



## EPISODE 66: Who Killed Maggie and Paul? Part Five

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[00:00:00] **Mandy Matney:** I don't know why the press fell for Dick and Jim's publicity stunt once again. But after reviewing everything we know about the murders of Maggie and Paul Murdaugh, we believe the state is prepared to convince a jury that Alex Murdaugh is guilty due to the overwhelming evidence. My name is Mandy Matney, and I have been investigating the Murdaugh family for almost four years now. This is the Murdaugh Murders Podcast written by Liz Farrell and produced by my husband, David Moses.

[00:00:49] I wanna start out today's podcast by talking about something very serious and very troublesome. After everything that we exposed in the last podcast about Judge Carmen Mullen and how she exerted her authority to attempt to coerce a police officer into arresting a troubled for a crime he did not commit, the South Carolina Supreme Court has failed to take any action against Mullen. We are not the only ones covering this. *The Island Packet* and *Post and Courier* newspaper have also written multiple articles about Mullen's shocking actions. And still, we've heard nothing from those five South Carolina Supreme Court Justices in charge of keeping the lawyers and the judges in our state in check. So that is: Chief Justice Donald Beatty, Justice John Kittredge, Justice Kaye Hearn, Justice John Cannon Few, and Justice George James Jr. I'm looking at the five of you, and I am wildly disappointed that the five of you apparently think that this behavior from a lawyer, let alone a judge, should apparently be tolerated and ignored in South Carolina, the land of no consequences. Right now, Justices Beatty, Kittredge, Hearn, Few, and James are telling every lawyer in this state that it is okay for them to abuse their power and bend the law to their favor as long as they're as well-connected as Carmen Mullen.

[00:02:35] Because Liz did some digging and turns out, y'all absolutely can suspend a lawyer who you believe is threatening the integrity of the justice system before an investigation. In July, the South Carolina Supreme Court suspended the license of an assistant solicitor for texting with a juror in regard to a case that he wasn't even on. Before they conducted a full investigation, the South Carolina Supreme Court suspended the law license of this assistant solicitor because they said they had received sufficient evidence demonstrating that he poses a substantial threat of serious harm to the



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public. So the South Carolina Supreme Court through its actions is saying an assistant solicitor texting with a juror in our eyes is more dangerous to the public than a judge with a problematic history who tried to convince a cop to arrest a man for a crime he did not commit. How is that possible? Do they think that we are stupid to just be okay with this and hope it blows over?

[00:03:49] Look. I have to say why we are really concerned about this. We live in Carmen Mullen's district. Our team has exposed her, a judge who appears to think that she can get someone arrested who has not committed a crime. I have thought about this a lot, about how someone with so much power is at the top of the justice system where I live, and how scary that is. It really isn't all that farfetched to worry about a knock at the door that could change everything. And also, I have to say this. The only reason why I haven't packed up everything and moved somewhere safer is because of the integrity of the Beaufort County Sheriff's Office. They have shown through their actions that they will not tolerate a judge exerting their power to illegally arrest someone. They have fortunately shown that the buck does stop with them. And the thing that we can't forget is that Mullen tried to throw those officers under the bus with her statement, which basically accused them of not accurately portraying what happened. She claimed that she was trying to help Ernie. And there are two really big things we, again, need you to realize here. Mullen's actions did not show that she wanted to help Ernie at all. They showed that she wanted to exert her power to help her friend Moose. And if she really wanted to help Ernie, she would've paid for him to go to a mental health facility, not to jail. Finally, the point we need you to remember is that Mullen was only comfortable with her actions and her statements because the system in place has made her that way.

[00:05:47] What the justices do about Judge Carmen Mullen right now will absolutely shape the direction of our system in South Carolina. So what we need from you, the listeners, to do here is to write and call our South Carolina Supreme Court Justices about your concerns with Mullen. We will share contact information and more details in a call to action on our social media pages later this week. It is time that we demand our elected officials in South Carolina to fix this because as Martin Luther King Jr said, injustice anywhere is a threat to justice everywhere.

[00:06:35] **Liz Farrell:** It's been nearly two weeks since the most recent hearing in the lead up to Alex Murdaugh's January 23rd murder trial, which is now just



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83 days away. Up until the other day, we were still unpacking everything that happened in that courtroom. First, we have to tell you something funny that we didn't mention before. A woman apparently fell asleep in the courtroom while Jim Griffin was giving his arguments. We have no idea who it was or why, but Judge Newman stopped Jim so that the sleeper could be escorted out of the room. And guess what? A woman falling asleep on Jim was, in addition to being the least surprising event, also not the most hilarious thing to occur in those two hours. The most hilarious thing was when Dick Harpootlian and Creighton Waters each did what we can only describe as vaudevillian acts for the judge. Here, Dick pretends to be begging Creighton for discovery like he's Oliver Twist asking for more porridge.

[00:07:32] **Dick Harpootlian:** And so, this forthwith order would allow us to not say, "Oh, please. Please, Mr. Waters, would you give this to us? Please go look." And then months go by, we don't get anything. Your Honor, this is about due process. This is about equal protection. This is about fairness. We would like the ability to serve subpoenas without going to him first. We don't have any problem coming to you.

[00:07:54] **Liz Farrell:** And here, Creighton pretends to be Dick telling lies about geofencing warrants.

[00:07:59] **Creighton Waters:** And just a few minutes ago, Mr. Harpootlian was like, "Those search warrants, they're all sealed. We can't see 'em." Well, that's not true. They've all been unsealed. They can see 'em all. He's like, "We don't have the returns. We can't get that data." They have all the returns except for this one particular one that we don't have yet. As Mr. Griffin just recognized, I don't work for Google and I certainly don't own Google and neither does he.

[00:08:21] **Liz Farrell:** If these guys show up to the murder trial with tap shoes on, do not be surprised.

[00:08:31] **Mandy Matney:** So last week on Cup of Justice, we talked a little about the hearing with Eric Bland, mainly about why Dick and Jim wanted this hearing in the first place. Eric told us that the hearing was a way for Dick and Jim to plant seeds of doubt with the judge and the public, which, yes, they definitely did try to do that. But it was also a way for Dick and Jim to get a sneak peek at the state's strategy in proving that Alex killed Maggie and



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Paul, meaning they likely didn't think the judge would grant them their motions. They filed the motions to, once again, make the state look like it was withholding evidence but also to throw extreme doubt on the quality and significance of the state's evidence. One of the main focuses of the hearing, though, might actually have been for a real motion Dick and Jim wanted the judge to sign. They were asking for a forthwith order that would grant them broad subpoena power and, according to Creighton Waters, even more subpoena power than the state grand jury has to, quote, investigate the real killers themselves, which we have to point out. Didn't they already do that? Remember Dick from *The Today Show* in September 2021?

[00:09:50] **Craig Melvin (The Today Show):** So Dick, he didn't murder them. Does he perhaps know who did and why?

[00:09:54] **Dick Harpootlian:** I don't think he does. I don't think he does. But Jim Griffin and I are working on and investigating an individual or individuals we believe may have some culpability or had done it. And we're in the process of doing that. We're not SLED. We're not law enforcement. We don't have their tools. But we think we'll know this week whether the one suspect we're looking at bears further scrutiny. And we'll make that information available to law enforcement.

[00:10:20] **Mandy Matney:** Yes, they wanted to take another stab at finding the real killer. And I have to point out just how little Dick and Jim did before September 2021 when they offered up this info on *The Today Show* that they were starting an investigation into the murders of Maggie and Paul. Don't forget. Just a couple of weeks after this disastrous interview, Team Murdaugh willingly allowed the reward they offered for information leading to Maggie and Paul's killer to expire. And let's be honest, the likeliness of that reward money coming from stolen client funds was probably high. But still, I have to point out Team Murdaugh has managed to fund hundreds of thousands of dollars for Alex's defense, and they couldn't swing to keep the \$100,000 reward money afloat? And then, Dick and Jim could have held a press conference capturing international attention at any point between last September and July just saying, "Here is what we know about the investigation and we are begging anyone with any information to come forward and help find Maggie and Paul's killer." But they didn't do that. And actually, last October when a reporter asked Dick about how his investigation was going, he said, "I'm not commenting on that. What else?" And got all



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snippy. I am pointing this out because it's important. We cannot allow for Dick and Jim to pretend like they've been on this mission to find the real killers this entire time. They are only acting like they care now because they feel like it'll help Alex.

[00:12:10] Which reminds me: In a statement to media in October, Alex's PR team included a somewhat ominous phrase. It said, "Alex continues to hope that everyone responsible for Maggie and Paul's death will eventually be brought to justice." It's the word "everyone" that really stuck out to us here. How many people are they planning on pinning this on? And why did they not just say "killers" instead of "everyone responsible"? And what evidence do they know of aside from the whole two gun thing, which can be easily explained, that's leading them to thinking that there are multiple killers and accomplices? And speaking of two guns and the everyone responsible comment, as a quick reminder, Maggie was shot with a .300 Blackout Rifle that was reportedly Paul's gun. There is actually a video of Paul that I've seen of him when he was younger, holding what appears to be this gun. According to our sources, investigators were able to identify the gun as one owned by the family by comparing the shell casings from the murder weapon to old rested shell casings found elsewhere on the Moselle property. Paul was killed with a semi-automatic shotgun, according to our sources, and it was presumably a Beretta or a Benelli, but we're not positive about that. As far as we know, investigators still have not found the weapons. And because Moselle is a hunting property where guns were readily available for those that knew the land, two guns really does not mean two shooters. However, I personally have a hard time believing that Alex Murdaugh could make two guns disappear within such a short period of time, all the while trying to establish an alibi. But I do have to ask if we will ever find out if there were actually accomplices.

[00:14:17] And there is a theory floating around among sources close to the investigation that honestly seems so absurd. And I find it really hard to believe because it is straight out of a thriller movie. But I'm saying this only because everything that turned out to be true in this story also seems like it's straight out of a Hollywood movie script. And even though it sounds crazy, I do hope investigators have looked into it. But this unconfirmed rumor is that the guns were buried with Alex's father who died of cancer three days after the double homicide. Now, that, which is just a rumor, would be a twist to end all twists. And we'll be right back.



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[00:15:16] Back to the October 20th hearing, Dick and Jim worked really hard on hammering the judge with their alleged need for the subpoena power so that they can collect evidence they say the state doesn't have. The state, for its part, was like, look. If you need something, just tell us what you need and we'll get it. But Dick didn't like the idea of having to go through Creighton. Not one bit.

[00:15:43] **Dick Harpootlian:** Why do we have to tell them why we need something? I mean, this is not, they're the ones that indicted this case three months ago. They're the ones that said, "We're ready for trial." They're the ones that decided they had enough evidence to convict Mr. Murdaugh beyond a reasonable doubt. We didn't do that. They should have waited a year. They already waited one. I don't know what the hurry was. But now, they wanna say, "Whoa, whoa, whoa, whoa, whoa, whoa, whoa. We'll get it to you when we can get it to you, number one. Number two, we wanna know everything you want that we don't have." They're not entitled to that. So if you could just sign it here and we'll subpoena the people that give it to us without objecting, we'll be fine.

[00:16:25] **Liz Farrell:** Can you believe this guy? The reason it took 13 months to arrest Alex was likely because of Dick and Jim. The reason they're having a speedy trial is because of Dick and Jim. But Dick seems to think nothing of rewriting history to fit his bluster. Personally, we don't believe that Dick and Jim seemed all that successful in their efforts. They came off like two ruffled, old grumps meeting up for their morning coffees at the local McDonald's so they can complain about how much they hate computers and are sick of people being on their cellphones all the time. Also, we're not sure that Creighton actually gave them all that much insight into his strategy, honestly. He did, however, get to show us that he's not about to get steamrolled by these two men. Not again, anyway. There were two moments in particular that gave us hope that we will see a strong prosecutor in the courtroom come January. Here, Creighton lets the judge know that Dick and Jim are playing games. The discovery they're asking for, the biggest alleged reason for the hearing, were items they had just asked for a day or two before filing the motion. During the hearing, Jim conceded that Creighton had, in fact, been cooperative thus far in getting them what they needed after they asked for it. As Creighton was talking, Dick stood up to do his usual interjection, but Creighton stopped him.



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[00:17:52] **Creighton Waters:** This discovery is massive and we have been working as diligently as ever. Many of the things that they're talking about here today, they just asked for, okay? And we are immediately responding. Mr. Griffin conceded over and over again. Yep. I have my list. I called up Creighton. I said, what about this, this, this, and this? And I said, yes, yes, yes, and yes. Didn't say "no" to a thing, so I don't know that we need to. I'm, I would like to be able to speak without being interrupted.

[00:18:18] **Mandy Matney:** Here, Creighton calls Dick out for his end-of-hearing drama when Dick accused the state of forcing Alex to attend his own hearings and, quote, trussing him up like an animal to get there.

[00:18:31] **Creighton Waters:** Your Honor, Mr. Murdaugh is not trussed up like an animal. He's transported by some of the most professional SLED agents I've had the opportunity to work with. Mr. Griffin and Mr. Harpootlian emailed as you're well aware yesterday and said they wanted to waive his appearance. Of course, I objected to that. I said this matter's too important. We need the colloquial on the record that Mr. Murdaugh doesn't want to attend the hearings for his own case where he's accused of the murder of his wife and son. If he doesn't want to come —

[00:19:01] **Dick Harpootlian:** I object to this.

[00:19:03] **Creighton Waters:** That's what we're here to talk about. Thank you. If he does not want to attend his own hearings and the murder case against him for the murder of his wife and son, okay, that's fine. I remember an argument before, Your Honor, not too long ago, where we were talking about the protective order and they were saying he's a lawyer. He needs to be able to review all this material. He's got to look at all of this stuff. And I said, well, he was a lawyer.

[00:19:30] **Mandy Matney:** So I wanna point out, it seems like Creighton really started to come alive in the courtroom. He was quoting himself from previous hearings, and we are here for that. One of our favorite Big Creighton energy moments, though, came when he told the courtroom the utter truth about Dick and Jim's ploy to try to introduce Cousin Eddie as the alleged real killer of Maggie and Paul, which, by the way, is one of the most reckless and disgusting things we've seen in this very reckless and disgusting case. In their



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motion to compel, Dick and Jim asked the state to provide more information about the May 5th polygraph administered to Eddie Smith in which Eddie was asked if he had anything to do with the deaths of Maggie and Paul, if he was at Moselle that night, or if he knew what happened to Maggie and Paul. Eddie failed the polygraph. But as you guys surely know, polygraphs are generally inadmissible in court and failing one is not a telltale sign that you are guilty. It's a sign that you are perhaps maybe hiding something. Like if SLED came and got me and put me through a polygraph right now because they wanted to suss out whether or not I committed a Murdaugh-related crime, my immediate thought would be "It's finally happening. The Murdaughs are pinning something on me, and I am absolutely powerless against this system that was built to benefit them and their friends." And I promise you, I would be sweating it and probably failing my polygraph, even though I have not done anything wrong. Anyway, Dick and Jim's motion came complete with a picture of Eddie sitting for a polygraph and an odd closeup of a polygrapher's laptop with a blip in one of those cartoon speech bubbles that Dick and Jim superimposed on top of it. It looked like it was suggested from Clippy in Microsoft Word, which said "This spike shows Smith's deceptive response when he denies murdering Maggie and Paul." Whoa.

[00:21:34] After this motion was filed, the media took Dick and Jim's word for it. And suddenly, they were introducing the idea that the real killer might be Eddie. It's such a transgressive and defamatory act that we barely have the words to describe our opinion on for what they did in the name of defending Alex Murdaugh. And now, we get it. They are defense attorneys. Any defense attorney is going to be like, wait. Y'all asked another guy about this on a polygraph just months before charging my guy. And the investigation took you 13 months? We don't really have an explanation for why SLED decided to ask Eddie these questions on a polygraph at all, nevermind at that time, because I'm going to tell you something that's not going to be fun to hear right now. But investigators are usually pretty careful about creating extraneous evidence that is potentially exculpatory. To do this after April, when they knew about the high velocity impact spatter and when they knew about Paul's phone that had video showing that Alex lied to them about his alibi, that's very interesting, to say the least. Is this because they found something strange about Eddie's phone usage the night of the murders perhaps? Dick and Jim accused SLED of sporadically investigating Smith's role in the murders. Then they mentioned his phone records, including this





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line, quote, the warrant affidavit state, that Smith stated he deleted his call logs and text messages several times during that day. And then, in going after Eddie Smith, Dick and Jim included a story in their motion that Eddie told an investigator about how and why he thinks Paul and Maggie were murdered. Here is David with that bananas story from the defense's motion.

[00:23:40] **David Moses:** I heard that Maggie had a thing going on with the groundskeeper, which I never met him. I don't know his name. And Paul went down into one of the barns and caught him and got upset and he went and got his rifle and he was hollering and screaming. His momma was running and she fell down and she got up. He shot her in the ass and the bullet come out the top of her head. And then he turned to the groundskeeper guy but the groundskeeper already went to his truck and got a shotgun.

[00:24:09] **Mandy Matney:** Wow. So I heard this groundskeeper theory floating around Hampton in the summer of 2021, but my sources immediately shut it down and said that there was nothing there. And also, I have to point out just how far Alex Murdaugh and his team will go to defend him. Repeating a baseless rumor in writing that basically slutshames Maggie and accuses a murder victim of having an affair. Oh, and remember all of those times when Alex's PR team denied allegations that there was any marital problems between Maggie and Alex Murdaugh? So oopsies, Dick and Jim. It's going to be tough claiming this absurd theory that Maggie was having an affair while also saying that there were no marital problems. Here's Creighton's reaction to Dick and Jim's gross stunt about Eddie Smith.

[00:25:04] **Creighton Waters:** This motion was more about trying to prejudice the public about this polygraph with Curtis Eddie Smith, which as I explained in my response, they totally mistaked what that means and what a polygraph is. It's very telling, Your Honor, that they wish to make this case about Eddie Smith. Their defense is focusing on trying to make a big deal out of a polygraph, which, as Your Honor knows, is generally inadmitted in South Carolina courts. I'm not aware of it ever happening. And, of course, they're also acting like this polygraph means something that it doesn't. That's not how polygraphs work. It's not like it is in the movies where somebody asks a question and the person answers and the little red buzzer goes off. That's not how they work. And because of the questionable reliability of polygraphs and the subjective aspect of them, they have never been admitted in South Carolina courts. They are an investigative tool. So what this motion really was



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about in two or three pages of that was to really detail that polygraph for its effect on the outside world and not for any legal reason. The second thing that they did, and this is very telling as well that they're so desperate to make this case about Curtis Eddie Smith, is they recount some scuttlebutt story that Eddie heard that they know has no basis.

[00:26:17] **Mandy Matney:** Creighton also addressed Dick and Jim's insinuation that Eddie had a non-prosecution agreement with the state in exchange for testifying against Alex at his murder trial.

[00:26:29] **Creighton Waters:** There is a proffer with Mr. Smith, which has been provided to them for months. And again, I mean, I know Your Honor knows what a proffer is, but a proffer is not a cooperation agreement. It is not a plea agreement. Our proffer even says that in bold language. This is not a cooperation agreement. It's only an interview. And it does have a polygraph requirement. There's also a breach letter, okay? So there's no wink-wink, nod-nod. There's no non-prosecution agreement with Mr. Smith as much as they want to make this case about Curtis Eddie Smith and talk about a polygraph and talk about some scuttlebutt story that is really offensive, this case is not about Curtis Eddie Smith, okay? To use a term of art, Curtis Eddie Smith is not the center of this particular case. This case is not about Curtis Eddie Smith. There's no agreement with him. There's no non-prosecution agreement with him. You declared he'd been breaching the proffer and he's currently indicted from 19 felonies in this particular investigation. And he's currently in jail based on the state's motion to revoke that was heard by Your Honor. So there's nothing that is out there that needs to be disclosed. And if anyone committed any crime related to this investigation, they'll be charged.

[00:27:40] **Mandy Matney:** So here, Dick doubles down on the defamation while also telling the world that he's not actually doing the thing we can see him all doing.

[00:27:52] **Dick Harpootlian:** Your Honor, just in concluding our motions, I just can't help but point out that Mr. Waters knows that Mr. Smith visit the murder scene on numerous occasions before the murders to commit illegal acts by leaving drugs there. So we know he knew how to get there surreptitiously. We know he failed a polygraph. We know his DNA, as of today, has not been tested under Maggie's fingernail or on the defendant's clothing. I'm not saying he did it. I'm just saying it certainly sounds like he could have done it.



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And we have a duty under our obligation to our clients to pursue that until we come to some conclusion. I understand it's inconsistent with the conclusion the state's come to. That doesn't make it not true.

[00:28:43] **Mandy Matney:** Speaking of the DNA under Maggie's fingernails, let's talk about the evidence we learned about in that hearing because, ultimately, the biggest thing to come out of this hearing was that we all got a glimpse of what the state has and what seems to have Dick and Jim the most worried. Let's start at the beginning. Dick and Jim have repeatedly called this case circumstantial, which as Creighton pointed out in the hearing, it is. And there's nothing wrong with that. In fact, most cases are based on a totality of evidence. Most murder cases do not have a witness or a confession, which Dick says this case is lacking. So this is important. Alex Murdaugh's guilt or innocence will be determined after a jury considers this mountain of evidence the state says they have against him. And Dick and Jim, of course, downplayed the evidence at the hearing, saying repeatedly that it didn't add up to much.

[00:29:43] So last spring we told y'all about the high velocity impact spatter, which was apparently found on Alex's shirt, according to our sources. From what our sources told us, this spatter contained brain matter. And we were told that, forensically, it could have only come from one thing, which would be Alex standing over Maggie's body as she was shot in the head. At that time, we couldn't go into detail about what this spatter contained, which is why we were very careful about saying "impact spatter" and not "blood spatter." Since that revelation, Dick and Jim have both referred to "blood spatter" multiple times. We've told you before that we believe this is on purpose because blood stain analysis is apparently easier to dispute on the stand. So while according to sources, Alex also had blood stains and blood spatter on his clothing, it's specifically the high velocity impact spatter that would be the most damning. Of course, Dick and Jim didn't bring this up at all in the hearing nor did Creighton. But we still believe that this may be one of the strongest pieces of physical evidence, especially when you consider this other critical piece of information that Alex told investigators he didn't go down to the kennel that night and that he wasn't anywhere near Moselle when they were killed. It wasn't until they cracked Paul's phone that they were able to show that this was a lie.



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[00:31:23] **Liz Farrell:** At the hearing, we got an even better picture of how important Paul's phone is going to be to the case and how important Maggie's phone might be. So first, back to the unidentified DNA under Maggie's nails. According to Creighton, they're working with STRmix to extract and analyze that DNA. Again, if I'm the defense, I'm going to want to know who got that close to Maggie before her murder. But from what our sources have told us, Maggie did stop at a nail salon on her way to Moselle that night. So we're honestly not expecting there to be any big revelation there.

[00:31:56] Now, the phones again. So there are several big reveals that happened here. The first is the timeline of Maggie's and Paul's deaths. One of the motions on the table, October 20th, was to strike the state's motion for an alibi. The state asked Dick and Jim to tell them if Alex planned to use an alibi defense, meaning, is he planning to say he wasn't there at the time of their murders? The state also asked if Alex was planning on using an insanity or necessity defense. Dick and Jim specifically addressed the alibi part of this saying that the state had yet to tell them when Maggie and Paul were murdered. Here was Creighton's response to that.

[00:32:37] **Creighton Waters:** The indictments themselves specified that Alex Murdaugh killed his wife and son on June 7th 2021 in Colleton County. This is extremely well known, maybe one of the most well-known facts in the state that that occurred at the property in Moselle. I've had conversations with Mr. Griffin in which I note that there is a video that shows Alex present at the scene despite his denials with Maggie and Paul at 8:44 PM not long before their phones ceased any meaningful activity. And it's about 9:06 PM when his car fires up and he drives over to Almeda. So we've made that clear to the defense and may of course know the 911 call occurred at 10:06 PM They know this. This is a manufactured issue to try to act like that they don't have this information we found. Your Honor, this is, of course, this investigation is unlike anything anyone has ever seen because not only does it have at its core the most important case and that is the murder case against Alex Murdaugh for murdering his wife and son, but also it has an amazingly complicated white-collar case where his use of his law license was allegedly exposed in a manner people have never seen.

[00:33:46] **Mandy Matney:** Like we said, Creighton was not playing around. But this is the first time the public is hearing about the timeline as it relates to the usage on Maggie and Paul's phones. Basically, investigators looked at the



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way Maggie and Paul used their phones and saw that activity stopped around 9:00 PM, which is also the time of death that the coroner had estimated that Maggie and Paul had been killed. And this is also the first time that we have gotten an official confirmation from the state about the video on Paul's phone that put Alex on the scene when he said that he was not there. We now know that that video was taken at 8:44 PM. And remember, Alex didn't call 911 until 10:07 PM. The time of death is clearly going to be a big sticking point for Dick and Jim. Here's Dick.

[00:34:43] **Dick Harpootlian:** There's no eyewitness. There's no confession. There's no nothing but circumstantial evidence. Your Honor, you and I as former prosecutors understand those are tough. Those are tough for a prosecutor. And so, we wanna make sure that we can, as many the old charges to be each circumstances like a link in a chain, if one of them breaks, that we don't charge that anymore. But it's still an approach. And so, we need to see each link line up. Tell us when you think they were killed. Are they relying on the coroner's estimate of nine o'clock? They've not said that because that's what's on the death certificate. Nine o'clock is at the time of death. Or is it, you know, 10 o'clock? They just can't, I mean, they've got to be more specific and they need to comply with — Again, I wanna make it clear I'm not accusing the state of unethical illegal conduct.

[00:35:42] **Mandy Matney:** Now, there is a small window of time between 8:44 PM when Alex is on camera at the place that he said that he wasn't and 9:06 PM when Alex Murdaugh's phone apparently has him leaving the place where he says he wasn't. Dick and Jim are going to ignore the where he says he wasn't parts and explore and exploit every minute of that time, obviously, because if they can nudge Alex off that property even one inch at the time the state says Maggie and Paul were murdered, to their minds, they might be able to throw doubt on the case. In the meantime, they're still repeating the story that Alex, Maggie, and Paul were convivial at 8:44 PM, having good old family fun by the kennels. We know that the phones are critical because of how much time Dick and Jim spent trying to cast aspersions on the data. Here is Jim.

[00:36:45] **Jim Griffin:** As we've said, this case was indicted in July and they're still working on reports for what they just represented to the court as it informs the time of death. 'Cause it's about when those phones stop moving around. That's all we've gotten is Mr. Waters' representation about that. We've



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not seen any scientific data to support what he said couple times in court now on the record. And we've got to have it. We've got to have it now.

[00:37:17] **Liz Farrell:** Creighton responds by saying, look. We talked about the phone data the day before you clowns filed these motions, which, by the way, Dick and Jim distributed to the media before giving the state their courtesy copy. Creighton tells the judge that Dick and Jim have the same data that the state does, and Dick and Jim can have their three cellphone experts do the same thing that SLED is doing, which is to analyze cell towers. There is, however, a report that the FBI is working on, and when the final report is done, Dick and Jim will get it. And yes, we said three cellphone experts. I know we've mentioned a few times now how much experts cost, especially on the shortened timeline, but we're hearing that they're costing hundreds of thousands of dollars. That's hundreds of thousands of dollars being spent on experts by a man who got rich off of allegedly stealing millions from clients. Wrap your heads around that. Here's Jim.

[00:38:12] **Jim Griffin:** And we talked about a timeline. Now, what we've been informed that they have told, agents have told witnesses who they've interviewed in the field is that so and so's phones stopped moving at such and such time. I mean, you know, to our odds, we don't know how they can make that determination. And that's what we've got to see. Are they relying on something that is not, would not pass — standards? I mean, we've got to have that in order to come to Your Honor and say, Judge, that's junk science. 'Cause I've been betting this issue since I heard this was a big issue. And I haven't talked to any expert who says, oh, yeah, you can, that phone records a time every time it moves, or that phone records a time when it does this or the other. I mean, I haven't found that person. Now, if they've got someone that's SLED who's the guru of it, I mean, we need to know. And we need to know whether that's reliable, whether it's tested, whether it's scientific.

[00:39:18] **Mandy Matney:** And here's Creighton again.

[00:39:21] **Creighton Waters:** Your Honor, I think he's conflating two issues. It is true that phones will record some, and again, I'm not the expert here, but they can record some sort of aspect changes and things like that. What I've said to Mr. Griffin is not that we are basing the entirety of the case on something like that because he's right. That data can be helpful, but it does not disposit what we are basing it on is that despite what Mr. Alex Murdaugh



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told anybody who would listen that he never went to those kennels, the phone show that he was there with the two victims shortly before we see meaningful activity on their phone consistent with how they used it. And Mr. Griffin is right when he says, oh, that video, oh, there's, you know, there's no arguing or anything like that going on. He's right. He's right. Which might make it pretty cold with.

[00:40:17] **Mandy Matney:** You caught that, right? It was a Creighton burn. He pointed out that sure, Alex, Maggie, and Paul weren't arguing on camera, and that makes these murders so much more cold-hearted.

[00:40:30] **Creighton Waters:** So again, Mr. Griffin I think is conflating the difference between those aspect changes of those telemetry and what I believe the evidence will show, and again this will be for a jury to determine, that at around that period of time, both Paul's phone and Maggie's phone stopped showing the usage, the texting, the calling, the movement that their phones typically show. And that's right around the time that they were shot and murdered.

[00:41:00] **Mandy Matney:** And here's Jim again.

[00:41:02] **Jim Griffin:** That's what I keep hearing from him, but we haven't seen anything, Your Honor. And what we do know from the records is that Paul's phone was dead, the battery was dead, when SLED agents got it. That's why we need this, we get this. Both phones were dead. Mrs. Murdaugh's phone was not dead. Mrs. Murdaugh's phone was found a quarter mile down down the road.

[00:41:29] **Mandy Matney:** Okay. So Paul's phone was dead by the time investigators got there. And clearly, Dick and Jim are going to use that to their advantage by positing that maybe the lack of activity on the phone while Alex was on the premises was due to Paul being bad at keeping his phone charged and not because his father killed him. The really interesting part to us was the mention of Maggie's phone, which was found a quarter mile down the road from Moselle with the help of Alex's little brother, John Marvin.

[00:42:06] Now, you'll remember a big problem that we've had with this particular find. Long story short, investigators from the 14th Circuit Solicitor's



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Office, meaning Alex and Randolph's coworkers, were the ones to help John Marvin retrieve that phone. At the time of the murder investigations, we kept hearing that that was a huge and obvious conflict of interest. Solicitor Duffie Stone's presence on the scene was disturbing. Why? Because a.) Duffie had to have seen a recusal in his future, and b.) Duffie and his goon squad aren't really on-the-scene murder investigators. Typically, from what we heard, they investigate cases before they go to trial and maybe consult with the investigators on probable cause before an arrest. And c.) Duffie's office has a six-year backlog with hundreds of victims waiting for justice. It was absurd to see him dedicate so many people from his allegedly very busy office to a murder investigation that he was inevitably going to have to recuse himself from. And even though SLED Chief Mark Keel came out in support of Duffie's little goon squad after we pointed out the very obvious problems with them handling Maggie's phone, we never actually believed that that was anything other than Keel folding to political pressure. We now know how this stuff works. That said, here we are, and guess what? We are unsurprised. And we wouldn't be surprised to see Dick and Jim try to use this to their advantage. Defense attorneys love chaos.

[00:44:00] **Liz Farrell:** And we'll be right back. In their motion to compel, Dick and Jim bring up the 14th Circuit's goon squad twice. They say they haven't been given photos of Maggie's phone as it was found on the side of the road by Dylan Hightower, whom they mistakenly say worked for Colleton County Sheriff's Office but who actually worked for Duffie. Dick and Jim also say they haven't been provided with case notes or other investigative material from the 14th Circuit Solicitor's Office, which, good luck with that because sources have told us that a Beaufort County case almost ended in mistrial in 2020 because the defense had found out on the stand about an interview Duffie's office had conducted with a witness but that the goon squad had not documented. Sources with knowledge of that situation said they found that Duffie's office was not routinely documenting their, quote, investigations in the way law enforcement agencies were expected to document them. Anyway, that Dick and Jim included this in their laundry list of alleged missing discovery doesn't necessarily mean that we'll see the goon squad's actions rear their ugly head in the courtroom. But this is what the Murdaughs have traditionally been good at: creating scenarios that muddy the water in investigations connected to them and their friends.





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[00:45:17] So, back to the phones. We think they're going to be really important in all of this. And again, the tides started to change for the Murdaughs in 2019 when they could not escape the technological accountability of cellphones and social media. Speaking of phones, another curious thing happened during the hearing. Dick and Jim say the state hasn't told them which jailhouse calls they plan to use at trial. This is where we can totally believe that they were fishing for Creighton's strategy or maybe even to find out what Creighton might have heard on those calls because here's how this went. Jim essentially said, "The state is waiting too long to tell us what calls they wanna use at trial, so we wanna know what they plan to use." and here's Creighton telling them, "No, Jim. We weren't listening to the calls that appear to be running through your office now, but we might."

[00:46:08] **Creighton Waters:** I'm not aware at this time of any jail calls we plan to use in our case in chief. However, we will provide them with the jail calls that we reviewed. We were exceptionally restrictive in those. There are many instances I believe in which, you know, we were extraordinarily careful at not reviewing particular calls to avoid any possible privilege issue, even though I believe that there wouldn't be since all that hoopla happened with the original county's release of those calls, there haven't really been any except, you know, long calls going through to Mr. Griffin's office. It may come a time that there might need to be a privilege review of some of those calls, but I'm happy to provide the ones that we downloaded that is a subset of all the ones that are on there 'cause, again, there were many calls that we were in an abundance of caution not reviewing. So I don't even wanna touch those, but I'm happy to provide the ones that we did. At this time again, though, I don't see us using any of those in our case.

[00:47:08] **Mandy Matney:** Personally, we think Creighton said it even better in his filed response to Dick and Jim. Here is David reading Creighton's motion.

[00:47:17] **David Moses:** Of course, defendant should know what he said. And, of course, there have been no real calls since the bond hearing in which jail calls were discussed; just a number of long calls to defense counsel's office, which the state has not reviewed. The state has been exceptionally restrictive not to review calls, even though third parties were present.



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[00:47:40] **Mandy Matney:** Okay. And there's one more aspect of the hearing we wanna talk about, and that is the gunshot residue. Around the same time that we reported the presence of high velocity impact spatter last spring, we also had heard from the same sources who told us that that Alex tested positive for gunshot residue. At the hearing, Dick and Jim talked a lot about the particles of GSR found on Alex Murdaugh. Apparently, there were at least three particles on Alex's shirt, three on his shorts, and one particle on his hand. No particles were on his body or his shoes. Here is Jim's explanation for how the gunshot residue allegedly got on Alex — keyword, allegedly.

[00:48:31] **Jim Griffin:** Analyst says that it's most consistent with Mr. Murdaugh holding a gun, which he didn't have a gun turned over to law enforcement. That that was transferred GSR, those minimal number of particles on him. But what we have not seen, what we have not gotten is the data from the microscope or whatever so that our independent experts can draw the same conclusion.

[00:48:57] **Mandy Matney:** And after Jim realized that he had put a gun in his murder suspect client's hand, he returned to the point for further explanation.

[00:49:08] **Jim Griffin:** And I did wanna point out and clarify for, so nothing gets misreported here, is that the firearm that Mr. Murdaugh got that I was referring to was after he called 911 while he was talking to the 911 operator saying he went back to his house to get a gun for his personal protection. That's the transfer.

[00:49:28] **Liz Farrell:** Needless to say, we have a lot of questions here. The first is about the Eddie Smith stunt. How are Dick and Jim allowed to strongly insinuate that he's the real killer without any sort of blowback for that? Is this something that murder suspects are allowed to do when they have the money to pay for attorneys to whom the press will readily listen?

[00:49:47] And speaking of this "some other guy did it" defense, let's look at the other possible, quote unquote, suspects here. The first is Paul. According to Eddie's outlandish story, Paul shot Maggie, which is something Dick and Jim disgustingly chose to make public despite knowing that it is garbage. Not only was Alex the guy boohooing about putting flowers on Maggie's grave, willing to throw Maggie under the bus by allowing the public to believe her



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death was because of a tawdry affair with the groundskeeper, but he also allowed his attorneys to throw his dead son under the bus. There is no depth to how low this man will go. And yet his family and Maggie's family appear to be withholding judgment on him. Look at what is knowable now and tell us that this is a man to stand behind. It makes you wonder if Dick and Jim put that theory out there to see if it would float at the public, but there's never been any indication that Paul shot his mother. Then there's the cowboys. Boy, did that theory disappear quickly. Last fall, we kept hearing that Dick and Jim were pushing the "cowboys did it" theory with SLED. But we've always said this. If some other person did this, especially someone with a street gang, then Alex had to have known about it because Maggie and Paul weren't supposed to be at Moselle that night. They were only there because of him. Lastly, and I hate to give this theory any oxygen, but we can't forget this happened either. Right after the murders, Randy Murdaugh and others were going around spreading the outright lie that the murders were revenge for the boat crash. Sources have even told us they were, quote, collecting evidence to that effect.

[00:51:30] Let's take a quick moment and reflect on all this, okay? After Alex was indicted for the financial crimes and especially after the murder indictments, there were four groups of people. There were those who were completely unsurprised. Then there were those who were legitimately shocked that the Alex they knew would or could do these things. Then there were the ones who said they were shocked but actually really did know he was a loathsome human. And then there were the people still going to bat for him because in protecting him, they're protecting themselves. Never lose sight of that. Dick and Jim are clearly feeling desperate because there aren't a whole lot of other people they can blame this on. They keep saying that the state rushed to judgment on Alex while also saying the state didn't take enough time to properly gather the evidence. There was a funny line in their motion to compel on the polygraph data. Here's David.

[00:52:25] **David Moses:** Alex's shock and grief exacerbated his narcotics addiction. And on September 4th 2021, he asked his drug dealer, Curtis Eddie Smith, to shoot him in the head so his oldest son Buster would receive a life insurance payout. Smith agreed and shot Alex in the head, but the bullet grazed Alex's skull.



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[00:52:48] **Mandy Matney:** Interesting, right? Because remember when Alex's bullet wounds were described this way on WIS-TV on October 19th 2021?

[00:53:01] **WIS-TV:** Well, I mean, Curtis Smith said that Alex Murdaugh was not shot. He wrestled with him. I mean, the reason I went on television last week was to respond to his statement to *The Today Show* that Alex wasn't shot. They wrestled for the gun. And, of course, we produced medical records showing he had two bullet holes in his head, fractured skull, brain bleed, was in an ICU for two days. So obviously, Curtis Smith's rendition was not accurate. Thank you guys. Thank you.

[00:53:32] **Mandy Matney:** And remember, they were described this way on *Good Morning America* on October 16th, 2021.

[00:53:41] **Good Morning America:** He suffered a bullet wound to the head. And so, Eddie Smith's not telling the truth and, obviously, he's got reasons not to tell the truth. And we furnished to you this morning medical records from the hospital, which indicate he had two bullet wounds in the head. His skull was fractured. He had a brain bleed. And he was put in ICU because his wife was in danger as a result of being shot in the head. Smith's bullet did not penetrate his skull. It did fracture his skull. It left what we believe is an entrance and exit wound on the side of his head.

[00:54:14] **Mandy Matney:** And now, in October 2022, Dick and Jim are calling it a graze. And yet the media is still doing their dirty work for them just like they did last year. Here is David reading a few related headlines from that week.

[00:54:33] **David Moses:** Alex Murdaugh's defense lambasts prosecutors for not testing DNA under wife's fingernails, from *Oxygen*.

[00:54:41] From DNA to Curtis Smith, SC lawyers in Murdaugh double murder trial fight over evidence in court, from the state newspaper in Columbia, South Carolina.

[00:54:52] State promises additional tests after Alex Murdaugh's attorneys point to unidentified DNA under dead wife's fingernails from *Law & Crime*.



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[00:55:03] Murdaugh attorneys want more evidence from prosecutors ahead of murder trial, from *The Post and Courier* in Charleston, South Carolina.

[00:55:11] Murdaugh uses public docs to sow doubt he killed his wife, son, from *ABC*.

[00:55:18] And finally, Legal Heir Alex Murdaugh, Suspect in Wife & Son's Murders Names 'REAL KILLER' from *Nancy Grace*.

[00:55:28] **Liz Farrell:** These were exactly the headlines Team Murdaugh wanted floating around the blogosphere, as Dick calls it. Also, we wanna note that Eddie's lawyer was at that hearing and her response to the news that Eddie's DNA was being compared with DNA found at the murder scene was pretty epic. She told *The Post and Courier* all it's gonna do is help my guy, then Dick can try to find somebody else to blame. That's what this whole hearing was about. If pinning this on Eddie is Dick and Jim's best foot forward, then that tells us the state's case is way stronger than they're letting on and that Dick and Jim are in real trouble. And that's the problem here because at the end of the day, Dick and Jim look like their only hope is to win this case through media manipulation while also wasting taxpayer money by demanding their dog and pony show hearings. Ultimately, Dick and Jim lost their request for broad powers to subpoena, but the judge agreed that they could talk to him about individual subpoenas on a case-by-case basis. And the judge also told the state to provide Dick and Jim with some deadlines to produce the rest of the discovery.

[00:56:37] Judge Newman's decision, though, to require the state to give Dick and Jim a more precise time of death for Maggie and Paul is interesting. We're not sure yet what that could mean for the state's case or Dick and Jim's defense. The state says Maggie and Paul died somewhere between 8:44 PM and 9:06 PM that night. Alex's team would say it was more like between 9:07 PM and 10:06 PM when Alex called 911. A 22-minute window seems about as precise as one could get given that the only witness to the murders is the murderer, but maybe the state has a way of drilling down on that even more. No matter what time the state gives them, we know Dick and Jim are gonna have a fun answer for them to explain why Alex couldn't possibly have been there at that exact moment.



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[00:57:24] **Mandy Matney:** So now, we need to take a step back and look at all of the evidence that has already been presented: the high velocity impact spatter, the gunshot residue, the location data, and the video evidence that destroys his alibi. And then, you think of everything that we've learned about Alex Murdaugh in the last year and a half and just how cold and calculated he can be. You think about how much credibility his defense team has lost in defending Alex, the completely false narrative they told the public about the shooting, how they completely incorrectly described Alex's finances before the court, and how they attempted to get public sympathy and failed at it by claiming that Alex had an opioid addiction that still has not been confirmed. And then you think of Alex's motive, how Alex's life was falling apart and both Maggie and Paul were apparently a big problem for him. You think about his means, how Alex could easily access two guns from the property. And you think about Alex's opportunity, how he reportedly lured Maggie to Moselle that night.

[00:58:42] Let's face it. Right now, Alex is the only suspect mentioned by anyone who has all three: means, motive, and opportunity. If he didn't kill his wife and son, then he is the unluckiest man in the world. Do we really think that Dick and Jim are going to be able to convince a single jury member that their client is not guilty? But then we have to play devil's advocate for a minute because it's only one of 12 jurors we are talking about that Dick and Jim have to win over, and this is arguably going to be the most notable case in SLED's history. The question is: When all is said and done, did SLED initially treat the scene like they were working on the most notable case in the state of South Carolina? We have heard that the scene was chaotic and disorganized. We also have heard that Alex wasn't taken in for questioning that night, which seems like something that would have happened to most husbands who are carrying a gun with blood on his shirt right after his wife and son were murdered. And still, we have a hard time believing that Alex completely acted alone in that hour after the murders. We know that there were people on that scene who should not have been there.

[01:00:09] And we can only hope that SLED and the AG's office will impress us in January. We hope that we won't be sitting there in court wishing that they would've done this better. That said, Judge Newman has ordered that the trial will begin on January 30th 2023. And who knows how many more Dick and Jim shenanigans there will be before then? But we will be there at every step



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[01:01:03] **Outro:** The Murdaugh Murders Podcast is created and hosted by me, Mandy Matney, produced by my husband, David Moses. And Liz Ferrell is our executive editor. Produced by Luna Shark Productions.

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