



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:00:00] **Mandy Matney:** I don't know why there seems to still be this system of people supporting Alex Murdaugh and giving him the benefit of the doubt after all of the lies have been exposed and evidence against him has come to light. But I do know that our team is still fighting for justice for so many who have been hurt by this system and we will continue to expose those who protect it. My name is Mandy Matney. I have been covering the Murdaugh family for more than four years now. This is the Murdaugh Murders Podcast. MMP is produced by my husband, David Moses, and is written by journalist Liz Farrell.

[00:00:52] Hello again and thank you for your patience as this episode is publishing later than usual. As I said on social media, our team is now in adjustment mode. After the adrenaline and the chaos of the trial slowed down, we're all still trying to recenter our focus. I've learned a whole lot in this four-year journey and one of those things that I wanna tell you is to prioritize your mental health above everything else because the hard work just can't get done if you're not in the right headspace. I simply couldn't have done this work with a nine-to-five job. I work weird hours and require a lot of time off. Working for myself, I have the ability to say, "This is just too much for me today" or "I'm not ready to do that yet," which is something I wish I learned earlier in life. This story has changed me in so many ways. I'm just not the same person who I was when I found out about the boat crash. I had no idea that this level of evil existed in the world and I had no idea there would be so many people who were either willing to protect it or ignore it. It makes me depressed and angry seeing it play out on social media. You always hear people say that changing a system is difficult. I learned that firsthand. But it is possible and you, our listeners, are making it possible. Please stay pesky. We need you. I say this because there is a lot to be done and that's the feeling that I'm wrestling with right now. While the verdict was validating, it wasn't conclusive in the way that I wanted it to feel. It was a huge momentum but not at all the finale. We still need justice for Stephen Smith. We still need conclusions to Alex's co-conspirators. We still need justice for the Beach family. We still need answers about public officials with close ties to the Murdaughs, including police chief Greg Alexander, Judge Carmen Mullen, and Solicitor Duffie Stone. As you all know, the first two and a half months of 2023 have been one wild ride here in the Lowcountry. The world finally gotta



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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meet the Murdaugh family and hear for themselves how someone like Alex Murdaugh could get away with so much evil for so long and that has been vindicating for so many people here, including us.

[00:03:19] This week, we wanted to slow down this ride a little to update y'all on a few things in the world of Alex Murdaugh. And let's start with a big story that ran over the weekend. First, I wanna remind you about an important fact here: Alex Murdaugh murdered his wife Maggie and his son Paul. He was judged by a jury of his peers in a county that answered to the Murdaughs for generations and still, he was found guilty — something none of us expected to see despite believing the evidence was clear. Why did he kill Maggie and Paul? We will never fully understand the answer to that question but we don't have to understand it. How could he do it? Well, how could he have done all of the things that he's admitted to doing? Yes, murder and stealing are two different things but they can also go hand in hand, especially when the latter crime was so prolific, inexpensive, and at the time of the murders, just one subpoena away from being discovered. The way we see it is this: A man who can override his moral compass to operate the way Alex Murdaugh has been operating for most of his adult life is capable of doing that very thing when faced with a scenario where it was either him or them. Alex was in a full existential crisis on June 7th 2021 and he chose himself. He eliminated the two biggest financial dependents and was posed to re-enter society as a burden-free widower and grieving father with Buster by his side. The thing is that the Murdaugh-is-innocent crowd seems to forget that Alex Murdaugh was Alex Murdaugh. He viewed himself as untouchable because at the time of the murders, he was untouchable — as was his father, as was his grandfather, as was his great-grandfather. But Alex's financial crimes — crimes he committed against the law firm, the very foundation of his family name — went a step too far. Had his lawyer and partner Danny Henderson obtained his bank records, Alex's long game would've likely ended right then and there and even his allies at the firm would've been hard-pressed to protect him to that bold and dangerous degree. There were too many victims and the problem would've been too large to contain. To protect Alex would've put every partner there in jeopardy of losing his license so that wasn't going to happen. His financial crimes represented the only aspect of his life that



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

---

wouldn't have been untouchable if he were found out, especially now that his father was dying.

[00:06:09] And then, there's this: Alex Murdaugh wasn't just the son, grandson, and great-grandson of the 14th Circuit's most powerful men. He himself was a badge-carrying prosecutor and that badge gave him the position of deputy solicitor — the number-two guy in that office. He carried that badge everywhere. Let me repeat that. A plaintiff's attorney who prosecuted exactly one case of his own in more than 15 years and who assisted a handful of other cases handled by his father was allowed to have a badge and blue lights as if he were a sworn police officer, which he was not in. And speaking of sworn, he never actually swore an oath of office for the privilege of carrying that badge. No. He was just allowed to have it. And the thing is the person who gave him all of that unchecked power, who is Solicitor Duffie Stone, is still a public official. Will anyone with authority investigate him, or are we all just going to pretend that that big problem wasn't exposed for the world to see? So, all of that said, it's been really hard to understand what exactly it is that people don't get about what that badge meant and how that badge alone would've been able to influence the outcome of just about every entanglement Alex found himself in. Alex's lineage, that badge, and his position at PMPED made for the trifecta of Teflon. And everyone around him was trained well. They knew what they were up against. Just look at how many times a single question from the people around him, even just the single one-word question of "why," would have stopped his crimes in their tracks. But no one asked any questions. No one challenged him on his answers — until June 7th, 2021.

[00:08:15] So, we want you to keep all of that in mind as we tell you about this *Post and Courier* story. On Saturday, the *Post and Courier* published a piece calling out SLED's investigation into the murders of Maggie and Paul. I'll have David read a key paragraph from the story written by reporters Thad Moore, Avery Wilks, and Jocelyn Grzeszczak.

[00:08:36] **David Moses:** The agency lost crucial GPS data from Murdaugh's wife's phone, which could have conclusively tied the disgraced attorney to the



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

---

crime. Agents let Murdaugh's friends and family clean up his home before they searched it for evidence and they let the group stay inside while they conducted their search. They didn't check Murdaugh's parents' house, a cornerstone of his alibi, for evidence for three months and defense attorneys accused SLED's lead investigator of twice giving incorrect information to the grand jury that indicted Murdaugh on murder charges.

[00:09:09] **Mandy Matney:** SLED Chief Mark Keel commented to the paper that this criticism was being lodged without much-needed context. Now, as you all know, we are all about context here at the Murdaugh Murders Podcast. It is at the core of what we believe good journalism should be. This story lacked key information and instead presented itself as if Dick and Jim had ordered it off of the *Post and Courier* lunch menu. It was cooked perfectly to their liking. So, the context: well, this story is exactly what we have been talking about for years. It is why the podcast was created — because this story was too complicated and too much to consume in basically any other medium. It is what we worried about from day one in the boat crash case. It is why we believe that Stephen Smith's case remains unsolved. It is why no one knows exactly what happened to Gloria Satterfield. It is the absolute "why" of everything. Law enforcement treated the Murdaughs differently from the rest of us. This cannot be denied. It is the thing that needs to change. I'll have David read this part of the *Post and Courier* story where they say it themselves. Here's David.

[00:10:25] **David Moses:** The scion of a family that ran the local solicitor's office for more than eight decades, Murdaugh had a cozy relationship with local law enforcement.

[00:10:35] **Mandy Matney:** And yet, it's like we are in crazy town, where nothing we know to be true about Alex Murdaugh, along with everything that came out in the trial including his colossal lies, gets completely reset to zero in favor of criticizing those who have worked hard to bring those lies to light despite the odds. Now, before we get further here, we think it was absolutely fair game to write a story examining the SLED investigation. The journalists who reported this story are all respectable reporters. All three reported on



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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every step of the trial. But gosh, it is frustrating that a legitimate story like this gets presented as if SLED's missteps were the result of incompetence without accounting for the Murdaughs' influence over the investigation. And quite frankly, it is dangerous for the media to push this pro-defense narrative in a time when the tides are changing in South Carolina. And it's clear that the press favoring the Good Ole Boys played a huge role in emboldening the Murdaughs' unchecked power. I need to say that we think that SLED worked hard on this case and that, by and large, their agents gave a great showing on the witness stand.

[00:11:48] The *Post and Courier's* position seems to be that Alex Murdaugh was found guilty in spite of SLED. But let's look at the paper's main criticisms of SLED, starting with the GPS data that got overwritten on Maggie's phone. Remember the reason 14th Circuit Solicitor Duffie Stone said his investigators were on the scene on the night of the murders in the days following them? His office had an investigator who specialized in the extraction of data from cellphones. They were there to help, Duffie said, despite it being highly unorthodox for the prosecutor's investigator's team to be there on the scene of the murder. These were Alex's coworkers and this wasn't remotely their job. Duffie refused to recuse himself for two whole months, during which critical information was lost from Maggie's phone. The *Post and Courier* story does not mention this but that doesn't surprise us. After Duffie was initially criticized for his involvement in the case and refusal to recuse himself, the *Post and Courier* ran a story that publicly exonerated — or attempted to — Duffie Stone of his bizarre and dubious decision, a decision that Duffie himself as the national director of the Association of District Attorneys had recently warn prosecutors against making. In fact, I have to point this out: In a 2021 story breaking the news of Duffie's recusal, the *Post and Courier* defended his position by quoting — checks notes — *University of South Carolina Law* dean Robert Wilcox, who we still have questions about considering the whole Buster readmission scandal and everything that we learned on the jailhouse phone calls. He was quoted in the piece. I want David to read this part now because it's so crazy given what the *Post and Courier* is saying now about the evidence in the murder case.



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:13:52] **David Moses:** Without arrests and a clear suspect, the prosecutor's role in the case was limited at that point, former *University of South Carolina Law* dean Robert Wilcox told the newspaper at the time. The solicitor's office should primarily be working in an advisory role, he said, making sure that law enforcement handles the case constitutionally and avoids missteps that could taint evidence or testimony.

[00:14:19] **Mandy Matney:** So, anything involving Maggie's phone and questions about the data extraction needs to mention who put himself in charge of that aspect of the investigation: Duffie, who recused himself on the same day Alex had his third and final interview with SLED when it was clear that he was a suspect. I have to wonder if someone called Duffie's office after that interview.

[00:14:44] The story also criticized SLED for allowing Murdaugh's friends and family to hang out on the scene and clean up the family's house before agents got to search it. But not mentioned in the story is how the scenario blatantly contradicts the defense's assertion that SLED targeted Alex from the beginning. Do we think SLED should have kicked every Murdaugh and every PMPED attorney off of the property that night? Of course we do. But again, this is what this entire podcast has been about: the deference that gets paid to Alex Murdaugh and his family by law enforcement. A SLED agent even offered to take her badge off to make Alex's family and friends more comfortable as she searched the house, which, what is that? Does she do that for everyone? We hope every law enforcement officer in the state is looking at this and reminding themselves to treat everyone that they encounter at crime scenes with the same amount of respect.

[00:15:46] Another criticism of the story is that SLED didn't immediately search Alameda, where Alex said that he had gone that night. Do we think they should have searched Alameda? Again, of course we do. Alex murdered his family and likely stored the weapons and clothes there temporarily, and that is the place where he told police he was when the murders happened. That would've been super helpful to the case if they did that at the time. That would've been super helpful to the case if they did that at the time. But again,



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

---

Alex was not a suspect that night. SLED did not treat him as a suspect and they did not have probable cause at that point to believe they needed to search Alameda. And does anyone really think that Randolph Murdaugh, the long-admired chief prosecutor of the 14th Circuit who was lying in a hospital bed with pneumonia and lung cancer, was going to allow SLED to search the house? Who would've signed that search warrant? Let's say a SLED agent actually had the nerve that night to push the issue and asked for that permission or who somehow was able to articulate why Alex was a suspect beyond he found them and why Alameda needed to be searched immediately and who somehow was able to find a judge in Murdaugh country willing to sign that search warrant. Does anyone think that guy's chain of command would've supported that? Does anyone think that agent would still have their job today? Does anyone think that SLED Chief Mark Keel wouldn't have had an onslaught of Good Ole Boys screaming into his phone and threatening his job? This is how this stuff happens. It is the reality of life in the Lowcountry that so many reporting on this story still do not understand and it is the context that helps us understand why SLED didn't search the house that night. Again, this is what we've been talking about. We'll be right back.

[00:17:59] **Liz Farrell:** Now, there are two other aspects of the story that we wanna cover quickly because we've talked about them before at length, both here and on Cup of Justice. One is the grand jury testimony of Agent David Owen. The defense and their online supporters, whether real or robotic, claimed for a while that SLED had lied to the grand jury and that's not quite what happened. There were two issues here. The first is that SLED incorrectly told the state grand jury that the Murdaugh family's guns were all loaded with the same two types of ammo that were in the shotgun that was used to kill Paul. That's a pretty big deal and certainly a very significant clue. And God, how we wish SLED had gotten this right so that we wouldn't have to have this conversation now. But the explanation for this was that Owen had simply misstated the situation. The family's guns were loaded with two different brands of the same ammo. Now, that might not be a great explanation but this is a case with more than 700 pieces of evidence that got entered onto the court record. And from what we understand, Owen wasn't alone in believing that the family loaded their guns in that very specific way.



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:19:10] The second issue is the high velocity impact spatter on the shirt. The state elected not to introduce that evidence as an exhibit in this trial. Why? Because it was too complicated to explain and it opened way too many doors for the defense to easily mislead the jury. Here's the CliffsNotes version from our reporting: There were two tests for blood done on the shirt. The first test for presumptive blood came back positive. Photos from that staining were sent to Thomas Bevel, a bloodstain expert in Oklahoma. Those photos though were not at high enough resolution for Bevel to see the misting that SLED believes came from when Alex stood to top Maggie and shot her in the head. Bevel asked for the raw files of the photos and once he had those, he could see the pattern at the top of the shirt, which could have, quote, only come from one thing. Unfortunately for the state, Bevel's draft report accurately reflected what he saw in that first set of photos, which was nothing. His final report included his findings after looking at the higher resolution photos. This is very explainable but could lead to confusion. And there's another problem. The second test, a test called HemaTrace that tests for human blood, was also done for some unknown reason. I say unknown reason because investigators we've spoken to have told us that this test was not necessary in this instance. After that first test, the stains were tested for DNA and they came back belonging to Maggie and that should have been the end of the testing there because the DNA test alone showed that those were bloodstains but the HemaTrace was applied to the shirt nonetheless. Now, because those stains were such a fine mist, SLED had doused this shirt in the chemicals from that first blood test for presumptive blood. That dousing seemed to cause a false negative in the HemaTrace test, meaning now the shirt tested negative for human blood on the record. That was problematic because even though it's explainable, it's confusing. Beyond that, Owen, Bevel, and the Attorney General's Office didn't know about this HemaTrace test and it's not clear why. The defense maintains that Owen had lied to the grand jury about the presence of blood on the shirt but he wasn't lying. He was stating the facts as he knew them to be at the time of the testimony, which we think is important to note. Also important to note is that the shirt had Maggie's DNA on it in the areas where that misting was. The results of this mysterious HemaTrace test, by the way, were found by the defense. No one seemed to know about it until Dick Harpootlian brought it to SLED's attention and that discovery ended the high velocity impact spatter evidence.



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:21:54] In episode 20 of Cup of Justice, Eric Bland told us that he wouldn't be surprised if state legislators used the Murdaugh trial as a reason to open an investigation into SLED. That seemed over the top to us, even knowing what we know about how the state works. But then this story came out and it seemed like a bit of a precursor — a step one to the potential of a bigger plan, if you will. Like we said, we totally support the paper's decision to take a look at how the state's law enforcement division handled one of, if not the most expensive cases in its history. But we believe the scaffolding here should have been the lie Alex told about his alibi and the influence of his family name and how that played out at the crime scene. That is the underlying problem with this case. Alex did not cooperate with the investigation. He met with SLED three times because he wanted to look innocent and he wanted to spy on the enemy. He wanted to know what they had on him so he could adjust and hit it off at the pass. By all accounts, Alex did not make a meaningful effort to find the, quote, real killers and instead lied about almost every aspect of that night right up until he needed to reverse course and take the stand. Alex was found guilty. For all the obstacles SLED had with this case, they came through. The kennel video was obviously the most important evidence in this case and Alex's decision to testify definitely helped sway jurors toward their guilty votes. But we cannot ignore the fact that Alex took that stand because SLED's investigation had painted him into that corner. Just about every assertion made by the defense in the lead-up to and during the trial has proven to be false. At what point does that matter? We just have one last thing to say about that story and, again, we are not criticizing these reporters but rather pointing out that we can't lose sight of the bigger issue. For law enforcement to do their jobs, the people at the very top of South Carolina's various power structures, whether it's legislators, agency leaders, or Good Ole Boys in far-flung counties, need to respect the rule of law and when they don't, they need to be held accountable for that. When it comes to the Good Ole Boys, no law enforcement officer should feel like they're going to lose their job as a result of doing their job. Speaking of people doing their jobs, Alex's attorney Jim Griffin appears to still be working overtime defending his client with the intensity of a scorned woman who punches the mistress instead of the terrible husband. But we'll get to that.



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:24:34] First, last Thursday, Dick Harpootlian filed notice of Alex's intent to appeal his conviction. This is the first step in what will likely be a year's long process, possibly up to eight years, according to some sources. Dick and Jim have already indicated their intention to take this to the US Supreme Court. In a press conference after Alex's sentencing, after making a point to tell the media that they weren't going to make a statement, Dick and Jim said they believed the strongest grounds for Alex's appeal was the judge's decision to have allowed in testimony about Alex's financial crimes because they think that testimony did more harm to Alex's character than it did to provide explanation of the motive, which they said was ludicrous and illogical. Here's Dick on whether they would've done anything differently.

[00:25:21] **Dick Harpootlian:** No. No. I mean, look. Once the judge let — first of all, we believe if the judge was gonna let that stuff in, it should have been limited to the Ferris case, which is what they were asking him about on Monday on the fee. Number two, Tinsley, the person had made the motion to compel to be heard on Thursday — lawyer both agreed there wasn't gonna be any storm or Armageddon or anything that was gonna happen that Thursday. The judge might have issued an order, which months down the line might have posed a problem. So, once they got that character in it, character information is he's a thief. He's a liar. Then, it dictated this jury had to think he was a despicable human being and not to be believed. So, it was about character. It wasn't about motive. So, as a result, our options were limited. Should he take the stand? Well, You know, we debated that he always wanted to take the stand. But once that information was in, I mean, he had to take the stand to explain the kennel video, the lie, if you will. He had to. But he had no cred — and his credibility had been stripped away by the financial misdeeds.

[00:26:38] **Liz Farrell:** Here's Jim on the family's continued support of Alex and why Buster didn't speak on his father's behalf during sentencing.

[00:26:46] **Jim Griffin:** We could have had Mother Teresa up there speaking on behalf of Alex at sentencing. I mean, he was getting a double life sentence. That was expected. I mean, this is Judge Newman. He's a very stringent



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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punisher when it comes to crimes and sentences. I mean, that was never in dispute. And so, for Buster to get up and speak on his dad's behalf would not have made a difference. And why do you want to why do you want to put that kid through more trauma than anybody that we, you know, can imagine has ever been through? — What's that? — You know, I can't speak to Buster's feelings. I can tell you this. There was a lot of effort by the state to convince the family that Alex is the murderer. The family came to trial every day for six weeks, expecting to hear prove positive that he killed Maggie and Paul — something that they had not heard before. After six weeks of trial, they came away more convinced that he did not do this and they steadfastly in his camp and support him and that's where they stand. Alex was not optimistic that with all of the scrutiny and press and all of his bad acts being out in the public in the world, you know, the media domain that he could get, you know, a jury to put out all the noise and just focus on the murder. And so, coming in, he was somewhat pessimistic. He became optimistic as we got through the process. But I gotta tell you and all you reporters, you know, you know the whole story, I'm sure. And if you're sitting on that jury, they heard everything that would be in an HBO documentary, a Netflix documentary about the Murdaugh family dynasty downfall, except the Stephen Smith matter. I mean, so, we were hoping to get a jury to put all, you know, that could ignore the noise, focus on the murder, and wind up trying a case that they could have watched on Netflix.

[00:29:04] **Liz Farrell:** I guess Jim didn't get the memo on Randy Murdaugh's interview with the *New York Times* where he al, but said he believed his brother was guilty. Even though it should not have been surprising in any way that Alex's defense team would still be defending him now that the trial is over, it still kind of is, especially given Jim Griffin's loosey-goosey closing arguments when it seemed like he was finally done in, conquered by all of his clients' lies, and having to explain how every piece of evidence against Alex was either a coincidence or a misunderstanding. So many people online and in messages to us have expressed concern for Jim because of how personally he seemed to take this case and that outcome. Everyone sort of hoped he'd take some time off and reset his jets but that's not what he's done. Instead, Jim is somehow still standing and punching at the air in defense of Alex on social media.



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:30:00] On Monday, Jim, whose Twitter bio now says "even my haters got haters," commented on a *Court TV* reporter's retweet of a clip of an interview with Stephen Smith's mother, Sandy, who you will hear from later in this episode. In it, Sandy doesn't mention Buster's name a single time. Most of the clip is about wanting to find answers and how the damage to Stephen's body did not align with the medical examiner's claim that Stephen had been hit by a car. At the end of the one-minute clip, Sandy tells the reporter how and when she and her family heard that, quote, the Murdaugh boys might have been involved with her son's murder. She said she told Stephen's twin sister not to believe everything she heard because people are going to talk. Sandy even told the reporter that she herself didn't believe it. A woman who clearly didn't watch the clip commented on that post and said, "Why are you continuing to give this legs? Rumor. It's all rumor. Don't you ghouls think Buster Murdaugh lost enough? Shame on you." A quick look at this woman's account shows that she's not likely connected to the Murdaughs but rather basing her opinions on reading unsourced stories online and watching documentaries. Another person who clearly didn't watch the clip is Jim Griffin, who commented on this woman's post to say "I couldn't agree more. @ChanleyCourtTV and @CourtTV should know better than to exploit Mrs. Smith and denigrate Buster. Disgusted." Now, no one is faulting Jim for defending Buster and it's nice that he seemed to care about Sandy, at least for his purposes here. But the issue is this: Jim Griffin plus the Alex Murdaugh case plus Twitter equals what is this man doing? At the time of the roadside shooting incident, Jim made a spectacle of himself tweeting at Mandy and betting her bottles of rum that his client had too been shot in the head. It was bizarre behavior from a lawyer, especially one of Jim's caliber.

[00:32:00] During the trial, Jim also got called out on national television by Judge Clifton Newman for tweeting out a link to a Kathleen Parker column in the *Washington Post* with his own comment: "Alex Murdaugh trial reveals a sloppy investigation." On the Saturday after the trial was over, Jim posted a photo of himself sticking his face in the hole of a painting that made it look like he was a little cowboy riding a giant chicken. At the cowboy's head, someone had taped a piece of paper that said "I was at the Murdaugh trial." With that photo, Jim posted the message "Walerboro, you were a gracious host. Happy Trails." The comments on that post were really varied but many



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

people pointed out that the post itself was tacky because Paul's nickname was Rooster and obviously, because of the chicken aspect of the kennel video.

[00:32:51] About a week after the trial, Jim posted a story about Robert Blake's death and made it a point to give a shout-out to one of the talking heads on TV who had devoted almost two months of her life to praising Dick and Jim and helping spread their talking points. Over this past weekend, he unsurprisingly posted this *Post and Courier* story about SLED and then got shredded in hundreds of comments, many of which said a variation of "Your client is still guilty and if SLED mistepped, it was because of your client." Jim also got told to move on, which maybe he should. This can't be healthy for him. We'll be right back.

[00:33:35] Okay. There's one more thing we wanna talk about today: Russell Laffitte. So, the second Alex's trial was over, it seems Russell Laffitte reentered the scene and it has been nonstop since then. First, on the Monday after the trial was over, federal Judge Richard Gergel issued a 42-page order denying Russell's motion for a new trial. Not only did Judge Gergel deny that motion, he made an effort to let Russell know that he's being really extra right now and not in a good way. The problem with Russell, who still has two ankle monitors by the way, is that he hired a second defense team purportedly to help him prepare for his appellate case. That in and of itself isn't the problem. Obviously, he can hire as many lawyers as he wants to. Here's the thing: the second defense team is being led by an attorney named Mark Moore from Nexsen Pruet. You might remember Mark's name because he is also one of Greg Parker's attorneys in the Beach family's civil conspiracy case in which Parker and his attorneys stand accused of releasing confidential court documents related to the boat crash case, which included photos of Mallory Beach's body. Those photos got published in a promo for a documentary about the Murdaughs in December 2021. Mark, who is a former federal prosecutor, is known for being bullish in his approach. As such, he filed a supplemental motion to Bart Daniel's and Matt Austin's motion for a new trial. In the motion, Mark made the same arguments that Bart and Matt had already made but then threw both Bart and Matt under the bus and preemptively claimed ineffective counsel as a basis for a mistrial. Ineffective



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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counsel is usually something that comes up after the sentencing because otherwise, it can create a conflict of interest before the attorney's job is done. Judge Gergel obviously was not a fan of this approach. Here's what he wrote in a footnote in his order: Representing a criminal defendant is not like tag team wrestling where a new member of the team comes into the ring after the first member of the team suffers reverses and needs relief. There is only one client: the defendant and he is bound by the actions of his counsel acting on his behalf at that time. Defendant does not get a do-over by replacing his first trial team with a new set of lawyers when he was not able to obtain the results he desired. Russell Laffitte really, really needed to be told this because from the beginning of his trial, it seemed clear to us that much like Dick and Jim's client, Russell and his family thought they knew better than his attorneys. Even during his bond reconsideration hearing when he testified on his own behalf, Russell had the air of a man who was accustomed to being able to talk his way out of things, much like Alex. It didn't work in that hearing though. It didn't work when his cousin in what has to be one of the most bizarre moves in all of the Murdaugh-related cases released Russell TV on YouTube during the trial. And it didn't work when the jury came back with their guilty verdicts. A few days after Judge Gergel issued his order, Bart Daniel and Matt Austin filed a motion to withdraw as Russell's counsel due to the, quote, client's substantial failure to fulfill his financial obligations to counsel for representation at trial and for post-trial relief. The judge granted their motion the very next day. That's right. Russell Laffitte has not been paying his bills apparently. Raise your ankle monitor if you were shocked by that. Let me summarize this real quick. Russell lost his trial despite all his best efforts to aw shucks the jury and the public into thinking he was wrongfully accused. And when he lost, he hired an aggressive appellate team that instead of focusing on the appeal interfered in the post-trial conviction relief phase of the trial and stepped all over Russell's trial team to the point of irritating the judge, the one who will be sentencing Russell. And then, Russell was unceremoniously dumped by his trial team before his sentencing because he, quote, substantially failed to pay his bills. And he's apparently still wearing those two ankle monitors. This guy is so messy to the point that I'm almost able to believe he was just a useful idiot to Alex — almost able to believe. The jury's still out on that front.



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:38:05] Speaking of that, on the same day that Russell's counsel threw him to the curb, Russell's appellate team, the ones Judge Gergel seemed to take particular delight in referring to as defense team number two, filed a second motion for a new trial on the basis of, quote, newly discovered evidence of Mr. Laffitte's innocence. What is this newly discovered evidence? Alex Murdaugh's testimony. The motion reads: Mr. Murdaugh took full responsibility for his own actions and testified that Mr. Laffitte did nothing wrong and did not have any knowledge of Mr. Murdaugh's criminal activity.

[00:38:43] **Creighton Waters:** Okay. And who was that?

[00:38:45] **Alex Murdaugh:** That was Russell Laffitte.

[00:38:47] **Creighton Waters:** At Palmetto State Bank?

[00:38:48] **Alex Murdaugh:** Yes, sir.

[00:38:50] **Creighton Waters:** And after that, did you get Russell Laffitte to start loaning you money from the Plyler girls' account that he was conservator for?

[00:39:03] **Alex Murdaugh:** He loaned me money from the Plyler account. I don't know if I got him to do that.

[00:39:07] **Creighton Waters:** Oh, you didn't talk to him about it? Y'all didn't talk about that at all?

[00:39:10] **Alex Murdaugh:** No, we did talk about it, I mean.

[00:39:13] **Creighton Waters:** I mean, there's emails to that effect. Are you disputing that to this jury?



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:39:16] **Alex Murdaugh:** Mr. Waters, I'm not disputing. I'm just telling you that Russell Laffitte gave me a loan from the Plylers. Your question was, did I get him to do that? And I don't necessarily believe that to be accurate.

[00:39:31] **Creighton Waters:** Well, who came up with the idea?

[00:39:32] **Alex Murdaugh:** I don't know that it was come up with an idea that was I think that Russell felt like that it was a sound investment for those girls to charge me a higher interest rate when they weren't getting but so much interest somewhere else.

[00:39:52] **Creighton Waters:** Okay. Which part of what I just asked you about the Plylers do you take issue with? You take issue that y'all didn't conspire to do that, you and Russell?

[00:40:01] **Alex Murdaugh:** Yes.

[00:40:01] **Creighton Waters:** You take issue with that? Take issue with that. Okay.

[00:40:03] **Alex Murdaugh:** I can tell you that Russell Laffitte never conspired with me to do anything. Whatever was done was done by me.

[00:40:12] **Creighton Waters:** Okay.

[00:40:12] **Alex Murdaugh:** Now, I don't dispute that. What I dispute is if you're insinuating in any way this was stuff that I did.

[00:40:21] **Creighton Waters:** Okay.

[00:40:22] **Alex Murdaugh:** I mean, just stuff that I did these things wrong. Russell Laffitte didn't do anything.



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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[00:40:29] **Creighton Waters:** I'm not here to talk about that. I'm just talking about what went on.

[00:40:32] **Alex Murdaugh:** And I know but you keep talking about what I did with Russell Laffitte and what I wanna let you know is that I did this and I'm the one that took people's money that I shouldn't have taken and that Russell Laffitte was not involved in helping me do that knowingly. If he did it, he did it without knowing it.

[00:40:52] **Liz Farrell:** This is like the Hamburglar testifying that Ronald McDonald didn't know he was stealing hamburgers. Why would anyone ever believe what the Hamburglar has to say about the clown who claims he didn't know his hamburgers were being burgled by someone named the Hamburglar? And yet, defense team number two is like in light of Mr. Murdaugh's undisputed sworn testimony that Mr. Laffitte did not participate in a conspiracy and was not knowingly involved in any criminal activity, Mr. Laffitte respectfully requests a new trial. Jokes aside, this will be interesting. The challenge that the government had in getting a conviction on all six of Russell's charges was that a key element of those charges was Russell knowing about the scheme. He had to know he was participating in a conspiracy to steal that money. Russell has always maintained that he did everything he is accused of doing and that even though those things weren't proper, they weren't criminal to him because he didn't know there was a crime taking place. Russell's legal strategy to force the government into a shortened timeline to trial backfired when Alex's legal strategy to force the state into a shortened timeline to trial ended up with Alex on the stand months before Russell's sentencing date finally saying the thing Russell needed him to say in November. It's kind of funny to think about this. Alex refused to testify in Russell's trial because he didn't want to incriminate himself in the financial crimes, which makes sense. But then when it came to saving his own bacon, Alex readily engaged in a prolonged self-incrimination in the financial crimes. Imagine Russell gently applying talc powder to his ankle callouses in preparation for a day spent hoeing his land when he got that call: Alex just said you're innocent. We don't expect Russell's sentencing



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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to be until at least May, possibly June, but we'll be keeping a close eye on that case as it heats up again.

[00:42:58] **Mandy Matney:** So, there is a lot going on. As we speak, the MMP research team is focused on getting answers to the long list of questions surrounding these cases. But our main priority right now is to help Sandy Smith get justice for her son's murder and we do have some news on that front. The Smith family has launched a GoFundMe to support their new goal as a step to obtain justice for Stephen by funding an independent exhumation and autopsy. While SLED's investigation is still ongoing and active and we still hope to have a full update for y'all in that front soon, the family has decided that this is the best course of action because if SLED funded an autopsy, it would likely go to MUSC where Dr. Erin Presnell — Dr. Presnell, if you remember, is the pathologist who mysteriously ruled that Stephen's death was a hit-and-run, even though there was no physical evidence to match that conclusion. Highway patrolman Thomas Moore, who oddly enough ended up being a financial victim of Alex Murdaugh's, had a heated conversation with Presnell about this conclusion. His report said that she concluded that it was a hit-and-run because Stephen's body was found in the roadway and because he didn't have a bullet hole. In Moore's report, he said something that was one of the strangest things I've ever read in a public document, quote, I then asked her why she was ruling it as a motor vehicle accident and what she thought caused the injury. She told me that it was not her job to figure that out. It was mine, end quote. We will unpack all of this in later episodes. But I'm saying this to tell you that Sandy is completely justified in not trusting the Medical University of South Carolina to complete Stephen's autopsy because of what happened in 2015. I spoke with Sandy about this on Tuesday afternoon.

[00:44:59] **Sandy Smith:** If SLED does it, his body will have to go back to MUSC so I didn't want that chance again.

[00:45:07] **Mandy Matney:** And something else I would like to clear up: Sandy Smith just wants answers about who killed Stephen and who helped cover it up. Anyone pushing this absurd narrative that Sandy only wants to believe



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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that certain people did this should be ashamed of themselves. I have known Sandy for four years now. She had the right to not trust her former lawyer and to fire him when he spoke to the media about her case before speaking to her. I asked Sandy about this.

[00:45:40] **Sandy Smith:** I could care less what the person's name is or if they come from money or if they're poor like my family. But I want to know because I think Stephen deserves justice and it doesn't matter to me if your name is Tom, Dick, or Harry. I could care less.

[00:45:57] **Mandy Matney:** It is that simple. She just wants justice. The link to the GoFundMe is in the description and I have shared it on all of my social media pages. By the time we talked to Sandy on Wednesday afternoon, the fundraiser had already hit \$11,000.

[00:46:14] **Sandy Smith:** I'm truly amazed. I mean, when I got that text at work that it was 10,000, I just had tears in my eyes and I told my coworker, I said, I just wanna cry right now.

[00:46:25] **Mandy Matney:** Sandy told me that she does trust that SLED is working on Stephen's case. But this is something the family can do independently from SLED's investigation to help find out who killed Stephen. I asked Sandy if she feels momentum in the investigation from this.

[00:46:43] **Sandy Smith:** But it's slow progress. I know they're doing their job but, you know, there's some answers that a mother needs, you know, that SLED can't help with. We didn't get answers the first go around so if we try to do it a second time, we might actually see a different ruling in his case, not a vehicle versus pedestrian. This is a strict murder, not hit by a car.

[00:47:10] **Mandy Matney:** Both SLED and Alan Wilson's office have vowed to leave no stones unturned related to the Murdaugh case. We are begging them to dedicate as many resources to Stephen's case as they did to the double homicide to remind South Carolina that justice isn't just for the



## EPISODE 84: The Latest on Stephen Smith, SLED's Investigation into the Murders and Russell Laffitte's Future

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privileged and the powerful. As someone who donated to the GoFundMe wrote on the page earlier today, everybody counts or nobody counts. That is what this is about. There are so many threads to pull in the Stephen Smith case and we will continue to do that. We want more than anything for 2023 to be the year where the Smith family can finally get answers. As a part of our mission to help keep Stephen's story in the spotlight, we will be chatting with Sandy Smith soon for a Happy Hour YouTube with MMP Premium subscribers. Stay tuned for an announcement on that. Stay pesky and stay in the sunlight.

[00:48:19] **Outro:** 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. From Luna Shark Productions.

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