



## EPISODE 59: Judge Newman Orders Full Stop On Dick's 'Carnival Court'

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**Mandy Matney** 01:29

I don't know what kind of tricks Dick and Jim have up their sleeves as they defend Alex Murdaugh who currently faces 90 charges including the double homicide of his wife and son but hidden within the theatrics of Monday's explosive hearing were several huge bombshells perhaps hinting at what we're in for as the cases creep closer to trial. My name is Mandy Matney. I have been investigating the Murdaugh family for more than three and a half years now. This is the Murdaugh murders podcast with David Moses and Liz Farrell. So before we start, we want to make an announcement that we shared on social media Friday, Liz and I are no longer working for FITS News, so that we can both focus on the Murdaugh murders podcast in our own projects. Personally, I have always dreamed of owning my own company and working 100% For myself, and having the ability to do that, as a journalist, has always seemed so far out of reach. I want to thank you, our listeners and supporters for helping make this crazy pipe dream of mine come to life. I worked for FITS News for more than two years, and I am forever grateful for the opportunity in the platform to do great journalism that holds agencies accountable and keeps the powerful in check. I started this podcast in my free time as a passion project while I was working for FITS News. After dedicating so much of my time and energy of researching the Murdaugh family in the two years before the murders, I knew I had to share my reporting on a different platform. It was very clear early on that mainstream media was getting the story wrong. Focusing on the boat crash victims, for instance, as potential murderers, which we knew was so absurd. This podcast and Luna Shark Productions was created to expose the truth wherever it leads to get the story straight and give a voice to the victims. I never thought that

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this case or this podcast would expand to a full time job for not only me, but others as well. I've said this before, but I honestly started with a goal of getting to 10 episodes and then getting back to my job and local journalism. But the case is multiplied. Things changed, and we have done our best to adapt and all of the chaos and 59 episodes later here. We are also on social media this weekend, we posted several pictures of Liz and I shooting a project with CNN. Well, we can't tell you too many details about it right now. I do realize that the fits news departure announcement followed by the CNN photos was confusing. So I want to clarify, we are not in any way shape or form selling out to CNN. But we are happy to participate in this unique non-political project that helps give a voice to the victims in this case, including Sandy Smith, Elena Pilar, and so many others. We will let you know more about the CNN show closer to when it airs. While we have been on this crazy roller coaster for the past 14 months, we figured out a few things about where to dedicate our energy what I was doing at the beginning of this podcast chasing breaking news throughout the day, while podcasting and attempting deep dive analysis at night was not at all sustainable, nor was it healthy for anyone's mental state to work like that constantly tethered to the computer in fear of missing the next big thing. So we have really focused our mission here at MMP to provide well researched, thought provoking deep dives into this case that can't be found anywhere else. Even when you're just hearing our voices in this podcast. It represents a swath of several sources gathered from years of experience so that we can provide the most accurate and effective reporting that aligns with our mission here at Luna Shark Productions. So for instance, on Tuesday, as we were putting this episode together, multiple sources told us that SLED agents were searching an area of

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water near Randolph Murdaugh the third's old home in Hampton County, but we don't know what that means. Exactly. And instead of speculating, we're going to just tell you that we promised to look into it and see what it means and get back to you.

**Liz Farrell** 06:06

So bottom line, we aren't going anywhere. When we made our announcements last Friday, a few listeners panicked, no need to panic. First, there is so much more to uncover in the Murdaugh case, every week, we are pretty much dealing with the news in real time. Both Mandy and I have so many areas of this case that we want to go deeper into, and now we'll be able to do that. Second. The murder case has shown us how much damage can occur when widespread corruption goes unchecked. Without a corrupt system these crimes could not have happened in such epic fashion. So now is as good a time as any for us to start thinking about throwing on the lights in other communities as well.

**DAVID MOSES** 06:49

Many of you have been eagerly awaiting news on what's next for the Luna Shark and the Murdaugh Murders podcast team. There is only one way to ensure that you get that info. First, click the link in the episode description or visit [Murdaugh murders podcast.com](https://murdaughmurderspodcast.com) and provide your email address so you can get the first alert on new shows, new platforms and new projects that expose the truth, give voice to victims and get the story straight. But right away we're excited to announce that we'll be publishing new bonus episodes of MMP exploring how we should all drink from the same cup of justice Mandy, Liz, Eric Bland and



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others will be diving deeper into analysis with fascinating stories from courtrooms and newsrooms. Our goal is to take all these complex legal topics and make them easy and entertaining to understand. But wait, there's more. We want you to know that we've heard you from comments on social media to our listener surveys, we are going to offer you content beyond what you can get from just an amazing 45 minute podcast if you want to hear ad free or music free shows dive deeper into these investigations and others learn about Mandy and Liz's adventures in journalism and hear from other journalists who believe in our mission. We invite you to participate in these investigations as we expose the truth. We are excited to shine the light on evil doers everywhere as we launch a new subscription service. Get it? It's like subscription but sun. In the coming weeks if you gave us your email at [murdaughmurderspodcast.com](mailto:murdaughmurderspodcast.com), you'll get first crack at joining a community that makes an impact. We stand for victims we stand for truth and we invite you to stand with us as we change journalism and our systems for the better. So if you believe in our mission, let us know by sharing your email and stay tuned.

### **Mandy Matney** 08:46

On Monday Alex Murdaugh appeared in court in Colleton County, South Carolina before Judge Clifton Newman, who ruled on two motions related to the double homicide case the hearing was dramatic and heated even for this case. And a special shout out again to videographer Eric Allen who captured every second of this hearing on audio and video and be sure to check out our YouTube channel to watch the entire hearing. And you can see our live chat commentary. Before we start playing clips from the hearing a few things you need to know the

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hearing focused on two particular motions related to the discovery phase in the double homicide case, the first motion filed by defense attorneys Dick Harpootlian and Jim Griffin was a motion to compel asking Judge Newman to order that the state respond to their July 15 Rule Five discovery motion as we explained in the last episode, the rule technically requires the state to respond within 30 days. And it does not necessarily say that prosecutors have to turn over all the evidence within 30 days which by the way, defense attorneys in South Carolina say you it almost never happens that quickly. Prosecutor Creighton Waters responded to the motion saying hey look, we have the evidence, but we need some rules here about how we share it. So Creighton asked the court for a protective order on the evidence, which is why a hearing was necessary for Judge Newman to rule on one detects motion to compel asking for evidence and to Creighton Waters' motion for a protective order on some of the evidence.

### **Liz Farrell** 10:26

Before we get into it here's what you need to know about the hearing. Have you ever seen someone grab another person's hand and then use that person's hand to hit that person's face while yelling? Stop hitting yourself? That is what Dick and Jim did here. The hearing was all for show. It was for Dick, the gaseous of gas lighters to perform for the cameras and promote his narrative. I have no doubt that somewhere out there is a wrinkled list of talking points with Jim Griffin's checkmarks next to each item. There were things that clearly wanted to get on the public record Monday. So the hearing in summary was a celebration of opposite day in which Dick and Jim went from arguing for reinforced secrecy a month ago to against reinforce secrecy now,



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now, the issue is this, as you'll remember, Creighton Waters and Dick and Jim were working on crafting a protective order for the evidence when Dick and Jim suddenly changed their minds because it allowed them to force the handover past August 15, which would then allow them to cry foul. Why was the protective order necessary to prevent leaks, which oddly Dick and Jim were also railing against, meaning the guys yelling about the leaks were fighting the remedy for set leaks that said this protective order makes the motion to compel moot. Meaning had they all just gone with Plan A, had Dick and Jim not changed their minds about that there would be no need for that motion to compel because, again, the state was willing to hand it all over just with some restrictions attached. Dick and Jim went in with an agenda, but it wasn't about that motion to compel.

### **Mandy Matney** 12:03

Okay, so just to give you all a sense of how fiery this 50 minute hearing was, from beginning to end, we want to play the first minute, which really set the stage for Harpootlian's bombastic performance on Monday.

### **Creighton Waters** 12:29

May it please the court, we're here this morning on a couple of motions and 2021, GS15 592, 593, 594 and 595. Those are the two murder charges and possession of a firearm during commission for violent crime charges against Alex Murdaugh, for the murders of Maggie and Paul Murdaugh. We're here for the state's motion for a protective order.



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### **Dick Harpootlian** 12:53

Objection your honor, we're not here for that we're here for the defense motion to compel. And I object to the state trying to hijack this proceeding by taking over and saying this is for their motion for protective order. We made a motion to compel weeks before they make a motion protective order. And I'd ask the court to allow us to go forward with a motion to compel.

### **Mandy Matney** 13:13

So that is State Senator Dick Harpootlian interrupting prosecutor Creighton Waters before he can even get a few sentences in about what this hearing is about. You heard Creighton tell the judge that they were there for a couple of motions. He wasn't trying to make this all about the state's motion, as Dick was trying to make it seem. Also Dick says that he and Jim made their motion to compel quote weeks before the state's motion for a protective order. Let's be clear on the timeline here. Late on Friday, August 12, Creighton, Dick and Jim were working together on the protective order when Dick and Jim changed their minds. On Monday, August 15, Creighton, emailed Judge Newman to update him in that email crate and let the judge know that he still believes a protective order is necessary. The day after that Dick and Jim filed their motion to compel two days later, Creighton officially filed the state's motion for a protective order. So how is that weeks before? We have to give Creighton Waters props here because he showed up as a different attorney from the previous bond hearing and they seemed ready for all the nonsense right out of the gate. He presented himself as a lawyer who wasn't going to be steamrolled by Dick and Jim. Finally, we saw a real prosecutor in the room. He continued:



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### **Creighton Waters** 14:36

Your Honor, both motions are to be heard today. And I think that if the motion took for protective orders dressed it makes any motion to compel moot because of course, as the stage has been clear from day one, we've been ready to provide this discovery but because of the sensitivity of the matters here, we think it's appropriate after months of caution to seek a reasonable and minimally intrusive protective order so that discovery can be provided.

### **Mandy Matney** 14:58

In less than one minute and 30 seconds in Dick interrupted Creighton again so that he could continue this false narrative that the state was intentionally withholding evidence from them. Most importantly, Dick again lied about the timeline on July 15. The defense filed its discovery motion. And even though the rule doesn't specify whether the state has 30 calendar days or 30 business days, Dick and Jim regarded August 15, as the deadline. So where are these weeks of non compliance coming from?

### **Creighton Waters** 15:31

There is no need for motion to the court.

### **Dick Harpootlian** 15:34

Your Honor we have a motion to compel we filed we'd like to be heard on it. And then if they want to respond, Your Honor, obviously could hear that that we found was motion weeks after they failed to comply with Rule five and braiding and to just ignore that, I think does a disservice to this court and the criminal justice system.





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### **Mandy Matney** 15:54

In less than two minutes into the hearing Harpootlian interrupted Waters for a third time. Remember, it wasn't even Harpootlian's turn to speak yet, y'all.

### **Creighton Waters** 16:04

The reasons why they're...

### **Dick Harpootlian** 16:05

If I can be heard, without being interrupted, and hijacked by the state as they continue to try to hide the ball on this case. I'm sorry if I appear upset. But I can tell you that every time we turn around, they're trying to hide something. And if we could just have 15 minutes to address the court and call a witness we could get to.

### **Mandy Matney** 16:29

So Harpootlian is trying to create an alternate reality here likely in the hopes that any potential jurors are listening. And yes, I have to point this out again, Harpootlian who just weeks ago was all I want a gag order because I don't want the press tainting. The jury is absolutely performing for the court of public opinion here over the weekend. We talked with Eric Bland, and he told us that he believes that the defense is going to want people who don't trust the government on their jury. So by repeating words and phrases like hijack and hide the ball, when it's not even his turn to speak in portraying the state as a bully that won't even let the defense speak. Dick is already laying down a path to get that kind of jury. He wants to ensure that he puts that impression in the public's mind right out of the gate. He wants to portray Alex as



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someone who has been unfairly targeted by the Attorney General's Office as a part of creating that narrative. He's subpoenaed for SLED agents connected to the Murdaugh investigations to testify on Monday. This is weird. Remember, the defense's motion was a motion to compel the state to hand over evidence how exactly with these SLED agents who have nothing to do with the AGs office producing evidence helped make Dick's case they wouldn't. That's the point. That's why Newman ultimately denied Dick's request. Now, last week, we were hearing a lot of rumblings that Harpootlian was planning to use the hearing Monday to point the finger at someone else in the double homicide at the quote unquote, real killer. So it's possible that they were calling on SLED agents to testify solely to create some kind of chaos like that, on Monday, though, did told the court that he needed the sludge agents, or at least one flood agent to testify that the alleged leak of information about the case was coming out of the AGs office. Also, about five minutes before the hearing started, Dick and Jim filed a memo which could be best described as bitchy filled with outrage, accusing the state of playing to the gallery in the media and saying that the Attorney General lacks quote, stiffness of the spine. And by the way, the Attorney General Alan Wilson is the first signature on the state's filing, yet he never shows up to these hearings, nor does he ever hold press conferences about these matters. So maybe Dick and Jim are not wrong about that. Alan Wilson does need to be a leader here. Anyways, after another minute a back and forth between Creighton and Dick in which Creighton boldly pointed out that it was actually Dick doing the interrupting not him. Judge Newman stepped in and basically told them to tone it down and cut off the nonsense. The judge also made sure that Dick knew that submitting a memorandum five minutes



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before a hearing was not cool, did blame the AGs office for his late filing and then went on to explain it.

### **Dick Harpootlian** 19:39

But suffice it to say it points out all the things that we pointed out in our initial motion to compel and that is under Rule five, and Brady. We're entitled to discover materials prepared defense. The question is, who's going to make the decision on what we get? And your honor We're gonna be in this courtroom over and over and over again, if you're on our handles protective order, I'm not gonna argue about that this moment. But clearly, I've been involved in literally dozens, if not hundreds of murder cases in my career. I've never seen such a thing in a murder case. Now say my granddaughter. Certainly there's a grand jury. There's protective orders in place. I get it. But this is not a statewide Grand Jury case. So why we don't have what we asked for seven weeks ago. The 30 days is not the minimum is the maximum number one number two. I like to put one witness on the stand is already explained where we are.

### **Mandy Matney** 20:39

Judge Newman remaining more calm than most of us would be asked Dick to explain why exactly he thinks it's appropriate to call SLED Captain Ryan Neal, who was one of the lead investigators in the murder case as a witness in this hearing.

### **Judge Clifton Newman** 20:55

You claim the witness is needed for...



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### **Dick Harpootlian** 21:00

A motion to prepare Captain Ryan Neal, he is with SLED.. He's been involved in this process and the gathering of the evidence, which I think would explain to the court how easy it is for this evidence to be produced. 10 minutes max.

### **Mandy Matney** 21:15

Creighton responded by saying, hang on, there is no reason for the defense to call a witness to testify about the evidentiary process at a hearing that's meant to decide the terms of releasing that evidence.

### **Creighton Waters** 21:30

Your I don't see any need for a witness at this time. I don't think that there's any factual issue to dispute for the purposes of this hearing as to the evidence that was gathered, these are legal issues as to whether or not a protective order is appropriate and whether or not the defense's motion to be compelled should be granted. And there's no reason to even get to factual which is failed to identify a viable factual issue that's in dispute.

### **Mandy Matney** 21:52

Prosecutor Creighton Waters, then said, let's get to the real issues here. And by the way, the last thing the state wants is a mistrial right now. Dick continued begging again to interview SLED agents. And uh huh. Why would you want to do that?



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**Dick Harpootlian** 22:09

Of course, this impacts the legal issue. We don't we're not quite sure what we're asking for. I think this would make it clear to you. What we're asking for, and whether or not is easily available, again, five minutes.

**Mandy Matney** 22:25

So again, Dick is taking the issue at hand, which is the defense's manufactured claim that the state hasn't complied with the Rule five discovery and converting it to something else entirely. Maybe Dick's requests would be appropriate in a case where the prosecution has egregiously delayed delivering the discovery, but that is not what was happening here. From where we sit. It looks like the state has made a good faith effort to meet Dick's demands. In summary, Judge Newman told Dick, no, I'm not gonna allow you to call a state's witness to the stand so you can interrogate them about the investigation when all I have to do is say produce the evidence in the state is obligated to comply with that. And we'll be right back.

**Mandy Matney** 25:19

Naturally, Dick had to interrupt the judge to make one more comment. And his one more comment was to falsely insinuate that the state is planning to hide evidence from them.

**Dick Harpootlian** 25:27

You're gonna make one comment? I'm not arguing with you. In the memorandum that we received on Friday, the state points out that they don't want other suspects or interview disclose, well, if they interview other people that they consider to be suspects and excluded them.



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Why aren't we entitled to that? Why aren't we entitled to that? To know who they suspected why they suspected him? and on what basis they excluded?

**Liz Farrell** 25:57

Did you notice how Dick asked, why aren't we entitled to that two times, and the second time his voice got softer, that's called theatrics. And it's intentional. It seems like he's trying to give the impression that he's just a good guy asking for the bare minimum from a withholding bully. But he's again misstating what the state's position is here. So in Rule five discovery, the State and Defense are both allowed to ask the court to prevent the handover of certain pieces of evidence should they desire. This is sometimes done to protect witnesses and confidential informants, but they'd have to make a motion to do that. Related to this hearing, though. And in their memos to the court. The state is not arguing that there's evidence they don't want to hand over even though this is what Dick is trying to insinuate. Instead, the state is arguing that some of the evidence contains personal identifying information. And that's why they need a protective order. Creighton states the obvious, which is that, yeah, duh, the state will give them their, quote, other suspect evidence.

**Creighton Waters** 27:01

They absolutely will be, your Honor. Once we have the rules in place.



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### **Mandy Matney** 27:07

And then again, falsely acting like the state is trying to withhold pieces of evidence Dick Harpootlian suggested something very on brand for his chaotic case, protecting the good old boys. Listen carefully.

### **Dick Harpootlian** 27:22

While the rules are employed. It's called Rule five and Brady. So your honor, what I would say to you is this. I don't trust the state to honor the rules they haven't so far as we point out in our motion, I've asked the court to appoint a special master to supervise discovery in this case, a number of retired judges have done this in the past, not because you can't do it, but because it would consume all of your time to do something like that retired Chief Justice Toal there are a number of methods to do it in civil cases all the time. So I'd ask the court to consider appointing a master to supervise the state in reviewing and reviewing the documents, make sure we get what we should get. Thank you.

### **Mandy Matney** 28:12

So here, we have another fun one for the potential jury field. I don't trust the state to honor the rules. Again, the state wasn't refusing to hand over evidence, it was asking the court to set some terms to protect sensitive information contained in the evidence, something Dick was arguing for just one month ago, also is Dick Harpootlian really saying he wants his buddies to be in charge of the evidence. Now, again, the state is asking the court for permission to withhold some evidence. If that were the case, sure, set up a system that allows for an independent evaluation of whether it's appropriate to hold back the evidence in



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question, and it's also not lost on us. The Dick is asking for retired Justice Jean Toal to help make determinations in this imagined scenario, she is problematic and we will tell you about her in a future episode. It was at this point in the hearing that Creighton Waters really stepped up to the plate and started swinging. This is when he truly acted like a prosecutor in charge of one of the biggest cases in the history of South Carolina.

### **Creighton Waters** 29:28

Your honor, Mr. Harpootlian put in his latest file. And as Your Honor pointed out, we got five minutes before the hearing started. That he knows he's worked with me on a number of cases and knows I don't play fast and loose, they put that in their motion knows that I'm not responsible for any leaks, they put that in that motion, they will get everything. Okay, I don't play fast and loose with discovery. I would rather give them everything because I don't want to be down the line. You know, with anything that I had that they could potentially have found useful. That's how I play the game and they both know this because they've had exposure Here's what we before. And as soon as we can get a ruling on the protective order because of the extreme sensitivity of this information. You know this information, your honor is probably worth six to seven figures.

### **Liz Farrell** 30:13

First, let's take a moment to appreciate the sanity here. Creighton is reminding the court again about the matter at hand. You can almost hear clapping emojis between his unspoken words, this hearing is about the protective order. Also, this was one of those ear cleaning





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moments where you're like, Did I just hear what I think I heard? is craving water saying that they need a protective order, in part because there's a monetary value to the evidence in the Murdaugh case and that it could be a million dollars. Yeah, he is. So in the state's memo to the court, which is referenced throughout the memo that Dick and Jim submitted five minutes before the hearing. The state argues that they're not saying that Dick or Jim would ever sell evidence, photos, etc. But you know, better safe than sorry, Dick and Jim were not cool about the state making this point. Here's how they responded to that in their own memo.

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### **DAVID MOSES** 31:13

The state next argues a protective order is needed because, quote, this discovery is worth six if not seven figures to an unscrupulous person. By this, the Attorney General means defense counsel, Richard Harpootlian and James M. Griffin would sell the discovery in this case absent a court order prohibiting it lacking stiffness of spine to stand by his insult, the Attorney General unctuously hurries to claim that he quote does not cavalierly throw around ethical allegations. And his quote, concern is not defense counsel. Of course, his concern is defense counsel, he is arguing against disclosure to defense counsel to whom else could the Attorney General be referring.

### **Liz Farrell** 32:03

So I'm just going to say the quiet part. We've heard from multiple sources that the Murdaughs and their counsel have over the past year been dabbling in the old Hollywood pool. We heard they had optioned the rights to their story, or were in talks to option the rights to their



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story. Again, the Murdaugh team has a public relations firm helping them here. This is all just to say good for Creighton to us, it seems like he knows something he's not saying and not for nothing but two words, Vicki Ward, she's the tabloid reporter who's allegedly got her hands on evidence, photos and other confidential courtroom materials in the Mallory Beach boat crash case and use them in a documentary again, and we're sick of having to say this, but the state is not arguing against disclosing evidence. They're arguing that they want in order to protect this evidence from getting publicized. Frankly, it's surprising that tick and Jim didn't think of the six and seven figure argument themselves in their attempts to paint Attorney General Alan Wilson as a leaky spigot real quick. Here's one more fun passage from their memo.

### **DAVID MOSES** 33:08

The pattern of the leaks suggests that maybe someone who works or worked in Mr. Waters team wanted Murdaugh to be charged that Mr. Waters was reticent to bring a weak murder case and that the leaks were a way to go over Mr. Waters head to an attorney general who always panders to public opinion. But regardless of how we got here, the state should not be permitted to gag the defense from responding to its leaks. It is past time for the state to stop bolstering its case in magazines and blogs and to instead provide Murdaugh's lawyers, whatever actual evidence it has.

### **Liz Farrell** 33:50

They're so indignant. I love it. So the leaks, let's talk about those leaks for a second what leaks. The defense listed several stories in its memo and included several passages from those stories, most of them written by



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Mandy and me, they say those stories demonstrate that the AGs office was the quote unquote, leak those stories only demonstrate that were solid Reporter So thank you, Dick. And Jim, that's so sweet of you to notice, Dick of all people knows how this works. There's no deep throat here. There's no mysterious single source whispering in an underground garage. This case has six or seven figures in moving parts, asking people and we know a lot of them from all angles. In this case, what are you hearing out there is a really effective starting point and reporting. You take what you learn from people, then you find out what can be confirmed back to the hearing. Here's Creighton explaining how he's not accusing Dick and Jim of being shady.

### **Creighton Waters** 34:47

I am not at all and I put this in my motion despite their recent response. It all worried about Dick Harpootlian or Jim Griffin selling this information. I'm not at all worried about that. But the problem is, is that inevitably unknown merpeople as the case is prepared have to get access to that information. And the whole point is to have this not fall in the wrong hands. This case is unique. It's unprecedented in South Carolina history, and as much as it combines violent crime, with alleged corruption of someone's law license on this on a scale has never been seen before. And your honor, if not this case, what case would a protective order be appropriate with the intense media interest that there's there, none of this is to preclude a public trial, everything will come out in the open, all this has meant to do is have it come out when it's supposed to and that's in this courtroom.



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### **Mandy Matney** 35:38

And then Creighton briefly gave the public an idea of how much evidence we're talking about here and why there needs to be a protection order.

### **Creighton Waters** 35:48

And your honor, I think, in this particular case, we have in this evidence is chock full of such information that should be protected. There are phone dumps from a number of people from from victims from witnesses, those phone dumps have all kinds are complete, they have all kinds of communications with people, their contact information is in there who may have nothing to do with this case, but we're just contacting that phone. But I would not want to get into the process, which would take forever, I might add your honor of sitting there and trying to separate the wheat from the draft and the phone dumps before it was provided to the defense, which then they would complain that the state is withholding discovery rather than map the whole thing, because I don't know what they may see in there that they think is relevant to their defense, which is there, right, which is why I don't want to be separating wheat from the chaff. Let them look at all of it and decide what they think is relevant. That's how I play the game. And they know this, Your Honor, there is information in here, there's there's tons of personal identifying information in there, that protective order would satisfy any issues as it goes to that. And then, of course, I didn't mention there's excluded suspects that premature disclosure of which would be damaging, but none of that is to preclude them from having that they are entitled to it. They're entitled to vet that themselves and to raise those issues, if legally appropriate. They can do that all they want



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to. But it is appropriate that those people's identities be protected under protective order unless and until those issues become irrelevant at trial. And that could be after your honor rules on various legal issues relevant to that. That's a huge right of a third party. And then of course, most of the witnesses in this case who have their in my wise memorandums of interview their recordings of their interview all the rest of them. They don't want to be in the news and the lesson until it's a trial happens. And that's that's their right, that's important something to protect, Your Honor, that they don't need to have intense media focus on them until and unless they their testimony becomes irrelevant in a trial. These are all very valid concerns alone to justify a protective order. And again, my concern is not to corporately, and it's not Jim Griffin, I've worked with both of these people. And they both said the same thing about me. But inevitably, whether when it's not authorized is not directed. Inevitably though this information could end up down the line as is the case is prepared in the hands of people that whose motives aren't as pure and all of this is done is to protect that because this information literally is probably worth over a million dollars to the unto an unscrupulous hands. And I think we have to protect it for that reason.

**Liz Farrell** 38:15

So listening to Creighton, it's crazy to remember that just one month ago did was standing in that same courtroom arguing about the importance of a gag order. In this case, the gag order was an extra thing, right? These guys are already bound to the rules of professional conduct in what they disclose to the public ahead of a trial, the gag order would have reinforced those rules. Dick and Jim wanted the extra



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the protective order is sort of the same concept and yet Dick and Jim are now arguing that extra equals overboard. I can't even imagine how much private information is contained in this investigation. We want to see everyone who has played a role in these crimes to be held accountable. But we also know how highly personal investigatory files can be. In South Carolina body camera footage is not subject to the Freedom of Information Act. The main rationale of that was to protect people's privacy. Law enforcement often deal with people on their worst days they go into people's houses, they learn intimate and horrifying details of their lives. Similarly, investigatory files can be just as invasive, especially when taken out of context. So it's understandable that the state would seek extra protections and were for them as long as the driving factor here isn't to protect the guilty. What I mean is there are probably a lot of interesting names in those files. Come to think of it. Creighton's assertion that these files could be worth over a million dollars might not even be about Hollywood. This is South Carolina. It could just be about good old fashioned good old boy on good old boy blackmail opportunities back to those alleged leaks.

### **Creighton Waters** 39:56

I'm not aware of anyone who's leaked in substantive evidence or any violative rule of 3.6 in this map, okay, leaks, do nothing but provide make it look amateurish, make it look messy and provide strategic opportunity for the defense those who know how to handle a high profile case, don't leave because it does no good whatsoever, Your Honor. And the only thing I am aware of two indiscretions about procedural issues that were immediately addressed, and both in both of those instances and was just simply about a step in the process. And



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both of those were unauthorized undirected, and were immediately directly addressed and had nothing to do with any substantive evidence, nothing to do with the new state Grand Jury evidence and nothing like that.

**Liz Farrell** 40:39

Two indiscretions about procedural issues that were immediately addressed. Wonder what those were. Let's be clear here, when you have an investigation that takes 13 months and involves hundreds of people, and there's no public communication from either law enforcement agency information will get out. That's a fact. There's no way to contain it. But that's not really a quote unquote, leak. There are no secret documents being passed around. No one is purporting to have seen the evidence that's just normal human beings being normal human beings and not for nothing. This investigation took 13 months for two reasons. Dick and Jim if Alex couldn't afford Dick, and Jim, he would have been arrested, the second SLED had probable cause against him, which for all we know could have been immediately. One interesting thing about Dick and Jim's last minute memorandum is that they don't mention any stories from the state newspaper or the Post and Courier, two papers that seem to have some very pro Alex Murdaugh anonymous sources. Nope. It's just us and People Magazine. What I'm about to say is not an accusation, but rather amusing. People Magazine referred to an unnamed source who referred to a quote mountain of evidence against Alex Murdaugh, a phrase that a source had used with us months earlier. Now, is it possible that People Magazine reporter had the same source as us? No, I'm not being arrogant here. I just know what I know. And I'm saying what I can say we still have to protect our sources that said the



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People magazine articles also contained information about the investigation, we're told was not accurate. This may Mandy and I wonder what was going on with that? Is it possible the magazine source was just repeating what they read in our stories, and not always getting it? Right. Maybe it's also possible that the magazine source wanted a large national platform to spread an anti-Alex Murdaugh message that could then be pinned on someone else. Again, I'm not accusing anyone of anything. I'm just saying that the assertions in the People magazine articles, certainly helped bolster certain messages about leaks and alleged prosecutorial misconduct, et cetera. Here's Creighton very accurately pointing out the truth about the so called leaks.

### **Creighton Waters** 42:53

And even in their motion right here, they just they discussed that as well. They claim they point out some FITS News article from June, calling out the fact that no indictments had been issued when they were expected. They were expected they were expected. Well, that was it everybody was looking for when the captain the next college and Grand Jury date wasn't expecting indictments, but nothing happened. So why in the world would the state be leaking that we have no motive to do that all it does is undermine our case and undermine the process. And I'll say that again, your honor. I want to try this case once and the evidence can come out in the courtroom. And that's the place where it needs to come out and all the protective order does is ensure or tries its best to ensure that that's the case. Thank you.





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**Mandy Matney** 43:34

Creighton made a good point here. It doesn't take a super sleuth to figure out the murder charges were coming in July. We knew they were coming based off of our previous reporting. We knew that the Collin County grand jury was going to be handling the murder charges. Because that's where the murders happened. Harpootlian fired back. Instead, the general protective order is going to prohibit him from interviewing witnesses in the case if the state redact names and contact information, and then Mr. I don't know what geofencing is gave us a long explanation about why he wants the totality of specific electronic data.

**Dick Harpootlian** 44:14

We are entitled as Your Honor, it's already indicated with limited as what we get, although I think we're gonna be litigating a lot about that, because I think there's plenty of ESI information, plenty of ESI information that is in terms of Brady, let me give you an example. Sweat has nobody does paper anymore. Everybody does Alextronics. So when they prepare an incident report, it goes in, and then it may be changed. And when it's changed. There's metadata that shows how it was changed, and we ought to be able to aware, be aware of what those changes were to see if it made any substantive difference in what they're saying today. That's, that's why we want to yes, we want all their Alextronic data. And so that we can do that analysis. And I'd be happy to enter into some sort of limited protective order on the ESI data being so that we can have that analysis. That's number one.



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**Mandy Matney** 45:19

Then Harpootlian brought up something interesting about why he wanted to call Ryan Neal to the stand.

**Dick Harpootlian** 45:25

Number two, I have not accused and will not accuse Mr. Waters of leaking anything ever, ever. However, when kept and written, I wanted to call a Captain Neil was he when he met with the family prior to indictments, they were outraged that it was already in the paper and have to kneel, according to the family indicated that the Attorney General's Office some low level person, the Attorney General's Office. Now, I trust Mr. Waters. I don't trust the rest of his office actually want to make that clear, because these leaks, some of them were accurate. Apparently, of course, we don't have the discovery, we don't know. But I would ask you if you're going to issue a protective order, make it only protected as to what we can set to at this point without a specific showing under D one, and D one requires me to tell you, it needs to be protected because of this. And if they're worried about somebody getting the the autopsy photos or getting the crime scene photos and trying to profit off of them, we will not be a part of that and consent to any sort of protective order you want to put in place. If the phone data as to any other reports. That's the ESI there's no protective order needed, except on a very limited circumstance now.

**Mandy Matney** 46:44

But again, Dick Harpootlian, we have to point out the elephant in the room here. He seems so concerned about leaks and the potential of someone selling autopsy photos, but yet he fails to mention that Vicki



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Ward, the tabloid reporter, accused of obtaining photos a Mallory beaches body and using it to sell a documentary reported that Alex Murdaugh was going to be charged with murder just minutes at your SLED agents told the family back in July. So Harpootlian is putting on a big show about how he's so worried about leaks when the most concerning and apparent leaks look like they're coming from the defense. Speaking of leaks from the defense, we also have to talk about another recent story that Harpootlian failed to mention in his motion, what we notice is that he only really mentioned the leaks, which is really just reporting that happened to make his client look bad. For instance, last week after last episode aired. veteran reporter John Monk, who we have pointed out tends to write headlines in favor of that offense published a story in the state newspaper with the headline Paul Murdaugh cell phone depicts happy family before the killings sources again, like we mentioned in the last episode, reporters make a series of choices on how to frame stories and yet this is yet another example of mainstream press, making those decisions in favor of Alex and his attorneys. The story appeared to be an attempt from the Murdaugh camp to change the narrative surrounding the video evidence capturing Alex Murdaugh at the scene right before the murders. Before the story published Harpootlian announced in a press conference that SLED had recently shown the Murdaugh family the video and then a few days later, magically, a reporter who tends to side with the good ol boys gets a source and prints a whole story about how the whole family was getting along great right before the murders and the rest of us are just getting this whole video thing wrong. Huh? Who could have possibly have leaked that information? I point this out because it is important. The leaks have been coming from both directions.



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Harpootlian just wants to control the narrative. We'll be right back. During the hearing, Dick made a big show out of wanting to see court orders that allow the state grand jury to share evidence with the Colleton County grand jury in his argument. He referenced a request that he and Jim apparently made a year ago for those orders a year ago. Here's what we know about what happened a year ago last August after a lot of public outrage in criticism. 14th circuit solicitor Duffy Stone finally recused himself from the murder case. Remember Duffy is who the Murdaugh's put in place in 2006 to take over for Randolph the third when he retired and he was also Alex boss right up until the Labor Day shooting. Also around the same time last year, I received a tip from Liz actually that the Colleton County grand jury was about to indict Alex for double murder. Liz had heard this from an old reliable source of hers. Obviously, this didn't turn out to be the case. But we still believe there was some truth to that at the time. We believe that law enforcement might have been ready to indict. But something might have caused them to pull back at the last minute and then decide to reinforce its case before indicting Alex what Dick said in the courtroom Monday about asking for the order a year ago. Could this mean that Alex was actually about to be indicted right before his labor day shooting meltdown, or maybe he thought he was going to be indicted. Creighton told the court that whatever order Dick asked for back then wasn't available back then. And then he said, Look, Dick is jumping the gun here, we're proving that this case is unprecedented.

### **Creighton Waters** 51:07

These are all claims that are premature, trying to you know act like that something's happened when it hasn't, there has been no violation, yet



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there has been no misconduct by the state, there's been none of that. They're just trying to create that before it's happened. Let's get through step one. And if they're unhappy, we'll talk and if they're still unhappy, they can come to your honor, or make whatever motion they want to. But that's not why we're here today.

**Mandy Matney** 51:28

And then Dick had to jump in and make his comments for the record.

**Dick Harpootlian** 51:32

Again we're here today because seven weeks ago, we asked him for discovery, we still don't have and by the way, under their order, we can't leave discovery with our client at the jail to read now. Just wait just one minute. Typically, he's dealing with a bunch of drug dependence, I understand that have co co-defendants out at the jail, they don't want to share it. So one other case, why can't we? Why can't he have the time to examine the data at the jail? Now, that's where they wanna that's where he's kept. We can't, we have to sit down there with him and read it every day. This is ludicrous.

**Liz Farrell** 52:09

What's ludicrous that two men who are being paid many hundreds of dollars an hour to defend a murder suspect can't be bothered to go to the jail and sit with him so he can look at the evidence in his case.

Totally agree, Dick.



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### **Dick Harpootlian** 52:23

And again, what are we protecting it from? What Who are we protecting it from? Again, we've agreed. He says everything needs to be protected. We've agreed certain things perhaps need to be protected. We have a problem with...

### **Mandy Matney** 52:34

But Dick has lots of problems with this. He went on to restate what he said earlier about the grand jury stepping out of line to investigate the murder case.

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### **Dick Harpootlian** 52:46

One other thing I'd like to say is this. They charged him with murder. What they're telling us today is they're still investigating it. They're still investigating the murder they've charged with. They didn't have enough. When they charge him again, you're missing some sort of game that's going on here. And he used the word game. That's not my word. This is not a game. It seems like it's justice is the quality of justice in this courtroom in this day, and it ain't again.

### **Liz Farrell** 53:15

It's actually very standard for investigations to continue after an arrest. Dick knows this. You know how I know he knows. In September 1982, a man named Rudolf Steiner was killed by a fellow inmate in South Carolina that inmate was Dicks claim to fame, Peewee Gaskins. Peewee was a disgusting serial killer who was on death row until the late 1970s, when his sentence was overturned and converted to several life sentences. Dick is the man who put Peewee back on death row.



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Peewee was charged with Tyler's murder a few weeks later in October 1982. Jury selection for the trial started in February 1983. In March 1983, Peewee was found guilty. Quite the accelerated timeline right. Dick apparently likes to keep things short. Anyway, one month before the trial started one month. Dick who was the prosecutor in the case was still investigating the case one month, one month before the trial started he was looking for a handwriting sample from peewee so he could compare it to an incriminating letter purportedly written by peewee that is the beauty of law, I guess high priced opportunistic hypocrisy. If anyone at USC School of Law is listening, by the way, I have an idea for a mock trial, the 1983 Peewee Gaskins case with Dick Harpootlian as the prosecution and Dick Harpootlian as the defense. Dick on Dick justice. I would love to see which version of Dick emerges as the victor back to the hearing crate and hammers home how much he really doesn't want crime scene photos floating around Alvin S. Glenn detention center.

### **Creighton Waters** 54:53

Your Honor, ultimately as it relates to albinism then what better example of what I'm talking about out with information that is worth six, if not seven figures and the idea of leaving that information.

### **Dick Harpootlian** 55:08

In the photos or photos at the jail, Your Honor, we're not going to do that.



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**Creighton Waters** 55:13

And so, in the past, in cases like this with like floods and Hells Angels and Mr. Griffin, I'm sure it's familiar with this case.

**Dick Harpootlian** 55:23

I'm sorry. I'm losing my

**Mandy Matney** 55:28

Creighton then said, Look, I'm happy to set up something like a secured laptop for evidence viewing. And then Jim Griffin chimed in and said something very important. Listen carefully.

**Creighton Waters** 55:41

There are routinely, in federal court protective orders mostly multiple defendants drug cases, and is mostly for security purposes, or retaliation against witnesses and snitches and things of that nature. And so, and there are restrictions in those cases, it's not every single case, but in those type cases, where the defendant is not permitted to have the material at the jail, but I can tell you, Your Honor, that outlasts Glenn detention center, no longer houses federal inmates, because they had a problem making their clients accessible to the Federal Public Defender's Office. And every as much and every federal defendant has been a pretrial detainee has been removed from the atmosphere in attendance. And I think they moved them down Bamberg, because the visitation is so restrictive that they have gotten better, but it's still one hour at a time. And you're in a room with with other lawyers, you're doing a pod open pod with other lords you get our interest. There's a bulk of information that Mr. Murdaugh, who is a lawyer who can help us





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if he has time to review it in his cell that we would certainly not get, he doesn't want to see crunching. That's the last thing in the world he wants to see. But he needs to assist us in the defense of his case. And the conditions that Alderson Detention Center are not conducive to that if we have to meet with him for one hour to look at some discovery and then wait, you have to get 48 hours notice to schedule an appointment and it's just not conducive.

### **Mandy Matney** 57:25

So we listen to this several times. And what it sounds like to us is that they want to get Alex Murdaugh moved from Alvin S. Glenn Detention Center. This is another little nugget that they threw out in court on Monday, the Creighton wasn't having this and snapback.

### **Creighton Waters** 57:44

Your Honor, first of all he was or secondly, the fact that he's an alpha Neskowin. While that might provide some complication is not the state's fault. That's his fault. And that's on him. But I'm happy to facilitate whatever I can to provide a reasonable review mechanism. But if it's an if it's an inconvenience, to some extent, to some extent that's not on the state. That's all in the conduct of Mr. Murdaugh. He's currently there on the \$7 million state Grand Jury bond state Grand Jury defendants are typically aisles and avenues Glen, worthy as your governor was aware of its location of the state Grand Jury judges, there's also the Fifth Circuit GS admin. And so that's why he is housed at this time. But, again, I'm happy to make whatever calls or add my voice to whatever needs to be added to put in place a reasonable measures



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at the jail so that the defendant can review his materials with minimal, reasonable impositions.

### **Mandy Matney** 58:56

And again, Harpootlian stressed how Alvin s Glynn isn't good for his client because of his ridiculous timeline, which he proposed.

### **Dick Harpootlian** 59:05

We asked for speedy trial October November. I believe we've agreed on January. So this is gonna take time and we can make motions and you know, maybe we get an hour here an hour there. It's just not conducive to getting this matter result in this matter meet. He wants to resolve to search and go find the person that really did.

### **Mandy Matney** 59:29

Finally, Harpootlian drove home his point about why he needed this murder trial to be done in such a timely matter to find the real killers of Maggie and Paul Murdaugh. This is something we have to point out that the defense doesn't say nearly enough to be convincing, especially considering the fact that an Alex Murdaugh's jailhouse phone calls he seemed to be significantly more worried about his canteen account running low in his scheme to get his son back in law school. will then he was about finding baggy and Paul's real killers. Judge Newman staying calm, cool and collected then issued his ruling. First he laid out the facts bringing us back to reality.

### **Judge Clifton Newman** 1:00:15

Rules provide that the prosecution shall respond to the defendants request for disclosure note no later than 30 days after the request is



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made, or within such other time as may be ordered by the court in this case, on the 30th day, the parties entered into discussions and negotiations regarding an agreement as to a protective order, the parties could not agree and immediately thereafter, the defense filed a motion to compel the state then filed a response indicating that that disclosure was delayed based on the party's inability to enter into a protective order. So in essence, both matters are merged into one in a sense. Now the state must provide discovery. And the state has indicated a willingness to provide discovery, of course, is it's automatic that the state must provide discovery. And as the Attorney General indicates, he's prepared to push the send button and provide the discovery requested, provided that some reasonable limitations be made in connection with the dissemination of information that should be protected information typically, would be restricted in a high profile case and other sensitive information.

### **Mandy Matney** 1:02:11

Judge Newman, then acknowledged the absurd drama in the courtroom.

### **Judge Clifton Newman** 1:02:16

And a case such as this, the court has the responsibility to an independent responsibility and an obligation to avoid the creation of some court set up a carnival type atmosphere and a case of this nature. And I will do all that I can to limit that. But in this case, we've gone from the party seeking an agreement regarding in effect to a gag order and just several weeks ago to being at extreme odds at this point, claiming various violations and rules. extra judicial statements are permitted.



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**Mandy Matney** 1:03:01

Then he put some restrictions on Dick and Jim and how they're allowed to share the evidence.

**Judge Clifton Newman** 1:03:07

Therefore, in this instance, I am ordering the state to compel with Discovery comply with Discovery forthwith. I'm also issuing a temporary protective order restricting the defense from disseminating Any information provided until the court has issued a more formal, more permanent order. Because this is a case that cries out for the issuance of a protective order, not a blanket protective order. But but one that addresses the issues most relevant in this instance.

**Mandy Matney** 1:03:47

Harpoottian then asked about the unsealing of search warrants.

**Dick Harpoottian** 1:03:53

The matter that is part of this is, as Your Honor knows, all search in this case perceive that we've been indicated, indicated to us that the prosecution to unseal the search warrants so that we could see what the affidavit look like. And even though there's been a order issued by your honor, and others only govern the affidavit, we've never seen the results of any of those search. So if you also ordered the state to give us the unsealed.

**Creighton Waters** 1:04:22

Search warrant, yes, yes, sir, obviously, and the state has been clear from day one. If we get the protective order address, which of course your



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honor just did and we're happy also to agree to the search warrant should be unsealed pursuant to the protections of the protective order.

**Dick Harpootlian** 1:04:40

And your honor, will he gets us a draft of that protective order by close of business today. First thing tomorrow morning to get the show on the road.

**Judge Clifton Newman** 1:04:46

Court orders the unsealing search warrants to include the providing of affidavits and returns to the search warrants.

**Mandy Matney** 1:04:57

Listen carefully to this next part.

**Dick Harpootlian** 1:05:00

Your honor, they've not only issued by you, but Judge Mullen issued some on other medical issues. We're talking about all surgery.

**Mandy Matney** 1:05:07

Okay, so first of all, this is the second time Dick Harpootlian has brought up Judge Carmen Mullen's name in court and the double homicide case. Remember Mullen is the judge who was accused of signing several documents in the Satterfield case, which were full of red flags carving a clear and easy path for Alex to steal millions of dollars from glorious family. Mullen is still ruling from the bench despite several public outcry asking for these allegations to be investigated. We bring this up over and over again, because it's at the very core as to why the



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system is on trial here. How can we trust the system to rid itself of all of this rot and corruption when a judge who holds one of the most powerful positions in that system is still ruling from the bench and appears to have dodged all accountability for her association with this case. Mullen, by the way, recused herself from the boat crash case in 2019. Due to her relationship with the Murdaugh family. She did this one month before her alleged participation in the Satterfield case. So the question is, is she recused herself from the boat crash case because of her relationship with the Murdaugh family, and she's also facing other serious accusations about her involvement with the Satterfield case. Why on earth was this judge signing warrants in the double homicide case? This is yet another example of how loose our system is with conflict of interest roles. Why does Dick Harpootlina feel a need to mention these search warrants and make sure the ones that she signed are unsealed. I won't lie the conspiracy theory light bulbs went off big time in my head when I heard this. What is Dick trying to get at here? Dick said in the hearing that it is not his job to quote great a PR storm out there. But isn't that exactly what this whole hearing was about? If his job wasn't about PR, then why is NP Strat a PR firm still handling the communications for the defense to us it looks like Harpootlin had a grand plan for this hearing to call sludge agents to the stand perhaps to cast doubt on their investigation in maybe attempt to point the finger at other suspects. But Newman, once again shut down that grand plan. So the question is, why did he make a point to bring up Judge Mullen's specific search warrants? What if he's bringing Mullen up to remind the public that the whole system is corrupt here trying to make a case for the feds to take over a strategy to get his client and to club fed as they call it the federal prison instead of the much less desirable state prisons

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considering the chances of Alex Murdaugh spending the rest of his life behind bars are very high right now. Or what if he wants a search warrants unsealed because he knows Mullen signed some warrants in the double homicide investigation that pointed to other suspects and he wants to ensure that information gets out so he can finally get some momentum on his someone else did this spin while it is Dick's duty to defend his client? It is our duty to report the truth give a voice to the victims and get the story straight in the story that legacy media isn't telling you is absolutely about public corruption and a growing amount of concerns that need to be addressed starting with Carmen Mullen who wasn't mentioned in any mainstream coverage of this week's hearing, letting Mullen continue to rule from the bench without offering the public an explanation for the Satterfield case is absolutely feeling Dick's chaos here. And officials in South Carolina have got to realize that ultimately, the defense last Monday's hearing, but this was never about the outcome. The hearing was just a vehicle for Dick's theatrics, which we expect to continue throughout the case. Don't believe me? Here's what Dick said in a 1985 story in the Columbia record about lawyers and their flair for the dramatic.

### **DAVID MOSES** 1:09:32

Whether I'm trying a murder case or a driving under the influence case, I'm going to give that jury a show. That's the way to keep their attention. When they come in on jury duty. They're expecting Perry Mason or Gregory Peck. They're expecting the verdict. And by god I'm there to give it to them.



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**Mandy Matney** 1:09:55

Entertain a clown and you become part of the circus. We have so much more to unpack in this saga: more news, more deep dives, more investigations and more episodes. Stay tuned. The Murdaugh Murders podcast is created by me, Mandy Matney and my fiance David Moses. Our executive editor is Liz Farrell.

**DAVID MOSES** 1:10:24

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PODCAST