt the verdict should turn out to be in the Murdaugh trial? It read these are the in reference to the book, what would help the book

**Rhonda McElveen** 1:22:04

a guilty verdict?

**Dick Harpootlian** 1:22:06

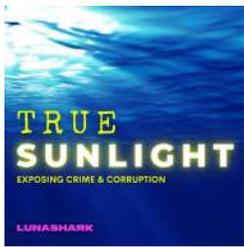
Tell us tell the judge and and me what exactly she said to you. That you remember this is prior to the trial? Okay.

**Rhonda McElveen** 1:22:14

Well, first of all, she said we might want to write a book because she needed a lake house and I needed to retire. And then for the conversations and a guilty verdict would sell more books. And we left it at that desk before even in December. And

**Dick Harpootlian** 1:22:33

when When did she ever say that again to you during the week she spent there



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**Rhonda McElveen** 1:22:38

several times. It could be said it was you know, amongst friends in our office are madly having dinner that cost up but

**Dick Harpootlian** 1:22:48

that's about it, that she needed a guilty verdict to sell more books.

**Rhonda McElveen** 1:22:51

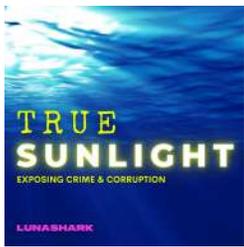
That would be the best way to sell books. Yes, sir.

**Dick Harpootlian** 1:22:54

The best way to sell a book. This all

**Mandy Matney** 1:22:56

should sound familiar, because it is the entire motive of the defense's theory that Becky tampered with the jury to secure a guilty verdict so she could sell more books. It appears like we now know the source of that theory. Becky's ex friend. But I need to talk about a couple things here. The first one being what kind of book was Becky banking on here that could buy out Rhonda is retirement and get a lake house for Becky. And was Rhonda supposed to be the co author that Becky cut out. This is important because Rhonda could have been angry about spending so much of our time helping out with a trial of the century and not getting her into the deal. Most importantly, why didn't Rhonda say anything to judge Newman about this? Or why didn't she say anything else that she claimed to find troubling over a year ago, if I had a friend who was in a powerful position, like Becky during one of the most consequential trials of our state's history, and that friend told me that she had motives not only beyond her duty but contradictory to her duty as clerk of court. I would have said something not only to Becky herself,



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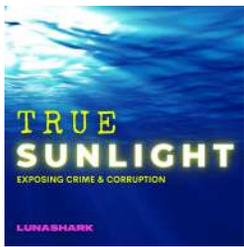
but to judge Newman. At the very least, Judge Newman could have reminded Becky before the trial started of what she could and couldn't do when it comes to her role as clerk of court. Because really in Becky's defense, there was no exact playbook for a trial of this magnitude. Anyone who noticed that Becky was not capable of handling the role should have spoken up about it a year ago. Rhonda said under oath that Becky gave a juror a ride home, and she scolded Becky about it, but she didn't think it was enough to go to judge Newman Did your Aunt Becky said that this didn't happen? Which is yet another example of how confusing the truth is in this case. Thankfully, bit Creighton energy cleaned up the confusion on cross exam with this simple question.

### **Creighton Waters** 1:25:19

Alright, and if that had happened, if you observed anything untoward or improper going on at this particular trial, you would have immediately gone to judge Newman as part of your obligation. Is that correct? That is correct. And you never did that because you never observed anything like that. Is that correct? That is correct. Okay.

### **Mandy Matney** 1:25:35

Despite how Rhonda feels about Becky. Ultimately, she testified that she never witnessed Becky saying anything improper or untoward to the jury, which is what matters here. Now, the last witness to be called by the defense was juror 741, aka blanket lady. She's called blanket lady because she was the alternate juror known for rarely paying attention and at times, putting a blanket over her head and covering her ears. Blanket lady never rendered a verdict. And before this week, she never signed an affidavit. She was a juror whose affidavit of her testimony was signed by Dix clerk Holly Miller, blanket lady testified that Dick came to



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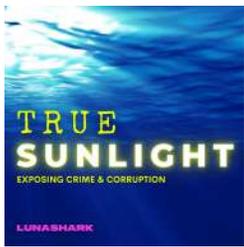
her house on a Sunday afternoon and August while she was cooking dinner, to ask questions about her time as an alternate juror. I keep thinking about this, and how startling it must have been for these jurors, who were just minding their own business at their own house in August, thinking the murder trial was finally behind them. And then Dick har Pouliot shows up on their porch on a Sunday, I would have had a heart attack. But anyways, she testified that Dick didn't ask her to sign an affidavit when he visited her in August, which is odd, right? Maybe it's because they knew her testimony was simply fluff to add to their pile of accusations to make it look to the press. Like they had more evidence than they did. The Affidavit which she testified to claim that Becky told the jury that quote, the defense is going to try to confuse you and not to let them this was to discredit Becky further and to make the other jurors look less credible. Blanket lady said in her affidavit this week that she heard that hill gave another juror a ride home, but oddly did didn't ask her about this. Prosecutor metters honed in on this, but oh boy, it did not end well for him.

### **John Meadors** 1:28:04

So again, let's start putting it in last year. But when he in your set in the affidavit of today. Also overheard discussions in the jury room that Miss Hill drove a juror home I believe it was a juror his nickname was Boston. Is that something that after your whole year was missed with Mr. Harmon? today?

### **Juror 741** 1:28:23

I don't know if I added it. i We talked about it today. But I don't know if I mentioned it in September or not. That's what I remember talking about it when it knows that no reason to raise



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**Justice Jean Toal** 1:28:31

objection. The first thing is, Mr. Madam, I'm going to caution you one more time about this. You cannot talk over a witness. The second thing is you don't need to be maxing all back around here. You talking only to me, not jury or anything else. So let's slow down. And you know, this is repetitive of questions have been asked before. If you want to take this tone with her. I don't know exactly what you're trying to accomplish.

**John Meadors** 1:28:59

She knows that mamsa? Well, you're just

**Justice Jean Toal** 1:29:01

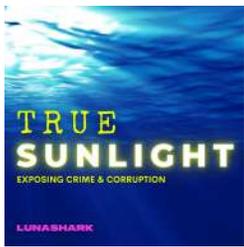
talking to me. This is not some drama thing for the jury.

**Mandy Matney** 1:29:04

I know I'm sorry. All right. This was one of those confusing moments that felt like the prosecution was losing. When really the testimony wasn't important at all to the scope of the hearing. There were several exchanges like this one Monday afternoon, when Tol sided with the defense and scolded the prosecution. Thankfully, Creighton brought everyone back to reality during his closing arguments.

**Creighton Waters** 1:29:31

So we had this juror who's given answers all over the place that are inconsistent with 11 other jurors who were very strong and unequivocal that yes, this was our verdict. It was based solely on the evidence, the law on the testimony that there were no communications from Becky Hill that influenced that verdict. And I think ultimately, when you look at the case law, in the end, it's up to your honor to make that ultimate determination and look To get all that law together, we cited another a



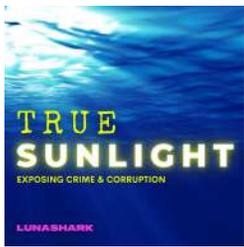
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number of decisions, including as we discussed the questions to be had I sent an email where we set out some some questions that it's not uncommon, perhaps for juror for a juror to have a second thought. But the law is very clear that it does not recognize that. Because what that would do would would be to consistently and constantly put every verdict that occurs in any courtroom in this state or in the Nation at Risk. jurors don't have to vote in perpetuity, they vote on one day. And one day only in here, Your Honor, the evidence is overwhelming that those jurors verdict was the product of honest deliberation. And the only bit of contrary evidence to that effect is from a juror who frankly, not only said that it was purely the result of honest deliberation, but then has answers all over the place. And your honor, I would say that the other 11 Jurors are credible. They were strong. They were clear with your honor. And I think that ultimately that carries the day. Now, we've had testimony from other people since the jurors were here. We've had testimony, obviously, from the sale, we've had testimony from Miss Rhonda, and we've had testimony from this alternate juror. But again, none of that testimony at all goes to what is the ultimate test for your honor. And that is whether or not this verdict was the product of honest deliberation. And on that, again, the evidence is overwhelming and strong and clear that it was the product of honest deliberation.

### **Mandy Matney** 1:31:44

I appreciate what Creighton said here, that essentially overturning this verdict based on jurors flip flopping statements months later, that would compromise every verdict in the country. We cannot have a system where jurors vote and swear under oath that they stand by their verdict. And then two powerful defense attorneys waltz into town six months later and twist that all around. verdicts are final as they should be. And had Monday gone differently. I don't want to think about the



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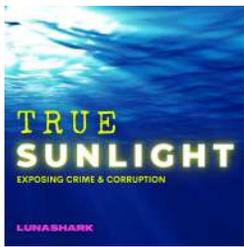
kind of harassment and pressure other expensive defense attorneys would put on jurors to bully them into making claims to increase their chances to increase their chances at a new trial. It would be chaos. And it would only benefit the privileged defendants who can afford to pay lawyers to play such silly games. And then there was Jim Griffin, who hadn't said much all day. Jim had the same unsure tone that he had a year ago when he gave a disjointed closing argument at the end of Alex Murdaugh's murder trial. Then, like now, Jim had very little facts to work with. This time. He honed in on the one thing T Murdaugh has been successful at attacking Becky's credibility.

### **Jim Griffin** 1:33:10

I mean, this is prejudice. And this has been proven, let's feel is not credible. This hill was not credible. And she's talking about a book talking about taking a literary license to law. Literary literary license to law is what she that's what she thinks a literary license is. So her her testimony should not be credited. We have proven we have met our burden of proving that there was extraneous contact with these jurors. Three of the 12 deliberating jurors have testified to that. One of the 12 says it influence my verdict. How was I not prejudice? And that's all we have to prove. We believe for the record, there is a presumption of prejudice that they have to overcome, but we have proven prejudice. And, Your Honor, we respectfully request that a new trial should be granted based on the record developed today. Thank you. And

### **Mandy Matney** 1:34:10

finally, at five o'clock, Justice Toal announced her decision denying Alex Murdaugh a new trial, her re citation of the case was thorough. For instance, she put on the record that Alex was accusing Becky of tampering quote with the jury by expressing her opinion to the jurors



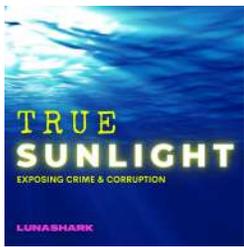
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about what their verdict should be, and about the credibility of the defendant. That feels important. Because again, it goes back to the precision. Becky didn't express to the jurors her opinion about what the verdict should be. And there's only one juror thing that she took Becky's comments to mean that Alex wasn't credible. Here is what Justice Toal ruled on the facts of the case.

### **Justice Jean Toal** 1:34:59

The facts did clerk of court Hill make comments to any juror which expressed her opinion of what the verdict would be. Ms. Hill denies a. And so the question becomes was hard to not credible. Find that the clerk of court is not completely credible as a witness. Ms. Hill was attracted by the siren call of celebrity. She wanted to write a book about the trial and express that as early as November 2022, long before the trial began. She denies that this is so but I find that she stated to the clerk of court, Rhonda McAfee and others her desire for a guilty verdict because it would sell books. She made comments about Murdaugh's demeanor as he testified she made some of those comments before he testified to at least one and maybe more jurors. Did clerk of court Hills comments have any impact on the verdict of the jury? I find that the answer to this question is no. Each member of this jury took their involuntary assignment very seriously. They obeyed the instructions of the court. They obey their oath. These good and decent citizens of Carlton county stood to their duty and rendered their verdict without fear or favor. Hit was a difficult task. 11 of the jurors very unconditionally said that you've heard no comment or if they heard a comment, it had no effect. One juror was ambivalent in her testimony. She was then examined on her previous affidavit, in which she said the effect if any that she had was pressure she felt from other juries. The cases are myriad. That pressure from fellow jurors is a part of the normal give and



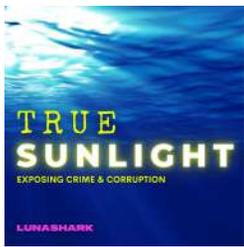
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take of jury deliberations. The court is not in choir in any way about what is said in those deliberations. But the juror was somewhat ambivalent, said on her oath at the time of trial twice and said on her oath before me in these proceedings, that she stood to her oath. The clerk of court allowed public attention of the moment to overcome her duty. I have read the entire transcript of this lengthy trial not an easy task. I have studied in detail all of the authority cited. I have independently researched the case law learned treatises and scholarly articles on the subject. Although there is certainly a split in the Federal Circuit's and in the states on the standard of review, I simply do not believe that the authority of our South Carolina Supreme Court requires a new trial in a very lengthy trial such as this, on the strength of some fleeting and foolish comments, by publicity influence clerk of court. This is a matter within the discretion of the trial judge. And I am the trial judge at this moment. I do not feel that I've used my discretion. When I find the defendants motion for a new trial. On the factual record before me must be denied. And it is so ordered,

**Liz Farrell** 1:38:54

and there was the resolution we had hoped for. Though some believe that Justice Toal has helped the defense by putting it on the record that she did believe Becky was driven by a desire for fame and attention, something we've come to agree with after hearing the testimony. And though justice Toal acknowledged that Becky made fleeting and foolish comments to people during the trial to include comments to one or more jurors, we still consider this a huge win. We believe that Alex does not stand a chance of appealing his case successfully at the state level, but we can see how Tim Murdaugh thinks they might have a chance at the federal level. In 1960, the US Court of Appeals issued a split ruling that a new trial is warranted when a court official has had private



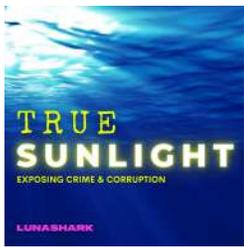
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communications with jurors that could have harmed the verdict. Justice Toal noted during the status conference that there had been several cases since that and since the 1993, ruling in State v Cameron, which relied heavily on the federal ruling that have clarified the courts view of a quote automatic new trial. In other words, we have hoped that the EU This court of appeals will not open the door any wider for Alex Murdaugh to get a new trial because of just how strange and unique this case is. One juror came forward five months after the fact and only after the defense seemed to go looking for her, but she didn't say the things she needed them to say in her affidavit. Instead, she told the truth about how she arrived at her decision about Alex she felt pressured by other jurors to render a guilty verdict. It seems highly unlikely that any court is going to look at Alex Murdaugh's case and think to themselves an injustice has been done here. We need to make this right for future cases. Another thing not on his side. Here's how justice Toal left things in the courtroom.

### **Justice Jean Toal** 1:40:42

But I will say this about the record. Now that I have read it. And I will say this, about the testimony that I heard Friday and today. Joe, Judge Newman said it best in his sentencing when he discussed the weight and the measure of the of the case presented the testimony and evidence submitted in this case when it was tried. It is a very compelling case supporting the verdict that the jurors reached. He said it with a lot more detail than I do. But now that I've read the work record, I say as the success of trial judge, I agree that the evidence was overwhelming and the jury verdict not surprising. This matter is math.



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**Mandy Matney** 1:41:36

After the hearing, Dick and Jim true to character stopped by the microphones waiting for them outside of the courtroom, listen to how they greet the media, the media that has hung on to every one of their words in the media that has taken them at their word, no matter how many times they lied. Yes.

**Dick Harpootlian** 1:41:55

So and what question. We don't get a statement. We just heard the word. What do you want? What's your

**Media** 1:42:02

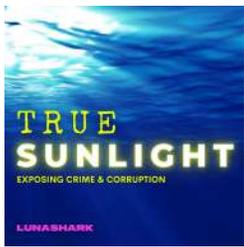
next step aside from appealing to the students?

**Dick Harpootlian** 1:42:08

One of the things that was very heartening today, was there two things. The first is that judge told found Becky Hill to be a liar. Okay, that's number one, which means we met our factual burden to she'd made it very clear that the law in this area is unsettled at best, and that it means it's ripe for appeal. So the facts are settled. Becky Hills not credible. The judge found in fact that the statements were made to the jurors, she just found that we couldn't show prejudice, but conceded that we may not have to show that if she's wrong about the law and the laws unsettled.

**Mandy Matney** 1:42:54

They were asked how they initially found out about the accusation of Jersey.



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**Jim Griffin** 1:43:00

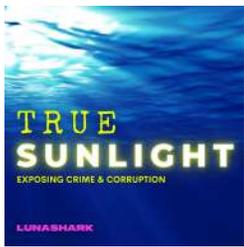
No, I mean, when we found out the information about talking to jurors, you heard the alternate testify today. And honestly, that was really the first one on one interview that we were able to get. We had gotten some indications from lawyers who represented some other jurors that, you know, we needed to just to go down this road and and when we finally met with her as she's cooking Sunday dinner and our home down a dirt road. I mean, she told us things that were dropping. And so that's how we found out.

**Mandy Matney** 1:43:31

You heard that right indications from lawyers who represented some of the jurors, lawyers, do they mean, Joe Mercola. Also, I didn't hear Jim mention the part where they threatened the jurors who didn't want to speak to them with subpoenas, or had they scared jurors into believing that they needed lawyers in the first

**Dick Harpootlian** 1:43:53

place. And we rode down a lot of dirt roads in in Carlton County on Sunday afternoons knocking on people's doors. And that, you know, that's shoe other is the way you work cases. I know, you know, everyone's used to social media and Alextronic, but you got to knock on a door and you got to ask questions. And that's what we did it. And that's how we proved to judge tall that Becky Hill attempted to influence this jury, she said for the siren call of publicity and money. Right. You know, we were you know, denigrated made fun of chastise because in our initial filing, we pointed out that she had a profit motive for doing what she did. And guess what Justice Toal rule. That was exactly the case today. So we feel vindicated on the facts. The law is unsettled. And, and early on, she acknowledged and we all



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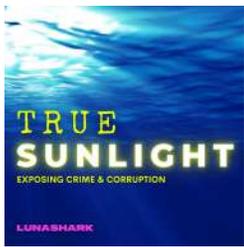
acknowledge this was not going to be the final say so on the wall that's going to be determined by the EPA. Let course and some next step if we had lost today, I mean, we did lose today, if we'd won today, the state would be appealing. So no matter who, who wins today, it's just one step in the process. We would not have a trial next week or next month, it would all be wrapped up and going up to the Court of Appeals and Supreme Court. And so, so we're prepared for that. But the good news is we agree, the Court agrees that, that Becky Hill attempted to influence these jurors that she made these statements with the facts resolved the only issues what is the law, and as judge told said, that is unsettled. This is not, you know, it's gonna go to the appellate court. And we feel strongly that we'll win.

**Liz Farrell** 1:45:43

Thank you. Obviously, Dick and Jim are saving face here. And Justice told didn't actually call Becky a liar. She said she didn't find her completely credible. And let's face it, Becky is not completely credible. We have a long way to go before we know how justice Toal's rolling will be received by the appellate courts. But we know they have a long road ahead of them. And that's what matters, the long road, we feel

**Jim Griffin** 1:46:07

confident that the burden of proof is that we get a presumption based on our factual findings here. And so if we win that, that legal standard, I mean, on this record, we get a new trial. If we lose that legal standard in our state courts, then we probably don't get a new trial. But we go to federal court where there is no dispute in the Fourth Circuit where we would end up with what the standard is. And it is a standard of presumption. So it's either going to be decided, in my view in our favor



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in our appellate courts, or four or five years down the road in the federal court, unless there's a change of federal law. That

**Liz Farrell** 1:46:44

question was funny, because it's so important to them. Again, the only way they win this is if they can get a court to agree with them that it's irrelevant that 11 Jurors did not feel influenced by Becky and that the one juror who now says she did has changed her testimony four times. Yet there'll be a different outcome if

**Media** 1:47:02

you get another trial.

**Dick Harpootlian** 1:47:06

Yes, there would. Absolutely, yes.

**Media** 1:47:14

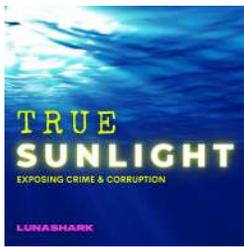
discourage you that just this tool at the end, she agreed with Judge about the facts of the verdict and how it was.

**Dick Harpootlian** 1:47:25

No, no, she she's not gonna say Oh, I disagree with Judge Newman factor very thin. No, she's not. Yeah, there's a man here was wrongly convicted. And I didn't expect her to say that. I can't, I can't this issue is not harmless error. Cannot be

**Media** 1:47:47

asked about this for you all have said that you're invested. Yeah. You said that you're investigating who might have actually committed these



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murders? Yes. Found anything that you think you want to share with us?

**Dick Harpootlian** 1:47:57

We have developed some information. We want to get this behind us. And we'll be pursuing that in the near future about committed murder, who really did it?

**Media** 1:48:06

Do you believe Alex Murdaugh has information because you think he has information about

**Dick Harpootlian** 1:48:12

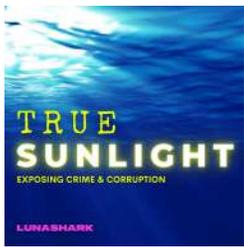
it? Well, if he did, we couldn't tell you that's called attorney client privilege. I can't think about what my client could have told me that would be attorney client privilege. These rules are so pesky.

**Liz Farrell** 1:48:24

Interesting word choice, Dick. But you're right. Those rules are pesky. And so are the people who will continue to hold you and the rest of Team Murdaugh accountable to the law and to the truth.

**Mandy Matney** 1:48:37

So does Alex actually have a chance at an appeal? That is a question we'll explore down the road after Justice Tol files her written order and after the defense in the state make their filings with the appellate court. In the meantime, we are moving on. For those of you who watched the hearing, you might have noticed someone sitting smack dab in the middle of sludge agents in the AGs office. She was dressed in green her son's favorite color on what would have been Steven Smith 28th



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birthday. His mother Sandy Smith sat in the courtroom for seven hours and watched Alex Murdaugh's evidentiary hearing on Monday. She was there as a reminder, not just a law enforcement that she's not going away anytime soon. She was there as a reminder to the world of the injustice that continues to exist that Stephens' killers have not been identified or arrested. Next week. We will start from scratch. I don't know who killed Stephen Smith, but we are going to find out. Stay tuned, stay pesky and stay in the sunlight. The True Sunlight is a Luna Shark production created by me Mandy Matney and co-hosted by journalist Liz Farrell. Learn more about our mission and membership at [lunasharkmedia.com](https://lunasharkmedia.com) interruptions provided by Luna and Joe Pesky.

TRUE  
SUNLIGHT  
EXPOSING CRIME & CORRUPTION