



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:00:00] **Mandy Matney:** I don't know how many more disturbing stories the justices of the Supreme Court of South Carolina need to hear about Judge Carmen Mullen or how many times her integrity needs to be publicly questioned before they pull their heads out of the sand and take action. For years, we have heard accusations from lawyers and other sources about how she appears to use her position of authority to help her and her husband's friends, how she seems to go easier on those who are politically and financially connected. But after Liz's revelation last week on Cup of Justice about how Judge Mullen tried to pressure law enforcement into arresting a man who had not committed a crime, her behavior can no longer be ignored by the disciplinary commission without turning this judicial system into a permanent joke.

[00:01:01] My name is Mandy Matney. I have been investigating the Murdaugh family for almost four years now. This is the Murdaugh Murders podcast produced by my husband, David Moses, and written by Liz Farrell.

[00:01:28] Wow! We are back in action after an especially crazy few weeks. We got married and we went on our honeymoon, and I caught a cold, which I'm sure you can hear right now. Sorry about that. And in other big news, Liz and I did an interview with true crime podcast queens, Georgia and Karen of "My Favorite Murder." The episode premiered on Amazon and Wondery apps last week, but you can catch it on Apple and wherever you get your podcast tomorrow, Thursday, October 27th. I really, really loved this interview. We talked about the case, of course, but also so many things surrounding it, like the trolls, vocal fry, and we talked about women empowering other women. Liz and I walked away from that interview feeling inspired and ready to take on any Good Ole Boy in our way. We were so thankful for how kind and encouraging Georgia and Karen were to us. So please, y'all, check out this interview tomorrow. We will post a link and some clips on our social media pages.

[00:02:33] And of course, again, a lot has happened in the Murdaugh case in the last few weeks. Last Wednesday on our Cup of Justice bonus episode, we told y'all about a shocking 2017 incident on Hilton Head Island involving Judge Carmen Mullen. The very next day, we watched as Alex Murdaugh's attorneys, Dick Harpootlian and Jim Griffin, wasted the court's and the public's time in a very long and pointless hearing that was designed for only one reason. Dick and Jim knew the media would read their motion and write



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

the headlines insinuating that Curtis Eddie Smith might be the real killer of Maggie and Paul Murdaugh. It's kind of sad how perfectly that strategy worked out. Alex's hearing was another big reminder of how legislator-lawyers like Dick Harpootlian think that they can control judges in our courtrooms. But it was further evidence of how times might be starting to change for the Good Ole Boys in South Carolina, but we'll get to that. It also uncovered some new evidence in the double homicide case, which is apparently set to go to trial in January. But we are going to cover all of that on a special Cup of Justice bonus episode this Friday, so stay tuned for that. Like I said, we have a lot to unpack.

[00:03:58] Now, let's start with Judge Carmen Mullen. On Sunday night, Liz and I were on a CNN special called "Murdaugh Murders: A Twisted Tale of Power and Money." The show featured interviews with both Liz and I but also with the victims of Alex Murdaugh and the lawyers at the center of the Murdaugh story. There were a lot of interesting moments during the show, but one in particular stuck out to us in light of this issue with Judge Mullen. CNN Reporter Randi Kaye spoke about how, in the hours after Stephen Smith's death in 2015, Randy Murdaugh, Alex's older brother who was also a partner at PMPED, had inserted himself in the Smith case, according to Sandy and her family, and had allegedly offered to represent them in litigating Stephen's alleged hit-and-run accident. Here is a clip from the special.

[00:04:53] **Randi Kaye:** And I know that soon after, Randy Murdaugh had called. Randy is Alex Murdaugh's brother.

[00:05:02] **Sandy Smith:** When I was on the phone with Joel, he said, "Let me put you on hold 'cause Randy Murdaugh's calling. He said Randy wants to take Stephen's case pro bono. And I was like, what case? Because they said it was a hit-and-run.

[00:05:17] **Randi Kaye:** Did you think that call from Randy Murdaugh was strange?

[00:05:20] **Sandy Smith:** Yes. It made no sense to me.

[00:05:22] **Randi Kaye:** Yeah.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:05:23] **Sandy Smith:** And him — really, there was no case there yet.

[00:05:25] Mike Hemlepp: Yeah. You didn't know it was a case yet.

[00:05:28] **Randi Kaye:** And his law office has said that he didn't call. He didn't know Stephen had died until after the funeral.

[00:05:34] **Sandy Smith:** Excuse me but Alex Murdaugh and Randy Murdaugh were standing at the crime scene. They were at the crime scene. After Stephen's body was moved, Randy Murdaugh called and asked, "Was that you that just passed by?" I said, "Yeah." He said, "I wish you would've stopped so I could've met you."

[00:05:58] **Randi Kaye:** His office says that he never offered to represent the family in any way.

[00:06:04] **Sandy Smith:** Well, if you can believe anything a Murdaugh says.

[00:06:11] **Liz Farrell:** Other than wanting to share Sandy's amazing response to Randy's denial with you guys, the reason I wanna talk about this part of the show is because that denial reminded me how powerful and also how weak the Office of Disciplinary Counsel (ODC) is. First, I wanna note that this isn't a stretch. We've obviously seen this type of behavior before with the Murdaughs, like when Alex offered to have his best friend, Cory Fleming, represent the Satterfield family after Gloria died and when Alex set Connor Cook's family up with Cory after the boat crash. Putting an ally on the inside might come as naturally as breathing to this family. But Randy's strong denial is important because it might be a signal that he is actually being investigated by the ODC for what the Smiths say he did to them in the hours and days after Stephen's death. If it turns out that the Murdaughs had any connection to Stephen's death or its coverup, Randy's alleged offer of representing the family would be a conflict of interest and violation of the rules of professional conduct and, who knows, could also have some criminal repercussions in the way of obstruction charges, meaning if it was determined he did this, he could actually lose his license to practice law in this state, and that would cut him off from the millions he and his law firm make every year. That is huge. That's where the ODC has power. Most lawyers in South Carolina are terrified of the ODC, but we've never gotten a sense that



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

the lawyers and the judges in the world of the Good Ole Boys have ever really worried all that much about actual consequences. We heard evidence of this in one of Alex's jailhouse calls when his brother informed him that Cory Fleming had been fired from his law firm. Alex's response was basically, "'For real' fired? Or..." This is why the ODC and the Commission on Judicial Conduct are largely seen as political entities that go harder on those without connections and easier on those with connections. And this is why unscrupulous lawyers and judges have felt so free to do the things they're now being accused of doing. They knew that if things got bad, they always had the right tools to get them out of trouble.

[00:08:30] **Mandy Matney:** So let's talk about what happened in December 2017. For a full discussion on this incident, check out last week's episode of Cup of Justice. I think we almost gave Eric Bland a heart attack on the air because this incident is that unbelievable and egregious. But we've gone a lot deeper since that episode. So in 2017, a security officer at an upscale Hilton Head neighborhood where Judge Mullen lived at the time called the Beaufort County Sheriff's Office because a resident named Regan Renaud was having trouble with her tenant, a man known as Ernie the attorney. According to law enforcement records, Ernie had a lease with Regan at the time of this call, meaning he was technically home. Ernie, who has not been a practicing attorney for decades is well-known around Hilton Head. He has a history of psychiatric vulnerabilities and, at the time of this incident, was being watched over by his friends. So the short version of this story is that Regan wanted Ernie off of her property, but Ernie wasn't committing any arrestable offenses, at least not at this moment. Now, this incident report, which was revealed on Cup of Justice last week was shocking because basically it laid out how judge Mullen — emphasis on the "judge" part — inserted herself in the situation by showing up at Regan's house and trying to find a reason for deputies to arrest Ernie. And again, you should know Judge Mullen's name. She was the judge in the Satterfield case and the Badger case. Essentially, Judge Mullen suggested that deputies should create a crime so an already troubled human being could face additional legal problems.

[00:10:27] **Liz Farrell:** Judge Mullen knows Ernie because he used to work for her husband, George Mullen, as an associate attorney before his health issues in the 1990s. Ernie has also appeared in her courtroom. Last Tuesday morning, I emailed Judge Mullen with a copy of the incident report and asked for her response. Judge Mullen took more than 12 hours to come up with one. At



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

almost 11 o'clock that night, Judge Mullen emailed a very long statement to media across the state explaining what happened. It was unprecedented. We have never seen this kind of explanation from a sitting judge, which shows you how big of a deal this is. Our episode deadline had long passed by that point, so we were not able to include it until now. We'll get to that statement in a moment, but her basic explanation for interfering and suggesting they create a crime for Ernie was that she was there to help Ernie and protect him from harm. Keep that in mind, okay, because we filed a Freedom of Information Act request for the emergency call, the dispatch transmissions, and the video and audio from the two responding deputies' in-car cameras. The first deputy's recording starts with Regan Renaud talking about the reasons she wants Ernie the attorney gone. The recording is difficult to hear, but at no point does she seem to suggest that Ernie the attorney had threatened her. The behavior she describes is annoying but not illegal. About seven and a half minutes in, Judge Mullen arrives on the scene.

[00:11:59] **Carmen Mullen:** Hey, y'all.

[00:12:02] **Deputy:** Hey, how are you?

[00:12:03] **Carmen Mullen:** I'm Carmen Mullen. Good to see you all. You know Ernie too well. This is my husband, George.

[00:12:08] **Deputy:** Hey, how you doing?

[00:12:08] **Carmen Mullen:** We actually happened to live — Hey, how are you? — just around the corner. George has known Ernie for 25 years and I've been the last few sentencings as him. I thought he was a new trespass notice here at this house. It was my understanding, no?

[00:12:24] **Mandy Matney:** The deputy tells her that there's no trespass notice at this house. According to the dispatch report, there had never been a trespass note for him there, but he told the judge that he would be happy to check again. It's then that Judge Mullen gives the deputy a short rundown of Ernie's medical history. The deputy tells her, "Yes. We know Ernie very well." Judge Mullen then asked the deputy whether Regan has pressed charges for breach of trust yet because she had told Regan to do that.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:12:58] **Carmen Mullen:** And then, she was gonna press charges. Did she ever press charges for breach of trust against him? Do you know?

[00:13:04] **Deputy:** She didn't mention that.

[00:13:06] **Carmen Mullen:** I told her to because if she pressed this charge against him, it's a breach of trust. No contact. It keeps him away from her. And it gives me a little bit of control on him. I mean, I can tell you he's been fighting over trying to find him a place and he doesn't wanna go back to Columbia and he begs not to. His family is done with him. I mean, I can tell you, I talk to everybody. They are done. So I gotta find a halfway house and put him there 'cause he just, he can't do this. This is just what happened. And so

[00:13:38] **Deputy:** We don't want him to get hurt.

[00:13:40] **Liz Farrell:** Isn't it interesting that Judge Mullen's response to us last week sort of hinted at how she had to step in so the deputies wouldn't hurt Ernie? And here, we have a deputy telling her that they don't want him to get hurt. Now, here's a really important part.

[00:13:55] **Carmen Mullen:** We don't want him to get hurt.

[00:13:56] **Deputy:** He didn't wanna hurt anybody.

[00:13:57] **Carmen Mullen:** I will tell you this. Even though you hear him scream and say crazy old things, I promise you he would not hurt a flea. I'd stick my kids with him. And that's what I just told Jack. I mean, you don't need to worry about your kids. He can curse up a storm and he can, you know, say he's gonna blow me up all day long. He ain't gonna hurt anybody. But he's not on his medication, and so, I mean, I don't know. I think you'll have to take him in, you know, I don't think you have a choice. I'm not sure what you can charge him with right now but you gotta get rid of him.

[00:14:22] **Liz Farrell:** When Judge Mullen doesn't get her way, she'll later change this characterization of Ernie to better fit a narrative for an arrest. And by the way, if Ernie is so easy breezy around judges and children and Judge Mullen and George are concerned about finding him a place to stay, it seems,



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

I don't know, like maybe they could have taken him in at their giant and lovely home. I mean, according to Judge Mullen's statement last week, this all happened because she's a super nice person, so it's not wrong for us to suggest this, right? So Judge Mullen explains to the deputy that the only reason Regan has a lease with Ernie is because she needed to have one to get a gate pass for him in their neighborhood, meaning Judge Mullen, in an effort to downplay the legal and contractual aspects of this, is telling the deputy that Regan had, for all practical purposes, misrepresented the nature of her arrangement with Ernie so she could circumvent the neighborhood's rules, which are ostensibly in place to protect the neighborhood. It's like she can't even hear her own voice speaking. She tells the deputy that Ernie has no right to be there and George, her husband, corrects her.

[00:15:30] **Carmen Mullen:** So, and apparently —

[00:15:31] **Deputy:** She's the one who called last night.

[00:15:33] **Carmen Mullen:** Who called you? Well, I mean, he has no right to be here, so I don't see a reason —

[00:15:43] **George Mullen:** Yes, he does.

[00:15:44] **Carmen Mullen:** No, he doesn't. Listen, I did this a week ago. I had theory in court all the time, so, I mean, it's as much as we can do.

[00:15:54] **Mandy Matney:** Then Judge Mullen tells the deputy that jail is an amazing place, that it's basically like a spa for people like Ernie.

[00:16:02] **Carmen Mullen:** But they're gonna take him to the jail. And then I'm gonna tell the magistrate that, not give him a bond. And then I'm gonna have to hold him there and then I'm gonna see him next week. And I gotta figure out, and he's a sweetheart in the jail. The funniest thing is they love him. I mean, all the jailers, when they laugh, they're like, is there any problem? They say, no, no, no, no, no. It's 'cause they medicate him while he's there, so, I mean, they force medicate him.

[00:16:23] **Mandy Matney:** Mullen then speaks with Regan, and Ernie walks on the scene talking about his Ford in the backyard, as well as touch DNA, Calvin



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

Klein, and diamonds. Again, this is a man with severe psychiatric vulnerabilities, and some of this may be hard to hear.

[00:16:43] Ernest "Ernie" Lotito: I'm going to sleep. I'm going in the fort.

[00:16:45] Carmen Mullen: Go to sleep.

[00:16:45] Ernest "Ernie" Lotito: I'm gonna ask Regan. I got all her credit cards.

[00:16:50] Deputy: Stay away from her from now, okay?

[00:16:52] Ernest "Ernie" Lotito: Whoa, the Mercedes. You stole my keys. You yanked my bond and I beat his ass home from the Kangaroo. I told Billy, 785, 7851. Rand Paul, Kentucky to rescue Rand Paul and get him weed.

[00:17:18] Carmen Mullen: Can we talk about probable cause right here? Oh my god.

[00:17:39] Liz Farrell: So as you can see, Ernie has the affect of a cheerful surfer playing scattergories in his head, at least in this moment. Later, he will be found not guilty by reason of insanity for threatening to kill President Trump. And we'll be right back.

[00:17:59] Mandy Matney: So back to 2017, Judge Mullen talks to the deputy and a security guard about Ernie's medications and how his father was a part of the Mondale administration. The deputy then informs her that he has double-checked and there is, in fact, no trespass notice for Ernie at this property. Judge Mullen then takes charge. She tells the deputy what to do, then orders Regan to come to her.

[00:18:26] Carmen Mullen: Okay. Do you mind coming with me to the door and let's knock in. Let me talk to her. Let me figure out. Take him in. That's not the right thing and you never heard that come from my mouth, but.

[00:18:42] Mandy Matney: Now, this is where the second deputy's recording picks up. We have two recordings that overlap. Judge Mullen said something in this last clip that might have been difficult to understand, but here it is on



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

the deputy's mic. First, she says, "Let's see if we can figure out some charges we can press and you can take him in." The deputy grumbles at that. It sounds like she says, "Seriously. I really, honestly think that's the only option. I know that's not the right thing and you never heard that come from my mouth."

[00:19:17] **Liz Farrell:** Again, there are no consequences in the 14th Circuit, so why worry about whether the deputies are recording this? Why worry that the two men making a fraction of what she makes a year and who will rely on her good graces in the courtroom might have a problem with the things she's saying? Why worry that she's putting law enforcement officers and the Sheriff's Office as a whole in a very difficult position? There is no reason to worry because the Commission on Judicial Conduct has never given her or any other judge in this state a reason to worry. Okay. Now, Detective Mullen questions Regan Renaud to determine where an arrestable offense might exist. Sorry, did I say "detective"? Silly me. I meant "judge." One thing to note here is that Regan had reported Ernie to the Sheriff's Office just over a week earlier for allegedly using her credit cards. The investigation was still open and no charges had been filed. That the investigation is incomplete and probable cause doesn't yet exist does not seem to matter to Judge Mullen.

[00:20:20] **Carmen Mullen:** Okay. Right. So, okay. So he has your credit cards, he has all your numbers, and he's used them.

[00:20:25] **Regan Renaud:** And he has used them.

[00:20:26] **Carmen Mullen:** And he has used them, so there's no reason why we can't file a breach of trust.

[00:20:30] **Regan Renaud:** I itemized it and I sent it to Chin, Officer or Corporal Chin.

[00:20:35] **Carmen Mullen:** Right.

[00:20:35] **Regan Renaud:** And so, we, everyone's kind of just seeing which way would go faster kind of thing. And then it's through the no address thing, kind of through, I can't have him go roaming around the house.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:20:44] **Carmen Mullen:** I know. I know that. I get that. So my question is, why can't we have her, why can't we just draw somebody up right now, sign a warrant, and then let's take him for breach of trust? I mean.

[00:20:55] **Mandy Matney:** Imagine what that looked like. A deputy is trying to assess the situation. He's literally right there next to Judge Mullen, but Judge Mullen is doing the questioning. Now, this next part is wild and actually not funny at all. But apparently, Judge Mullen thinks it's funny. Throughout the recordings, Judge Mullen mentions her apparent friend, a man named Moose. Robert Moose Rini is a well-known realtor on Hilton Head Island and a professional poker player. He's also a former nightclub owner and, back in the day, had a history of run-ins with law enforcement. In June 2000, he was charged with intimidating court officials or jurors. That charge was dropped. In July 2000, he was charged with assault. He was found guilty of that charge. And a year before all of this in 1999, he was charged with first degree criminal sexual conduct — criminal sexual conduct with a minor — and kidnapping. That case went to trial and he was found not guilty. I say all of this because this appears to be a person who was close with a judge on Hilton Head: Judge Mullen. So in 2017, Moose is one of the people on Hilton Head who cared about Ernie and was taking care of him. Moose was also Regan's boss. Now, here is Judge Mullen. You'll hear Regan chime in and say "He did it twice." And you'll hear the deputy remark that Moose was his realtor because the world is that tiny here.

[00:22:30] **Carmen Mullen:** I sent Moose here last week to get rid of him. And you're gonna just die laughing. And I mean, you all know Mr. Rini, right?

[00:22:35] **Deputy:** He's my realtor, actually.

[00:22:36] **Carmen Mullen:** You know Moose. Everybody knows Moose. Literally he took him to the Kangaroo in Beaufort. There's a trespass notice on him. And they called the deputies to come pick him up, so they take him overnight. That's what he did.

[00:22:45] **Regan Renaud:** He did it twice. And then the third time he took him and said, you know, some of the officers said, officer, he's got drugs on him. The officer came and said, I'm sorry, it's not my jurisdiction.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:22:55] **Carmen Mullen:** Yeah.

[00:22:55] **Regan Renaud:** And I was about to cry. You have no idea. The smell. I have closed my doors.

[00:23:07] **Carmen Mullen:** So my question is, can we not —

[00:23:13] **Regan Renaud:** He opens all the doors, everything wide open, and turns up. He plugs in, he's just —

[00:23:22] **Mandy Matney:** So it's very understandable that this is a stressful situation for Regan. She is at the end of her rope with Ernie. She says he is affecting her life, her family's life, and her work life. But even so, there is a process for legally evicting someone. And earlier that day, she visited a magistrate to find out how to do it. There is also a process for getting a restraining order and a no trespass notice. As Judge Mullen's own husband told her, Ernie lives there and has legal rights to be there. So even though the urge to help Regan is strong, it does not justify Judge Mullen's actions. And can we just reflect for a second on the part where a sitting judge thinks people will die laughing when they hear that a friend of hers drives Ernie to this gas station to get arrested?

[00:24:18] **Carmen Mullen:** Can she not file a breach of trust against him?

[00:24:21] **Deputy:** If she did that, it would have to be Judge Coffey, and she'd have to put out a warrant.

[00:24:27] **Carmen Mullen:** But I can sign a warrant. I sign them all the time.

[00:24:36] **Liz Farrell:** For me, it's the way Judge Mullen's voice gets huskier and sort of confidential there, you know? Like she's a high school girl trying to impress her guy friends by saying, "Low-key, I can drive a stick shift." I mean, can you guys believe this? "I sign warrants all the time"? Yeah. Okay. You're a judge. That doesn't mean you should be doing this here, though.

[00:24:57] **Mandy Matney:** So Regan calls Moose.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:25:00] **Regan Renaud**: Moose.

[00:25:01] **Moose Rini**: Yes.

[00:25:02] **Regan Renaud**: I'm here. I'm on speaker.

[00:25:09] **Carmen Mullen**: Yeah, he is. I'm Carmen Mullen. I'm standing here as well.

[00:25:12] **Mandy Matney**: And the deputy walks away to talk to a colleague. Also, if it's not clear by now to you, in-car microphones are wirelessly tethered to the deputy's vehicles. Depending on how far away they are from the vehicle, the sound can go in and out, fade out all together, or get stronger. And there's lots of static. Listen closely to the universal sounds of occupational frustration from the deputy.

[00:25:39] **Deputy**: It's getting to the point where a supervisor should be out here because the, to get him arrested and do you wanna call or should I? She wants to do the breach of trust and I said, well, you guys go to a judge, we'll have to sign out a warrant. She goes, I sign warrants all the time. Write up a warrant.

[00:26:08] **Mandy Matney**: The deputy calls his shift supervisor.

[00:26:12] **Deputy**: This is starting to get to a supervisor status 'cause the judge is trying to find ways to arrest him and I'm telling her, well, I guess there was a past experience where he used her credit cards and I guess Chin has all this information and she goes, okay, great. Let's do a breach of trust or arrest him for a breach of trust. I'm like, I can't do that right now. Judge Coffey would have to sign out a warrant. And she goes, well, I sign warrants all the time. Write up a warrant right now for breach of trust. Alright, cool. See you. Give her a case number that we were out here, write like a paragraph of what happened, and leave.

[00:27:18] **Mandy Matney**: The deputy then gives an account of what he encountered when he got to the scene. 10-96 means "mental subject." Note how he characterizes Judge Mullen's part in this.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:27:31] **Deputy:** When I rolled off, he's just being loud. He's being 10-96, talking to himself, talking to other people. On their property, yeah. In their driveway. Judge Mullen is not the victim there. The lady that lives here. Ernie the attorney's gone.

[00:27:57] **Mandy Matney:** No profanity, no threat. Judge Mullen is not the victim here. Though I have to say, I'm honestly surprised she didn't consider Ernie coming at her so that deputies could charge him with threatening a public official. Oh, yes. Even deputies call him "Ernie the attorney."

[00:28:16] **Deputy:** Correct. She's, yeah, she's friends with Judge Mullen. I always pulled it up in Spellman, something Chin's working on. He's, Aaron says the last thing was Chin needs to interview Ernie. When was that report taken? November 28. Yeah, the judge is fine. She just, she said she wants to, we need to find a way to arrest him, get him out of here. And now, she's walking over to us, so.

[00:28:57] **Liz Farrell:** "And now, she's walking over here." If ever there was a narration of Carmen Tevis Mullen's life, that line right there is it. Because listen as she abruptly disrupts the deputy's call by suggesting they charge Ernie the attorney with disorderly conduct.

[00:29:20] **Carmen Mullen:** He pulled this on the phone. I don't know if he is or he isn't, but chances are he probably is. I think he's.

[00:29:29] **Liz Farrell:** It's hard to make this out. But earlier, you might have noticed that Ernie mentioned LSD in his ramblings. It sounds like Judge Mullen is running with that and suggesting that she doesn't know if Ernie is or isn't on LSD but he, quote, probably is. So, you know, let's just arrest him.

[00:29:48] **Deputy:** Is that his house on his property?

[00:29:53] **Carmen Mullen:** But he's threatening her. He's threatening.

[00:29:58] **Deputy:** No.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:29:58] **Carmen Mullen:** He's screaming at her from the back of the house. She clearly, I mean, you could right now get him for harassment, I think. I mean, I can go look at the statutes, but I would think, I mean.

[00:30:18] **Deputy:** He's just screaming or —

[00:30:19] **Carmen Mullen:** He's screaming. He's in the back screaming, going on and on. He's screaming at her through the window and yelling on the back window.

[00:30:24] **Deputy:** Saying what?

[00:30:25] **Carmen Mullen:** Saying he's gonna come in. He said he was gonna kill her.

[00:30:31] **Mandy Matney:** Okay, hold on a minute. Judge Mullen has now altered the narrative to include a death threat, which is a very serious thing. She went from "Ernie can threaten to blow me up and it doesn't mean anything. I trust him with my kids. He's a gentleman" to this. It is profoundly disturbing to hear a judge think nothing of using her authority to trample on someone's rights. But it seems like security also wasn't told about these, quote, death threats because I think they would've mentioned them, right? Now, it's time for the part of the recording that is just an ugly and vile look for Judge Carmen Mullen.

[00:31:11] **Carmen Mullen:** Literally Moose is gonna pick him up, he's gonna drive him to Beaufort, and he's gonna say he's trespassing and call another deputy to come pick him up.

[00:31:23] **Mandy Matney:** To repeat, a sitting judge in South Carolina is telling a sworn law enforcement officer that if he doesn't find a reason to arrest Ernie, her friend named Moose is going to take him to the no trespass gas station where they will just call deputies and Ernie will get arrested. And this deputy very calmly and discreetly tells this sitting judge the action she is describing to him is entrapment. It is illegal. And this sitting judge responds by saying, "Yeah, I'm not worried about that." The deputy gets on the phone with his supervisor and, again, tells them that there isn't enough probable cause to file a breach of trust charge. These deputies are clearly ready for an exit plan.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:32:12] **Deputy:** Judge isn't gonna be happy, but I'll tell her. Alright, so gonna follow up on the breach of trust tomorrow, and we're just clearing up. Alright. She's, right now, she's going around the neighbors, the neighbors' houses, and trying to get the neighbors to tell him, tell us that Ernie was trespassing on their property and we're gonna arrest him for that. And then she said that, okay, well I know he's gotta trespass in Beaufort. I'll find someone to pick him up and take him over there and arrest him there. I'm like, it's entrapment. And she said "I don't care." Yep. Yeah, we're recording.

[00:33:19] **Mandy Matney:** The deputy then goes and tells her the plan.

[00:33:24] **Deputy:** Alright. Per my supervisor, he said, investigator is gonna look into the breach of trust tomorrow and see what he can do with that. Tomorrow. See if he can take action. As of right now, nothing's gonna happen and we'll be already. Good. Just to take care of it. So that's the game plan right now. Alright. Thank you, ma'am.

[00:34:04] **Mandy Matney:** And we'll be right back.

[00:34:09] Okay. Now, it's time to hear Judge Mullen's account of what we just heard. Here is our friend, Maggie Washo, the editor of CH2 Magazine here on Hilton Head, reading Judge Mullen's statement for us. You might remember Maggie from episode 62 as the voice of Susie Laffitte. Here's Maggie.

[00:34:28] **Maggie Washo:** Dear all, I am responding to your requests because this is not a case before me nor one on appeal to a higher court. By way of background, Ernie Lotito is a former Hilton Head attorney who worked for my husband for less than a year in 1991. Ernie was placed on Disability Inactive status by the South Carolina Supreme Court in 1995 due to mental illness. My husband, attorney George Mullen, has known Ernie for over 30 years, and he often receives calls from Ernie when he is both mentally intact and delusional. I had heard about Ernie over the years from George and other local attorneys but did not meet him until he appeared in my courtroom sometime in 2016 on charges of making a threat on a public official and threatening to use a destructive device. He was represented by the Public Defender's office and I informed the Assistant Solicitor I knew of Ernie Lotito but had never met him. In reference to the above, my daughter and I were driving home on 12-7-17 and we saw BCSO police cars and Port Royal security at a home that we knew



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

Ernie Lotito had been staying, and Ernie was standing in the driveway surrounded by officers. I dropped my daughter at home, and my husband and I drove back to the house. The sole purpose of going back was to make sure the responding officers knew Ernie was mentally ill so they would not hurt him. When out of the car, it was clear Ernie was having a psychotic episode as he was acting delusional, talking incoherently, and becoming increasingly agitated. Port Royal security relayed calls were made that Ernie was pounding on neighbors' doors scaring people and while we were standing there, we heard him screaming obscenities at the woman who allowed him to stay at her house for rent as requested by her boss, Robert Rini, who often helped Ernie. Ernie refused to leave and kept asking us to come see the fort he built behind the house. It was clear Ernie needed to be taken to the hospital for psychiatric treatment as he was delusional and distraught. Ernie was talking about people he knew, including George Mullen and his wife Carmen, and my husband addressed him saying, "It is George Mullen." And Ernie continued his rant not recognizing him and continued to talk about his fort behind the house as he paced frantically. We were asking the deputies to take him to a hospital because he clearly needed psychiatric treatment. When the deputies indicated they could do nothing, my husband talked with Robert Rini, who came to Port Royal and took Ernie to stay at a local hotel. Two days later, Ernie was taken to a mental health facility in Myrtle Beach. A few months later, Ernie was incarcerated by the federal government for threatening the life of President Trump. In that case, he was found not guilty by reason of insanity and was committed to a psychiatric facility. Later, my husband testified on Ernie's behalf before Federal Judge Margaret Seymour at his petition for release hearing from psychiatric commitment telling her Ernie was not a danger to anyone other than himself. Ernie called my husband a few months ago saying he was living in Charleston at a halfway house, had a job, and was doing well. The allegation that I was somehow abusing my power as a judge trying to have Ernie arrested for no reason is ridiculous. Our fear was that he would be wandering around in a delusional state in danger of harming himself. We were simply trying to help him. The sheriff's report does not accurately relay the conversations that occurred that night over an approximately 30 minute exchange in which my husband and I were deeply concerned about Ernie's behavior and his well-being. If you have further questions, please feel free to email me. Carmen Mullen, 14th Judicial Circuit.



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

[00:38:07] **Mandy Matney:** The letter makes some sense. There is nothing wrong with trying to help a person who has a lot of problems. And I know it can be a very tough situation that is often lose-lose. However, she said in the letter it was her sole purpose to help Ernie because she was afraid of him getting hurt. Remember: It was the deputies who mentioned they were concerned about Ernie getting hurt and Mullen barely mentioned it. Again, the point is that it is illegal to arrest someone without probable cause. A judge of all people should know that. That is the point that we can't get distracted from.

[00:38:50] **Liz Farrell:** Something tells us that when Judge Mullen was done writing that she was like, well, that takes care of that, Carmen. The world will now understand that you didn't do a single thing wrong here. You pulled it off again. And then, she probably played a "Queen" song and kissed her gavel. Because, again, there is no fear of consequence in this neck of the woods and no thought that anyone out there will dig deeper and reveal the truth. Anyway, as you guys know, Judge Mullen is the same judge who recused herself from the 2019 boat crash case because of her friendship with Alex Murdaugh and her relationship with PMPED but then weeks later didn't recuse herself when she signed off on a secret and highly suspicious multimillion-dollar settlement for the Satterfield family that Alex ended up stealing in its entirety. Even though there's no hard evidence that Judge Mullen knew what Alex was up to, she doesn't seem to have asked any standard questions about this highly unusual settlement. And those questions might have prevented the theft or at least made it more difficult for Alex. Oh, and get this. At the very same time she was signing off on that secret settlement and allegedly allowing Alex to skirt the normal process so he could hide assets from the Beach family, almost every story about the boat crash case featured a line about how Mullen had recused herself from the Beach case, meaning the public was thinking she was this noble jurist who was doing the right thing at the very same time that she appears to have been doing the wrong thing. Imagine that. Obviously, there are differing opinions out there about whether she should have recused herself from the Satterfield matter, but our opinion is, "Come on, girl. Really?"

[00:40:40] **Mandy Matney:** We should also mention that Judge Mullen played a role in approving the multimillion-dollar settlement for Arthur Badger, which Alex allegedly stole. Again, had she asked some questions, she might have prevented that theft or at least made it harder. Alex was only able to do



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

the things that he did because he could safely rely on calling the shots, even with the judges. And by the way, Judge Mullen isn't the only judge in all of this that we're concerned about.

[00:41:17] Now, none of what happened in December 2017 should have been a surprise to anyone in South Carolina because here are some quick bullet points on Judge Mullen's history. In 2004, she married George Mullen, who is a very wealthy attorney for construction companies and developers, who was practicing on Hilton Head but built strong political ties to Greenville. It is these connections that many say were responsible for Mullen's election as a judge. And, again, remember: In South Carolina, the voters do not decide on judges; the lawmakers do. So the next year, Carmen Mullen, who was 37 at the time, was on the shortlist to become a judge. Oh, and did we mention that Mullen was a classmate of Alex Murdaugh and Cory Fleming and Chris Wilson at the University of South Carolina School of Law? Class of '94 was a doozy. Something else happened around this same time. Randolph Murdaugh announced his retirement putting an end to the 86 years of Murdaughs at the official helm of low country justice. The timing of all of this makes us ask a lot of questions. What was going on in the 14th Circuit? Mullen's rise to becoming a judge was very, very controversial. The local selection committee didn't recommend her because they had doubts about whether she lived in and practiced law in the 14th Circuit. Why? Because of all appearances, she lived and practiced law in Charleston. Now, the Beaufort County Bar Association also did not support her nomination. Out of 90 votes, she only received 15. And her legislative delegation also was like, no. We have questions about her. She'd lost the first legislative vote. And then, in the second vote — because remember: Our legislators pick our judges — Carmen Mullen won the election.

[00:43:23] **Liz Farrell:** Her election resulted in chaos. Legislators were like, we need to talk about judicial reform. The process is nothing short of cronyism. It's all political. Friends are helping friends. And this shows that we need to change it if we wanna maintain the public's trust in the bench and also because this is the exact kind of thing that holds back Black attorneys from ascending to judgeships. Shortly after she was elected, a Hilton Head lawyer and a public advocacy group filed a lawsuit against the selection committee saying that they didn't do a deep enough investigation into her residency. They took her at her word when she handed them records that allegedly proved she lived on Hilton Head. But get this. According to news reports and



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

the lawsuit, several legal directories and even the phone book placed Carmen Mullen firmly in Charleston. She didn't hold the business license on Hilton Head where she had told legislators her office was. By her office, it turns out she meant her new husband's office. When questioned about this, she told legislators that she maintained a Charleston office because she had a quote, good bookkeeper there. According to the lawsuit, her name wasn't on the shingle nor was it anywhere associated with George's law practice. Her caseload was largely reflective of her practice being in Charleston. The day before the deadline to file for judicial consideration, Carmen changed her voter registration to Beaufort County. Just one month before filing for judicial consideration, she renewed the registration for her car, listing her address as being in Charleston. Charleston, by the way, is two hours north of Hilton Head. That's not really commuter length. At the time, an editor and reporter at the "Island Packet" drove up there to catch Carmen living in Charleston. When she found out the paper was going to expose her, according to sources — also, I worked there at the time and remember hearing about this happening — Carmen drove to the Packet's office and invited herself into an editor's office where she berated him. Here's a line from the Packet around that time that you'll find interesting.

[00:45:26] **David Moses:** In a meeting Wednesday with an "Island Packet" reporter and editor, Mullen was asked to comment for this story. She indicated she might talk off the record, but the Packet wanted an on-the-record interview during which Mullen would be shown the documents and asked to comment on them. She insisted that she should be allowed to look at the documents first then decide whether to comment on them. Mullen left the meeting without seeing the documents.

[00:45:52] **Mandy Matney:** On March 6th 2006, the "Island Packet" ran a front-page story with the headline: Let the Record Show: Documents, Testimony Don't Mesh in Mullen Controversy. The story goes on to point out several inconsistencies between what Carmen Mullen told legislators and the facts. So for years, Packet reporters paid for this inner courtroom. Generally speaking, judges here aren't great about understanding that courts are open to the public. We've heard of instances where she bullied reporters, accusing one of secretly recording proceedings because she found his quotes to be too accurate in a public courtroom. She also seemed to have a penchant for secrecy, allowing certain lawyers broad leeway in getting gag orders or having documents sealed, according to our sources. A few years ago when Liz and I



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

were at the Packet, a source called us to say that Judge Mullen had secretly moved a fatal DUI case from Beaufort County, where the Packet covered court proceedings, to Hampton County, where the Packet did not cover court proceedings. The defendant, who had a history of reckless driving, was a teen from a wealthy and connected family on the Island. Safely ensconced in Hampton County, Judge Mullen sentenced that guy to college.

[00:47:22] **Liz Farrell:** So back to the controversial election of Judge Mullen. A lawsuit was filed and quickly dismissed. The judge who dismissed it, however, noted that it was a matter for the Supreme Court, so that's where it went to die quietly. The court ruling was basically that this was all a moot point now. She was elected and, according to current records anyway, most certainly lived on Hilton Head, so Justices moved on. Generally, Judge Mullen is well regarded in the courtroom. I sat in her jury poll once and found her to be organized, communicative, and compassionate. But it's not enough to overcome the other parts of what we now know. Here's a quote from the joint letter that First Circuit Solicitor David Pascoe and attorney Eric Bland sent to the Supreme Court earlier this year asking the court to take action on Judge Mullen and to even revisit her sentencing controversy of 2018 with Probe Gate, which we'll tell you about at another time because, my god, the corruption in this state. This quote sums it all up very nicely, we think.

[00:48:23] **David Moses:** Judge Mullen's pattern of alleged conduct threatens to erode public trust in our judiciary. Impropriety and dishonesty by members of our state's judiciary cause real harm to all South Carolinians. When wealthy and politically connected individuals are treated as a privileged class by members of the judiciary, it erodes public trust in government and the fair administration of law.

[00:48:52] **Mandy Matney:** It is not clear why Judge Mullen has been able to escape accountability in all of this. It is also not clear if there is someone or something that benefits from having her on the bench. What is clear is that we have ourselves a big problem here. What we need, first of all, is transparency from our Supreme Court, from the Commission on Judicial Conduct, and Office of Disciplinary Counsel. And we get it. We know that the process in South Carolina is secretive to the point where the public doesn't know that they are investigating an attorney until they suspend or disbar them. But come on. How much more debauchery and misconduct do we



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

need to uncover amongst judges and lawyers in South Carolina to prove that the secretive system does not work?

[00:49:49] Alex Murdaugh did not become Alex Murdaugh in a vacuum. He grew into who he is because he knew, and his father and his grandfather knew, there wasn't a system to hold him accountable in the land of no consequences, which is South Carolina. The system we have of lawyers and judges policing themselves must change, and our leaders must start recognizing this. If we can expose a judge in South Carolina who was caught trying to convince law enforcement to arrest a man for a crime that he did not commit, then the ODC and the South Carolina Supreme Court are solidifying their stance on corruption, and they are telling the world that they do not care what those in power do to the vulnerable here in South Carolina.

[00:50:45] What we need to do is to make noise until something is done. We need attorneys, public officials, legislators, anyone with power in the court system to speak out and speak up. There is power in numbers and we will not be stopping. We need people in power to put pressure on the ODC, the CJC, and the SC Supreme Court to; one, suspend Judge Mullen until these allegations are fully investigated; two, change the system for policing judges and lawyers in South Carolina to allow for more public transparency; and three, take a stance in any way, shape or form to show that the buck stops here. South Carolina's justice system should no longer tolerate these patterns of such egregious misconduct. And you can hear it in my voice, I am mad. You should be mad, too. And those who don't have power have a voice. We need to remember that, too. If you pay taxes in South Carolina, then Judge Mullen works for you. Make noise. Contact your elected officials to demand change in our justice system. We also need the press covering the Murdaugh case to turn up the heat. Imagine if just as many reporters covered the Mullen incident as they did Dick and Jim's courtroom shenanigans. It would be impossible for the South Carolina Supreme Court to ignore it, and it would probably force them to change due to public embarrassment. If we've learned anything in all of this, many people in power don't do the right thing until they know that someone is looking.

[00:52:35] That said, we will be more than happy to provide these tapes to any reporter who wants to cover this case because it's that important. Just reach out to us at info@murdaughmurderspodcast.com. The time for change is now. We have been uncovering Judge Mullen's alleged misconduct for more



EPISODE 65: Land of No Consequences: 'Judge Mullen Is Wanting To Make Stuff Up'

than a year now, and she is still ruling from the bench and deciding who gets to keep their freedom and who gets their freedom taken away. This cannot and will not be swept under the rug, and we will continue to push until we get answers. Stay tuned for a special Cup of Justice bonus episode this Friday.

[00:53:39] The Murdaugh Murders podcast is created and hosted by me, Mandy Matney, produced by my husband, David Moses, and Liz Farrell is our executive editor.

[00:53:50] [David Moses](#): Produced by Luna Shark Productions.

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