



EPISODE 9: The Vultures Are Circling But Will Russell Laffitte Be Found Guilty?

[00:00:00] **Liz Farrell:** Hey, guys. What a week, huh?

[00:00:12] **Eric Bland:** Hey there. Oh my.

[00:00:14] **Mandy Matney:** Hello.

[00:00:15] **Eric Bland:** Oh my. What a week.

[00:00:16] **Liz Farrell:** It feels like the longest week in history, honestly. But I wanted to start by talking about the pin that you had on your suit on Monday of a vulture and sort of the origin of that. And I think that was just sort of a testament to how crazy this trial has been.

[00:00:32] **Eric Bland:** It is one of the most unusual trials I've ever seen. It's one of the most —

[00:00:35] **Liz Farrell:** Have you ever accessorized as a result of something that happened in the courtroom?

[00:00:39] **Eric Bland:** Sometimes I've worn colors, a specific color or a shirt or something, you know, in response to something that Ronnie may have said. But I've never, as a spectator, decided to get a vulture pin as a result of a trial. And it started with Bart Daniel. I mean, from the first part of the trial, he seems to have some kind of grudge with me. And then it started with when he started questioning witnesses, you know, asking them were they concerned in the fall of 2021 about Eric Bland and Ronnie Richter trolling for cases and. It was a really strange way to describe what we were doing in 2021. We were not trolling for cases. We're not ambulance chasers. We didn't have billboards, didn't do commercials. We were merely the lawyers for the Satterfields and some other victims. He said it twice to a couple of bankers who were witnesses for the government for PSB; that weren't they concerned about Bland-Richter and that's why they were trying to settle the Badger case and get it all worked out with PMPED and give them their \$680,000. And he said, you know, they're vulture lawyers and, I mean, that is really, really a low



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blow. I mean, what did Bart expect? That victims would go to lawyers who have no familiarity with the case, no foundation at all, and had no knowledge of the case? I mean, Ronnie and I had foundational knowledge that applies across the board to all victims. So I started to tweet it out and you tweeted it out and Mandy tweeted it out and it started to come back, well, vultures are good birds. They're birds of prey. They clean up the mess made by others and the mess made by Russ. And so, we started the Vulture Lawyers Club and we ordered a pin last Friday afternoon, lapel pins for Ronnie, my partner, and Scott, our associate, and we wore 'em on our lapel. And now, it's kind of caught wildfire on the MMP followers that everybody's saying it's okay to be a vulture lawyer.

[00:02:50] **Liz Farrell:** So, Mandy, one of the things that we talked about in MMP this week is why Russell hadn't pleaded or taken a plea deal just given how terrible this week has been for him. What were some of the things that stuck out for you this week?

[00:03:03] **Mandy Matney:** I mean, I couldn't believe that there was just no defense. I mean, I guess that they were trying to say that the rest of the board, but still, if other people did the things that you did, that's really not a defense. It doesn't matter. And the other thing was Bart really kept trying to get at that like Alex was a big trickster and he just tricked everybody and he fooled. But I mean, after seeing document after document after document and hearing testimony after testimony after testimony that clearly laid out Russell's willing participation in Alex's schemes for a long period of time. And all of the things that he was aware — that the other thing that like I have just been thinking about all week is like this guy, he was the one that cannot say that he had no idea that something was up with this Alex Murdaugh guy. Like he was in his sketchy finances. He was, he got a front row seat to his sketchy finances, which were constantly in the red and he was constantly just giving him more money over and over again, I mean.

[00:04:15] **Eric Bland:** There wasn't a cap or a ceiling on how far you can go overdraft. So at his height, he was \$363,000 in overdraft, which means \$363,000 of depositors' money had been overdrafted. He had written checks. Can you imagine? We write a \$200 check to our plumber that bounces. We have 10 days to make it good or somebody's gonna haul our ass into magistrate court and we're gonna get criminally charged. He's \$363,000 overdraft.



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[00:04:51] **Liz Farrell:** Speaking of, Eric, your client, Alania actually was hauled into magistrate court —

[00:04:59] **Eric Bland:** She was. For an emergency veterinarian bill she wrote for \$410. Her check was not good.

[00:05:07] **Liz Farrell:** As far as like Alania's bounced check, what happened was he didn't, he was withholding, like he told the court that those girls would have \$2,000 a month each in expenses, but he was giving them a hundred dollars a week or so in allowance. And so, what that did is when you know that's enough for school lunches, clothing, school supplies, you know, going to a movie, whatever. But she had an emergency situation in the middle of the night with her dog and she had to take it to the emergency room and they needed her to pay immediately. So she had to pay with the check. She told them, told Russell, Russell didn't put the money into her allowance account in order to cover that check. So, his whole job was to do that thing, right? Like that was it.

[00:05:50] **Eric Bland:** His whole job is to manage their money so it's there when they need it.

[00:05:55] **Liz Farrell:** But as far as like Alex keeping, I mean he had hundreds of thousands of dollars in overdraft. And then you have Alania. She's scared to death when she gets this letter in the mail that says because she bounced this check, you know, she's going to jail or something, or she has a fine to pay.

[00:06:09] **Eric Bland:** She was gonna have to report to the Lexington County Court.

[00:06:12] **Liz Farrell:** Right. Serious consequences for her. No consequences for Alex.

[00:06:15] **Eric Bland:** Some father figure, huh? That's what a father figure's supposed to do.

[00:06:19] **Mandy Matney:** And it's funny every time Alex was like, I need a hundred thousand dollars and I won't tell you why, he was like, okay, and just



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signed it off. But poor Alania was like, my dog is dying, or whatever was going on with her dog. She needs \$400. And also, she's been extremely responsible. She, at that point, she was extremely responsible with her money, like.

[00:06:44] **Eric Bland:** Well, what came out of this whole defense that Bart tried to show that the bank knew what was going on was the bank really didn't fully know what was going on because he would make decisions with his sister and his father and put them into execution and then go tell the board, well, here's what we decided, here's what we voted on. It's a fait accompli, we're just telling you now, when it was too late for them to do anything.

[00:07:13] **Liz Farrell:** Yeah, that was repeated. Mandy made a really good point last night that, you know, at the end of episode two of Russell TV, which I was very grateful for, I'm glad that they had a second episode, but very surprised that they would put that out in the middle of trial. But at the end he asked the question like, where's the money, Alex? Like, yeah, I wanna know where the money is, too. And last night, Mandy, you were like, would've been nice if you were asking questions back when we needed you to ask questions 10 years ago.

[00:07:42] **Mandy Matney:** Yeah. How many people would've, could he have saved from this destruction if he just spoke up and said, I'm not giving you any money. Whatever you're up to, it's really sketchy and you're basically bleeding money, dude, and my bank is like not an endless money pit for whatever you're doing. This ends here. Either tell me what's going on or this ends here. Like he's the one that should have been asking those questions. He cannot ask that question now and be serious about it.

[00:08:17] **Eric Bland:** Think about Arthur Badger. He loses his wife. He's left with six children. For 10 years, he should have gotten \$1.3 million to be able to heal those children, to be able to get them counseling to improve their lives. Yes, he got that money in the end of 2021 when it was paid by PMPED, according to Ronnie Crosby. But he went 10 years, Liz and Mandy, without that \$1.3 million that he should have gotten. So these victims who need medical treatment, who need counseling, who need to be able to get on with their lives after, like Alania and Hannah losing a mother and a brother, they



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went without this money because Russell and Alex were living high on the hog on their money. Russell's building swimming pools.

[00:09:08] **Mandy Matney:** Yeah. And as we've talked about before, I mean, this is so much more than a financial crime because when it comes down to money and money that you could have had, it's a series of events and choices that you make after, like that you, and so, these people are all like, well, if I knew I had that money then, then I wouldn't have been living in my car like Alania was and all these other things. I mean, and these people had to suffer for years not knowing that they had this money. And that's what's, it's terrible, I mean.

[00:09:39] **Eric Bland:** Well, I think the overriding theme of this trial is, one, you can't take other people's money and steal it to pay off somebody else's obligation that you have. But two, Alex and Russ created a stream of chaos and confusion for everybody concerned, not only for the bank, but for the victims. I think the bank fraud was absolutely proven. Emily Powerhouse Limehouse is one firecracker of a lawyer. I have not seen a better lawyer in a long time prove her case. But as an objective observer, it is the most one-sided trial I have ever seen. Every defense that they tried to raise that Russ was confused or Russ didn't know or all the family witnesses on his side are apologists for him is just not, is ringing hollow. They're just getting crushed. And even the witnesses that the defense puts up become prosecution witnesses within 30 seconds of cross-examination.

[00:10:45] **Liz Farrell:** Let's talk about that because that was very dramatic. It's one of those things that when you're sitting in the media room, you know, none of us is an expert on, you know, courtroom drama. Like a lot of us have a lot of experience in it, but certainly you don't always believe what you're seeing because you're like, is what, what's happening in front of us right now, which looks like Emily just got the defense's witness to admit that he did something that he basically said he didn't do under the defense questioning, is that really happening? And it turns out that actually was really what was happening; that these witnesses were basically not useful.

[00:11:21] **Eric Bland:** It is rare air. It never really happens in trial where you turn a witness who's the other side's witness into your witness. Those are Perry



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Mason moments. You may get one every once in a while. She's like getting it with every witness. It's really unheard of.

[00:11:35] **Mandy Matney:** It's like an interception in football, like it's super exciting and then.

[00:11:38] **Eric Bland:** And they return it for a touchdown.

[00:11:40] **Mandy Matney:** But she just keeps doing it over and over.

[00:11:41] **Eric Bland:** It's a pick 6. They're running it back for a touchdown. They're not just getting an interception, they're running it back for a touchdown. And we'll be right back.

[00:11:52] **Liz Farrell:** Let's talk about John Peters, who was one of the first, I think, if not the first witness, called for the defense. He is the son of a PMPED partner who has deceased. He's the Peters of the Peters. Murdaugh, Parker, Eltzroth, and Detrick. He's worked for Palmetto State Bank for 35 years and he was quite comically the safety and compliance officer for the bank, which means that his job was when he see he saw something suspicious, he was to report it. So clearly, the defense was like, so did you see anything suspicious with Russell and Alex?

[00:12:33] **Eric Bland:** No. First, you gotta say he was really good. He said Russ is great. He's making a lot of money for the bank. When he became the banker, the CEO, the bank made \$600 million. Their checking accounts are up, their credit cards are up. Emily stands up. It starts.

[00:12:48] **Liz Farrell:** Yeah, she's like, so here's a suspicious activity report. Did you file that against, they're called SARs, yeah, SARs report. Here. Did you file this against Russell and Alex? And he's like, yes, I did. And she was like, how about this one? Yes, I did. How about this one? Yes, I did. Now, those were after the fact. Let's point that out, okay? Once he found out about, and he said this in the courtroom, once he found out about the suspicious activity that Russell and Alex were engaging in, he was forced to report it, right? He had to do it. But before that, he hadn't seen anything suspicious, so. But still. Looked terrible. It was the first turnaround or interception, as Mandy said, where you're just like, she just reversed everything this guy said.



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[00:13:34] **Eric Bland:** She got him on all the NSF reports, the non-sufficient fund reports, for all the overdrafts every time he wrote a check. You know, you just don't write a \$363,000 check to go in overdraft. It's multiple checks. It's \$500 to your pool cleaner. It's, you know, a thousand dollars to buy a tractor. And they're just making good on all these bad checks. That's all that means. When you're overdraft \$300,000, they're making good on every bad check he writes.

[00:14:08] **Liz Farrell:** Let's talk about the family members. Let's talk about Big Charlie, Little Charles, and Gray Henderson, who is Russell's sister. And now, none of us were there because we were putting together the episode for MMP. But Gray Henderson apparently got up on the stand and I guess it was quite dramatic.

[00:14:29] **Eric Bland:** She tried to come in and say that what Russell did was appropriate because my father and I voted for it. Well, it turns out there actually really wasn't a vote. It was, can I do this? Yeah, do this, instead of sitting down in front of everybody. Remember if you're gonna have a board and an executive committee, you actually have to make a motion and present it. And everybody's got a way in, even the people that don't have a vote have a right to voice their opposition. And none of it was done. And she said, first, she said, I was unaware of what Russell was doing with this, why he had to do the \$680,000 and give that for Arthur Badger. And under cross-examination, she admitted, we knew that he had written checks to himself for a swimming pool for different things that he shouldn't have done. And yet, we approved \$680,000 going to the PMPED law firm. And from what I understand, she may have put herself in possible legal jeopardy for what she admitted that her and her father knew about Russell's activities and when they knew it. And it was a dramatic moment where people almost gasped in the courtroom.

[00:15:57] **Mandy Matney:** Yeah, I heard that exact same thing. And I —

[00:16:00] **Eric Bland:** Can I ask this nagging question? Why would Russell put his father and his sister in harm's way in this trial? What kind of man wouldn't say it's my fault. It's not my sister's fault. It's not my father's fault. It's not my brother's fault. All the witnesses that the defense brought in — his brother, his father, his sister — have been put in harm's way because of the arrogance of Russell trying to say that he was a victim, a capital V victim, okay?



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[00:16:37] **Mandy Matney:** Well, and I think all of these people that were in this circle were very used of the Murdaugh bubble protecting them from everything. And now that that bubble is burst, they do not know how to behave. They do not know how to act. They do not know that it's not normal to put YouTube videos out and you could just make things, everything go away. And I think that that's what is so crazy about this trial. Can we talk about John Marvin really quick?

[00:17:07] **Eric Bland:** Oh, yeah. That was bizarre.

[00:17:09] **Mandy Matney:** 'Cause I think that that's like, when we talk about what the jury is thinking and we talk about the defense's strategy and what points they're trying to make, it's just so mind-boggling that up until John, and they said, we'll hear from John Marvin, and everybody at the beginning when everyone was like, why are we hearing from John Marvin? That's weird. Maybe this will make sense eventually. And then. Explain what happened, Liz.

[00:17:39] **Liz Farrell:** So John Marvin got called to the stand and the prosecution was like, whoa, whoa, whoa. We need to talk about this. So the judge was like, okay, let's go to lunch. So they talked about it after lunch. They brought John Marvin up there. The defense was like, hey, how are you doing? You've known Russell for a while. Do you think he's a guy of good character? And he's like, yeah, I think Russell's an honest dude. And then he is like, okay, did you know Maggie Murdaugh? And he's like, I did. He's like, do you know who the beneficiary of her estate was, is? And he said, my brother Alex. And he's like, okay, enough. You know, sits down, defense asks further questions. And so, he goes under cross. And, God, I can't remember if it was Winston or Emily that came up but. It was Winston. And he said, did you work at the bank? Did you work at PMPED? Do you know anything about this case? And John Marvin's like, no. No. And that was it.

[00:18:28] **Eric Bland:** Well, I think, you know, sometimes the best things I read come from our actual listeners. And somebody tweeted, isn't it bizarre that the guy who's accused of stealing money and on trial who loaned the money to a guy has his brother who comes in to testify to his character. So you have Murdaugh who you're accusing of being a scoundrel. Russell is saying he's a scoundrel. He fooled me. He made me a victim. And yet, you bring in his



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brother to vouch for your character. I mean, you could bring in anybody. Don't bring a Murdaugh in to talk about truthfulness and veracity.

[00:19:09] **Mandy Matney:** And they were like, yeah, they were trying to like widen the gap between Russell and Alex of like, we're not really friends, blah, blah, blah. So why of all people do you bring his brother as an apparent attempt at character reference, witness, or whatever? It doesn't make any sense at all. And then I feel like if I was the jury and that little exchange happened in front of me, I would be like, these people have no idea what they're doing.

[00:19:37] **Eric Bland:** They don't. They don't.

[00:19:38] **Mandy Matney:** And they're scrambling. And that was really weird. What in the hell's going on? Guilty, so.

[00:19:44] **Eric Bland:** Listen, I'm sure if you asked Richard Nixon's neighbor, is he a nice guy? Is he truthful? And the guy would say, yeah, he tells me he is borrowing my lawnmower. He brings it back. And then you ask him, well, do you know anything about Watergate? And the guy says, no. His testimony's worthless because the whole trial's about Watergate. This whole trial's about bank fraud. And John Marvin said, I know nothing about what this trial's about. So, it was nonsensical. It was a wasted witness.

[00:20:09] **Mandy Matney:** And John Marvin has not been like completely out of all this, like he had his whole gambling situation last fall that was very highly publicized. He had his, all of his buddy-buddy phone calls with his brother. Like it's not like John Marvin has —

[00:20:26] **Liz Farrell:** He was helping him liquidate his assets to keep it away from the victims.

[00:20:30] **Eric Bland:** That was the proudest day of my career when I argued that Alex should not get bond and we prevailed. Remember the government said that he should get \$200,000 bond and Ronnie and I argued that he should not get any bond, and Judge Newman agreed. And the very same minute we were arguing that bond, John Marvin and Buster were on the Bellagio crap stables. It was unbelievable.



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[00:20:57] **Liz Farrell:** On Friday, we got to hear Russell on the stand. There were two major witnesses. There was Tiffany Provence. There were three witnesses. There was the bank employee, but Tiffany Provence and Russell Laffitte. And so, I think we should talk about both of them, starting with Tiffany and who she is and what she does. And Eric, you said you had some history with her. She's the probate court expert that was brought in by the defense and she has apparently been a probate judge in at least two different counties. One of them was Allendale and the other Dorchester. And she is a lawyer, which isn't always required in our probate courts, right?

[00:21:34] **Eric Bland:** Right. You know, obviously, she has been the referral source for a lot of probate work from PMPED, so she has a good familiarity with that law firm. She had, she was like a hybrid witness, Liz and Mandy. She was both an expert witness, which enables her to make opinions, and she was qualified so she can opine and make opinions that normal lay witnesses cannot. And then, halfway through her testimony, she switched hats and she became a lay witness because she was a PR for some of the cases from PMPED and had familiarity with the Badger matter. I thought that she went a little further than most probate witnesses, expert witnesses would go. She was more amenable to self-dealing, more amenable to loaning. She said there could be a circumstance where somebody who is a conservator could loan money even to themselves, but it would have to be heavily secured. And Winston just pulled up a little bit short on his cross-examination. I will say this that Friday was the best day for the defense in seven days of trial and it couldn't have come at a better time for them, obviously. But she, I don't think they really laid a lot of leather on her on the cross-examination by Winston. I thought she got a lot out on direct. And then, obviously, Russell got some good testimony out about the fact that he was willing to kick his bank and his family under the bus by saying everybody knew what he was doing.

[00:23:15] **Liz Farrell:** Right. And going back to Tiffany, one of the things though that, you know, she mentioned was that, yeah, you can, I guess if we're gonna call it self-deal, you can give a loan out as a conservator. You could take a loan out of your conservatee's account. You still have to, it has to be for the benefit of the ward, for of the person that you are the conservator for. She can't just take this loan out and put it in a pool. It's, I have to take this loan out because our family needs a car, and without a car, I can't bring this, you know, kid to the doctor's appointments or something or.



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[00:23:46] **Eric Bland:** And you have to fully disclose it to the probate court for the probate court to give their authorization for it to be done, which wasn't done in this case, obviously. And if there's a moral that I've learned in this trial: is close enough is good enough for the probate court? Close enough is good enough for Palmetto State Bank. That's what we've seen: a relaxing of the rules, a relaxing of the formality of forms. That's not the case. Don't let this be a defense that Russell's trying to pedal. It's not supposed to be this way, guys. It's not supposed to be this way.

[00:24:25] **Liz Farrell:** So she comes up there and she basically says, well, technically, like she just kept threading the needle. Like there is a small space where Russell could have done this and it didn't break the law or Russell could have done this and it was fine. But what she's overlooking is that it's just one element of an entire, like the totality of evidence against him, which is in addition to the forms being filled out incorrectly to the benefit of allowing Russell and Alex to do what they did in Hampton County by, you know, saying that somebody lives in Hampton County when they don't or signing in places that you weren't supposed to sign, that kind of thing. You have all the other issues that have happened with these cases. So, I don't know. I guess like, maybe the jury could get the impression from her that he didn't do anything wrong. That's just one element of it, right? Like the probate part of it is just one element. Doesn't cover the fact that you used stolen money that was supposed to have gone to the people that you signed the disbursement form on. You didn't get any money for them and you took a fee and then you used their money to help pay back Alex's loans. So, I don't see how that changes that.

[00:25:30] **Eric Bland:** There's been this slow creeping defense and it really hasn't been met with the force that it should have been met, I think, by the government. And this slow creeping defense is this is a community bank. We're here for our community. We live with our community. We know every one of our customers. So therefore, we can start relaxing some things. Normal overdraft rules don't really apply. We can let customers get to six-figure overdraft. Normally, when you fill out an application, if you put the loan purpose and you use the funds for something else, that's okay. Not at Bank of America, not at Truist Bank. But at our bank, that's okay. And also, if you get loan funds, you don't have to pay them back on time. You can, even though the loan documents say pay 'em monthly, we'll let you pay 'em annually. It's



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just a slow creep of relaxing banking standards. And like you said, the expert said as well, but you said cogently, Liz, this is not the case.

[00:26:45] **Liz Farrell:** Let's talk a little bit of your impressions of Russell. How did Russell do on the stand under direct?

[00:26:49] **Eric Bland:** I think he survived. He's treading water. He didn't drown, and that's all you can do. If you can get through your testimony to the jury and survive, that's pretty good. He was able to articulate why he did what he did. The problem is, as I told you on Friday, Liz, a defendant only gets so many "yes, I did that, but here is why." Maybe you get two, maybe you get three. I counted 38 different things that he said, yes, I did this, but here is why. Yes, I should have done this. I think he hung his sister. I think he hung his father. I think he hung his bank. He made the statement. They knew what I was doing. The board knew what I was doing. Now, I think that that tape was effective, that finally was played. I think that is gonna help him with maybe one or two of the criminal charge counts that the board actually did know a lot about that \$680,000 payment. And what really came out was Trenholm Walker said we have to do this payment. He's the lawyer for the bank, sorry. We have to do this payment because Ronnie Crosby is not going to tell his client, Arthur Badger, that Arthur has claims against the bank in return for this payment. That is so bad on so many different levels. If Ronnie Crosby had said that, Ronnie Crosby has an absolute duty to Arthur Badger to say, you have claims against our law firm. You have claims against the bank. The bank who holds Arthur's money has a duty to be open and honest with him. So I think that tape really, really hurts the prosecution. And Emily's gonna have to deal with that on cross examination on Monday and in her closing argument.

[00:28:38] **Liz Farrell:** Mandy, did you think that Russell was striking, you know, a particular type of personality on the stand and whether that was effective like his, just from a personality standpoint?

[00:28:50] **Mandy Matney:** Yeah, so I was watching him. And at first, his body language changed throughout his testimony and I noticed that at first he seemed extremely nervous. He really, but he was pushing the, like I'm just a simple boy from Hampton. All I've ever wanted was to be a farmer. And then my dad made me a banker, and then I worked my way up. I worked really hard. But he got more and more confident as he went along and there got to



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the point where his body language was kind of like sitting back and like kind of laughing and then he got so confident to the point where —

[00:29:25] **Eric Bland:** He turned to the jury. He kept turning to the jury.

[00:29:28] **Mandy Matney:** Yeah, and he turned to the jury. In the what like that's how Ronnie Crosby's body language was too of just like super confident. But I couldn't believe the moment that he said hearsay with Emily Limehouse.

[00:29:41] **Eric Bland:** Yeah, he made the objection.

[00:29:43] **Mandy Matney:** Emily Limehouse said, objection, that's hearsay. And he said, no, it's not. And that isn't hearsay.

[00:29:49] **Liz Farrell:** He answered for the judge.

[00:29:50] **Mandy Matney:** He answered for the judge and the judge was like, we don't do that here. I make that call, sir. Everyone slow your roll buddy. But that made me wonder if like, his nerves were honestly an act and like he was trying to play that nervous old country boy. And then he, his confidence kinda overtook him and he slipped with, that's not hearsay, Emily.

[00:30:17] **Eric Bland:** Well, he got comfortable and he kept now moving closer to the jury, not only with his body but with his words and his eyes and everything, like they were buying the smoke that he was trying to sell. He felt like, hey, I'm really resonating with them and I'm making a connection. Whether that happened or not, I'm not sure. I really think though by the end of the day, the jury was exhausted. I watched that jury. I went upstairs. I split the time between, you know, the press room with you guys and then I went back upstairs. This jury by Friday afternoon, I'm telling you, was tired. Their minds were already on what are we gonna do this weekend? I gotta come back. Really? Next week. The judge had told us it was a two-week trial. Now I'm coming back. I'm not gonna get back to work before Thanksgiving holiday.



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[00:31:05] **Mandy Matney:** And I mean, I do think he played the simple boy. He played the, oh, and I made a mistake, but he kept saying that over and over and over. And I do think that it might come back to hurt them. And like me sitting there and I'm imagining the jury would be sitting there being like, you're a bank CEO. How did you miss this, this, this, this, this. And it was kind of a repetition of like, you know, looking back, hindsight's 20/20. He kept saying that over and over.

[00:31:39] **Eric Bland:** But remember the prosecution has to prove criminal intent or mens rea, a Latin term, which means intentional criminal action. A conscious criminal intent, not negligence, not stupidity.

[00:31:52] **Liz Farrell:** For the three fraud charges.

[00:31:54] **Eric Bland:** Right. Now, but there's still criminal intent, you know? If you're negligent, that's not criminality. So he's trying to sell I made mistakes. I let my guard down. I wasn't good here. I should have done it better. I should have read the memo line. Who doesn't read a memo line on a check? The memo line is there for a purpose.

[00:32:17] **Liz Farrell:** He says it's for the person who wrote the check so they remember later. That's what he says.

[00:32:21] **Eric Bland:** Wrong. It's for both people. It's for the person who wrote the check and the person who's receiving the check, because otherwise a check made out the Palmetto State Bank, what are they supposed to do with it? If a teller gets a check made payable to who, where do they deposit it? Whose account does it get credited?

[00:32:38] **Liz Farrell:** That goes back to the like, you know what Mandy was saying earlier, which is just that, you know, not everyone was treated the same way. So, the reason they knew where to put that money was because of his personal relationship with Russell, Alex's personal relationship with Russell. Had they just followed the rules the same way for every single customer, they wouldn't be in this predicament. So it's hard for me to feel bad for Russell in any way. But were you guys stunned when he was directly asked, like did you steal any money? And he paused. And then he said, not intentionally. I, you know, I helped steal money for Alex.



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[00:33:10] **Eric Bland:** So that makes him a co-conspirator.

[00:33:11] **Liz Farrell:** Yeah. I was like, so he's, did he just disarm the whole thing though? I mean with that statement because he's admitting to it, but saying that he didn't do it intentionally, which just goes back to what you were just saying about mens rea. So do you think that was effective?

[00:33:25] **Eric Bland:** No. No, I don't. I think he's trying to, again, thread the needle riding an elephant. It's just not gonna get through the hole, you know? This whole trial has been about excusing a lot of bad conduct by a lot of bad people. And banks are, he's the president of a bank. He's supposed to be vigilant on guard for people committing bank crimes against the bank. So, I mean, I was greatly offended at different times throughout this trial on a number of levels. I'll tell you, there was one fact that I learned Friday that just shocked me again. Like you saw how shocked I'd been with how many Laffittes, it's Laffitte, Inc. Well, I didn't realize that Russell is the godson of Alex's father and Alex is the godson of Russell's father. So there you get the interconnection in the cement again. The bank for years and years and years has been doing business with Alex and Russell's dad and Alex's dad. And that's where you get this relationship. It's a case about relationships, if anything.

[00:34:40] **Mandy Matney:** Yeah, and I just, I mean, you made a good point on Twitter and I wanna go back to it when we talk about like the bank and PMPED and how much money these guys were dealing with and, but something that's so crazy is how poor Hampton is. This is a community bank and I just looked it up. The average income of a person in Hampton is \$19,000 a year. It is poor. Household income's \$38,000 a year. It is, and then you think about that and you think about the amount of fees that Russell Laffitte was getting for all of these things. And this is what I hope the prosecution hammers home because if you wanna talk about intent and if you wanna talk about, there's only so, you can only be so dumb but also live in such a poor community and be getting sick, like for the Pinckney case, \$60,000 for essentially doing nothing.

[00:35:51] **Eric Bland:** \$35,000 in the Badger case and it wasn't even for the client.



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[00:35:55] **Mandy Matney:** And then you ask zero questions. You do everything wrong. It's like you are getting paid to not ask questions and to protect something.

[00:36:06] **Liz Farrell:** At what point does neglect like to do your job, according to the rules, when does it go from being negligent to having intent? Because I would argue that some forms of negligence become intent because you have it in your, like you, he knows better, you know better, and therefore that's the intent.

[00:36:25] **Eric Bland:** You just hit the point. Gross negligence. You can act in such a grossly negligent fashion because you are trained and you are skilled. And if you turned a willful blind eye, it almost does transcend from a regular civil standard to a criminal standard. You hit it dead on, and that's what this case is about.

[00:36:50] **Liz Farrell:** We'll be right back.

[00:37:00] So one of the things you were talking about, Eric, was about how the jury sort of has glazed eyes. And Mandy, you were talking about just how over it they must be because this is, we're coming up on Thanksgiving week now and we're not done with this trial. Granted, we are getting away with some things here because I saw that Elizabeth Holmes' trial was four months and I can't even imagine the reporters who had to cover that. That would be awful. But I think, so I'm glad you know, one thing is like, okay. There's the thing of, it's not over and now we have to go into Thanksgiving week. But now, doesn't the prosecution have all weekend to sort of plan its attack for Monday? I mean, is that, was that unintentional on Bart Daniel's part? Or I mean, why would they end Friday with —

[00:37:46] **Eric Bland:** Oh, absolutely. Okay. Lawyers who try cases are so scared of Fridays. Fridays is always a bad day to finish a case on. If a judge sends out a jury on a Friday afternoon, everybody knows that the jury's gonna make a decision and get home. They've had enough. Like I told you from the start, probably out of the 12 jurors, nine or 10 of those jurors made their decision within the first two days. So everything that they've heard since has been cumulative. Their mind is in cement. Maybe there's a couple or one or two that have an open mind. Well, Bart is the Andy Reid of lawyers. Andy Reid



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lost his job with the Eagles as one of the most winningless coaches in the NFC because he couldn't manage the clock. He's learned to do it at Kansas City. Go Chiefs. I know. But Bart should have had Russell finished by lunch to hand him over to Emily because like I told you, after the lunch, jurors' eyes are tired. They ate food. It's been a long week. And Emily has this prepackaged cross-examination that she prepared all week. So she doesn't know if she's gonna be able to use that entire cross-examination because she had to wait to hear Russell's testimony. Well, now, Matt took so long with Russell that he went all the way through the day. And so, Emily now has all weekend to rework and refine her cross-examination. She's gonna get a dirty transcript from the court reporter. Go back over at what Russell testified to, change it around. And now, the jury comes in Monday morning, Liz and Mandy, fresh with eyes wide open, ready to roll, ready to listen. And she is sharpening her night all weekend long. And I'm telling you, she is going to be like Hannibal Lecter on him Monday morning. It was the worst clock management that the defense could do. I promise you. Russell left there feeling confident because like I said, he's treading water. Monday morning, he's coming into Emily Powerhouse Limehouse, and I'm telling you he's gonna be cut by a thousand cuts.

[00:40:11] **Mandy Matney:** Did you hear when he said that he was like, a man has to stand up and that's what I'm doing here today. And it's like, what are you doing? And you also never said, I'm so sorry for letting all of these people down like.

[00:40:25] **Eric Bland:** You just hit the, we do this every trial. Every trial when I have a defendant, I give them the last question and I said, look, we've been here all day. I've asked you a lot of questions. Is there anything else you want to say to the jury before you go? And invariably, all of my clients turn to the jury and say something that's akin to this: Look, I am so sorry for what I did. I don't believe what I did was criminal, but I have to carry the guilt and the burden for the rest of my life that I let down people that trusted me; that I didn't put my best foot forward. And I want you to know that I think about it every day and I'm sorry for it. A little humanity. And he, there was none of that.

[00:41:16] **Liz Farrell:** Instead, what he did is he started off by saying that he's sad that all of this happened. He wishes he wasn't sitting in this chair. But it has brought him closer to his children because now he knows how to prioritize. He was a workaholic before. Now, he knows that, you know, can't do



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that. The guy who worked with family his whole life just realized that family is important. But one thing I wanted say, too — a guy who worked with family all day long suddenly realized how important family was when he got caught for what he was doing. But one thing I wanna say about Russell is that he is the quintessential man who comes home late at night smelling like liquor with lipstick all over his collar, smelling like perfume with blonde hair all over his coat, and, you know, the wife picking it apart and being like, well, where were you? There's lipstick on your collar. Oh, that? That? No, no, no, no. That was the waitress hugged me and it smeared, you know? Well, you smell like perfume. Oh, that's because my partner's wife hugged me and I smell like perfume. Well, you were up late last night talking on the phone. Who was that to? Oh, that was business. Like it's just a stack of evidence where everything is all over him. He's smeared in Alex's lipstick. He's got Alex's hair all over him. He smells like Alex. And yet he's trying to say that like, no.

[00:42:29] **Mandy Matney:** Yeah, and I'm honestly wondering if the jury is sitting there, like this guy is just wasting more and more and more of our time with his like long excuses. But at the end of the day, like he just, he didn't appear to be actually sorry for hurting the people that he did, and he didn't appear to like learn anything from all of this.

[00:42:53] **Eric Bland:** Last week I asked you, I said, is it gonna be guilty guilty? And you said guilty guilty. But now, I talked to you over the weekend, you may think that there may be a count or two where either it's not gonna be guilty or it's gonna be dismissed. Is that correct?

[00:43:10] **Liz Farrell:** Yeah, I think he's gonna walk away with a few. I think the fraud charges. I'm gonna say all guilty on the fraud charges. I'm not sure on counts four through six, which are the, you know, the payment to PMPED and the loans that they gave Alex. I just don't know how that's gonna. I don't actually know if even if the board knew that stuff, how that changes anything but, you know, like because to me it's like, so what? The other people in your bank said it was okay to do that doesn't mean it was okay to do that. So, Mandy, do you think he's guilty of all charges? What do you think?

[00:43:44] **Mandy Matney:** I don't think all. I mean, it really depends what Emily does on cross. I think that that could just completely destroy the little



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amount that they gained on Friday and put him back in the dark hole that he was in for the —

[00:43:58] **Eric Bland:** One, I think we all can universally agree that Judge Gergel is just an amazing, temperamental, perfect judge for this kind of case. He moved it along, he didn't interfere. He's very Solomon-like with how he speaks. But I think you guys have seen the one-sided sustaining of government objections as opposed to overruling them. And I think you've seen the way he has kind of guided and chastised in a way and almost educated. Here's the question you need to ask, Mr. Daniel or here's the question you need, Mr. Austin. Sometimes judges are hard to read on where you think they are. Where do you think he is? Do you think he believes that Russell engaged in criminal acts? Or do you think that he thinks that this is just merely a sloppy banker and it shouldn't be criminal?

[00:44:47] **Liz Farrell:** Do you remember when yesterday they were looking over the additional exhibits that the defense wanted to enter into evidence? And the government contested almost all of them. But there was a point where the judge was saying, you know, he was very harsh to the defense, basically saying like, if you wanted this stuff in here, you could have asked these witnesses were on the stand. You could have asked them then. Why didn't you? So basically the issue is that they weren't, you know, they couldn't authenticate, yeah, they couldn't authenticate the documents, right, because the people weren't there to authenticate them. So one of the things the judge said was, you can't do a crime and then pay back the money and then get off. He said that twice.

[00:45:30] **Eric Bland:** He said otherwise there wouldn't be bank robbery 'cause you could rob a bank and then return the money.

[00:45:35] **Liz Farrell:** So that example I felt like was pretty damning.

[00:45:39] **Eric Bland:** That was chilling. That was bone-chilling. Great point, Liz. That is exactly what he said.

[00:45:46] **Mandy Matney:** And I think, too, what Emily is going to conclude with is it's, and she mentioned this in the opening in our opening statement several times, it's not just about what he did, but the coverup and like the



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backdating and the. I think that that is the part that's going to put him in prison.

[00:46:17] **Outro:** This Cup of Justice bonus episode of the Murdaugh Murders Podcast is created and hosted by me, Mandy Matney, with co-host Liz Farrell, our executive editor, and Eric Bland, attorney-at-law, AKA The Jackhammer of Justice. From Luna Shark Productions.

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